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September 11, 2013

CERTIFIED MAIL
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Ms. Kathleen H. Johnson
Director, Enforcement Division
U.S. Environmental Protection Agency, Region 9
75 Hawthorne Street
San Francisco, CA 94105-3901

Subject: **RESPONSE TO 2012 MUNICIPAL SEPARATE STORM SEWER
SYSTEM (MS4) COMPLIANCE AUDIT REPORT
CITY OF OXNARD (NPDES PERMIT NO. CAS00402)**

Dear Ms. Johnson:

We have received your letter, dated July 18, 2013, transmitting the 2012 Municipal Separate Storm Sewer System Compliance Audit Report for the City of Oxnard Stormwater Program. It was a pleasure working with the audit team, and we were provided insight on the future direction of stormwater program requirements, as well as numerous suggestions for enhancing our current and future program. As requested, City staff have reviewed the report, and have attached responses to areas of the program addressed in Sections 3.1.3, 3.1.4, 3.2.4, and 3.3 of the MS4 Compliance Audit Report.

Please contact us if a required response was overlooked, or if you require additional information. We assume that all other conclusions discussed at the exit interview on July 24, 2012, were tentative, and did not result in any required action. Thank you again for the audit team's assistance in refining the City's Stormwater Program. Should you have any questions regarding our responses to the PCI Report, please feel free to call Anthony Emmert, Water Resources Manager, at (805) 385-8308.

Rob Roshanian
Interim Public Works Director

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STORMWATER PROGRAM AUDIT REPORT

JULY 24, 2012

Responses to Required Actions

In response to your letter regarding the Stormwater Program Audit for the City of Oxnard, Technical Services Program-Source Control (TSP-SC) staff have provided the following responses and will implement the following requirements to our Stormwater Program:

Potential Violation 1 3.1.3 Ensure Compliance of Critical Sources

Part 4.D.I.3 of the Permit states that when a permittee inspects a facility and determines an operator has failed to adequately implement all necessary BMPs, the permittee shall perform a follow-up inspection within 4 weeks from the date of the initial inspection. The City found violations at the Rincon Recycling facility during an inspection in March 2011 but failed to perform a follow-up inspection within 4 weeks as required by the permit. According to documentation provided by the City, the follow-up inspection was performed in November 2011.

The City failed to perform a follow-up inspection within 4 weeks from the date of initial inspection at an industrial facility where stormwater deficiencies were documented. [Part 4.D.I.3(c)(1)]

Response 1.

As was noted in Part 3.1.2 of the audit report, Technical Services Program-Source Control (TSP-SC) staff maintains an inspection schedule and associated spreadsheet to track inspection frequencies. TSP-SC staff is diligent in their efforts to meet the inspection requirements established in NPDES Permit No. CAS004002. Occasionally, TSP-SC staff will encounter inspection delays when business owners or facility managers are not available at the time of inspection; however, every attempt is made to complete the follow-up inspection within 4 weeks. In an effort to investigate the above referenced violation, TSP-SC staff conducted a review of the program files and records for Rincon Recycling. A review of the photos taken during the follow-up inspection revealed that the photos were taken between 23:39 and 23:42 A.M. on 4-27-2011. This was evidenced by the date and time stamp on the photos (photos are available upon request). It appears that the follow-up inspection was conducted on April 27th, 2011 (approximately 6 weeks after initial inspection) and not on November 28, 2011, as indicated on the inspection report. TSP-SC staff have concluded that the inspector inadvertently wrote the incorrect date on the inspection form.

TSP-SC staff acknowledges that the requirement to conduct a reinspection within 4 weeks was not met and have thus implemented the following requirements to enhance the Stormwater Program:

- Inspection staff will notify the TSP-SC Manager when an operator has failed to adequately implement all necessary BMPs and a follow-up inspection is required.

- Inspection staff will schedule a follow-up inspection within 10 business days of the initial inspection and add it to their Novell GroupWise Calendar.
- Inspection staff will document all incidents in which inspection attempts are not successful.
- TSP-SC Manager will review all inspection reports and follow-up with staff to insure program requirements are met.

Potential Violation 2 3.3 Receiving Water Limitations-Santa Clara Mass Emission Station WQS Exceedances

The Annual Report, submitted by the VCWPD with input from the City of Oxnard, 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 WQS.

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 and fecal coliform in its stormwater discharges to address exceedances of receiving water limitations. [Part 2.3(a)]

Response 2.

TSP-SC staff represents the City of Oxnard at monthly Stormwater Management Committee meetings as part of the Ventura County Stormwater Quality Management Program (VCSQMP). It is at these meetings that the co-permittees review and discuss the results of mass emissions sampling events. In addition to providing the data on a searchable online database, VCSQMP presents the sampling results in a power point format which allows for a meaningful discussion of what the results mean and allows for specific co-permittee questions to be addressed. When exceedances of water quality standards (WQS) occur, the VCSQMP will analyze current and historical data to look for trends that might help identify possible pollutant sources and together as a group implement BMPS to prevent future exceedances.

As noted in Part 3.3 of the audit report, elevated levels of E.coli and fecal coliform were detected at the Oxnard major outfall monitoring station (MO-OXN) during multiple wet weather sampling events. The MO-OXN is located in the El Rio Drain which receives stormwater and nonstormwater runoff from the El Rio, East Vineyard, and North Ventura subwatersheds. The El Rio drain (a tributary to the Santa Clara River) is located near the corner of Buckaroo Avenue and Winchester Drive.

In an attempt to implement appropriate BMPS to address the bacteria exceedances, TSP-SC staff conducted a comprehensive investigation of the El Rio, East Vineyard, and North Ventura subwatersheds by reviewing land use data, business inventories, and critical source inspection records. Based on this review, TSP-SC staff selected five storm drain locations and collected water samples from each storm drain during four separate rain events between October 5, 2011 and April 26, 2012. The samples were analyzed for Total Coliform, Fecal Coliform, and Enterococcus during each event. The results exceeded WQS at all locations in every sample taken indicating that bacteria are ubiquitous in the subwatersheds.

In an effort to reduce elevated concentrations of bacteria in stormwater runoff, TSP-SC staff inspected businesses with a focus on outdoor trash enclosures, outdoor storage of waste and materials, and grease interceptor/clarifier maintenance. BMP information was provided regarding surface cleaning, waste management, and grease interceptor/clarifier maintenance. In addition, TSP-SC staff met with the Wastewater Collections staff to review sanitary sewer overflow and grease interceptor overflow response protocol and training was provided for illicit discharge response.

TSP-SC staff reviewed the municipal storm drain atlas to locate all infrastructure that discharges into the El Rio Drain. Staff conducted field screening activities and walked the channels to identify possible sources of bacteria and illicit connections. In one instance, TSP-SC staff identified a homeowner who was throwing dog feces over their backyard wall onto the access road along the El Rio drain. The resident was issued a notice of violation with a directive to clean and abate the illicit discharge activities. TSP-SC staff have since followed up and verified compliance.

TSP-SC staff went into communities and identified possible bacteria sources such as homeless encampments, excessive dog poop, and farm animals (goats, chickens, etc.). TSP-SC staff worked with other City departments to disseminate information on homeless shelters, RV dumping stations, and pet owner brochures. Additional Dog poop bags and dispensers were provided for affected neighborhoods. Training was provided to City Code Compliance officers with a focus on illicit discharge response and BMP information forms were put in a share drive so that all City departments could access and download the forms as needed.

The City of Oxnard is also a participating agency in a subcommittee to address the requirements of the Santa Clara River TMDL which became effective March 21, 2012. The City of Oxnard, in partnership with the Cities of Fillmore, Santa Paula, Ventura, and the County of Ventura, has prepared an In-Stream Compliance Monitoring Plan for the Estuary and Reach 3 of the Santa Clara River. The plan has been submitted to the Los Angeles Regional Water Quality Control Board and we are currently awaiting approval to implement the monitoring plan.

In hopes of making future program improvements, the City of Oxnard voted to allocate a portion of the VCSQMP 2013 budget to fund a special bacteria source tracking study. The study will be conducted by the Southern California Coastal Water Research Project, as part of the 2013 Southern California Bight Regional Monitoring Program. In addition, the VCSQMP will be taking additional samples at all major outfalls to analyze for the human marker (HF183), for 3 storm events. HF183 marker results will indicate frequency of human contamination at sample locations. It is the intent that these sample results will provide us with primary sources of pathogen indicators to help us to better implement target specific BMPs.

Recommendation 1

3.1.4 Interagency Coordination

Part 4.D.I.4(b) of the permit states that for facilities in violation of the municipal stormwater ordinance and subject to the statewide Industrial General Stormwater Permit, a permittee may escalate referral of such violations to the Regional Water

Board provided the Permittee makes a good faith effort to return the facility to compliance through the use of progressive enforcement. City staff stated that they had experienced difficulties in returning some facilities to compliance through the use of follow-up inspections, notices of violation (NOVs), and warning letters. However, the City was unable to demonstrate that it had developed formal procedures for referring recalcitrant facilities to the Regional Board.

The City should develop procedures to ensure that progressive enforcement includes referral to the Regional Board for industrial/commercial facilities that fail to return to compliance following the issuance of a NOV, warning letter, or other enforcement response.

Response 3. TSP-SC staff will develop and implement a progressive enforcement protocol to be utilized in accordance with the requirements of NPDES Permit No. CAS004002, Part 4.D.I.4(b).

Recommendation 2 3.2.4 Illicit Connections and Illicit/Illegal Discharge Training Program

Part 4.G.I.8(c) of the permit requires the city to train all employees and contractors who are responsible for illicit connections and illicit/illegal discharges. City staff explained that training regarding IC/ID was provided to various City departments, including general services and administration, fleet services, parks and special districts and facilities. The City provided sign-in sheets and agendas for various trainings sessions. However, it was unclear to EPA that a set protocol was in place for training documentation and tracking. The City Wastewater Environmental Specialist stated that a set schedule for training sessions for all levels of the City had not been created, but that training was typically conducted every year.

The City should develop procedures to ensure that formal IC/ID training is conducted annually and adequately documented.

Response 4. TSP-SC staff contends that the City is in compliance with the requirements of NPDES Permit No. CAS004002, Part 4.G.I.8(c), however; the City will develop a procedure that more adequately documents that formal IC/ID training is conducted annually.