



Public Works Department

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September 30, 2013

Jay T. Spurgin
Public Works Director

Ms. Kathleen H. Johnson, Director
Enforcement Division
United States Environmental Protection Agency, Region IX
75 Hawthorne St.
San Francisco, CA 94105-3901

Subject: Response to City of Thousand Oaks Municipal Separate Storm Sewer System (MS4) Compliance Audit Report

Dear Ms. Johnson:

The City of Thousand Oaks has reviewed the U.S. EPA's July 22, 2013 final audit report for the City's Storm Water Management Program (Program), and appreciates the opportunity to provide a response. The intent of this letter is to address the findings in the audit report that identified Program strengths, as well as potential permit violations based upon the June 28, 2013 site visit by EPA, Regional Water Quality Control Board (RWQCB), and contract staff.

Illegal Connection/Illicit Discharge (IC/ID) Elimination

The City appreciates the complimentary view of the IC/ID elimination program as "robust." Indeed, the program incorporates several management components that are being considered for inclusion in both the Construction and Management programs, such as inspection tracking and corrective follow-up using computer database or spreadsheet tools, and centralized tracking of training records.

Construction BMP Implementation, Inspection

The City also appreciated your team's compliments regarding our construction management practices on our U.S.101 at Wendy Drive bridge project. As was mentioned during the site visit, the City will continue to hire specific contract personnel with expertise in construction storm water management to ensure such large projects minimize any risks to receiving waters.

The audit report identified two specific areas of potential permit violations in the Construction discipline: implementation of baseline BMPs for the three permit-identified sites of projects (Tables 6, 7, and 8); and identification and follow-up of construction site deficiencies. The City offers the following in response:



Experience and Behaviors. The City's inspection staff each possess one to two decades of NPDES inspection experience and recognize areas prone to sediment migration (air, water, and vehicle), and require corrective measures of the job foreman, with a next-day compliance inspection follow-up. It is also recognized that new subcontractors routinely begin work on the job sites with little-to-no working knowledge of BMPs, both source- and treatment-control. Thus, inspectors are frequently tasked with ensuring the primary contractor is providing education to his/her subcontractor. After nearly 20 years of State-permitted construction compliance effort, instilling the necessary behavior-change toward NPDES awareness and persistence remains elusive. City inspectors will bolster their efforts to ensure prime contractors more-successfully educate their subcontractors.

QSP/QSD Training. In June and July 2013, the City arranged for and provided training for inspectors, field crew supervisors, and engineers resulting in 15 staff qualifying for QSP/QSD certification. These courses instilled better clarity of expected administrative practices, as well as educated staff regarding proper determination of Risk level, plus selection and deployment of BMPs upon construction sites. The training has also honed the SWPPP review skills of staff engineers. As was stated during the audit, all construction projects have a SWPPP document reviewed by staff engineers prior to field deployment. The QSP/QSD training is expected to enhance the consistent incorporation of baseline BMPs, observation skills, and documentation practices.

Database Management and Follow-Up. The City acknowledges the current "NaviLine" system of grading and building permit issuance presents difficulties for data retrieval. Staff have since been developing database changes to provide more simplified input, tracking and retrieval of construction-related data. At present, the City only has six (6) projects subject to construction SWPPPs, so the archaic written journal methods of follow-up are serving adequately for the time-being. As mentioned above, the City is pursuing ways to emulate the IC/ID program's inspection protocols and follow-up priorities using the more simplified database approach.

As was discussed during the audit, the City's development engineers have been using a Microsoft Excel spreadsheet to track grading permits, SWPPP information, and key dates. Staff is presently examining this spreadsheet to incorporate construction-era management beyond the current grading permit issuance objective (refer to current sample, Enclosure 1).

Staff Training Records. One finding in the audit report pertained to centralized and accessible record-keeping for training of IC/ID personnel on a database. Inasmuch as all MS4 permit disciplines require annual reporting of such training, the City is examining input and output requirements and will be initiating the use of a centralized training database. This recommendation from the audit report is appreciated, as it should streamline annual reporting efforts in the future. However, it is important to point out that between seven and twelve City NPDES staff convene on the fourth Monday of every month to receive and exchange current information among all of the program



disciplines. Full-breadth knowledge of the entire program among staff is a priority for the City.

Water Quality Standard Exceedences

The audit report drew attention to the discharges from the MS4 that cause or contribute to a violation of a water quality standard (WQS). The City concurs with the Ventura County Watershed Protection District (VCWPD) findings and statements in their parallel September 13, 2013 letter (refer to Enclosure 2) addressing their EPA audit. The City of Thousand Oaks is one of ten cities within the County that is routinely meeting to discuss monitoring results and contemplating strategies and activities to respond to any exceedences.

Pathogens. The City will continue as a partner with the VCWPD as they engage the proposed fall 2013 effort toward bacteria source-tracking with a specific human fecal detection element.

Pursuant to the audit report findings, whereas the single fecal coliform data point referred to was obtained during a wet-weather monitoring event from the Conejo Creek North Fork Mass Emission station, it must be understood that this sample point is located in receiving waters. There is no information or data presented that the flow from the City's MS4 "caused or contributed" to an exceedence of the Water Quality Objective for fecal or e-coli bacteria. Receiving waters in this area are a riparian habitat, and provide such habitat and transit corridor for many native animals and mammals (raccoon, deer, coyote, etc.). Additionally, many reaches of the creek are under a very full canopy of trees, which are prime avian habitat and a likely source of direct fecal deposition from these birds into the receiving waters. Pools and ponds along this reach are also habitat to ducks, geese, and other water fowl, an additional natural source of fecal deposition. Wet weather will only increase the delivery of and flushing of riparian native ground areas and tree-deposited fecal deposition into the receiving waters.

The City owned and operated Hill Canyon WWTP is just downstream of this monitoring location on the north fork of Conejo Creek. The laboratory staff is required to perform receiving water monitoring in the creek at a location, an estimated 350 feet downstream of the subject mass-emission station. Average daily flow in this fork of the creek upstream of the plant is approximately 0.5 MGD. Downstream of the plant, the flow increases to approximately 9.5 MGD. Bacteria monitoring is performed in the receiving water on a weekly basis. In-stream results in the north fork are consistently below 20 MPN for e-coli. In the last four years, the Water Quality Objective of 235 MPN has not been exceeded. Enclosed is a spreadsheet of the e-coliform data obtained between November 13, 2012 and August 19, 2013, which is bracketing the date of the subject exceedence as well as other wet-weather sampling dates (Enclosure 3).



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The City will continue to monitor wet-weather sampling results immediately downstream of the Hill Canyon Treatment Plant (HCTP) during and around the grab-sample dates at the Mass Emission station immediately upstream of the HCTP, in an effort to ensure minimal or negligible exceedences occur, primarily due to the above-mentioned dilution effect. These downstream samples will include specific focus upon the human marker (HF 183) which, as stated in the VCWPD letter, presents the most significant health risk to humans in contact with receiving waters.

The City concurs with the VCWPD Requested Action to revise the audit report to acknowledge the Countywide Program's initiation of actions and programs to address persistent exceedences.

Aluminum. The City endorsed the Countywide Program motion to hire Larry Walker Associates to engage a source study and to propose BMPs toward the goal of eliminating the Aluminum WQS exceedences. As always, the City will jointly cooperate in funding, logistical, and technical support in this new proposed study.

Conclusion

In summary, the City appreciates the input from the EPA with regard to the Storm Water Management Program. The City acknowledges the cited deficiencies and is committed to the Program improvements described above. Please feel free to contact Jim Taylor at 805-449-2442 or jtaylor@toaks.org, with regard to any questions or comments you may have about the City of Thousand Oaks Storm Water Program.

Sincerely,


Jay T. Spurgin
Public Works Director

Enclosures (3)

c: Gerhardt Hubner, Ventura County Watershed Protection District
Mohammad Fatemi, Engineering Division Manager
Tom Pizza, Engineering Division Manager
Jim Taylor, Senior Engineer
Bob Carson, Environmental Programs Coordinator

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Grading Permits

Permit #	Permittee	Project #	APN	Description of Work	Disturbed Acreage	State WDID #	Address/Location	Dev. Engineer	Engineering Firm	Date			
										Received	Issued	Expired	Occupancy
12-500055	City of Thousand Oaks	CI 5131	667-0-034-115	MSC Expansion - Grading	3+ acres		2010 Conejo Center Drive	Jim Taylor	Crabtree Group Inc	9/5/2012	9/10/2012		
11-500061	Viceroy	RPMN 11-70347 + 12-70352		Site improvements and grading	less than 1	N/A	3970 Brunston Court / Victoria Lane	Nader	LC Enginneering Group		12/21/2011 & modified 10/10/12		
12-500031	Roughan -	PPD 12-70065		Driveway expansion and carport grading	less than 1	N/A	4236 Palomino	Nader	LC Enginneering Group	12/2/2012	1/2/2013		
13-500001	Spies Construction	CI 4549		Pederson Reservoir Structural Retrofit	less than 2	N/A	1551 Pederson Road	Roner	Lee and Ro< inc.	1/2/2013	1/2/2013		
13-500006	Platon	common		Site grading for SFR	less than 1	N/A	706 Waverly Heights	Nader		2/12/2013	2/12/2013		
13-500007	Solis	common			less than 1		4908 Summit View	Nader		3/13/2013	3/20/2013		
13-500008	CVUSD	common		Site grading for Los Cerritos Track	less than 1	N/A	2100 E. Avenida De Las Flores	Nader	Penfield & Smith	2/14/2013	2/14/2013		
13-500016	KSK	Tract 5707		Site grading for lots 4 & 5									
13-500020	Pobanz	PPD 12-70468		Site grading for expansion	less than 1	N/A	4186 Arrowhead						
3016	Brett Davis	PPD 12-70496	676-0-180-120	Site Grading for new home	less than 2	N/A	468 S. Skyline Drive	MAF	Geolabs	5/6/2013	5/6/2013	11/6/2013	
13-500021	Furash	PPD 13-70021		Site grading in backyard	less than 1	N/A	1273 Falling Star	Nader	Gorian	5/6/2013	5/15/2013	10/1/2013	
3017	Don & Ersai Hoffman		697-0-081-075	Pool backfill	less than 1	N/A	1462 Flinton	MAF	CalWest Geotech	6/10/2013	6/10/2013	7/4/2013	
13-500032	Viceroy	PPD 13-70129		grading for 7 car garage	less than 1	N/A	3985 Brunston Court / Victoria	Nader	LC Enginneering Group	7/1/2013	7/29/2013	2/1/2014	
13-500012	Walmart	DPMN 11-70523		Grading for new retail market	more than 1	4 56C366642	512 N. Ventu Park Road	Nader	Greenberg Farrow	7/1/2013	7/30/2013	3/31/2014	
13-500010	Acura	DPMN 12-70454		grading for expansion and new driveway	less than 1	N/A	3945 Auto Mall Drive	Nader	Penco	7/1/2013	8/1/2013		
13-500026	Goddard	PPD 12-70569		Site Grading for new home	less than 1	N/A	2364 Nolan Court	Nader	Delane	7/1/2013	8/13/2013		
3018	Gary F. Zeiger	Common	670-0-012-115	Pool backfill	less thab 1	N/A	1339 Tierra Drive	MAF	Gorian	9/4/2013	9/4/2013	11/4/2013	
13-50045	Donal Hawkins	common	595-0-032-070	slope repair	less thab 1	N/A	2292 Calle Riscoso	MAF	AGS	9/5/2013	9/5/2013	11/5/2013	

Ventura County Watershed Protection District



PUBLIC WORKS AGENCY
JEFF PRATT
Agency Director

September 13, 2013

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**SUBJECT: RESPONSE TO VENTURA COUNTY WATERSHED PROTECTION
DISTRICT MUNICIPAL SEPARATE STORM SEWER SYSTEM
(MS4) COMPLIANCE AUDIT REPORT**

Dear Ms. Johnson:

The Ventura County Watershed Protection District (District) has reviewed the U.S. EPA's July 22, 2013 Audit Report for the Ventura County Watershed Protection District Ventura Countywide Stormwater Quality Management Program (Program) and appreciates the opportunity to provide a response. The intent of this letter is to address the findings in the audit report that identified recommendations for Program improvements, perceived Program deficiencies, and a potential Permit violation based upon a review of the Program's 2010/11 Annual Report. For each identified finding, we provide relevant information that may have been missed or misunderstood during the audit and included clarifications on the Program's current and planned activities. To improve the accuracy of the Audit Report, we request the information below be considered and the Audit Report revised prior to its finalization.

The purpose of the Audit Report was to assess the District's compliance with the requirements contained within its National Pollutant Discharge Elimination System (NPDES) Permit No. CAS004002/Order No. 10-108 (Permit) in its role as Principal Permittee. These requirements include public outreach, monitoring, and reporting. Note that the District, in its role as the Principal Permittee, performed these functions with input and collaboration of all the other Ventura Countywide MS4 Copermittees: County of Ventura, and the cities of Camarillo, Fillmore, Moorpark, Ojai, Oxnard, Port Hueneme, Santa Paula, Simi Valley, Thousand Oaks, and Ventura who have joined together to form the Ventura Countywide Stormwater Quality Management Program. Each of the Copermittees is responsible for the implementation of their own Stormwater Programs and the information they provide for the Annual Report.

Recommendations for Program Improvements

1. Public Information and Participation Program (PIPP)

U.S. EPA Recommendation for Program Improvement:

"Increase support to the Copermittees to ensure the Watershed Protection District's Public Information and Participation Program is tracked and reported."

The District, as Principal Permittee, implements the Program's Public Outreach Program in collaboration with each Copermittee, and does in fact provide materials and support for tracking the distribution of outreach materials. When brochures or posters are printed, known quantities are distributed to each Copermittee based on the cost-sharing formula used to fund the program. Delivered along with the printed materials are tracking forms for the Copermittees to record their distribution within their jurisdiction. The form is provided to facilitate this tracking, though it is not a Permit requirement to complete the form, and is not submitted to the District. The tracking form was included in the Audit Report as Appendix B.6. Although the form is not directly submitted to the District, the information on material distribution is reported through the annual reporting process.

Electronic Annual Report Forms, sent to the LA Regional Water Quality Control Board's Executive Officer prior to their implementation, include an inventory of businesses receiving educational retail brochures and provide for narrative input from the Copermittees. This reporting form was included in your Audit Report as Appendix B.15. The Copermittees complete and submit these forms every year without fail. The District will continue to work with the Copermittees to ensure outreach efforts are accurately documented, but restate that the Copermittees have sufficient support for the tracking and reporting of the distribution of brochures as evidenced by their continued successful reporting of their distribution.

Requested Action: Revise the Audit Report to delete this recommendation because the District is sufficiently supporting the Copermittees, and their efforts are successfully tracked and reported.

2. Monitoring Database

U.S. EPA Recommendation for Program Improvement:

"Improve communication with Copermittees regarding the results of monitoring activities."

EPA recommends the Watershed Protection District improve communication between the technical experts that implement the Countywide Monitoring Program and the Copermittees tasked with implementing the TMDL monitoring provisions of the Permit.

The District submits that the communication of its monitoring efforts and water quality monitoring data with the Copermittees have been exceedingly supportive for the Copermittees by timely providing data in a useful context. The District has taken several actions to provide the data in a meaningful way that will help inform management of decisions needed to continually improve programs. Recently, we have been closely working with the Calleguas Creek Watershed Copermittees under TMDLs to evaluate any efficiency that can be achieved through integration of the TMDL Monitoring Program activities and the Program's Stormwater Monitoring activities.

The actions the Program has taken to communicate water quality data to the Copermittees included providing the needed context to guide stormwater program activities. For example, within 90 days of every monitoring event, the Regional Board and Copermittees are provided with an analysis of the outfall data highlighting the constituents that were detected above the water quality objectives of the receiving water. An example of this was included in your Audit Report as Appendix B.18. These reports are also presented in the Stormwater Management Committee meetings where the Copermittees have the opportunity to ask questions and discuss the meaning of the results. This timely reporting of the data has led to Pollutant Source Identification studies by the District performed at the request of, and in cooperation with, the Copermittees. A very successful source identification effort was reported in the 2010-2011 Annual Report as described below:

The Watershed Protection District and the City of Moorpark worked in a joint effort to identify the source of Pentachlorophenol. A special inspection was performed on the SoCal Edison Transfer Station along with special monitoring of the runoff. SoCal Edison has responded by increasing BMPs on the site and changing some of their material handling procedures. Subsequent sampling events have shown a steady decrease in the amount of Pentachlorophenol detected.

To further improve the usefulness of the water quality data collected, the Program has performed several statistical analyses including an evaluation of exceedances observed in the receiving waters, identifiable trends in these receiving waters, and a power analysis to determine what level of trends are detectable with the current

monitoring program. A summary of these findings were included in the presentation given to your Auditors and is Appendix B.3 in your Audit Report.

Since the Audit Report, we have continued to evaluate our data to better inform the management decisions of the Copermittees, including prioritization of pollutants detected in outfalls, and development of internal monitoring benchmarks. To simplify the communication and understanding of these complicated data sets, we developed a water quality index that distills the results of the over 200 constituents into one easy-to-follow and understandable index value.

The Program has always made its data available to the Copermittees and the Public through its searchable online database which has recently been upgraded to include data visualization graphing. Also available to the public, regulators, and the Copermittees are the Annual Reports. These reports identify what constituents have been detected and where, include extensive discussions on all pollutants detected in outfalls and receiving waters at environmentally significant levels, and clearly present where outfalls may be determined to have caused or contributed to an exceedance of a receiving water quality objective.

By making water quality data collected through its monitoring program readily available in a clear way to Copermittees and others implementing TMDLs, the District supports the ability of Copermittees to evaluate MS4 permit monitoring data in the context of their TMDL implementation programs to support management decisions regarding TMDL implementation. This is consistent with the intent and purpose of the MS4 permit monitoring which is designed to achieve the permit goals as compared to the TMDL monitoring programs that are designed to support TMDL compliance and trend analysis.

Each TMDL requires watershed and pollutant-specific monitoring programs to be designed and implemented per Implementation Schedule of the TMDL by the selected group of Responsible Parties. The TMDL Responsible Parties typically include MS4s, wastewater dischargers, agricultural dischargers, property owners, and other parties. The monitoring locations, sample collection timing and frequencies, and in some cases the constituents monitored for the Program are not the same as those for the TMDLs. More importantly storm samples represent highly variable and episodic water quality conditions that are not addressed in many of the TMDLs. The Program's stormwater monitoring data is not intended for TMDL compliance. The Copermittees and regulatory agencies are aware of this.

Nevertheless, an effort to identify potential cost savings by using data collected by the Program to meet TMDL monitoring requirements concluded that only one MS4 site in Ventura County has the potential to provide applicable data. Unfortunately, the administrative effort needed to manage this data for two programs negated any cost savings provided to the TMDL Responsible Parties. Further efforts to integrate the MS4 and TMDL programs are being considered. But progress will require more than communication between MS4 and TMDL technical experts. The Regional Board will also have to be willing to allow changes in the myriad of approved monitoring programs in Ventura County (e.g. stormwater, wastewater, and agriculture waiver). More details on this effort can be found later in this letter where TMDL reporting is discussed.

Requested Action: Revise the Audit Report to restate this recommendation to improve communication with the Regional Board and all TMDL Responsible Parties to seek efficiency in monitoring, and delete the recommendation to improve communication of monitoring results with Copermittees because the District, timely and effectively, communicates the results of the monitoring program in multiple ways and provides data in the needed context to inform management decisions.

3. TMDL Monitoring

U.S. EPA Recommendation for Program Improvement:
"Improve coordination with the Copermittees to ensure TMDL monitoring is conducted, BMPs are implemented, and monitoring results are included in the Annual Report."

When adopted as Basin Plan Amendments, TMDLs identify all the Responsible Parties, many of which do not operate MS4s, nor are they under our Ventura MS4 NPDES Permit. The Ventura County MS4 Copermittees subject to TMDLs do coordinate TMDL monitoring and compliance activities with all Responsible Parties within each watershed to ensure monitoring is being conducted and the results are reported to the Regional Board. TMDL monitoring plans are prepared by the various Responsible Parties and are submitted to the Regional Board for approval as required by the TMDL Implementation Schedule. In addition, TMDLs have specific monitoring and reporting requirements inconsistent with what is required by our Ventura MS4 NPDES Permit. The approved TMDL monitoring plans detail the monitoring effort involved including how and when the results are to be reported to the Regional Board. It is the TMDL Responsible Parties who must comply with TMDL Implementation Schedule and approved Monitoring Plan requirements which are different than the Ventura Permit requirements. Integration of monitoring and

reporting between TMDLs and the Program is further challenged by the specific monitoring and reporting requirements for each TMDL including monitoring program objectives and design, monitoring and reporting frequencies, reporting periods and due dates defined by the Regional Board for each TMDL.

The District as Principal Permittee does not collect monitoring data for any of the TMDLs. In fact, the District is not named as a Responsible Party under several TMDLs. Furthermore, the District does not have the responsibility, or authority, to ensure Copermittees' compliance with TMDL BMP implementation, or monitoring and reporting. However, the District does provide outreach to Copermittees to help educate them on TMDL requirements and permit obligations regarding the TMDLs, and in some cases, provides coordination for groups of TMDL responsible parties to support implementation activities.

A continued response to this recommendation is found below where the issue of including TMDL monitoring results in the Annual Report is also identified as a potential Permit violation.

Requested Action: Revise the Audit Report to delete this recommendation because TMDL monitoring results are reported as allowed by the Permit through Executive Officer-approved TMDL Monitoring and Reporting Plans coordinated by the TMDL Responsible Parties, and the District has no authority to require BMPs to be implemented by the Copermittees.

Program Deficiencies

1. Receiving Water Limitations – Additional BMPs for Pathogens

U.S. EPA Program Deficiency:

"The WPD failed to submit an annual report which describes additional BMPs implemented by the Copermittees to reduce pathogens in storm water discharges within their respective jurisdictions. [Part 4.1.4(b)]"

The Program's Annual Report clearly identifies on pages 9-16 where outfalls can be considered to be causing or contributing to an exceedance of pathogen-indicator receiving water objectives. The Report also discusses the programs being implemented and planned for the future, including TMDL implementation plans. We understand that the potential program deficiency identified is that even though additional BMPs were proposed, the report did not specifically commit the Copermittees to their implementation. This reporting oversight can, and will be easily rectified in future reports.

The factors that led to the reporting oversight are not insurmountable, but should be discussed as the Copermitees have committed to implementing the new BMPs required by the new Stormwater Permit. July 2010 - June 2011 was the first year of the Program's new Permit. It contained a significant increase in BMPs for all Copermitees, and as with most permits, not every program improvement is required to be implemented immediately. The Program and Copermitees were committed to new BMPs required by the Permit including illicit connection screening, inspections for specific BMPs at constructions sites, retail partnerships with pet stores, inspections of nurseries, and a new LID requirement for development projects. Additionally, the 2010-11 Annual Report was the first report under the newly adopted Permit, and the first time a complete set of outfall data from all Copermitees was available. The monitoring data in the 2010-2011 Annual Report represents the Copermitees' Programs before the requirements of the new Permit were fully implemented. Furthermore, those data were not available to inform management decisions until after the next year's budget had been adopted (a budget that had been significantly depleted to implement the new requirements). The window to identify and fund major new programs for 2011-12 beyond those required in the new Permit, had passed.

Even with a fully implemented Stormwater Permit, controlling pathogen-indicators in wet weather is unlikely to be resolved with annual incremental increases in BMPs alone. Elevated concentrations of bacteria in stormwater runoff, similar to those measured by the District, are common throughout the United States and California, and pose a difficult technical challenge to municipal stormwater programs. Some Copermitees have taken individual action. For example, the City of Ventura has installed storm drain diversions, removing the dry weather runoff of hundreds of acres of urbanized area. To broadly address this issue countywide, the Program has initiated a special study to identify the sources of bacteria.

Future Program Activities

To get a better understanding of the sources of pathogen-indicators in stormwater, the Program will begin a bacteria source tracking study in fall of 2013 to identify the extent to which these flows contain human fecal contamination. Human waste poses greater risk to human health than other animal sources (except cattle), and a high priority can be given for additional study and/or BMP implementation to drainages with frequent detection of human markers. This study is part of the microbiology component of Southern California Coastal Water Research Project's (SCCWRP) 2013 Southern California Bight Regional Monitoring Program (Bight'13) and is a collaborative effort between multiple storm water agencies.

Above and beyond that collaborative effort, the Ventura Countywide Stormwater Quality Management Program will take additional samples at all major outfalls and analyze for the human marker (HF183) for three storm events. HF183 marker results will indicate frequency of human contamination at sample locations. To further investigate anthropogenic sources of pathogen indicators, the study will include an option to analyze archived samples for additional host-specific markers if desired at a later time, e.g. gull, dog, bird, cattle or horse.

It is believed that this effort will provide information regarding the primary sources of the pathogen indicators measured in stormwater runoff and allow the Copermittees to develop more targeted bacteria reduction strategies to reduce bacteria levels in the MS4 discharge over the coming years.

Requested Action: Revise the Audit Report to acknowledge the data availability, budgeting and reporting cycles that limit the ability to fund and therefore, make commitments in the Annual Report from the most recent data. Although not directly stated in the Receiving Water Limit Report, implementing the new Permit constituted a significant commitment of resources to additional BMPs, and the Program has initiated programs to address these persistent exceedances.

2. Receiving Water Limitations – Additional BMPs for Total Aluminum

U.S. EPA Program Deficiency:

"The WPD failed to submit an Annual Report which describes the additional BMPs that will be implemented by the Copermittees to reduce aluminum in storm water dischargers within their respective jurisdictions. [Part 4.1.4(b)]"

As stated above, we understand that the potential permit violation is that the report did not commit the Copermittees to the implementation of additional BMPs. Again, this is a reporting oversight that will be rectified in future reports. The availability of the aluminum data was the same as pathogen indicators, as the 2010-11 Annual Report was the first report to include a complete set of outfall data, and it was not available to inform management decisions until after the next year's budget had been adopted.

With July 2010 - June 2011 being the first year under the new Stormwater Permit, a significant increase in implementation of BMPs by all Copermittees was underway, including Enhanced Construction BMPs for high risk sites, illicit connection screening, and industrial and commercial inspections. As with most stormwater

permits in California not every program improvement is required to be implemented immediately, and the first two years of the Permit represent a significant commitment to increased BMPs. The monitoring data in the 2010-2011 Annual Report represents the Copermittees Programs before the requirements of the new Permit were fully implemented.

Also, as with pathogen indicators, aluminum in wet weather is unlikely to be resolved with annual incremental increases in BMPs. Aluminum in high concentrations is natural and ubiquitous in the sediments throughout Ventura County geology. The mobilization of these sediments from urban, agricultural, and natural sources during stormwater runoff events is contributing to the elevated concentrations of aluminum in excess of the Title 22 Primary Maximum Contamination Limit (a drinking water standard applied to waters with the beneficial use of municipal and domestic water supply). A significant reduction of aluminum to the MS4s in these three watersheds in which the District and Copermittees are implementing their Program is a challenging task. Almost all MS4s countywide receive runoff from open space areas. With aluminum being a significant natural component in local geology, and that Ventura County watersheds are only 3-30% urbanized, with open space constituting the majority of area in each watershed, it is unlikely an improvement in receiving water quality is attainable. Therefore, the most cost effective solutions to exceedances for aluminum are being sought through evaluation of site or watershed specific objectives.

Proposed Program Activities

Because aluminum is a ubiquitous natural element, the District has committed to a comprehensive assessment of aluminum in the Ventura River, Santa Clara River, and Calleguas Creek watersheds this fall. This assessment will include an analysis of historic aluminum data collected by the District and other available sources, as well as forthcoming monitoring targeted at measuring aluminum concentrations in receiving waters upstream of anthropogenic activities and impoundments. Collectively, the water quality monitoring data will offer information as to the relative proportion of natural aluminum inputs and anthropogenic contributions present in the three watersheds. In addition, the Program will prepare geo-referenced maps showing geology and soil conditions in each of the three subject watersheds as a means to map natural aluminum sources. To support these maps, soil and geology databases from the California Spatial Information Library, Department of Water Resources, National Resource Conservation Service, and US Geological Survey will be assessed. This knowledge will be used by the District and Copermittees to determine what additional BMPs might prove useful in reducing aluminum

concentrations in the MS4 discharge, and whether or not some type of site or watershed-specific objective (e.g., natural source exclusion, aluminum water-effects ratio, high flow suspension) is appropriate to protect the beneficial use while limiting the responsibility of the Copermitees for control of natural aluminum sources.

Requested Action: Revise the Audit Report to acknowledge that data availability, budgeting and reporting cycles limit the ability to fund and make commitments in the Annual Report, and, although not directly stated in the Annual Report, that implementing the new Permit constituted a commitment to additional BMPs.

Potential Permit Violation

1. Total Maximum Daily Load (TMDL) Reporting

U.S. EPA Potential Permit Violation:

"A summary of the monitoring results for each TMDL was not included in the 2010/2011 Annual Report. [Attachment L Part 1.A.4]"

As mentioned above, TMDL monitoring is achieved by following the L.A. Regional Board's Executive Officer approved TMDL Monitoring and Reporting Plans prepared and implemented by the TMDL Responsible Parties. The District contends that the Permit addresses the TMDL monitoring requirements by maintaining the responsibility of monitoring and reporting with the Responsible Parties of the TMDLs. Part 3 section A.5. of the Permit states:

"If TMDL requirements, including Implementation Plans and Reports, address substantially similar requirements as the MS4 permit, the Executive Officer may approve the applicable reports, plans, data or submittals under the applicable TMDL as fulfilling the requirements under the MS4".

The L.A. Regional Board's Executive Officer has approved the compliance monitoring plans for the TMDLs, and the Stormwater Permit does not include any monitoring or reporting for TMDLs beyond the adopted TMDL requirements. These approved plans detail the monitoring effort involved, including how and when the results are to be reported to the Regional Board, and do not incorporate the Program's Stormwater Monitoring Program.

Also, for the TMDLs identified in the Stormwater Permit that specifically mention reporting, the Permit states that responsible "MS4 Permittees, either independently

or in conjunction with other stakeholders, shall submit an annual progress report". It does not identify the Principal Permittee as responsible to collect, analyze or report the information regarding TMDL compliance, but rather leaves that responsibility with Copermittees identified in the TMDL.

Based on the permit language regarding TMDL reporting, we feel that the permit requirements for monitoring and reporting TMDL data are satisfied by reports submitted by TMDL Responsible Parties. It is not reasonable, or currently feasible, given the existing permit requirements and obligations of other TMDL Responsible Parties, to report TMDL monitoring data as part of the MS4 permit Annual Report.

TMDL monitoring requires significant coordination among multiple Responsible Parties, many of which do not operate MS4s. The District as Principal Permittee does not collect monitoring data for any TMDLs. Many of the Copermittees operate under separate implementing legal instruments (Memorandum of Agreements such as Ventura River or Santa Clara River TMDL Parties or a Joint Powers Authority such as the Calleguas Creek Watershed TMDL Parties) for common sharing of monitoring and reporting costs and collection of data and studies. In these cases, the TMDL monitoring programs are designed to meet the requirements of all of the Responsible Parties participating in the TMDL monitoring program. As such, monitoring data that is gathered by the TMDL monitoring programs are reviewed, evaluated, and owned by the TMDL monitoring programs. The data cannot be officially used by individual Copermittees or the District for reporting or public release until the final reports have been submitted to the Regional Board.

In the adoption of TMDLs by the Regional Board as Basin Plan Amendments, unique schedules for submittal of data and reports were established. TMDL monitoring is conducted in accordance with requirements and schedules outlined in Basin Plan Amendments and TMDL monitoring plans that are approved by the Regional Board Executive Officer, independently of the Program requirements. Routinely, the reporting periods and dates for TMDL Weekly, Annual, or periodic Reports and monitoring data submittals do not correspond to our Countywide Stormwater Permit Annual Report due by December 15th each year. Given the restrictions on the public release of monitoring data that is owned by TMDL monitoring groups, it is not feasible for the District to report these data without changes to the Countywide Stormwater Permit Annual Report due date.

Additionally, the TMDL monitoring programs often contain requirements to sample other media, such as sediment or fish tissue, and have differing constituents and monitoring approaches from the MS4 permit required monitoring. An effort to

identify efficiencies by using data collected by the Program to meet TMDL monitoring requirements concluded that only one MS4 site in Ventura County had the potential to provide applicable data due to differing monitoring frequencies, constituent lists, and other monitoring requirements. The TMDL Annual Reports provide an evaluation of the monitoring data consistent with the approved monitoring plans for the TMDLs and include information about the monitoring program and data collection protocols that allows appropriate evaluation of the monitoring data. Reporting the data in the MS4 permit without adding sufficient information regarding the differences in the monitoring program requirements could lead to misinterpretation of the data results.

Finally, the TMDL monitoring programs have been designed to achieve multiple goals that are considered as a whole for the purpose of evaluating TMDL compliance and pollutant trends. The Annual Reports prepared to comply with the TMDL requirements provide an integrated evaluation of the monitoring data gathered for all Responsible Parties, not just the MS4 Copermittees. The TMDL reports provide the opportunity for a more holistic look at the watershed conditions considering all sources identified in the TMDLs.

For the District to report TMDL data would be a redundant and inefficient effort of compiling and submitting data that has already been reported under Executive Officer-approved TMDL monitoring and reporting plans, and would be inconsistent with the coordinated watershed evaluations conducted as part of the TMDL reports.

Nonetheless, when relevant data are available from TMDL monitoring, they are included in the District's analyses when they can provide a better understanding of water quality issues. For example, Pyrethroid data collected under a TMDL for Calleguas Creek in 2008, 2009, and 2010 were reported in the 2011-12 Annual Report along with the Program's pyrethroid data to provide a more complete analysis of the issue.

Additionally, recognizing that reporting improvements could facilitate better understanding of watershed conditions, we have initiated discussions with the Calleguas Creek Watershed TMDL Parties in hopes of producing a better, more integrated report for both programs. However, progress on integration will require more than communication between MS4 and TMDL Responsible Parties, as the Regional Board will also have to be willing to allow changes in the approved monitoring programs in Ventura County (e.g. stormwater, wastewater, and agriculture waiver). Regional Board staff assistance has been requested in facilitating this integrated approach for the TMDL and MS4 monitoring program and

could be improved if POTW and Ventura County Irrigated Lands Program monitoring programs are also considered.

Requested Action: Delete this potential Permit violation as the Permit allows for the submission of reports under Executive Officer-approved TMDL Monitoring Plans by the Responsible Parties as fulfilling the requirements of the Stormwater Permit.

Conclusion

Again, thank you for the opportunity to clarify the Program's efforts towards continued compliance with the NPDES MS4 Permit. We hope the information in this letter has provided you with a better understanding of our Program and the Permit requirements, and that it will be considered prior to finalization of the Audit Report. We again request the Final Audit Report be revised as appropriate as summarized below:

- Delete the recommendations for improvement of increased support to Copermittees for tracking public outreach materials and improved communication of monitoring data.
- Revise the recommendations regarding TMDL monitoring to include improvement in communication with the Regional Board and all TMDL Responsible Parties to seek efficiency in monitoring.
- Revise the potential program deficiencies of failing to describe additional BMPs to acknowledging that implementing the new Permit constituted a commitment to additional BMPs; the data availability, budgeting and reporting cycles limiting the ability to fund and make commitments in the Annual Report; and that the Program has initiated programs beyond the Permit requirements to address these persistent exceedances.
- Delete the potential permit violation of including TMDL monitoring results in the Annual Report as the Permit allows for the submission of Executive Officer-approved TMDL reports as fulfilling the requirements of the Stormwater Permit.

Ms. Kathleen Johnson
U.S. EPA
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If you have questions or comments regarding this letter, please contact Arne Anselm at (805) 654-3942 or myself at (805) 654-5051.

Sincerely,



Gerhardt Hubner
Deputy Director

Cc: Greg Gholson, CWA Compliance Office, US EPA Region 9
Sam Unger, Executive Officer, RWQCB-LA
Renee Purdy, Section Chief, Regional Programs, RWQCB-LA
Ventura Countywide Stormwater Program Permittees

City of Thousand Oaks
Hill Canyon Wastewater Treatment Plant

Coliform Data

2012	FC	E.coli
R-1 (13-Nov)	130	130
R-2 (13-Nov)	40	40
Eff (17-Nov)	<2	<2
R-1 (21-Nov)	80	80
R-2 (21-Nov)	20	20
2013		
R-1 (14-Feb)	20	20
R-2 (14-Feb)	<20	<20
Eff (19-Feb)	<2	<2
R-1 (22-Feb)	330	330
R-2 (22-Feb)	40	40
R-1 (6-Mar)	490	490
R-2 (6-Mar)	<20	<20
Eff (7-Mar)	<2	<2
R-1 (12-Mar)	490	490
R-2 (12-Mar)	20	20
R-1 (20-May)	700	700
R-2 (20-May)	110	70
Eff (23-May)	<2	<2
R-1 (28-May)	330	330
R-2 (28-May)	<20	<20
R-1 (13-Aug)	1700	1700
R-2 (13-Aug)	80	80
Eff (13-Aug)	<2	<2
R-1 (19-Aug)	700	700
R-2 (19-Aug)	40	40

Basin Plan Water Quality Objectives:

Single Sample

GeoMean:

e-Coli	Fecal	e-Coli	Fecal
235 MPn	400 MPn	126 MPn	200 MPn

Location Index:

R-1	Located upstream of HCTP discharge (County Mass Emissions station)
R-2	Located 250' downstream of HCTP discharge
Eff	HCTP Effluent sample

26-Sep-13