

US EPA ARCHIVE DOCUMENT



WATER RESOURCES DEPARTMENT
Art R. Chianello, P.E. • Water Resources Manager

June 14, 2013

Kathleen H. Johnson, Director
Enforcement Division
U.S. Environmental Protection Agency, Region IX
75 Hawthorne St.
San Francisco, CA 94105

**Re: Municipal Separate Storm Sewer System (MS4) Compliance Inspection
City of Bakersfield, CA – Final Inspection Report**

Dear Ms. Johnson:

The City of Bakersfield (City) has received the U.S. Environmental Protection Agency's (EPA) final inspection report for the City of Bakersfield Storm Water Management Program (SWMP) dated April 29, 2013. In the cover letter dated May 1, 2013 for the report, you requested that the City provide program updates or clarifying comments by June 15, 2013.

The following discussion has been prepared in response to the final inspection report review comments (Section 3.0 Evaluation Findings) provided by the EPA. Below in italics are the comments and recommendations found in the above-mentioned report. The City's responses follow each comment in order.

3.1 Program Management

3.1.1 Co-permittee Coordination and SWMP Revisions

Recommendation for Program Improvement:

Comment: Develop steering committee within the City, as well as between the City and County.

Response:

The City has organized and developed a Steering Committee, which includes representatives from several City Departments that have direct or indirect MS4 program responsibilities. The first meeting of the Steering Committee was held on June 7, 2013, and included representatives from the City Public Works, Water Resources, and Fire Departments. Quad Knopf, Inc. (an outside consultant) was also requested to be a part of this Steering Committee to assist the City with permitting regulations and implementation. The Steering Committee plans to meet on a regular basis. Meeting agendas and minutes will be recorded and kept on file.

The City has contacted the County of Kern (County) and will work to organize and hold regularly scheduled formal meetings, separate from annual report submittal meetings, to coordinate the MS4 program.

Comment: Monitor sump basins periodically once maintenance responsibility has been assigned to a homeowners association (HOA) or other private entity.

Response:

The City will formalize a Standard Operating Procedure (SOP) to evaluate the potential for the privately owned sumps to overflow and impact the City's MS4 and receiving waters. Annual monitoring and documentation of each privately owned sump will be required within the SOP. All documentation will be kept on file and logged into the City's GIS database.

3.1.2 GIS Database*Recommendation for Program Improvement:*

Comment: Continue developing the City's Geographic Information System (GIS).

Response:

City staff is currently finalizing the investigation and verification of the existing storm sewer infrastructure. The GIS database will be routinely updated as required. Additionally, the City plans to utilize the GIS database to track SWMP monitoring components, such as field screening, detection, and source identification of illicit discharges.

3.2 Illicit Discharge Controls

3.2.1 Illicit Discharge Controls – Public Outreach and Education

Potential Permit Violation:

Comment: The City had not facilitated public reporting of IC/IDs by developing a flyer and reporting phone number as required by Permit Provision D.26 and SWMP Part 9, Section 1.

Response:

The City Water Resources Department's website (<http://www.bakersfieldcity.us/cityservices/water/index.htm>), currently includes an interactive reporting system for sump basin repairs and irrigation water problems. The City will be updating the website to include information for public outreach as well as interactive reporting of illicit connections and illicit discharges (IC/ID). The website will include a hotline number, appropriate storm water management contact information, details of the City's SWMP, and other local storm water resources available to the public. A flyer will also be created to help educate the public and promote storm water protection efforts. The flyer will include a reporting phone number, as required by the SWMP Part 9, and be made available at City and County offices. Further, the Bakersfield Fire Department will provide various Public Service Announcements (PSA) as well as direct mailing to target audiences for IC/ID reporting to assist the Water Resources Department in expanding the necessary outreach effort.

Recommendation for Program Improvement:

Comment: Develop hotline or website for the general public to report IC/ID complaints.

Response:

Comment is noted. See response above. The City is currently updating the website to include a hotline number to report IC/ID complaints. All documented IC/ID complaints will be kept on file and logged into the City's GIS database to identify areas where concentrated public outreach is needed.

Potential Permit Violation:

Comment: The City had not fully implemented a storm drain stenciling program as required by Permit Provision D.26 and SWMP Part 9, Section 4.

The City has begun the implementation of the storm drain stenciling program in areas that will have the most impact on the community and expects to have all appropriate storm drains inlets stenciled in two years. City Staff/volunteer groups will be provided kits and assist with the documentation of the storm drains stenciled by number and location. All drain stenciling locations will be kept on file and logged into the City's GIS database.

3.2.2 Illicit Discharge Controls – Monitoring and Enforcement

Potential Permit Violation:

Comment: The City lacked written protocols for dry weather field screening and sampling as required by Permit Provision D.8 and SWMP Part 11.

Response:

Comment is noted. The City has recently prepared a draft SOP for dry weather field screening and sampling. Protocols for follow up and enforcement action on potential IC/IDs are included in the SOP. Quarterly monitoring and documentation of each dry weather field screening and sampling site will be kept on file and logged into the City's GIS database as a requirement of the SOP.

Recommendation for Program Improvement:

Comment: The City should vary the time of year when dry weather field screening is conducted.

Response:

Comment is noted. The City has recently prepared a draft SOP for dry weather field screening and sampling that includes a more representative sample of where and when dry discharges occur. Sampling information will be kept on file and logged into the City's GIS database.

Program Deficiency:

Comment: The City failed to use its authority to investigate or take follow-up action for dry weather flows as required by Permit Provisions D.2, D.8, D.23, and SWMP Part 11.

Response:

Comments are noted. The City, primarily through the Water Resources Department, investigates and follows up on dry weather flows within the MS4. The City has recently

prepared a draft SOP that will require an investigation and follow-up action to determine the source of dry weather flows. The SOP includes documentation of findings, which will be kept on file and logged into the City's GIS database.

Program Deficiency:

The City lacked formal enforcement protocols for addressing illicit discharges as required by Permit Provisions D.2, D.8, D.23, and SWMP Part 11.

Response:

Comment is noted. The Bakersfield Fire Department has and will continue to enforce the California Fire Code (CFC) requirements and issue penalties of up to \$1,500 per day, per occurrence under the following CFC sections:

2703.3 Release of hazardous materials. Hazardous materials in any quantity shall not be released into a sewer, storm drain, ditch, draining canal, creek, stream, river, lake or tidal water-way or on the ground, sidewalk, street, highway or into the atmosphere.

3406.3.2 Discharge on a street or water channel. Liquids containing crude petroleum or its products shall not be discharged into or on streets, highways, draining canals or ditches, storm drains or flood control channels.

In addition, the City will develop an Enforcement Response Plan (ERP), which will include formalized protocols for IC/ID enforcement and guidance for enforcement escalation. Enforcement actions will be kept on file.

Recommendation for Program Improvement:

The City and the County should clarify legal authority of storm sewer lines that are interconnected between City and County boundaries.

Response:

Comment is noted. The City will discuss this issue at a joint City/County Steering Committee meeting and develop a protocol for how to deal with this situation.

3.3 Construction Site Planning Procedures

3.3.1 Training

Program Deficiency:

Comment: The City could not demonstrate that it conducted stormwater awareness training for City staff as required by Permit Provision D.11 and SWMP Part 13.

Response:

Comment is noted. The City requires all Public Works inspectors to take training from the California Stormwater Quality Association and to test to become Qualified SWPPP Practitioners (QSPs). Other appropriate City personnel are also trained and have become QSP's and Qualified SWPPP Developers (QSDs). The Steering Committee will discuss the need to create and implement a formalized training program to ensure that all City personnel involved in construction site planning, review, and approval are aware of the requirements of the SWMP. All training and attendance will be documented and kept on file.

3.3.2 Plan Check and Review

Recommendation for Program Improvement:

Formalize site plan review procedures for private and City-sponsored construction sites.

Response:

Comments are noted. The City's Steering Committee will discuss how to proceed to address this recommendation.

3.3.3 Construction Site Inspections

Program Deficiency:

The City has not implemented a stormwater inspection checklist for site inspections as required by Permit Provision D.10.

Response:

Comment is noted. The City's Steering Committee will discuss how to proceed to address this recommendation.

Potential Permit Violation:

The County [City] failed to use its authorities to ensure compliance with construction NPDES permits as required by Permit Provisions D.8, D.21, and D.22 and SWMP Part 15.

Response:

Comment is noted. The City's Steering Committee will review practices and procedures to address this recommendation.

Thank you for the opportunity to comment on the final inspection report. If you have further questions or require additional information regarding the City's comments, please contact me at 661-326-3715.

Sincerely,



Jason L. Meadors, P. E.
Water Resources Director

Copy to: Art Chianello, City of Bakersfield Water Resources Manager
James Buchanan, Quad Knopf
Debra Mahnke, Central Valley Regional Water Quality Control Board
Dale Harvey, Central Valley Regional Water Quality Control Board

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