



California Regional Water Quality Control Board

Los Angeles Region



Linda S. Adams
Agency Secretary

Recipient of the 2001 *Environmental Leadership Award* from Keep California Beautiful
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Arnold Schwarzenegger
Governor

March 4, 2008

Mr. Ramiro Adeva
City Manager
City of Agoura Hills
30001 Ladyface Court
Agoura Hills, CA 91301

VIA CERTIFIED MAIL

NOTICE OF VIOLATION (ORDER NO. 01-182 AS AMENDED BY ORDER NO. R4-2006-0074 AND ORDER NO. R4-2007-0042, NPDES PERMIT NO. CAS004001, WDID 4B190147001)

Dear Mr. Adeva:

The California Regional Water Quality Control Board, Los Angeles Region (Regional Board) is the state regulatory agency responsible for protecting water quality in Los Angeles and Ventura Counties. To accomplish this, the Regional Board issues permits under the National Pollutant Discharge Elimination System (NPDES) as authorized by the federal Clean Water Act. On December 13, 2001, this Regional Board adopted the Los Angeles County Municipal Separate Storm Sewer System Permit, NPDES Permit No. CAS004001, Order No. 01-182 (LA MS4 Permit), under which the City of Agoura Hills is a Permittee.

BACKGROUND

The LA MS4 Permit includes Discharge Prohibitions, Receiving Water Limitations, and a Monitoring and Reporting Program, among other requirements. Under Part 1, Discharge Prohibitions, the LA MS4 Permit requires that the Permittees "effectively prohibit non-storm water discharges into the MS4 [municipal separate storm sewer system] and watercourses," except under limited circumstances, as specified in Part 1. Under Part 2, Receiving Water Limitations, the LA MS4 Permit prohibits "discharges from the MS4 that cause or contribute to the violation of Water Quality Standards or water quality objectives."

The LA MS4 Permit was subsequently amended on September 14, 2006 by Order No. R4-2006-0074 and on August 9, 2007 by Order No. R4-2007-0042 to implement the summer dry weather waste load allocations established in the Santa Monica Bay Beaches Bacteria Dry Weather Total Maximum Daily Load (TMDL) and the Marina del Rey Harbor Mothers' Beach and Back Basins Bacteria TMDL. The summer dry weather requirements were incorporated in the LA MS4 Permit as specific Receiving Water Limitations (RWLs) for fecal indicator bacteria in Parts 2.5 and 2.6, and a supporting specific prohibition on discharges from the MS4 that cause or contribute to exceedances of the bacteria RWLs.

California Environmental Protection Agency



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Our mission is to preserve and enhance the quality of California's water resources for the benefit of present and future generations.

The Permittees collectively discharge urban runoff and storm water from the MS4 to the Santa Monica Bay, a navigable water of the United States, under the provisions and requirements of the LA MS4 Permit. These discharges, as demonstrated via shoreline water quality monitoring, contain total coliform, fecal coliform, enterococcus and other pollutants, which degrade water quality and impact beneficial uses of the receiving waters at beaches along Santa Monica Bay. These bacterial indicators are defined as wastes under the California Water Code (CWC § 13000 et seq.).

VIOLATIONS OF RECEIVING WATER LIMITATIONS

The City of Agoura Hills is hereby notified that technical staff has concluded that Agoura Hills is in violation of waste discharge requirements established in Board Order No. 01-182 as amended by Order No. R4-2006-0074 and Order No. R4-2007-0042, and has therefore violated CWC § 13376, and is subject to liability pursuant to CWC § 13385.

The data submitted in the Permittees' shoreline monitoring reports for the summer dry weather compliance periods, beginning on September 14, 2006 through October 31, 2006 and April 1, 2007 through October 31, 2007, reveal violations of the RWLs set forth in Part 2.5 of Order No. 01-182 as amended by Order No. R4-2006-0074 and Order No. R4-2007-0042. These violations occurred at three shoreline monitoring sites located along Santa Monica Bay beaches to which the City of Agoura Hills discharges via the MS4, on 95 days, which included 171 instances where the bacteria water quality objectives set to protect water contact recreation were exceeded. These violations are summarized in Table 1, detailed in the attachments, and incorporated herein by reference. The City of Agoura Hills is jointly responsible for violations at these monitoring sites along with the other Permittees with land area within the watersheds draining to these sites.

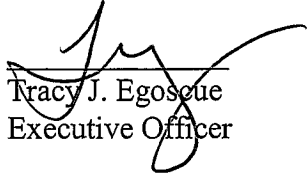
CIVIL LIABILITY

Pursuant to CWC § 13385, the City of Agoura Hills is subject to penalties of up to \$10,000 for each day in which a violation of RWLs occurs. These civil liabilities may be assessed by the Regional Board beginning with the date that the violations first occurred, and without further warning. The Regional Board may also request that the State Attorney General seek judicially imposed civil liabilities of up to \$25,000 for each day in which a violation occurs, or injunctive relief, pursuant to CWC §§ 13385 and 13386. The City of Agoura Hills may also be subject to penalties pursuant to other sections, and other forms of enforcement proceedings, in addition to those described above.

To ensure that the causes of the violations are identified and abated, enclosed herewith, please find an Order directing the City of Agoura Hills to submit a variety of reports pursuant to CWC § 13383. Specifically, these reports shall provide an evaluation and documentation of the causes of these violations, remedial actions to date, and the City's plans for additional corrective and preventative actions to bring discharges from the MS4 into prompt compliance with the bacteria RWLs applicable to the Santa Monica Bay.

If you have any questions regarding this matter, please contact me at (213) 576-6605, or alternatively, your staff may contact Mr. Carlos Urrunaga at (213) 620-2083.

Sincerely,


Tracy J. Egoseue
Executive Officer

Enclosures: Table 1
Attachments 41-43
Order Pursuant to California Water Code Section 13383, dated March 4, 2008

cc: Mr. Michael Levy, Office of Chief Counsel, State Water Resources Control Board
Mr. Bruce Fujimoto, Storm Water Section, State Water Resources Control Board
Mr. Eugene Bromley, U.S. EPA, Region 9



TABLE 1

**AGOURA HILLS
SUMMARY OF VIOLATIONS OF BACTERIA
RECEIVING WATER LIMITATIONS FOR SUMMER DRY WEATHER
ORDER NO. 01-182 AS AMENDED BY ORDERS R4-2006-0074 AND R4-2007-0042**

Site ID	Single Sample RWL Violations				30-day Geometric Mean RWL Violations			Total RWL Violations by Site	Total Days of Violations by Site
	Total Coliform	Fecal Coliform	Enterococcus	Total Coliform (Fecal:Total Coliform Ratio > 0.1)	Total Coliform	Fecal Coliform	Enterococcus		
SMB MC-01	0	1	0	0	4	1	13	19	14
SMB MC-02	7	25	9	18	28	37	8	132	62
SMB MC-03	0	0	3	1	0	0	16	20	19
Totals	7	26	12	19	32	38	37	171	95

ATTACHMENTS

VIOLATIONS OF BACTERIA RECEIVING WATER LIMITATIONS BY SHORELINE MONITORING SITE

VIOLATIONS OF RECEIVING WATER LIMITATIONS FOR SUMMER DRY WEATHER PERIODS
SEPTEMBER 14, 2006 - OCTOBER 31, 2006 AND APRIL 1, 2007 - OCTOBER 31, 2007
ORDER 01-182 AS AMENDED BY R4-2006-0074 AND R4-2007-0042
SITE ID SMB MC-01, MALIBU COLONY DR

Date of Violation(s)	Single Sample Result (MPN/100 ml)				30-day Geometric Mean Result* (MPN/100 ml)		
	Total Coliform	Fecal Coliform	Enterococcus	Total Coliform (Fecal:Total Coliform > 0.1)	Total Coliform	Fecal Coliform	Enterococcus
Basin Plan Limit	10000	400	104	1000	1000	200	35
9/14/2006					2235	222	123
9/15/2006					1442		90
9/16/2006					1442		90
9/17/2006					1442		90
9/18/2006							70
9/19/2006							70
9/20/2006							46
9/21/2006							46
9/22/2006							52
9/23/2006							52
9/24/2006							52
9/25/2006							42
9/26/2006							42
6/4/2007		419					
Total Violations	0	1	0	0	4	1	13

Notes: Site ID refers to sites identified in the "Santa Monica Bay Beaches Bacterial TMDLs Coordinated Shoreline Monitoring Plan," dated April 7, 2004.

* Regional Board staff calculated the rolling 30-day geometric mean values presented.

VIOLATIONS OF RECEIVING WATER LIMITATIONS FOR SUMMER DRY WEATHER PERIODS
SEPTEMBER 14, 2006 - OCTOBER 31, 2006 AND APRIL 1, 2007 - OCTOBER 31, 2007
ORDER 01-182 AS AMENDED BY R4-2006-0074 AND R4-2007-0042
SITE ID SMB-MC-02, MALIBU CREEK

Date of Violation(s)	Single Sample Result (MPN/100 ml)				30-day Geometric Mean Result* (MPN/100 ml)		
	Total Coliform	Fecal Coliform	Enterococcus	Total Coliform (Fecal:Total Coliform Ratio > 0.1)	Total Coliform	Fecal Coliform	Enterococcus
Basin Plan Limit	10000	400	104	1000	1000	200	35
9/14/2006		1100		6800	1390	242	
9/15/2006		1100		7900	1629	276	
9/16/2006					1827	276	
9/17/2006					2155	297	
9/18/2006					2587	321	
9/19/2006					2341	297	
9/20/2006					2512	300	
9/21/2006					2114	280	
9/22/2006					1904	262	
9/23/2006					1526	236	
9/24/2006					1378		
9/25/2006					1232		
9/26/2006					1132		
9/27/2006					1248		
9/28/2006		500			1414		
9/29/2006		430		2200	1443		
9/30/2006				1400	1304		
10/1/2006					1169		
10/2/2006					1036		
10/3/2006	>13000	6300		>13000	1169		
10/4/2006					1058		
10/5/2006	13000	7300	1400	13000	1128	222	
10/6/2006						216	
10/7/2006		740				241	
10/8/2006						248	
10/9/2006					1006	265	
10/10/2006		1000	530	5500	1091	282	
10/11/2006					1053	272	
10/12/2006					1058	252	
10/13/2006						246	
10/14/2006						228	
10/15/2006						210	
10/16/2006						224	
10/17/2006		1300		6300		246	
10/18/2006			110	1100		238	
10/19/2006						238	
10/20/2006		500				263	
10/21/2006						263	
10/22/2006						283	
10/23/2006					1155	307	38
10/24/2006						283	
10/25/2006		3200	160	3200	1054	319	38
10/26/2006						319	39
10/27/2006		430	110	3400		326	42

**VIOLATIONS OF RECEIVING WATER LIMITATIONS FOR SUMMER DRY WEATHER PERIODS
SEPTEMBER 14, 2006 - OCTOBER 31, 2006 AND APRIL 1, 2007 - OCTOBER 31, 2007
ORDER 01-182 AS AMENDED BY R4-2006-0074 AND R4-2007-0042
SITE ID SMB-MC-02, MALIBU CREEK**

Date of Violation(s)	Single Sample Result (MPN/100 ml)				30-day Geometric Mean Result* (MPN/100 ml)		
	Total Coliform	Fecal Coliform	Enterococcus	Total Coliform (Fecal:Total Coliform Ratio > 0.1)	Total Coliform	Fecal Coliform	Enterococcus
Basin Plan Limit	10000	400	104	1000	1000	200	35
10/28/2006						317	43
10/29/2006						312	47
10/30/2006						314	51
10/31/2006						289	47
4/6/2007		580		3400			
4/7/2007	>13000	1600		>13000			
4/24/2007	11000	740					
4/25/2007	11000	7300		11000			
4/27/2007		430		1600			
5/18/2007		430	190				
5/19/2007		430					
6/2/2007			270				
6/16/2007		8700	310	9600			
10/19/2007		500		1300			
10/20/2007	>13000	830					
10/24/2007	11000	500					
10/30/2007		580	120				
10/31/2007		910		5900			
Total Violations	7	25	9	18	28	37	8

Notes: Site ID refers to sites identified in the "Santa Monica Bay Beaches Bacterial TMDLs Coordinated Shoreline Monitoring Plan," dated April 7, 2004.

* Regional Board staff calculated the rolling 30-day geometric mean values presented.

VIOLATIONS OF RECEIVING WATER LIMITATIONS FOR SUMMER DRY WEATHER PERIODS
SEPTEMBER 14, 2006 - OCTOBER 31, 2006 AND APRIL 1, 2007 - OCTOBER 31, 2007
ORDER 01-182 AS AMENDED BY R4-2006-0074 AND R4-2007-0042
SITE ID SMB MC-03, MALIBU PIER

Date of Violation(s)	Single Sample Result (MPN/100 ml)				30-day Geometric Mean Result* (MPN/100 ml)		
	Total Coliform	Fecal Coliform	Enterococcus	Total Coliform (Fecal:Total Coliform > 0.1)	Total Coliform	Fecal Coliform	Enterococcus
Basin Plan Limit	10000	400	104	1000	1000	200	35
10/10/2006			422				
10/11/2006							40
10/12/2006							40
10/13/2006							40
10/14/2006							40
10/15/2006							40
10/16/2006							40
10/17/2006							40
10/23/2006							42
10/24/2006							42
10/25/2006							68
10/26/2006							68
10/27/2006							68
10/28/2006							68
10/29/2006							68
10/30/2006							42
10/31/2006							42
6/4/2007			131				
10/29/2007			109	2046			
Total Violations	0	0	3	1	0	0	16

Notes: Site ID refers to sites identified in the "Santa Monica Bay Beaches Bacterial TMDLs Coordinated Shoreline Monitoring Plan," dated April 7, 2004.

* Regional Board staff calculated the rolling 30-day geometric mean values presented.