

City of Fortuna

Municipal Separate Storm Sewer System (MS4) Compliance Inspection

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Report Date: August 15, 2013

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Attachments

Attachment 1	Agenda
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Attachment 3	Release Reporting Requirements Matrix

Section 1.0 Introduction

On May 6, 2013, North Coast Regional Water Quality Control Board (Regional Water Board) staff conducted an inspection of the City of Fortuna, California (City), Municipal Separate Storm Sewer System (MS4) Program.

According to the 2010 US Census, the City's population is 11,926. The City is located within the Lower Eel River hydrologic area of the Eel River hydrologic unit. The City is a mixed use of residential, commercial, and light industrial.

At the time of the inspection discharges from the City's MS4 were regulated under California State Water Resources Control Board Order No. 2003-005-DWQ, National Pollutant Discharge Elimination System (NPDES), General Permit No. CAS000004, *Waste Discharge Requirements for Storm Water Discharges from Small Municipal Separate Storm Sewer Systems* (2003 General Permit), issued April 30, 2003.

The City was notified of its designation as an MS4 by the Regional Water Board in 2003. Part D.1 of the 2003 General Permit requires the City to develop, implement, and enforce an effective storm water management plan (SWMP) designed to reduce the discharge of pollutants from the regulated small MS4 to the maximum extent practicable and to protect water quality. The City developed the *Storm Water Management Plan, January 2006*. The City was enrolled into the 2003 General Permit on January 18, 2006 and has been developing and implementing the MS4 program since that time. The 2003 General Permit authorizes the City to discharge storm water runoff and certain non-storm water discharges from its small MS4 to waters of the United States, under the 2003 General Permit's terms and conditions.

On February 5, 2013, the State Water Resources Control Board adopted *Water Quality Order No. 2013-001-DWQ, National Pollutant Discharge Elimination System (NPDES) General Permit No. CAS00004, Waste Discharge Requirements for Storm Water Discharges from MS4s*. (2013 General Permit). The City is subject to the terms and conditions of the 2013 General Permit, effective July 1, 2013. However, for the purpose of this inspection, compliance will be evaluated based on the terms and conditions of the 2003 General Permit.

Section 1.1 Purpose of Inspection

The purpose of the inspection is to obtain information that will assist Regional Water Board staff in assessing the City's compliance with the requirements of the 2003 General Permit, status of implementation of the SWMP, determining program deficiencies, and develop an understanding of the program's general status as the City transitions into the requirements of the 2013 General Permit.

Compliance determination is evaluated by various lines of supporting evidence including City staff interviews, field inspection observations, review of the SWMP, and review of the most recent annual report (*Stormwater Program Progress Report dated June 12, 2013*). Additionally, during the inspection, City staff provided numerous documents related to the

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storm water program. These documents have been organized into the record file, but are not included as part of this report.

It should be noted that 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 the site visits.

Section 1.2 Inspection Elements

The inspection included an evaluation of the City's compliance with the six Minimum Control Measures (MCMs) included in the Permit:

- Public Education and Outreach,
- Public Participation
- Illicit Discharge Detection and Elimination
- Construction Site Storm Water Runoff Control
- Post-Construction Storm Water Management in New Development and Redevelopment
- Pollution Prevention/Good Housekeeping for Municipal Operations

Participants in the inspection are listed as follows:

Organization	Representatives
The City of Fortuna	Mike Johnson, General Services Superintendent Mike Flockhart, Acting Public Works Director Gary Chapman, Finance Director Regan Candelario, City Manager
North Coast Regional Water Quality Control Board	Colleen Hunt, Environmental Scientist

The inspection agenda and sign in sheet are provided as Attachments 1 and 2 at the end of this report.

Section 2.0 Program Evaluation Observations

This inspection report identifies potential violations, program comments, and positive attributes. Potential violations are areas not fulfilling requirements of the General Permit and/or the City's SWMP. Program comments are areas of concern for successful program implementation or areas that, unless action is taken, have the potential to result in non-compliance in the future. Positive attributes are program areas in which the City is found to be in compliance, have made a significant accomplishment or progress, or developed a program area above the SWMP expectation.

Section 2.1 Storm Water Management

The storm water program is currently managed by Mr. Mike Johnson, General Services Superintendent. Mr. Johnson is responsible for the general implementation SWMP, preparing the annual report, and attending the North Coast Storm Water Coalition (NCSC). Storm water management was previously under the responsibility of a different staff person who is no longer employed with the City. As a result of personnel changes, elements of the storm water program have not been fulfilled by the City. Mr. Johnson recognizes the areas that have been neglected and is dedicating additional resource to address compliance.

2.1.1 Potential Violations:

The Annual Report for the July 1, 2011, through June 30, 2012, reporting period was submitted June 12, 2013. The 2003 General Permit section F.1 required the report by September 15, 2012.

2.1.2 Program Comments:

While the current program manager demonstrates knowledge of the SWMP, many elements of the storm water program have not been carried through due to staff changes. As a result the program has generally been in remiss, resulting in insufficient annual reporting. Effort is needed to improve program management, tracking of measurable goals, and general program implementation. Regional Water Board staff recommends developing a written document of the rolls and responsibilities of each department under the SWMP. Additionally, it may be beneficial to have an internal committee that meets regularly to discuss the storm water program.

Section 2.2 Legal Authority

Section D. of the Permit requires the Permittee to “develop adequate authority to implement and enforce the SWMP.” The City has adopted a Storm Drainage Ordinance to comply with this requirement. The Ordinance includes a prohibition of illegal discharges to the storm drain system. The Ordinance also contains the authority to require dischargers to cease activities causing the discharge of pollutants, to implement BMPs at construction projects, to implement post-construction storm water control measures, and to provide proof of enrolment in the State’s General Construction Permit. The Ordinance contains enforcement authority, including the ability to abate an illicit discharge, recover costs from the responsible party and administer fines.

2.2.1 Positive Attributes:

The City has made progress on the adoption of several ordinances during this permit term. Regional Water Board staff recognizes the effort put forth to adopt these ordinances. Staff would also like to acknowledge the City’s ability to enforce violations under the Storm Drainage Ordinance. This is an important component to a successful storm water program.

Section 2.3 Public Education, Outreach and Participation

The City has developed and distributed outreach materials to address various components of storm water awareness in the community. The City is an active partner in the North Coast Storm Water Coalition (NCSC), which also develops and coordinates various outreach components targeting North Coast Communities. The City displays all outreach material at the front counters of City Hall. Examples of outreach messages include:

- NCSC poster series-focused messages such as: cigarette butts, toxics, car washing, pet waste, and oil spill prevention. Includes outreach for spill line.
- Don't Flush or Trash Your Pharmaceuticals brochure.
- Annual Consumer Confidence Report-include storm water pollution prevention measures mailed to utility costumers annually.
- "It Only Takes a Little Bit" general storm water brochure.
- "Mutt Mitts" pet waste bags available in parks and at walking trails.
- Kids Digest: A Parent's Resource Guide-NCSC storm water pollution prevention ad and household hazardous waste collections ad.
- NCSC sponsors two Public Service Announcements (PSA) each year. The PSA is aired on 12 radio stations during the months of October and November.
- NCSC publishes bus ads on local public transportation.
- Recycling outreach for businesses and apartments.

The City also supports and sponsors various programs that provide pollution prevention participation in the community. Programs include:

- The City displays storm water educational materials on an annual basis at several community events. Participation includes events like the Downtown Spring Fling, the rodeo, chili cook-off, Apple Harvest Days and Art and Wine in the Park.
- Fortuna Creeks Project- an effort to involve high school students in stewardship activities such as litter cleanup, creek restoration projects, and e-waste recycling. The City sponsors this effort by paying for trash disposal costs.
- The City sponsors the efforts of the River Life Foundation-a non-profit organization dedicated improving the lives of others. The Foundation conducts quarterly cleanup of rivers and creeks in the Fortuna area.
- Adopt-A-Block-citizen group opportunity to collect trash in a designated area of the City.

The City has developed a storm water website. The website provides information on general storm water pollution, potential sources of pollution and a link to the NCSC website for further resources.

2.3.1 Potential Violations

The SWMP includes a BMP of providing education on storm water quality to 50% of all K-8 school children every two years. The Annual Report did not provide an update on completing this task during the 2010/2011 and 2011/2012 reporting periods.

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The SWMP includes a BMP of attending special events and displaying storm water materials to the general public. Although this BMP was discussed during the inspection, the Annual Report does not include a summary of the events the City participated in during the 2011/2012 reporting period.

The SWMP includes a BMP to summarize all calls to the NCSC hotline. The Annual Report did not include a summary of call received from the 2011/2012 reporting period.

2.3.2 Program Comments:

Regional Water Board staff recommends enhancing the City's storm water website by including a copy of the SWMP and Annual Reports. The website should also include the storm water hotline contact information.

2.3.3 Positive Attributes:

Regional Water Board staff acknowledges the City's active participation in the NCSC. Partnering with other MS4 permittees is beneficial at developing a community wide approach at providing the public with storm water education and awareness.

Section 2.4 Illicit Discharge Detection and Elimination

The City has adopted a Stormwater Drainage Ordinance which includes provisions to prohibit illegal discharges to the storm drain system. The Ordinance includes a list of non-storm water discharges that are not considered a prohibited discharge when properly managed. The Ordinance includes a process to eliminate illegal discharges including abatement and enforcement procedures.

The NCSC has joined resources to have a single, community wide storm water hotline. The hotline provides the caller with options to select the city in which the complaint is being made. The system then routes the caller to the appropriate staff. In the City of Fortuna, non-hazardous calls are directed to Public Works. Response generally involves outreach and education in illicit discharges to the storm drain and a verbal warning. The local Fire Department responds to hazardous material spills and complaints.

The City has an ordinance that requires a grease interceptor as necessary. The City conducts routine inspections of interceptors and provides grease outreach materials which include storm water housekeeping practices.

Hazardous materials storage facilities are inspected by the County of Humboldt Department of Health and Human Services (local CUPA). The local CUPA has distributed educational and outreach material to these facilities to education staff on storm water pollution prevention.

Eel River Disposal is a local entity that provides garbage, green waste and recycling collection. Services also include used oil, toxics, paint, and florescent light drop off.

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The City has completed a storm system map and incorporates the use of this map when responding to complaints of an illicit discharge. The map is available on-line.

2.4.1 Potential Violation:

The SWMP includes a BMP to inspect targeted creeks within the City once per year with follow-up inspections as appropriate. The Annual Report did not include a summary of these inspections.

2.4.2 Program Comments

During the inspection, City staff provided a hazardous spill response matrix, which documents how to report a significant release of hazardous materials. The City's spill response matrix may not be consistent with State reporting requirements. Attachment 3 of this report provides a detailed list of spill response requirements¹. Regional Water Board staff recommends reviewing the matrix and updating the City's procedures as necessary.

2.4.3 Positive Attributes:

Regional Water Board staff recognizes the efforts by the City to develop a complete map of the City's storm drain system. This is a significant accomplishment and an important component of a successful storm water program.

Section 2.5 Construction Site Storm Water Runoff Control

The City has adopted a Stormwater Drainage Ordinance which includes requirements for reducing pollutants in storm water at construction site projects. The Ordinance requires any construction contractor to implement BMPs to prevent the discharge of construction wastes from entering the storm drain. Most projects which disturb soil are required to submit an erosion and sediment control plan or SWPPP. Plans are reviewed by the Engineering Department.

All sites are inspected at a regular frequency. Inspections are made prior to a storm, during a storm, and after. Inspection staff keep a journal of all inspections and note any inspection observations related to potential failing BMPs.

Enforcement procedures at construction sites are obtained in the Stormwater Drainage Ordinance and include verbal communication, stop work order, and the ability to administer fines.

2.5.1 Potential Violations:

The SWMP includes a BMP for annual training for planning staff and building inspectors related to construction BMPs and enforcement. No training activities were reported for the 2011/2012 reporting period.

¹ <http://www.calema.ca.gov/HazardousMaterials/Pages/Spill-Release-Reporting.aspx>

2.5.2 Program Comments:

Regional Water Board staff recommends incorporating educational outreach material for sediment and erosion control at construction sites to the City's SWMP. NCSC partners have example materials available that may be useful to incorporate into the City's program.

Section 2.6 Post-Construction Storm Water Management in New Development and Redevelopment

The City has not adopted formal procedures for addressing post-construction standards for projects within the City limits. Currently, post-construction BMPs are encouraged. During the inspection, the City was able to reference several projects that have been completed with post-construction structural controls (see Section 3.1 of this report for more details).

The City has completed an LID demonstration project with the retrofit of a City parking lot. The parking lot incorporated LID features and a demonstration sign to educate the public on LID BMPs and provides the development community with an example project. The City also developed a short LID demonstration video featuring the parking lot retrofit and other example projects.

2.6.1 Program Comments:

The requirements of the General Permit D2(e) Post-Construction Storm Water Management in New Development and Redevelopment include the permittee to "develop, implement, and enforce a program to address storm water runoff from new development and redevelopment projects that disturb greater than or equal to one acre." The City's current SWMP does not meet the required conditions. Although implementing an informal approach to addressing post-construction BMPs, the City will need to formalize post-construction standards, develop adequate legal authority to implement standards, and develop enforcement procedures in order to comply with requirements. The program will need to incorporate Low Impact Development prioritization, design, and construction consistent with the requirements of the 2013 General Permit.

Section 2.7 Pollution Prevention/Good Housekeeping for Municipal Operations

The City is currently implementing the following BMPs related to municipal operations:

- Two licensed pesticide applicators on staff. No spraying is conducted prior to an expected weather event.
- No fertilizers are used on City grounds.
- Drain inlets are cleaned at City parks in the late summer/early fall.
- Five drain inlets have filters, located in high pollutant areas. The filters are changed annually.
- The storm drain system is cleaned on an as needed basis.

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- Streets are swept once a month. Streets are swept more frequently after a special event, such as a parade.
- Spill kits are kept on City owned trucks. There is an annual training for staff on spill response procedures.
- Run-off generated at the City's Corporation Yard is routed to the waste water treatment plant and does not discharge into the MS4.
- Chemicals stored at the Corporation Yard are stored undercover and locked.
- Stockpiles are properly maintained during the winter months to minimize run-off.
- The City is in the process of stenciling storm drains with a no dumping message, but has not completed this task.

Section 2.7.1 Potential Violations

The SWMP includes a BMP for developing site specific SWMPs for any City facilities or operations that could adversely impact storm water. At the time of inspection, City staff was not able to confirm the development of these documents.

The SWMP includes a BMP to provide annual training to Public Works staff on storm water pollution prevention. No training activities were reported for the 2011/2012 reporting period.

Section 3.0 Site Visits

Section 3.1 Post-Construction BMPs

During the inspection, Mr. Johnson and Mrs. Hunt toured the community to look at LID features installed at various projects. Locations visited included:

- Sherlock Mini-Storage-gravel swale and drought tolerant plants.
- Rohner Village Apartments-native plants, permeable pavers, bioswale, drain protection, curb cuts, disconnected down spouts.
- City parking lot at Lst and 11th-bioswale.