



Linda S. Adams
Agency Secretary

California Regional Water Quality Control Board

Central Coast Region



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Governor

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December 12, 2006

Doug Monn
City of El Paso de Robles
1000 Spring Street
Paso Robles, CA 93446

NPDES SMALL MS4S GENERAL PERMIT; CITY OF EL PASO DE ROBLES, SAN LUIS OBISPO COUNTY, WDID# 3 40MS03019

Mr. Monn:

We received the City of Paso Robles (City) response to our September 27, 2006, notice of violation (NOV) regarding deficiencies in the City's Storm Water Management Program (SWMP) implementation and annual report. The City proposed several modifications to the SWMP in the October 27, 2006, NOV response. The City must justify any proposed SWMP modifications and must provide detailed explanation of all proposed best management practices (BMPs). The City proposed BMP modifications with no justification and proposed new BMPs with no details.

The City must address the following issues:

1. The City must commit to implementing all permit year-one and permit year-two BMPs. The City's NOV response includes sections that briefly summarize storm water activities the City will undertake during permit year-two. The NOV response includes permit year-two BMP commitments for some minimum control measures, but does not discuss permit year-two BMP implementation for the construction, post construction, and pollution prevention/good housekeeping minimum control measures. The City has not provided a summary of all the storm water activities it plans to undertake during the next reporting cycle. The City must implement all permit year-one and permit year-two BMPs outlined in the SWMP and must provide a summary of all activities it will undertake in permit year-two, which, at a minimum, must include all permit year-one and permit year-two BMPs listed in the SWMP.
2. The City was required to distribute Adopt-a-Street educational brochures in permit year-one. The City's NOV response indicates that the brochures are still under development. The City must explain why the brochures were not completed in permit year-one and provide a time schedule for completing the brochures explaining why the delayed implementation is necessary. The City

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must explain why the City's BMP tracking sheets indicate that brochures and fact sheets were developed in permit year-one. If the brochures and fact sheets developed in permit year-one are not the Adopt-a-Street program brochures and fact sheets, the City must explain where the Adopt-a-Street outreach material development is being tracked.

3. The City must clarify its commitment to conduct surveys of Adopt-a-Street program participants. The SWMP text indicates that the City will conduct surveys starting in permit year-three (p 4-2), but the SWMP table (p 4-7) indicates that surveys will be conducted in permit year-one. The City must explain when they will conduct surveys and what information the City will be seeking through the surveys.
4. The NOV response report lists five BMPs that the City will implement in permit year-two including PE-2, PE-3a, PE-3b, PE-3c, and PE-4. PE-3c is described in the NOV response letter as the illicit discharge fact sheet or brochure. However, in the SWMP text, PE-3c is an English/Spanish storm water brochure for local businesses. PE-3d in the SWMP is listed as the illicit discharge fact sheet or brochure. The City must clarify when it will implement PE-3 BMPs. The SWMP text (p 4-4) indicates that the City will implement PE-3 BMPs in permit year-two, but SWMP Table 4-1 indicates that the City will implement some PE-3 BMPs in permit year-three.
5. The City's NOV response describes measurable goal PE-6b as the number of public events where the City distributes program materials and the number of fact sheets/brochures distributed. However, the City also committed to developing a storm water display for use at public events in permit year-two. The NOV Response does not list storm water display development for implementation in permit year-two. The City must verify that it will develop a display in permit year-two.
6. The City's September 12, 2006, annual report included a list of four events that the City planned to attend in permit year-two, to distribute educational information (Mid-State Fair, Pioneer Days, the Grand Opening of the Salinas River Trial, and Earth Day events). The City's NOV response indicates the City will attend three events, one of which is the Mid-State Fair in July/August 2007, which is not in permit year-two. It appears that the City failed to distribute educational materials at the 2006 Mid-State Fair and the 2006 Pioneer Days. If the City failed to attend the Mid-State Fair and Pioneer Days, the City will need to participate in two more events before June 30, 2007 to make it to four events in permit year-two. The City must explain why they did not participate in the events listed in the annual report and explain how they will reach similar audiences with other events that will be substituted for the missed events. The City must explain where this BMP is being tracked in the City's BMP tracking system.



7. The City SWMP includes a commitment to conduct four presentations per year starting in permit year-two (BMP PP-2B). The City proposes to change BMP PP-2b, moving the public presentation implementation from permit year-two to permit year-three, but provides no justification for the change. The City must implement the BMP in permit year-two as stated in the SWMP or provide justification for modifying the schedule. The City has not fully implemented permit year-one public education BMPs (Adopt-a-Street) and therefore must implement public participation BMPs to help educate and involve the community. The City has conducted very few public participation events with actual public participation. Water Board staff requires the City to meet its commitment to conduct four public presentations in permit year-two, or provide justification for failing to achieve the goal.
8. The City's NOV response proposed adopting amendments to the municipal code to incorporate General Permit Attachment 4 requirements in permit year-two instead of permit year-one. The City failed to explain why it did not incorporate General Permit Attachment 4 requirements into the municipal ordinance in permit year-one, which was actually 18 months long. The NOV states, "City must adopt an ordinance or other document to ensure implementation of General Permit Attachment 4 design standards by November 29, 2006." The City's NOV response indicates that the City is working to adopt an ordinance and expect to complete it by June 30, 2007. The City failed to explain why it will take two and a half years to achieve a permit year-one measurable goal. The City must provide a draft ordinance for Water Board staff to review to ensure the ordinance will comply with permit requirements. The City must provide a time schedule for drafting and adopting an ordinance which includes Attachment 4 requirements.
9. The City must clarify its targeted outfall inspection program (BMP ID-4). The measurable goals include inspecting targeted outfalls twice per year in permit year-one. Another measurable goal is to complete outfall inspections for at least 50% of the City in permit year-two and 50% in permit year-three. The City must explain the inspection program in detail and differentiate between the targeted outfall inspections conducted twice per year (ID-4a) and the outfall inspections conducted every other year (ID-4b).
10. The City must provide storm drain system inspection protocols and City staff inspection procedures. The City must explain the actions City staff takes when they discover illicit discharges, and how illicit discharges are eliminated. The City must implement a comprehensive program to identify and eliminate illicit discharges. The City must explain how the current outfall inspection program will be effective in eliminating illicit discharges. The City should consider a storm-system wide inspection program and/or a business inspection program.



11. The City provided progress-tracking sheets for BMP tracking and implementation in the NOV Response, but provided no analysis or explanation of the tracking system. The City failed to properly implement permit year-one BMPs and failed to meet permit year-one measurable goals. The City committed to developing a reporting system to allow organized and consistent reporting of BMPs (SWMP p 10-2). The reporting program is intended to track BMP selection and implementation, identify schedules for all facilities, and provide opportunity for feedback and clarification on BMPs. The tracking sheets submitted by the City seem to indicate that the City has developed brochures and fact sheets with information regarding water quality. The NOV Response indicates the brochures and fact sheets for the Adopt-a-Street program are still under development. The only reference to brochures and fact sheets in the tracking sheets is that they are completed. The City must explain why the BMP tracking system failed to track BMPs properly and what the City will do to correct the problem. The City must develop and implement an effective BMP tracking system.
12. The City failed to provide an adequate explanation regarding public surveys to assess the public education and outreach programs. The City indicates that they have re-evaluated the value of conducting a survey, based on tracked responses to other previous surveys conducted by the City (NOV response p 2). The City provides no information about previous surveys and provides no information regarding how they will evaluate the public education and outreach program. The City must provide a meaningful commitment to public opinion survey implementation and evaluation. The City's SWMP (p 10-1) indicates: "... the appropriate frequency for these surveys is every two years." The City must submit specific information (target audience, questions asked, statistical analysis of results) from previously conducted water quality related surveys. The City must explain the information gathered in previous surveys that led them to decide that surveys will not meet the City's goal. If the City will not conduct public surveys in the future, they must provide an alternate effectiveness measurement that will help the City evaluate public education and outreach program success. Public opinion survey data can be useful in justifying public education and outreach budgets for subsequent years and can guide decisions regarding future BMP implementation.
13. The City provided proposed SWMP modifications in the NOV response, but provided little or no explanation of the BMPs. For example, the City must develop an integrated pest management (IPM) program and a nutrient management program to protect water quality through proper management of pesticides, herbicides, and fertilizers. The City added a BMP (GH-1F) titled "Nutrient management integrated pest management documentation", but provided no explanation of whether there is an existing IPM program or nutrient management program. The City must develop an IPM and nutrient



management program with associated BMPs and measurable goals to protect water quality. The City must explain each of the proposed new BMPs and provide measurable goals, progress measurements and effectiveness measurements. Progress measurements are used to determine whether or not the City completed specified tasks (measurable goals) each year. Effectiveness measurements are used to determine whether or not a measurable goal or BMP should be continued or changed in future years. With this information the City, the public, and the Water Board can determine whether or not the City is in compliance with the SWMP, and whether or not BMPs/measurable goals are effectively meeting the City's objectives (such as public education/outreach). The SWMP must provide enough information for Water Board staff to determine how the City will develop and implement BMPs from year to year.

14. The City failed to provide explanation regarding proposed BMPs based on the City's annual report recommendations, including installing filters on drain inlets, installing devices that filter storm water runoff from roof drains, and increasing enforcement of vehicle hauling regulations. The City must provide detailed information regarding issues raised in the pollution prevention/good housekeeping evaluation section of the annual report.

The City must provide all information requested in items 1 – 14 by **January 12, 2007**.

Order No. 2003-0005-DWQ requires the City to comply with commitments set forth in the City's SWMP. The City has failed to comply with year-one SWMP commitments, and is therefore subject to liability. The due date associated with the above items does not relieve the City from liability for any violations of Order No. 2003-0005-DWQ including failing to implement the SWMP. The Central Coast Water Board reserves the right to take any enforcement action authorized by law, notwithstanding compliance with the above date. The above deadline does not modify the SWMP, and any recommended civil liability will be based on the due dates in the SWMP.

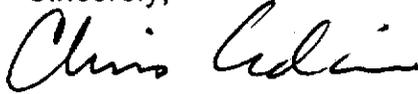
Pursuant to California Water Code Section 13385, the Central Coast Water Board may impose upon the City civil liability for up to ten thousand dollars (\$10,000) for each day that a violation occurs.

Any person affected by this action of the Central Coast Water Board may petition the State Water Resources Control Board (State Water Board) to review the action in accordance with Section 13320 of the California Water Code and Title 23, California Code of Regulations, Section 2050. The petition must be received by the State Water Board, Office of Chief Counsel, P. O. Box 100 Sacramento, 95812 within 30 days of the date of this order. Copies of the law and regulations applicable to filing petitions will be provided upon request.



If you have questions regarding this matter, please contact **Ryan Lodge at (805) 549-3506**, or rlodge@waterboards.ca.gov.

Sincerely,



h Roger W. Briggs
Executive Officer

cc: Lori Okun
Office of Chief Counsel
State Water Resources Control Board
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