
San Diego Regional Water Quality Control Board

November 17, 2015

Via Email

Mr. Tom Garcia
Director of Public Works/City Engineer
City of Temecula
41000 Main Street
Temecula, California 92590
Tom.Garcia@cityoftemecula.org

In reply refer to: CW-214666:FMelbourn

Notice of Violation No. R9-2015-0185, Order No. R9-2010-0016, Riverside Municipal Storm Water Permit, Over Irrigation Discharges to the MS4

Mr. Garcia:

Enclosed is Notice of Violation No. R9-2015-0185 issued to the City of Temecula (City) for violations of Order No. R9-2010-0016, *Waste Discharge Requirements for Discharges from the Municipal Separate Storm Sewer Systems (MS4s) Draining the County of Riverside, the Incorporated Cities of Riverside County, and the Riverside County Flood Control and Water Conservation District within the San Diego Region* (Permit). The California Regional Water Quality Control Board, San Diego Region (San Diego Water Board) reserves the right to take any enforcement action authorized by law for these violations. The San Diego Water Board discovered the violations after conducting an audit of the City's efforts to prohibit over irrigation discharges to its MS4. Over the summer, three municipal copermittees (City of Laguna Beach, City of Oceanside, and City of Temecula) were audited by the San Diego Water Board in an effort to support the Governor-mandated water conservation measures and assess compliance with municipal storm water permit requirements.

The San Diego Water Board would like to hear from the City as to its efforts to correct the violations; including a timeframe. Please send written correspondence to SanDiego@waterboards.ca.gov. Electronic documents must be submitted as a single file, in Portable Document Format (PDF) format, and converted to text searchable format using Optical Character Recognition (OCR). All electronic documents must also include scanned copies of all signature pages; electronic signatures will not be accepted. Electronic documents submitted to the San Diego Water Board must include the following identification numbers in the header or subject line: PIN: CW-214666:FMelbourn. For questions pertaining to the subject matter, please contact Frank Melbourn at (619) 521-3372 or by email at FMelbourn@waterboards.ca.gov.

Mr. Tom Garcia
City of Temecula
NOV No. R9-2015-0185

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November 17, 2015

Respectfully,



CHIARA M. CLEMENTE
Senior Environmental Scientist

CMC:law:cmc:ftm

Enclosure: NOV No. R9-2015-0185

Tech Staff Info & Use	
PIN	CW-214666
WDID	9 000002048
CIWQS	214666

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**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN DIEGO REGION**

IN THE MATTER OF

City of Temecula
Over Irrigation Discharges to the MS4
WDID No. 9 000002048
PIN: CW-214666

**NOTICE OF VIOLATION
NO. R9-2015-0185**

Violations of Order No. R9-2010-0016

YOU ARE HEREBY NOTIFIED THAT:

The City of Temecula (City) is in violation of Order No. R9-2010-0016, *Waste Discharge Requirements for Discharges from the Municipal Separate Storm Sewer Systems (MS4s) Draining the County of Riverside, the Incorporated Cities of Riverside County, and the Riverside County Flood Control and Water Conservation District within the San Diego Region (Permit)*. The Permit requires the City to develop and implement a Jurisdictional Runoff Management Program (JRMP); to have adequate legal authority to implement its program; and to inspect, investigate, and prohibit non-storm water discharges to its MS4. Pursuant to Permit section B the City must effectively prohibit over irrigation discharges to the MS4 and address them as illicit discharges.

California Regional Water Quality Control Board, San Diego Region (San Diego Water Board) staff conducted an audit based upon a review of reports submitted pursuant to the Permit, and field inspections and inquiries conducted from August through November 2015. Audit findings indicate that the City is in violation of the following seven Permit requirements.

Summary of Violations

1. Failure to implement JRMP: Permit Directives section A.3.a.(4) requires the City to “[i]mplement the revised JRMP and monitoring in accordance with the approved schedule.” Permit Directives section F states “[e]ach Copermittee must develop and implement an updated JRMP for its jurisdiction no later than July 1, 2012.” The audit found that the City is not implementing section 3.5.4 of its JRMP as it relates to over irrigation discharges to the MS4.
2. Failure to prevent and detect illicit discharges and connections: Permit Directives section F.4.a. states that “[e]ach Copermittee must implement measures to prevent and detect illicit discharges to the MS4.” The audit found that the City failed to implement measures to prevent and detect illicit discharges to the MS4 from over irrigation.

3. Failure to eliminate illicit discharges and connections: Permit Directives section F.4.f. states that “[e]ach Copermittee must take immediate action to initiate steps necessary to eliminate all detected illicit discharges, illicit discharge sources, and illicit connections after detection within its jurisdiction.” The audit found that the City failed to initiate steps necessary to eliminate all detected illicit discharges to the MS4 from over irrigation.
4. Failure to enforce ordinances: Permit Directives section F.4.g. states that “[e]ach Copermittee must implement and enforce its ordinances, orders, or other legal authority to prevent illicit discharges and connections to its MS4 and to eliminate detected illicit discharges and connections to its MS4.” The audit found that the City failed to enforce its ordinances related to illicit discharges to the MS4 from over irrigation.
5. Failure to prohibit non-storm water discharges: Permit Directives section B.1. states that “[e]ach Copermittee must effectively prohibit all types of non-storm water discharges into its MS4 unless such discharges are either authorized by a separate NPDES permit; or not prohibited in accordance with sections B.2 and B.3.” The audit found that the City failed to prohibit illicit discharges to the MS4 from over irrigation.
6. Failure to inspect: Permit Directives section F.4.a.(2). states that “[e]ach Copermittee must include use of appropriate Copermittee personnel and contractors to assist in identifying illicit discharges and connections during daily activities.” The audit found that the City failed to use personnel and contractors to assist in identifying illicit discharges to the MS4 from over irrigation.
7. Failure to investigate: Permit Directives section F.4.e. states that “[e]ach Copermittee must implement procedures to investigate and inspect portions of its MS4 that, based on the results of field screening, analytical monitoring, or other appropriate information, indicate a reasonable potential of containing illicit discharges, illicit connections, or other sources of pollutants in non-storm water.” The audit found that the City failed to evaluate available information to determine the reasonable potential of illicit discharges to the MS4 from over irrigation, and to investigate and inspect accordingly.

Basis for Allegation

The above violations are based upon San Diego Water Board staff's review of City documents¹, field investigations, and telephone interviews with City and Rancho California Water District (RCWD) staff.

¹ San Diego Water Board staff reviewed the *City of Temecula Jurisdictional Runoff Management Program, Santa Margarita Region, Order No. R9-2010-0016, June 30, 2012* (2012 JRMP), *Temecula Municipal Code Chapter 8.23, Stormwater and Urban Runoff Management and Discharge Controls*, and *City of Temecula Annual Progress*

2012 JRMP

The 2012 JRMP states that City coordination with other government agencies like the RCWD is essential for successful implementation of its enforcement and compliance program. The City additionally describes the determination of “lead agency” on enforcement cases and the timely sharing of investigation data. (2012 JRMP § 3.5.4). Furthermore, the City states that enforcement actions and details are tracked in a database, including documentation of follow-up activities to ensure compliance. (2012 JRMP § 3.5.5.).

Temecula Municipal Code

The City prohibits the discharge of “runoff caused by irrigation water” to its MS4. (Temecula Municipal Code § 8.23.200).

Annual Report

The City touted the positive results of successfully coordinating with RCWD “to identify, address, and report illegal discharges.” (2014/15 Annual Report, Executive Summary).

Field Inspections

On September 25, 2015, San Diego Water Board staff inspected the City for over irrigation discharges to the City’s MS4. Over irrigation discharges were observed in three separate commercial areas. The information was forwarded to the City for investigation.

Telephone Interviews

San Diego Water Board staff spoke with City staff on August 14, 2015. City staff reported the following information:

1. RCWD conducts all investigations related to over irrigation discharges;
2. City forwards over irrigation complaints received from their storm water hotline to RCWD and the complaints are not recorded in the City’s database;
3. No over irrigation complaints were received during May through July 2015.

Additionally, San Diego Water Board staff spoke with RCWD staff on August 17, 2015. RCWD staff reported the following information:

1. RCWD received 311 over irrigation complaints during May through July 2015;
2. RCWD tracks water waste complaints including those related to over irrigation in a RCWD database.
3. RCWD did not share, nor have they been requested to share the information with the City.

San Diego Water Board Staff found no evidence of over irrigation coordination among the City and RCWD as specified in the 2012 JRMP and 2014/15 Annual Report. The City is unable to effectively implement its permit requirements without routine and

Report, NPDES Municipal Stormwater Permit (Order No. R9-2010-0016), Reporting Period July 1, 2014 to June 30, 2015, October 23, 2015 (2014/15 Annual Report).

periodic analysis of the RCWD complaints and investigations. This is further evidenced by the City's lack of enforcement actions against water wasters.

Conclusions

The City's failure to do what it specified in its 2012 JRMP results in multiple permit violations. The failure to coordinate with RCWD on over irrigation complaints results in the City's failure to detect illicit discharges to its MS4 and to effectively prohibit or prevent them. Therefore the City has not enforced its ordinance; does not know where to effectively focus its inspection efforts; and has not investigated or confirmed with RCWD that the over irrigation discharges have ceased.

These violations subject the City to possible further enforcement action by the San Diego Water Board, including administrative or judicial proceedings for the assessment of civil liability in amounts up to \$10,000 per day; referral to the State Attorney General for injunctive relief; and referral to the District Attorney for criminal prosecution. The San Diego Water Board is a State regulatory agency responsible for protecting the quality of ground waters and surface waters within its jurisdiction. The San Diego Water Board has been given authority to require submission of technical reports, establish regulations, direct action, and levy penalties and/or bring legal action when necessary to protect water quality.



CHIARA M. CLEMENTE
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