
North Coast Regional Water Quality Control Board

April 12, 2017

Ms. Amy S. Nilsen
County Administrative Officer
County of Humboldt
cao@co.humboldt.ca.us
839 4th Street
Eureka, CA 95501

Dear Ms. Nilsen:

Subject: Notice of Violation of State Water Resources Control Board Order No. 2013-0001-DWQ General Permit for Storm Water Discharges from Small Municipal Separate Storm Sewer Systems (General Permit)

File: County of Humboldt, Small MS4 General Permit, WDID No. 1 12M2000220

The County of Humboldt (Permittee) is hereby given notice that it has violated the above referenced General Permit for failure to implement requirements by the specified due dates (see Section II. Applicable Requirements and Alleged Violations below for details).

No later than May 12, 2017, the Permittee is required to prepare and submit a schedule detailing the steps and duration needed to correct each of the alleged violations.

I. Background

The Permittee owns and operates a municipal separate storm sewer system (MS4) subject to the requirements and schedule set forth in the General Permit. The General Permit requires the Permittee to submit an annual report by October 15 of each year summarizing the previous year's activities for each program element and certifying all requirements of the General Permit (to date) have been completed.

The Permittee submitted an annual report on October 17, 2016, for the July 1, 2015, through June 30, 2016, reporting period. This reporting period is the "Year 3" reporting period under the General Permit, in which the Permittee is required to certify completion of all tasks and activities required to be completed within the third year of the effective date of the permit. The effective date was July 1, 2013. Regional Water Board Staff (Staff) have reviewed the 2015/2016 Annual Report and determined the Permittee has not completed all Year 3 tasks. Additionally, the Permittee has not completed several Year 1 and Year 2 tasks.

II. Applicable Requirements and Alleged Violations

Failure to complete all Year 1, 2, and 3 tasks is a violation of the General Permit. In accordance with the General Permit, the Permittee was required to meet the following requirements within the first year of the effective date of the General Permit but no later than June 30, 2014 ("Year 1"). The Permittee is in violation of the General Permit for failing to comply with the following Year 1 requirements:

1. E.10.a. Construction Site Inventory

Within the first year of the effective date of the permit, the Permittee shall maintain an inventory of all projects subject to the local construction site storm water runoff control ordinance within its jurisdiction.

2. E.10.b. Construction Plan Review and Approval Procedures

Within the first year of the effective date of the permit, the Permittee shall develop procedures to review and approve relevant construction plan documents.

In accordance with the General Permit, the Permittee was required to meet the following requirements within the second year of the effective date of the General Permit, but no later than June 30, 2015 ("Year 2"). The Permittee is in violation of the General Permit for failing to meet the following Year 2 requirements:

3. E.7.b.2.a. Staff and Site Operator Training and Education: Construction Outreach and Education, Permittee Staff Training

Within the second year of the effective date of the permit, the Permittee shall ensure that all staff implementing the construction site storm water runoff control program are adequately trained.

4. E.7.b.3. Staff and Site Operator Training and Education: Pollution Prevention and Good Housekeeping Staff Training

Within the second year of the effective date of the permit, the Permittee shall develop a biennial employee training program for appropriate employees included in implementing pollution prevention and good housekeeping practices as specified in Section E.11.

5. E.10.c. Construction Site Inspection and Enforcement

Within the second year of the effective date of the permit, the Permittee shall use legal authority to implement procedures for inspecting public and private construction projects and conduct enforcement if necessary.

6. E.11.b. Map of Permittee-Owned or Operated Facilities

Within the second year of the effective date of the permit, (the Permittee shall) submit a map of the area within the permit boundary and identify where the inventoried Permittee-owned or operated facilities are located.

7. E.11.f. Storm Drain System Assessment and Prioritization

Within the second year of the effective date of the permit, the Permittee shall develop and implement procedures to assess and prioritize MS4 storm drain system maintenance, including but not limited to, catch basins, pipe and pump infrastructure, above-ground conveyances, including receiving water bodies within the Permittee's urbanized area and detention basins.

8. E.11.j. Landscape Design and Maintenance

Within the second year of the effective date of the permit, the Permittee shall implement a landscape design and maintenance program to reduce the amount of water, pesticides, herbicides, and fertilizers used during Permittee operations and activities.

In accordance with the General Permit, the Permittee was required to meet the following requirements within the third year of the effective date of the General Permit, but no later than June 30, 2016 ("Year 3"). The Permittee is in violation of the General Permit for failing to meet the following Year 3 requirements:

9. Section E.6.c. Enforcement Measures and Tracking

Within the third year of the effective date of the permit, the Permittee shall develop and implement an Enforcement Response Plan.

10.E.7.b.1. Staff and Site Operator Training and Education: Illicit Discharge Detection and Elimination Training

Within the third year of the effective date of the permit, the Permittee shall develop and implement a training program for all Permittee staff who, as part of their normal job responsibilities, may be notified of, come into contact with, or otherwise observe an illicit discharge or illegal connection to the storm drain system.

11.E.7.b.2.b. Staff and Site Operator Training and Education: Construction Outreach and Education, Construction Site Operator Education

Within the third year of the effective date of the permit, the Permittee shall develop and distribute educational materials to construction site operators.

12.E.1.g. Maintenance of Storm Drain System

Within the third year of the effective date of the permit, the Permittee shall begin maintenance of all high priority storm drain systems on an ongoing schedule.

13.E.11.h.ii.d. Permittee Operations and Maintenance Activities (O&M)

Within the third year of the effective date of the permit, the Permittee shall assess their O&M activities for potential to discharge pollutants in storm water and inspect all O&M BMPs on a quarterly basis. (d) Evaluate BMPs- All BMPs implemented during O&M activities shall be evaluated quarterly.

III. Required Actions

The Permittee must comply with all deficient sections of the General Permit identified above. No later than May 12, 2017, the Permittee must prepare and submit a compliance schedule detailing the steps and duration needed to correct each of the alleged violations.

IV. Future Enforcement Actions

Please note that correcting the conditions of non-compliance with the General Permit does not preclude enforcement action for the violations alleged in this notice. The Regional Water Board reserves its rights to fully enforce the law by taking enforcement actions such as a cease and desist order, time schedule order, administrative civil liabilities, and referral to the State Attorney General. Administrative civil liabilities may be assessed beginning with the date that a violation first occurred. The liabilities can be up to \$1,000 per day per violation pursuant to Water Code section 13268.

Should you have any questions regarding this matter, please contact Colleen Hunt of my staff at Colleen.Hunt@waterboards.ca.gov or 707-576-2831.

Sincerely,

Claudia Villacorta
Point Source and Groundwater Protection Division Chief

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cc: Mr. Hank Seemann, County of Humboldt, hseemann@co.humboldt.ca.us
Mr. Todd Becker, County of Humboldt, tbecker@co.humboldt.ca.us