



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION IX

75 Hawthorne Street

San Francisco, CA 94105-3901

JUL 22 2013

Via Certified Mail:
No. 7000 0520 0021 6108 5580
Return Receipt Requested

Mr. Ron Fuchiwaki, Director
Department of Public Works
City of Simi Valley
2929 Tapo Canyon Road
Simi Valley, CA 93063

Re: City of Simi Valley Municipal Separate Storm Sewer System (MS4) Compliance
Audit Report

Dear Mr. Fuchiwaki:

Enclosed please find the final audit report for the City of Simi Valley Storm Water Management Program (Program). On July 26, 2012, EPA Region 9 (EPA) and representatives from PG Environmental, LLC, an EPA contractor, and the Los Angeles Regional Water Quality Control Board (Regional Board) conducted an audit of the City's Program. The purpose of the audit was to assess the City's compliance with the requirements contained within the NPDES Storm Water Permit and Waste Discharge Requirements for the Municipal Separate Storm Sewer Systems within Ventura County (NPDES Permit No. CAS004002).

EPA's audit focused on evaluation of the City's compliance with the industrial/commercial (I/C) facilities and waste load allocation (WLA) requirements of the Permit. EPA's evaluation of the City's compliance with applicable WLAs focused on the *TMDL for Toxicity, Chlorpyrifos and Diazinon in Calleguas Creek, its Tributaries and Mugu Lagoon* (Toxicity TMDL). In addition, EPA's evaluation included a review of the *Ventura County Stormwater Quality Management Program 2010/2011 Water Quality Monitoring Report* and includes findings specific to the City's compliance with applicable receiving water limitations. Because evaluation findings indicate that the City may not be implementing a comprehensive program to ensure compliance with the Toxicity TMDL, EPA may expand its evaluation to include additional audit activities to ensure program enhancements adequately address all applicable discharge requirements.

EPA found program deficiencies and potential permit violations. Most significantly, the City failed to:

- Implement BMPs sufficient to meet the numeric WLAs for chlorpyrifos and diazinon as required by Part 5.VI.6(b)(2) of the Permit;

- Demonstrate that it had taken appropriate action to eliminate the identified source of toxicity in receiving waters as required by Part 5.VI.6(b)(3) of the Permit; and
- Submit a report to the RWQCB Executive Officer describing the additional BMPs that will be implemented to prevent or reduce the discharge of E. coli, fecal coliform, and aluminum in its stormwater discharges as required by Part 2.3(a) of the Permit.

Please respond to the audit report with any updates on program enhancements or clarifying comments by Friday, September 13, 2013. Following receipt of the City's response, EPA will post the audit report along with the City's response on our website. Thereafter, EPA will follow-up with City management to ensure adequate resolution of all potential permit violations. If you have concerns or questions, please call me at (415) 972-3873, or refer staff to Greg Gholson at (415) 947-4209 or via email at gholson.greg@epa.gov.

Sincerely,



Kathleen H. Johnson, Director
Enforcement Division

Enclosure:

City of Simi Valley MS4 Audit Report (w/attachments)

Cc via email with enclosure:

Renee Purdy, LA RWQCB



**U.S. Environmental Protection Agency
Region 9
Enforcement Division
75 Hawthorne Street
San Francisco, CA 94105-3901**

**MUNICIPAL SEPARATE STORM
SEWER SYSTEM (MS4)
COMPLIANCE INSPECTION**

**CITY OF SIMI VALLEY,
CALIFORNIA**

INSPECTION REPORT

Inspection Date:

July 26, 2012

Report Date:

July 18, 2013

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Section 1.0 Executive Summary

The U.S. Environmental Protection Agency (EPA) conducted an inspection on July 26, 2012, of the City of Simi Valley, California (hereinafter, City), Municipal Separate Storm Sewer System (MS4) Program.

EPA reviewed documents, met and interviewed staff to gather information on overall program management, and conducted field activities to review the City's MS4 Program. The inspection focused on the three following program elements (1) Industrial / Commercial (I/C) Facilities Program, (2) portions of the City's TMDL Implementation Program, and (3) Receiving Water Limitations. At the conclusion of the inspection, EPA discussed preliminary observations with City representatives.

In this report, where applicable, the EPA Inspection Team has identified program deficiencies, and potential permit violations. Although this report includes potential permit violations, it is not a formal finding of violation. Most significantly, the City failed to:

- Implement BMPs sufficient to meet the numeric WLAs for chlorpyrifos and diazinon as required by Part 5.VI.6(b)(2) of the Permit.
- Demonstrate that it had taken appropriate action to eliminate the identified source of toxicity in receiving waters as required by Part 5.VI.6(b)(3) of the Permit; and
- Submit a report to the RWQCB Executive Officer describing the additional BMPs that will be implemented to prevent or reduce the discharge of E. coli, fecal coliform, and aluminum in its stormwater discharges as required by Part 2.3(a) of the Permit.

Section 2.0 City of Simi Valley Stormwater Program

On July 26, 2012, the U.S. Environmental Protection Agency (EPA), representatives from the Los Angeles Regional Water Quality Control Board and an EPA contractor, PG Environmental, LLC (hereinafter, collectively, the EPA Inspection Team) conducted an evaluation of the City of Simi Valley, California (hereinafter, City), Municipal Separate Storm Sewer System (MS4) Program. EPA also evaluated the Ventura County Watershed Protection District (VCWPD) and the Cities of Thousand Oaks, Oxnard, and Santa Paula MS4 Programs on June 27, June 28, July 24 and July 25, 2012, respectively.

Discharges from the City's MS4 and eleven other entities (hereinafter, Copermittees) are regulated under *Waste Discharge Requirements for Storm Water (Wet Weather) and Non-Storm Water (Dry Weather) Discharges from Small Municipal Separate Storm Sewer Systems Within the Ventura County Watershed Protection District, County of Ventura and the Incorporated Cities Therein*, National Pollutant Discharge Elimination System (NPDES) Permit No. CAS004002, Order No. R4-2010-0108, (hereinafter, Permit), issued

July 8, 2010. The Copermittees were previously regulated under NPDES Permit No. CAS063339 which was first adopted by the Los Angeles Regional Water Quality Control Board in 1994 and re-issued in 2000 and 2010. The Permit is the third NPDES MS4 permit issued to the Copermittees. The Copermittees currently covered under the Permit include the Ventura County Watershed Protection District (Principal Copermittee), County of Ventura, and the cities of Camarillo, Fillmore, Moorpark, Ojai, Oxnard, Port Hueneme, San Buenaventura (Ventura), Santa Paula, Simi Valley and Thousand Oaks.

The Permit authorizes the twelve Copermittees, including the City, to discharge or contribute to discharges of stormwater from Phase I MS4s into the Watershed Management Areas of Ventura River, Santa Clara River, Calleguas Creek, Malibu Creek, and miscellaneous coastal drainages within Ventura and Los Angeles Counties.

City Information

The City is approximately 42 square miles with a population of 124,237. It is the third largest of the 10 cities in Ventura County, which is in the Simi Valley. The City is about 35 miles inland from the Pacific Ocean and about 37 miles northwest of downtown Los Angeles. The City is located near the headwaters of Calleguas Creek (Reach 7 - Arroyo Simi). The City discharges to Arroyo Simi which flows northwest out of the City and is called Arroyo Las Posas further down in the watershed before joining with Conejo Creek to form Calleguas Creek. Calleguas Creek discharges to Mugu Lagoon and the Pacific Ocean.

2.1 Program Areas Evaluated

The inspection included an evaluation of the City's compliance with three of the stormwater management programs included in the Permit:

- Industrial / Commercial Facilities Program
- Total Maximum Daily Load (TMDL) Implementation
- Receiving Water Limitations

In addition, EPA's evaluation included a review of the *Ventura County Stormwater Quality Management Program 2010/2011 Water Quality Monitoring Report* and includes findings specific to the City's compliance with applicable receiving water limitations. The EPA Inspection Team did not evaluate all components of the City's MS4 Program and this inspection report should not be considered a comprehensive evaluation of all individual program elements.

Section 3.0 Evaluation Findings

This section is organized to generally follow the structure of the Permit. For each section in the report, where applicable, the EPA Inspection Team has identified noteworthy aspects of the City's stormwater program implementation, recommendations for improvement, program deficiencies, and potential permit violations. Although this report may include potential permit violations, it is not a formal finding of violation.

The inspection findings are supported by interviews, observations and photographic evidence gathered during the inspection, as well as documentation that may have been obtained before, during or after the inspection. This inspection report does not attempt to comprehensively describe all aspects of the City's MS4 Program, fully document all lines of questioning conducted during personnel interviews, or document all in-field verification activities conducted during site visits.

Additional inspection report materials, including an inspection schedule, sign-in sheet, list of site visits conducted during the inspection, and site visit reports with photograph logs, are included in Appendix A.

Multiple documents were referenced by the EPA Inspection Team during the inspection process and development of this inspection report (e.g., the Permit, MS4 annual reports). In addition, the City provided the EPA Inspection Team with multiple documents during the inspection process. A list of these reference materials is included as Appendix B. The documents identified in Appendix B have not been included in the submittal of this inspection report. Copies of the materials are maintained by U.S. EPA Region 9 and can be made available upon request.

3.1 Industrial/Commercial Facilities Program

Part 4.D.I of the Permit requires the City to implement pollutant reduction and control measures at industrial and commercial (I/C) facilities. The City's program must track, inspect and ensure compliance with municipal ordinances at industrial and commercial (hereinafter, I/C) facilities that are critical sources of pollutants in stormwater. Critical sources of storm water pollution are defined at Part 4.D.I.1 of the Permit and include: restaurants, automotive service facilities, retail gasoline outlets, automotive dealerships, nurseries, municipal landfills, hazardous waste treatment, disposal, and recovery facilities, and facilities subject to SARA Title III. The program must address, at a minimum, the specific requirements in Part 4.D.I.1-4 of the Permit, which cover inventory and inspection of critical sources, ensuring compliance of critical sources, and interagency coordination.

City staff stated that its first step towards ensuring I/C facility compliance was typically education, but if education was not effective the City has an enforcement process that includes authority for the issuance enforcement actions for violations of the City's storm water ordinance (see Appendix B, B.13).

3.1.1 Tracking Critical Sources

Part 4.D.I.1 of the Permit requires the City to maintain a watershed-based inventory of critical sources and update it annually. The Permit specifies that the inventory must include: facility name; owner/operator name; facility address; an indication of the facility's storm water permit coverage status under the statewide NPDES Industrial General Permit (IGP) or other general/individual storm water permits or any applicable

waiver issued by the Regional or State Board pertaining to runoff discharges; and a narrative description of the facility's primary industrial activities including identification of its standard industrial classification (SIC) code.

The City created a database to track I/C facilities containing facility name, facility address, and a narrative description of the facility's primary industrial activities including SIC code. However, the City's database excluded fields to track facility owner/operator name, and facility status with regards to storm water permit coverage under the IGP or other general/industrial NPDES storm water permit or any applicable waiver issued by the Regional or State Board pertaining to runoff discharges (see Appendix B, B.21).

City staff explained that the database was compiled from, among other sources, the City's tax certificate database and a review of occupancy records. City staff further explained that the database is used to generate lists of facilities for inspection planning purposes (see Appendix B, B.10) and to compile information to complete annual reporting requirements. Updates to the database are made on an ongoing basis through coordination between the City's planning department and environmental compliance inspectors in an effort to identify new critical sources for inclusion in the Program.

Potential Permit Violation

To comply with Permit requirements and increase the usefulness of the City's database of critical sources, the City must expand its database to include facility owner/operator name, and facility status with regards to storm water permit coverage under the IGP or other general/industrial NPDES storm water permit or any applicable waiver issued by the Regional or State Board pertaining to runoff discharges. [Part 4.D.1.1]

3.1.2 Inspection of Critical Sources

Part 4.D.1.2(a) of the Permit requires the City's to inspect all critical sources of storm water pollution at least twice during the 5-year term of the Order.¹ City staff stated that the City routinely meets or exceeds the Permit specified I/C facility inspection frequency requirement due to its practice of inspecting 80 – 90 percent of all critical sources annually. City staff provided EPA a report generated from the City's critical source database (see Appendix B, B.10) that included data fields used to track the date of last inspection, next critical inspection and permit expiration date as a means of ensuring inspection frequencies comply with Permit requirements.

3.1.3 Ensure Compliance with Critical Sources

Part 4.D.1.3(a) of the Permit requires the City to ensure that I/C facilities implement the source control BMPs identified in Part 4.D.1.2 of the Permit and, where applicable, Appendix D of the *California Stormwater Industrial and Commercial BMP Handbook (2003)*. Pursuant to this requirement, City staff explained that the City's storm water

¹ Provided that the first inspection occurs no later than 2 years after Order adoption, and a minimum of 6 months is maintained between the first and second mandatory inspections.

ordinance (see Appendix B, B.14) requires all I/C facilities to prepare and submit a *Storm Water Pollution Control Plan* (SWPCP) describing the specific BMPs to be implemented to ensure compliance with the Permit. The City requires I/C facilities to revise their SWPCPs if it determines that additional BMPs are necessary or the SWPCP is inconsistent with the City's storm water pollution control guidance.

The City Environmental Compliance Inspector explained that a copy of each facility's SWPCP is located in the City's inspection files and is carried to the facility inspection for use as a reference. The SWPCP appeared to the EPA Inspection Team to be an effective method to ensure source control BMP planning and implementation.

Part 4.D.I.3(b) of the Permit requires the City to implement a progressive enforcement response policy to ensure that non-compliant facilities are returned to compliance with all storm water requirements within a reasonable time period. City staff explained that its enforcement policy is detailed within Article 8 of the City's storm water ordinance. The City's enforcement policy appears to address violations of its ordinance through progressive administrative, civil, and criminal enforcement response options, as appropriate.

In order to demonstrate implementation of its enforcement response policy, City staff provided the EPA Inspection Team an example of a Notice of Violation (NOV) issued to a condominium owner in response to an illicit discharge of carpet cleaning waste to its storm drain system (see Appendix B, B.37). In addition, City staff provided the EPA Inspection Team an example of a letter sent to an I/C facility following the issuance of an NOV detailing the actions necessary and associated compliance dates to achieve compliance (see Appendix B, B.15).

3.2 TMDL Implementation

Part 5.I of the Permit incorporates provisions to ensure that Ventura County MS4 Copermittees comply with wasteload allocations (WLAs) and other requirements of TMDLs for impaired waters impacted by the Copermittees' discharges. Part 5.IV of the Permit lists the TMDLs that are covered by the Permit. TMDLs listed in the Permit for reaches of Calleguas Creek to which the City discharges are shown in Table 1, below.

Table 1 TMDLs Listed in the Permit for Reaches of Calleguas Creek to which the City of Simi Valley Discharges

Pollutant	Water Body	TMDL Effective Date
Nitrogen	Calleguas Creek	July 16, 2003
Toxicity, Chlorpyrifos and Diazinon	Calleguas Creek	March 24, 2006
Metals and Selenium	Calleguas Creek, its Tributaries and Mugu Lagoon	March 26, 2007
Bacteria	Malibu Creek and Lagoon	January 24, 2006
TMDL Interim WLAs Incorporated in the Permit that Pertain to the City		
Organochloride Pesticides, Polychlorinated Biphenyls	Calleguas Creek	March 14, 2006
Boron, Chloride, Sulfate, and TDS (Salts)	Calleguas Creek	December 2, 2008

The EPA Inspection Team assessed the City's compliance with the WLAs, compliance monitoring, and actions and special studies specified within Part 5.VI.6 of the Permit for the Toxicity TMDL.

The City is a member of the Calleguas Creek Watershed group (CCW). One of the primary tasks of the CCW is implementation of the TMDL requirements assigned to the Copermitees discharging to Calleguas Creek. The CCW has hired a consultant firm to assist it with TMDL implementation who was present during the inspection.

During the on-site evaluation, the EPA Inspection Team held discussions with City staff regarding implementation of the Toxicity TMDL requirements included in the Permit. Subsequent to the on-site inspection, the EPA Inspection Team reviewed multiple documents pertaining to TMDL implementation (e.g., TMDL Implementation Plan, Technical Report, and Annual Reports). The EPA Inspection Team's observations are included in the sections below.

3.2.1 Compliance Monitoring Location

Part 5.VI.6(b)(1) of the Permit states that compliance with the WLAs is to be determined through the measurement of in-stream water quality at the base of each of the Calleguas Creek subwatersheds, in accordance with the Calleguas Creek Watershed TMDL Monitoring Program approved by the Executive Officer.

City staff explained that monitoring for each of the City's MS4-related TMDLs is conducted at a monitoring station located on Arroyo Las Posas, one mile upstream of Hitch Boulevard. This monitoring station is labeled "07_HITCH" in the Calleguas Creek

TMDL Monitoring Program Annual Reports for Years 1–3 (GPS location: 34.2707, -118.9228). Based on a review of a map of the Calleguas Creek subwatershed, the EPA Inspection Team determined that the location of the “07-Hitch” monitoring station is properly located at the base of the subwatershed, as required by the Permit.

3.2.2 Chlorpyrifos and Diazinon WLA Exceedances

Part 5.VI.6(a)(1) of the Permit states that the City shall implement BMPs to achieve the following MS4 wasteload allocations:

Toxicity WLA	1.0 TUc
Chlorpyrifos WLA	0.014 ug/L
Diazinon WLA	0.10 ug/L

The EPA Inspection Team reviewed the three most recent Calleguas Creek TMDL Monitoring Program Annual Reports (Year 1 – 2010, Year 2 – 2011, and Year 3 – 2012) to determine if the WLAs had been exceeded at the “07-Hitch” monitoring location. As shown in Table 2 below, the monitoring results included in the annual reports indicate that the WLAs for chlorpyrifos and diazinon were exceeded in each of the reporting years.

Table 2 Summary of Chlorpyrifos and Diazinon Exceedances

Parameter	WLA	Date	Monitoring Result	Notes
Chlorpyrifos	0.014 µg/L	8/7/2008	0.0267 µg/L	Event 1 – dry weather
		12/15/2008	0.0288 µg/L	Event 3 – dry weather
		2/4/2009	0.0652 µg/L	Event 5 – dry weather
		2/7/2009	0.4419 µg/L	Event 5 – wet weather
		12/7/2009	0.119 µg/L	Event 14 – wet weather
		1/20/2010	1.245 µg/L	Event 16 – wet weather
		12/19/2010	0.1142 µg/L	Event 24 – wet weather
		2/1/2011 – 2/2/2011	0.0393 µg/L	Event 25 – dry weather
		3/20/2011	1.227 µg/L	Event 26 – wet weather
Diazinon	0.10 µg/L	1/20/2010	0.109 µg/L	Event 16 – wet weather

Potential Permit Violation

The City failed to implement BMPs sufficient to meet the numeric WLAs for chlorpyrifos and diazinon. [Part 5.VI.6(b)(2)]

Based on the chlorpyrifos and diazinon WLA exceedances identified in the monitoring results provided by the City, the City was unable to demonstrate that it had implemented BMPs in accordance with the TMDL Technical Reports, Implementation Plans or as identified as a result of TMDL special studies identified in the Basin Plan Amendments sufficient to meet the numeric WLAs for chlorpyrifos and diazinon.

3.2.3 Toxicity WLA Exceedances and TRE/TIE Process

Part 5.VI.6(a)(1) of the Permit requires the City to implement BMPs to achieve the toxicity WLA of 1.0 TUc. Furthermore, Part 5.VI.6(b)(3) of the Permit requires that if as a result of compliance monitoring and subsequent investigations it is determined that a Calleguas MS4 Permittee is responsible for an exceedance of the in-stream Toxicity WLA, that permittee shall initiate a TRE (toxicity reduction evaluation)/TIE (toxicity identification evaluation) process as outlined in U.S. EPA's "Understanding and Accounting for Method Variability in Whole Effluent Toxicity Applications Under the National Pollutant Discharge Elimination System Program" (2000) or the approved Toxicity TMDL monitoring plan, and take appropriate action to eliminate the identified source of the toxicity. Consistent with this requirement, the City conducts TIEs as specified in their TMDL Monitoring Plan. The TMDL Monitoring Plan requires that TIEs be conducted when the observed mortality of the test organisms is greater than 50 percent.

The TMDL Monitoring Plan also states that chronic aquatic toxicity is to be monitored quarterly, plus two wet events (for a total of six times per year). Regarding TIEs, page 54 of the QAPP states:

The results of toxicity testing will be used to trigger further investigations to determine the cause of observed laboratory toxicity. If testing indicates the presence of significant toxicity in the sample, TIE procedures may be initiated to investigate the cause of toxicity. For the purpose of triggering TIE procedures, significant toxicity is defined as at least 50% mortality. The 50% mortality threshold is consistent with the approach recommended in guidance published by USEPA for conducting TIEs (USEPA, 1996), which recommends a minimum threshold of 50% mortality because the probability of completing a successful TIE decreases rapidly for samples with less than this level of toxicity.

Monitoring results included in the Calleguas Creek Watershed TMDL Monitoring Program Third Year Annual Report did not contain actual toxicity data and thus were not sufficient to determine whether the toxicity WLA (1.0 TUc) was exceeded. However, information in the Annual Report identifies mortality and reproduction issues related to toxicity sampling. The "observed significant mortality" occurrences described in the annual reports (and summarized below) appear to represent monitoring events when mortality of the test organisms was greater than 50 percent, thus requiring a TIE to be conducted as specified in the QAPP.

Table 3 presents a summary of sampling events and denotes which sampling events identified significant mortality and reproduction issues and for which events TIEs were conducted.

Table 3 Summary of Toxicity Sampling Events

Annual Report	Event No.	C. dubia Mortality	C. dubia Reproduction*	TIE	Additional Notes from Annual Report
Year 1	1	No	Yes	No	-
	2	No	No	No	-
	3	Yes	Yes	Yes	"Initial results indicated that compounds associated with suspended particles and non-polar organic compounds were responsible for the observed toxicity...further testing indicated that compounds like OP-Pesticides were most likely contributing to toxicity, yet final results were inconclusive to the specific compounds that may be contributing or causing toxicity (including the possibility that other compounds including Pyrethroids could be contributing to toxicity)."
	4	No	No	No	-
	5	Yes	Yes	Yes	"Initial results indicated that compounds associated with suspended particles were responsible for the observed toxicity...further testing indicated that compounds similar to OP-Pesticides were most likely contributing to toxicity."
	6	No	Yes	No	-
Year 2	9	No	No	No	-
	12	No	No	No	-
	14	No	No	No	-
	16	Yes	Yes	Yes	"Initial results indicated a particulate associated compound may have been partially responsible for the observed ambient water toxicity...C8SPE treatments indicated that non-polar organic compounds were responsible for the observed toxicity...further testing indicated that compounds similar to OP-Pesticides were contributing to toxicity, yet final results were inconclusive to the specific compounds that may be contributing to or causing toxicity (including the possibility that other compounds including Pyrethroids could be contributing to toxicity)."
	17	No	No	No	-
	20	No	No	No	-
Year 3	22	No	Yes	No	-
	23	No	No	No	-
	24	No	No	No	-
	25	No	No	No	-
	26	Yes	Yes	Yes	The TIE indicates that initial results indicate non-polar organic compounds were responsible for the observed toxicity. "Further testing indicated that

Annual Report	Event No.	C. dubia Mortality	C. dubia Reproduction*	TIE	Additional Notes from Annual Report
					compounds similar to OP-Pesticides were contributing to toxicity, yet final results were inconclusive to the specific compounds that may be contributing to or causing toxicity (including the possibility that other compounds including Pyrethroids could be contributing to toxicity)."
	27	No	Yes	No	-

Program Deficiency

Based on the significant reductions in survival and reproduction observed at the City's Toxicity TMDL monitoring station (i.e. 07-HITCH) described in the Annual Report and summarized in Table 3 above, and the limited information provided in the City's annual reports specific to its response to these exceedances, the City was unable to demonstrate that it had taken appropriate action to eliminate the identified source of the toxicity. [Part 5.VI.6(b)(3)]

3.2.6 Pesticide Collection Program

Part 5.VI.6(c)(3) of the Permit requires that, together with Calleguas POTW permittees, the City develop and implement a collection program for diazinon and chlorpyrifos and an educational program. Collection and education could occur through existing programs such as household hazardous waste collection events. The Pesticide Collection Program is to be implemented by March 24, 2009.

Public outreach conducted pursuant to the requirements of Part 5.VI.6(c)(3) of the Permit includes promotion of local household hazardous waste collection events, held six times per year, as opportunities for residents to properly dispose unused pesticides including diazinon and chlorpyrifos. In addition, the City's outreach includes educational segments on television and radio, workshops on water conservation, the encouragement of the use of native plants, and an interactive website to identify alternatives to traditional pesticides. City staff stated that they would continue to explore new methods of education for both staff and the public.

3.3 Receiving Water Limitations - Calleguas Creek Mass Emission Station WQS Exceedances (2010/2011 Monitoring Season)

Pursuant to the receiving water limitations specified within Part 2 of the Permit, discharges from the MS4 that cause or contribute to a violation of a water quality standard (WQS) are prohibited. If an exceedance of a WQS persists, notwithstanding implementation of the Permit, the Copermitee is required to submit a report to the Regional Board describing BMPs currently implemented as well as additional BMPs that will be implemented to prevent or reduce the discharge of pollutants causing or contributing to the exceedance of a WQS.

Under the approach described by the Watershed Protection District in section 9.4.1 of the 2010/2011 Annual Report (p. 9-8), if a WQS is exceeded at a mass emission station, the upstream major outfall sample is evaluated to determine if the same pollutant is detected in that discharge. If so, the Copermittee discharging through the major outfall is considered to be responsible for causing or contributing to the exceedance of a WQS. If two or more WQS exceedances are detected for the same constituent within the same monitoring season, then the elevated level is determined to be persistent.

Based on discussions with City staff and a review of the *Ventura County Stormwater Quality Management Program 2010/2011 Water Quality Monitoring Report* dated December 2011, the EPA Inspection Team learned that exceedances of the E. coli, fecal coliform and aluminum WQSs were detected at the Calleguas Creek mass emissions station (ME-CC) during all three 2010/2011 wet weather sampling events. Elevated levels of these same pollutants were detected at the Simi Valley major outfall monitoring station (MO-SIM) during all 2010/2011 wet weather monitoring events and are therefore considered "likely caused or contributed to" by the MS4 discharge. These exceedances are considered "persistent" because elevated levels in receiving waters and urban runoff were detected during multiple wet weather sampling events within the same monitoring period. Therefore, the City of Simi Valley was required to submit a report to the Regional Board that describes existing BMPs and new BMPs that will be implemented to prevent or reduce the discharge of E. coli, fecal coliform, and aluminum in accordance with Parts 2.3(a) of the Permit. The submittal of this report is the first step in an iterative process described in Parts 2.3(a)-(d) of the Permit whereby the Regional Board Executive Officer has an opportunity to require modifications to the City's proposed additional BMPs. Permittees are to submit any required modifications to the report for the Executive Officer's approval, and implement the approved modified BMPs along with any required monitoring according to an approved schedule. After the additional BMPs are implemented, if there are still exceedances of Receiving Water Limitations, a report with another set of additional BMPs to be implemented is submitted for the Executive Officer's approval and another iteration of the process is implemented. When the required reports of additional BMPs are not submitted in the first place, there isn't implementation of the iterative process laid out in Parts 2.3(a)-(d) of the Permit to address exceedances of Receiving Water Limitations.

Potential Permit Violation

The City failed to submit a report to the RWQCB Executive Officer describing the additional BMPs that will be implemented to prevent or reduce the discharge of E. coli, fecal coliform, and aluminum in its stormwater discharges to address exceedances of receiving water limitations. [Part 2.3(a)]

The Annual Report included a description of the BMPs currently being implemented to address these pollutants, but excluded any discussion of additional BMPs that will be implemented to prevent or reduce the concentration of pollutants identified as causing or contributing to exceedances of applicable WQSs.

Appendix A – Additional Inspection Report Materials

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A.1 – Inspection Schedule

Agenda for MS4 Program Inspection City of Simi Valley, California July 26, 2012		
Day	Time	Program/Agenda Item
Thursday, July 26, 2012	8:00 am - 8:30 am	Kick-off Meeting/Program Management Overview (Office)
	8:30 am - 9:30 am	Industrial/Commercial (Office)
	9:30 am - 10:30 am	
	10:30 am - 11:30 am	TMDL Implementation (Office)
	11:30 am – 12:30 pm	
	12:30 pm – 1:30 pm	Lunch Break
	1:30 pm - 3:30 pm	Industrial/Commercial and TMDL Implementation (Field)
	3:30 pm – 4:00 pm	
	4:00 pm – 4:30 pm	Internal Discussion ¹
	4:30 pm – 5:00 pm	Closing Conference ² (Tentative Time Slot)

¹ Internal Discussion – Time for inspectors to arrange notes and prepare information to be discussed with the Municipality at the Closing Conference. City participation is not expected.

² The City is encouraged to invite representatives from all applicable organizational divisions/departments.

A.2 – Inspection Sign-in Sheet

INSPECTION SIGN-IN SHEET		
ENTITY	DATE(S)	
City of Simi Valley	7/26/12	
NAME	ORGANIZATION/DEPT	TITLE
Terry Woods	LA-RN-PCB	ES
Kevin Gies		ENV. Cap. Deputy Director
Brian Wilson	SUECD	Env. Comp. Inspector
Joe Deakiv	SIMI VALLEY	ASST. PUBLICWORKS DIR.
Ray Allen	Simi Valley	Management Analyst
Robin Suxen	USCA REGION 9	ENVIRONMENTAL SCIENTIST
Ashli Desai	Larry Walker Assoc	Vice President

A.3 – List of Site Visits Conducted during the Inspection

The EPA Inspection Team visited the following sites during the inspection:

- Poly-Tainer, Inc. Facility
- L3 Communications Facility
- Bill's Quality Auto Care Facility

The EPA Inspection Team generated site visit write-ups for each of the site visits listed above, which are included as Appendices A.4 – A.6:

A.4 – Poly-Tainer, Inc. Facility Site Visit Report and Photograph Log

Site Name: Poly-Tainer, Inc. Facility

Site Location: 450 West Los Angeles Avenue, Simi Valley, CA

Date of Visit: July 26, 2012

Entry Time: 1340 hrs (approx)

Exit Time: 1400 hrs (approx)

Site Owner and/or Operator: Not obtained

Site Contact: Not obtained

Conducted by: Candice Owen (PG Environmental, LLC), Robin Stubyn (U.S. EPA Region 9), and Tracy Woods (RWQCB)

Accompanied by: Kevin Gieschen (Environmental Compliance Deputy Director), Kay Allen (Management Analyst), Brian Wilson (Environmental Compliance Inspector)

Site Visit Report Prepared by: Candice Owen (PG Environmental, LLC)

Site Summary

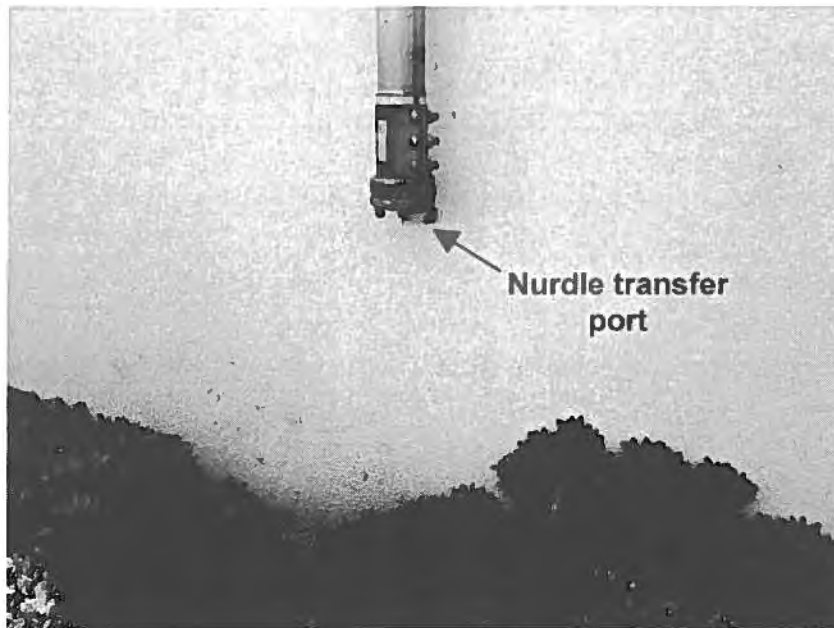
The Poly-Tainer, Inc. (PTI) facility manufactured various plastic products using nurdle pellets as the base material. The facility consisted of a large building, a back paved yard with silos containing nurdles, a side offloading area, and hazardous material and hazardous waste storage area. The facility had obtained coverage under the California General Permit for Storm Water Discharges Associated with Industrial Activities (Industrial General Permit). The City had additionally required the facility to submit a Storm Water Pollution Control Plan (SWPCP).

The City inspector first drove around the facility building and looked at the industrial area on the south side of the facility before parking at the front to meet with a facility representative. The City inspector stated that this is a good way to view the condition of the site before site personnel are aware he is conducting an inspection. City staff stated that the City had conducted more than one inspection at PTI in the past. The City inspector asked to see the facility's Stormwater Pollution Prevention Plan (SWPPP) and then briefly reviewed the document. The facility manager gave the EPA Inspection Team a tour of the facility; the City inspector stated he typically went on a tour if it was his first visit to a facility. The City inspector next walked through the areas where industrial activities are conducted outdoors. The City inspector explained that he typically looks at the stormwater outfalls from the site and in this case would check specifically for nurdles. Upon viewing staining on asphalt on the west side of the building, the City inspector asked the facility manager about the source of the staining and the facility manager stated that irrigation and roof drainage had caused the staining. The City inspector gave the facility operator a catch basin best management practice (BMP) handout, and stated that he

typically conducted a closing conference where he would discuss any deficiencies noted on site and distribute associated handouts.

Site Observations

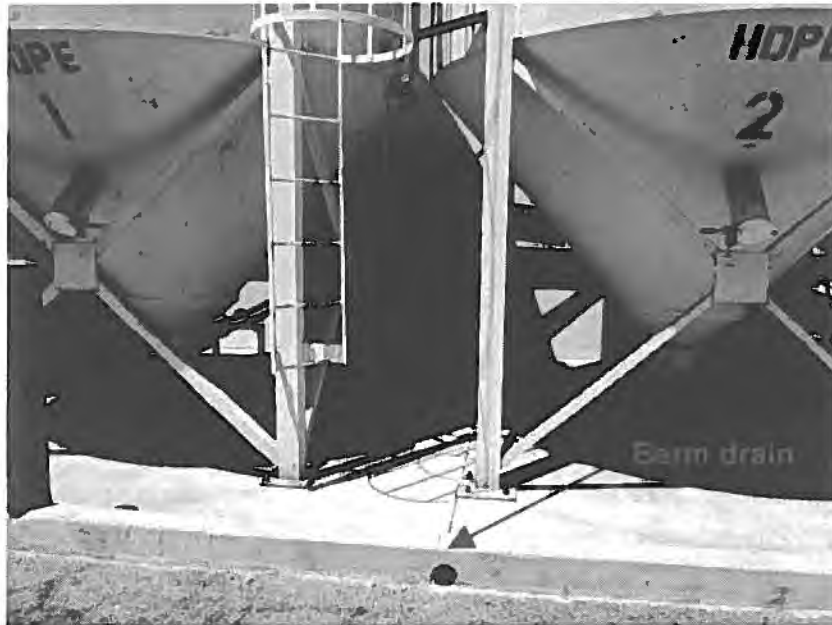
- The City inspector observed the unloading area for the nurdle pellets and noted that some nurdle pellets were on the ground surface below the transfer port located on the east side of the facility building (see Photographs 1 and 2).
- The City inspector observed the nurdle storage silos on site. The secondary containment berms surrounding the nurdle silos located on the southern side of the facility building were equipped with mesh screens smaller than nurdle diameter in the drainage holes (see Photographs 3 and 4).
- The City inspector examined a covered area that housed hazardous materials and hazardous waste (see Photograph 5), and no deficiencies were noted in this area.



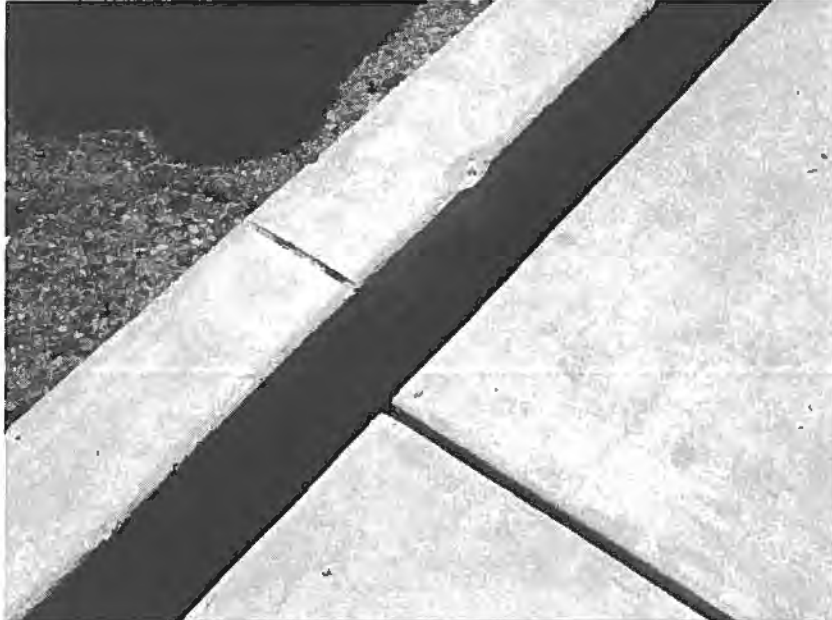
Photograph 1. Poly-Tainer, Inc. – View of the nurdle transfer port located on the east side of the facility building.



Photograph 2. Poly-Tainer, Inc. – View of nurdles on the ground adjacent to nurdle transfer port.



Photograph 3. Poly-Tainer, Inc. – View of the nurdle silos located on the southern side of the facility building. Note the drain in the berm was equipped with a mesh screen smaller than nurdle diameter.



Photograph 4. Poly-Tainer, Inc. – Closer view of drain in the berm around the nurdle silos equipped with a mesh screen.



Photograph 5. Poly-Tainer, Inc. – View of the hazardous materials and hazardous waste covered storage area located on the south side of the facility building.

A.5 – L3 Communications Facility Site Visit Report and Photograph Log

Site Name: L3 Communications Facility

Site Location: 200 West Los Angeles Avenue, Simi Valley, CA

Date of Visit: July 26, 2012

Entry Time: 1415 hrs (approx)

Exit Time: 1500 hrs (approx)

Site Owner and/or Operator: Not obtained

Site Contact: Santos Regalado (Environmental Health and Safety Coordinator)

Conducted by: Candice Owen (PG Environmental, LLC), Robyn Stuber (U.S. EPA Region 9), and Tracy Woods (RWQCB)

Accompanied by: Kevin Gieschen (Environmental Compliance Deputy Director), Kay Allen (Management Analyst), Brian Wilson (Environmental Compliance Inspector)

Site Visit Report Prepared by: Candice Owen (PG Environmental, LLC)

Site Summary

The L3 Communications Facility manufactured satellites primarily for the U.S. Government. The L3 Communications facility consisted of a large impervious yard on the north and west sides of the property. Facility security requirements would not allow photographs to be taken on the site. The facility had obtained coverage under the California General Permit for Storm Water Discharges Associated with Industrial Activities (Industrial General Permit). The City had additionally required the facility to obtain a Storm Water Pollution Control Plan (SWPCP).

City staff stated that the City had conducted more than one inspection at L3 Communications in the past, and the City inspector's file on the facility had documents dating back to 1990. The City inspector asked to see the facility's Stormwater Pollution Prevention Plan (SWPPP) and noted that a completed Notice of Intent letter from the State of California was not present in the file. The City inspector asked the facility environmental coordinator if he had the letter, and the environmental coordinator found and presented the letter to the City inspector. The City inspector then conducted an inspection of the City's outdoor industrial area.

Site Observations

- A dusty residue was located on the pavement in an outdoor area along the southwest side of the building. The City inspector asked the environmental coordinator about the residue, and the environmental coordinator stated that it had been caused by roof drainage.

- The City inspector examined the hazardous materials and hazardous waste shed and asked questions related to that area. No deficiencies were noted in this area.
- Leaves and other debris were located in a catch basin at the north edge of the property. The City inspector asked the facility environmental coordinator if the facility cleans out the catch basins regularly. The facility environmental coordinator stated that they had been cleaned out within the last year.
- Sediment was located in a drainage channel on the east side of the building. The City inspector assumed the sediment came from the adjacent landscaping. He discussed ways to remove the sediment and prevent future occurrence of erosion and sediment tracking in this location with the environmental coordinator.

A.6 – Bill’s Quality Auto Care Facility Site Visit Report and Photograph Log

Site Name: Bill’s Quality Auto Care Facility
Site Location: 2016 Donville Avenue, Simi Valley, CA

Date of Visit: July 26, 2012
Entry Time: 1520 hrs (approx)
Exit Time: 1550 hrs (approx)

Site Owner and/or Operator: Bill Garcia

Site Contact: Bill Garcia

Conducted by: Candice Owen (PG Environmental, LLC), Robyn Stuber (U.S. EPA Region 9), and Tracy Woods (RWQCB)

Accompanied by: Kevin Gieschen (Environmental Compliance Deputy Director), Kay Allen (Management Analyst), Brian Wilson (Environmental Compliance Inspector)

Site Visit Report Prepared by: Candice Owen (PG Environmental, LLC)

Site Summary

The Bill’s Quality Auto Care Facility performed maintenance on automobiles. The facility consisted of a garage surrounded by impervious area on all sides (see Photograph 1). City staff explained that facility was not required to obtain coverage under the California General Permit for Storm Water Discharges Associated with Industrial Activities (Industrial General Permit) due to its standard industrial classification code; however, the City had required the facility to develop a Storm Water Pollution Control Plan (SWPCP). The City Inspector asked the facility owner to see the facility’s SWPCP and completed documentation of the visit in both the facility’s SWPCP and the City’s files. The City inspector gave the facility owner an annual employee training sheet and storm water pollution posters specific to automobile repairs. He asked the facility owner to conduct required training for his employees and send the City the signed annual employee training sheet.

Site Observations

- The City inspector performed an inspection of the garage and surrounding outdoor areas (see Photographs 2 and 3). No deficiencies related to the garage were observed while onsite.
- The City Inspector inquired if radiators were promptly drained upon removal from vehicles. Facility staff stated that the radiators were drained prior to being stored inside the garage (see Photograph 4).

- The City Inspector inspected a storm drain inlet located on the south side of the facility yard (see Photographs 5 and 6) that led to an outlet from the facility (see Photograph 7). He explained that an absorbent fiber roll BMP had been placed in the storm drain to prevent further conveyance of petroleum to the site outfall in the event of a spill.



Photograph 1. Bill's Quality Auto Care – View of the impervious area located on the east side of the facility garage.



Photograph 2. Bill's Quality Auto Care – View of a trench grate located indoors adjacent to the impervious outdoors facility area.



Photograph 3. Bill's Quality Auto Care – View of the hazardous materials shed located on the northeast side of the facility.



Photograph 4. Bill's Quality Auto Care – View of radiators drained of fluid located inside the facility garage.



Photograph 5. Bill's Quality Auto Care – View of a storm drain inlet located on the south side of the facility yard.



Photograph 6. Bill's Quality Auto Care – Close-up view inside the storm drain inlet shown in Photograph 5. Note that an absorbent fiber roll BMP had been placed in a drain to prevent further conveyance of petroleum to the site outfall. In addition there were leaves and debris within the catch basin.



Photograph 7. Bill's Quality Auto Care – View of an outlet from the site located in the southeast corner of the facility.

Appendix B – Catalog of Reference Materials

The materials listed in this appendix are relevant to the evaluation but have not been included in the submittal of this inspection report. Copies of materials noted below are maintained in U.S. EPA Region 9 records and can be made available upon request.

- B.1 – California Regional Water Quality Control Board Order No. R4-2010-0108, National Pollutant Discharge Elimination System (NPDES), Permit No. CA S004002, *Waste Discharge Requirements for Storm Water (Wet Weather) and Non-Storm Water (Dry Weather) Discharges from Small Municipal Separate Storm Sewer Systems Within the Ventura County Watershed Protection District, County of Ventura and the Incorporated Cities Therein*
- B.2 – Ventura Countywide Stormwater Quality Management Program Annual Report (2010–2011 Permit Year)
- B.3 – “Inspection Report” form
- B.4 – “Checklist 4 Stormwater Inspection” form
- B.5 – *Easy water-wise gardening*
- B.6 – *Free Household Hazardous Waste Disposal*
- B.7 – *Water and your world*
- B.8 – Excerpt from City contract with municipal contractors Specification No. SV 10-37
- B.9 – “Notice of Violation for failure to comply with the provisions of Simi Valley Municipal Code, Title 6, Chapter 12 Stormwater Management Quality” form
- B.10 – Example of Critical Source Tracking List
- B.11 – “Critical Source Inspections Done” document
- B.12 – Illicit discharge enforcement letter from City to Robert Fercano dated June 18, 2009
- B.13 – Current Stormwater Quality Management Ordinance 1004
- B.14 – New Stormwater Quality Management Ordinance effective August 2, 2012
- B.15 – Compliance meeting letter from City to Ali Yusufaly dated April 8, 2010
- B.16 – Achievement of compliance schedule requirements letter from City to Ali Yusufaly dated May 3, 2010
- B.17 – Swimming pool discharge Notice of Violation explanation letter from City to Mr. and Mrs. Vigo dated August 31, 2011
- B.18 – “Critical Source Inspections” list for various City inspectors
- B.19 – City Ordinance Title 1, Chapter 2 Penalty Provisions
- B.20 – City Ordinance Title 1, Chapter 8 Civil Fines
- B.21 – “Critical Sources Inventory”

- B.22 – “Environmental Compliance Discharge Permit Application” form
- B.23 – “Class II Wastewater Discharge Permit” for Bill’s Quality Auto Care
- B.24 – Calleguas TMDLs 2012 Annual Progress Report
- B.25 – Calleguas Creek Watershed TMDL Compliance Monitoring Program – Third Year Monitoring Report
- B.26 – “Mobile Auto Detailer Stormwater Pollution Control” template
- B.27 – Stormwater Pollution Control Plan (SWPCP) Guidance Document For Mobile Detailing Businesses
- B.28 – “Food Service Facility Stormwater Pollution Control Plan Attachments” Form
- B.29 – “Industrial/Commercial Facility Stormwater Pollution Control Plan Attachments” Form
- B.30 – Stormwater Pollution Control Plan (SWPCP) Guidance Document For Food Service Facilities
- B.31 – Stormwater Pollution Control Plan (SWPCP) Guidance Document For Industrial & Commercial Facilities
- B.32 – “Auto Related Facility Stormwater Pollution Control Plan Attachments” Form
- B.33 – Food Services Facility Stormwater Pollution Control Plan (SWPCP) for Bamboo Café
- B.34 – Stormwater Pollution Control Plan (SWPCP) for Bill’s Quality Auto Care
- B.35 – Table 1. Wasteload Allocation TMDL Requirements. Provided by Calleguas Creek Watershed consultant.
- B.36 – Table 2. Permit Actions and Special Study TMDL Requirements. Provided by Calleguas Creek Watershed consultant.