TENTATIVE ORDER

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
LOS ANGELES REGION

In the matter of:	)	
	)	
CITY OF SAN BUENAVENTURA	)	**Order No. R4-2010-00XX (Proposed)**
	)	
Complaint No. R4-2008-0091-MR for Administrative Civil Liability	)	**Settlement Agreement and Stipulation for Entry of Order; [Proposed] Order**

Section I: Introduction

This Settlement Agreement and Stipulation for Entry of Administrative Civil Liability Order ("Stipulation") is entered into by and between the Los Angeles Regional Water Quality Control Board Prosecution Staff ("Prosecution Staff") and the City of San Buenaventura ("Settling Respondent") (collectively "Parties") and is presented to the Los Angeles Regional Water Quality Control Board ("Regional Water Board") for adoption as an order, by settlement, pursuant to Government Code section 11415.60. The Stipulation shall take effect and become binding on Settling Respondent upon the Regional Water Board's acceptance of the Stipulation and entry of the proposed order attached hereto below (the "Proposed Order").

Section II: Recitals

1. The Settling Respondent is the owner of the Ventura Water Reclamation Plant located on property located at 1400 Spinnaker Drive, Ventura, Ventura County, California (the "Property"). Settling Respondent is permitted to discharge up to 14 million gallons per day of tertiary-treated municipal wastewater from domestic, commercial, and industrial sources at the Property. The wastewater flows to water polishing ponds and then to the Santa Clara River Estuary. The Property has been or is subject to Regional Water Board:

- Waste Discharge Order No. 00-143, serving as a National Pollutant Discharge Elimination System (NPDES) permit number CA0053651,
- Time Schedule Order No. 00-144 (amended three times by Order Nos. 01-058, R4-2002-0195, and R4-2003-0059),
- Time Schedule Order No. R4-2004-0095,
- Time Schedule Order No. R4-2006-0034,
- Time Schedule Order No. R4-2006-0093,
- Waste Discharge Order No. R4-2008-0011, serving as NPDES permit number CA0053651, and

- Time Schedule Order No. R4-2008-0012.

2. Administrative Complaint for Civil Liability No. R4-2008-0091-MR ("the Complaint") recommends imposing a statutory mandatory minimum administrative civil liability totaling $582,000 for alleged violations of the Regional Water Board Order Nos. 00-143, R4-2008-0011, and R4-2008-0012.

3. To resolve by consent and without further administrative proceedings certain alleged violations of the California Water Code ("CWC"), and the Regional Water Board Orders set forth in the Complaint, the Parties have agreed to the imposition of $582,000 mandatory minimum liability against the Settling Respondent. Payment of $283,500 to the State Water Resources Control Board Cleanup and Abatement Account is due no later than 30 days following the Regional Water Board executing this Proposed Order. The remaining $298,500 in liability shall be suspended upon completion of a Supplemental Environmental Project ("SEP") for Design and Construction of Oak Street Urban Runoff Diversion Project for Surfers' Point.

4. The Complaint alleges that the Settling Respondent violated Regional Water Board Order Nos. 00-143, R4-2008-0011, and R4-2008-0012, noted in the Settling Respondent's self-monitoring reports from February 2006 through May 2010. Of the 200 violations reported, 194 are subject to mandatory minimum penalties pursuant to CWC section 13385(h) and (i). These violations include effluent limit exceedances for coliform, pH, copper (Cu), nickel (Ni), ammonia nitrogen (NH_3), nitrite as nitrogen (NO_2), selenium (Se), and nitrite plus nitrate as nitrogen ($NO_2 + NO_3$).

5. The Parties have engaged in settlement negotiations and agree to settle the matter without administrative or civil litigation and by providing this Stipulation to the Regional Water Board for adoption as an Order pursuant to Government Code section 11415.60. Upon the execution of this Stipulation and entry of the Proposed Order by the Regional Water Board, the terms and conditions of this Stipulation and the Proposed Order shall be binding upon the Parties and the Regional Water Board.

6. The Prosecution Staff has determined based on the information in the record that the resolution of the alleged violations (i.e., assessment of mandatory minimum penalties, a portion of which are approved for application to implementing the SEP) is fair and reasonable and fulfills its enforcement objectives of California Water Code sections 13000 et seq., the 2010 State Water Resources Control Board Water Quality Enforcement Policy, and it satisfies the objectives and requirements of the Federal Clean Water Act as implemented by the foregoing, and that no further action is warranted concerning the specific violations alleged in the Complaint except as provided in this Stipulation; and that this Stipulation is in the best interest of the public.

Section III: Stipulations

The Parties stipulate to the following:

7. **Administrative Civil Liability:** The Settling Respondent hereby agrees to pay the administrative civil liability totaling $582,000 as set forth in Paragraph 3 of Section II herein. Further, the Settling Respondent agrees that $298,500 of this administrative civil liability shall be suspended (the "Suspended Liability") pending completion of a SEP as set forth in Paragraph 3 of Section II herein and Attachment A attached hereto and incorporated by reference.

8. **Supplemental Environmental Project (SEP):** The Parties agree that this resolution includes a SEP as provided for as follows:

a. **Definitions**
   i) Cleanup and Abatement Account: The State Water Pollution Cleanup and Abatement Account.
   ii) Designated Water Board Representative: The representative from the Regional Water Board responsible for oversight of the SEP. The contact information for this representative is as follows:

   Mr. Russ Colby
   320 W. 4th Street, Suite 200
   Los Angeles, CA 90013
   (213) 620-6373
   rcolby@waterboards.ca.gov

   iii) Enforcement Coordinator: The person on the Regional Water Board staff who is responsible for enforcement coordination.
   iv) SEP Completion Date: The date in which the SEP will be completed in its entirety.
   v) Payment Administrator: The person at the Regional Water Board who receives the payments. For this matter, the Payment Administrator is Mr. Russ Colby.

b. **Payment and Costs:** The Settling Respondent shall pay the unsuspended portion of the total administrative liability amount within 30 days of receipt of the Stipulation and Proposed Order executed on behalf of the Regional Water Board to the Cleanup and Abatement Account. The payment of Regional Water Board staff costs incurred for overseeing the implementation of the SEP is addressed in paragraph 13, below. Payment shall be submitted to the Payment Administrator. Payment of any unexpended SEP funds is addressed in paragraph 15 of this Stipulation below. Payment in the event of failure to complete the SEP is addressed in paragraph 16 of this Stipulation below.

c. **SEP Performance:** Upon the Regional Water Board's acceptance of this Stipulation and entry of this Proposed Order, the Settling Respondent agrees to perform the SEP as described further in paragraphs 9-22 below.

9. **SEP Description:** The SEP at the Oak Street Storm Drain outlet in the vicinity of Ventura County's Surfers' Point will divert dry weather and low flow runoff from approximately 109 acres of existing urban development and U.S. Highway 101 collected by the Oak Street storm drain system into the sanitary sewer system for treatment. The Oak Street diversion will be planned, designed, and fully constructed for a total cost of $598,500, using $298,500 of the total administrative liability amount due under this Stipulation and Proposed Order. The remaining $300,000 is from Regional Water Board Order No. R4-2006-0002 that required the Settling Respondent to pay $300,000 in previously assessed penalties toward funding the Surfers' Point Sanitary Sewer Diversion System SEP, which included the Oak Street Diversion project. The Oak Street Diversion consists of installing a wet well with submersible pump, a pumping control system and motor control center to activate a pumping cycle, and discharge piping to deliver the storm water to the gravity flow sanitary sewer. The SEP will reduce bacteria, coliform, metals, and nutrient levels in urban runoff and preclude it from entering the ocean from the Oak Creek Storm Drain System outfall near Surfers' Point, which is Ventura County's most popular site for ocean water contact recreation. The SEP will reduce pollutants making their way to the same receiving waters as those ultimately affected by the effluent exceedances at the Settling Respondent's water reclamation facility. The Oak Street Diversion shall be constructed within 21-31 months from the date this Stipulation is accepted and the Proposed Order is adopted. For further details, see Attachment A, incorporated herein by reference.

10. **Representation of the Settling Respondent:** As a material consideration for the Regional Water Board's acceptance of this Stipulation and entry of the Proposed Order, the Settling Respondent represents that it will utilize the funds as outlined in paragraphs 3 and 9 to implement the SEP in accordance with the schedule and timeline for performance and the work plan contained in Attachment A. The Settling Respondent understands that its promise to implement the SEP, in its entirety and in accordance with the work plan and schedule for performance, is a material condition of this settlement of the administrative civil liability between the Settling Respondent and the Regional Water Board.

11. **Agreement of Settling Respondent to Implement SEP:** The Settling Respondent represents that upon the Regional Water Board's acceptance of this Stipulation and entry of this Proposed Order: 1) it will spend the SEP funding amount as described in this Stipulation and Proposed Order; 2) it will provide a certified, written report to the Regional Water Board consistent with the terms of this Stipulation, including Attachment A, detailing the implementation of the SEP, and 3) within 30 days of the completion of the SEP, it will provide written certification, under penalty of perjury, that the Settling Respondent complied with all applicable environmental laws and regulations in implementing the SEP including but not limited to the California Environmental Quality Act ("CEQA"), the federal Clean Water Act and the Porter-Cologne Act. The Settling Respondent agrees that the Water Board has the right to require an audit of the funds expended by it to implement the SEP, as further described in paragraph 19 below.

12. **Publicity Associated with SEP:** Whenever the Settling Respondent or its agents or subcontractors publicizes one or more elements of the SEP, they shall state in a **prominent manner** that the project is being undertaken as part of the settlement of an enforcement action by the Regional Water Board against the Settling Respondent.

13. **Regional Water Board Oversight Costs:** Settling Respondent shall pay $12,000 to the State Water Pollution Cleanup and Abatement Account to fully cover the Water Board's estimated costs of overseeing the implementation of the SEP. This payment is due within 30 days of the acceptance of this Stipulation and the entry of the Proposed Order by the Regional Water Board that approved this SEP. This amount represents the approximate 80 hours at $150 an hour needed to review the design plans, reports and further communications with the Settling Respondent in implementing the SEP.

14. **Submittal of Progress Reports:** From and after commencing work on the SEP, Settling Respondent shall provide quarterly progress reports regarding implementation of the SEP to the Designated Water Board Representative including an evaluation and analysis of actual project performance and an accounting of all costs and expenses incurred for the SEP. The requirement for quarterly progress reports will terminate upon issuance of the Satisfaction of Proposed Order, discussed in paragraph 14 below.

15. **Inspection:** From and after commencing work on the SEP, Settling Respondent shall permit inspection of the SEP by the Regional Water Board staff at any time without notice.

16. **Certification of Expenditures:** Within two months of completing the construction for the SEP, Settling Respondent shall submit a statement certified by responsible city officials representing the Settling Respondent documenting the expenditures made to implement the SEP during the completion period. The expenditures may be external payments to outside vendors or contractors implementing the SEP. In making such certification, the official may rely upon regular City project tracking systems that capture employee time expenditures and external payments to outside vendors such as environmental and information technology contractors or consultants. Settling Respondent shall provide any additional information requested by the Regional Water Board staff that is reasonably necessary to verify Settling Respondent's SEP expenditures. The certification need not address any costs incurred by the Regional Board for oversight.

17. **Certification of Performance of Work:** Within two months of completing the construction for the SEP, the Settling Respondent shall submit a report, submitted under penalty of perjury, stating that the SEP construction has been completed in accordance with the terms of this Stipulation. Such documentation may include photographs, invoices, receipts, certifications, and other materials reasonably necessary for the Regional Water Board to evaluate the completion of the SEP and the costs incurred by the Settling Respondent.

18. **Certification that Work Performed on SEP Complies with the Requirements of CEQA and other Environmental Laws:** Within ten months of the Regional Water Board's acceptance and execution of this Stipulation and entry of this Proposed Order, the Settling Respondent shall submit documentation, under penalty of perjury, stating that the SEP has complied with the requirements of CEQA, if applicable, and or other environmental laws. To the extent required by law, the Settling Respondent shall, before beginning construction on the SEP, consult with other interested State Agencies regarding potential significant adverse environmental impacts of the SEP. Other interested State Agencies include, but are not limited to, the California Department of Fish and Game. To ensure compliance with CEQA where necessary, the Settling Respondent shall provide the Regional Water Board with any applicable CEQA documentation, including, as may be appropriate, any:

a. Notice of categorical or statutory exemptions;

b. Within two months of completing the construction for the SEP, any Negative Declaration that is prepared in accordance with CEQA;

c. Within two months after commencing the construction of the SEP, any Mitigated Negative Declaration that is prepared in accordance with CEQA; or

d. Within two months after commencing the construction of the SEP, any Environmental Impact Report (EIR) that is prepared in accordance with CEQA.

19. **Third Party Audit:** If the Designated Regional Board Representative obtains information that causes the representative to reasonably believe that the Settling Respondent has not expended money in the amounts claimed by the Settling Respondent, or has not adequately completed any of the work in the SEP work plan, the Designated Regional Board Representative shall request to meet and confer with the Settling Respondent to resolve the Designated Regional Board Representative's concerns. If after the meet and confer, Designated Regional Board Representative's concerns are not addressed, he may require, and the Settling Respondent shall submit, at its sole cost, a report prepared by an independent third party(ies) acceptable to the Regional Water Board staff providing such party(ies)'s professional opinion that Settling Respondent has expended money in the amounts claimed by the Settling Respondent for purposes consistent with implementation of the SEP Work Plan. In the event of such an audit, the Settling Respondent agrees that they will provide the third-party auditor with access to all documents which the auditor requests. Such information shall be provided to the Designated Water Board Representative within three (3) months of the completion of the Settling Respondent's SEP obligations. The audit need not address any costs incurred by the Regional Board for oversight.

20. **Regional Water Board Acceptance of Completed SEP:** Upon the Settling Respondent's satisfaction of its obligations under this Stipulation, the completion of the SEP, and all related monitoring and reporting, and any audits, the Designated Water

Board Representative, with notice to the regional Enforcement Coordinator, shall request that the Regional Water Board issue a "Satisfaction of Order." The issuance of the Satisfaction of Order shall terminate any further obligations of the Settling Discharger under this Stipulation.

21. **Failure to Expend All Suspended Administrative Civil Liability Funds on the Approved SEP:** In the event that Settling Respondent is not able to demonstrate to the reasonable satisfaction of the Regional Water Board staff that it has spent the entire SEP Amount for the completion of the SEP, and all SEP related monitoring and reporting costs required pursuant to the Work Plan and this Stipulation (excluding costs of Regional Water Board oversight), Settling Respondent shall pay the difference between the Suspended Administrative Civil Liability and the amount Settling Respondent can demonstrate was actually spent on the SEP, as an administrative civil liability to the State Water Pollution Cleanup and Abatement Account.

22. **Failure to Complete the SEP:** If the SEP is not fully implemented within the SEP Completion Period required by this Stipulation and Proposed Order, the Designated Water Board Representative shall issue a Notice of Violation. As a consequence, Settling Respondent shall be liable to pay the entire Suspended Liability. Settling Respondent shall not be entitled to any credit, offset, or reimbursement from the Regional Water Board for expenditures made on the SEP prior to the date of the "Notice of Violation" by the Regional Water Board. The amount of the Suspended Liability owed shall be determined via a "Motion for Payment of Suspended Liability" before the Regional Water Board or a hearing panel. Upon a final determination of the amount of the Suspended Liability assessed, the amount owed shall be paid to the State Water Pollution Cleanup and Abatement Account within thirty (30) days after the Regional Board serves its final determination on the Settling Respondent. The Settling Respondent shall be liable for the Regional Water Board's reasonable costs of enforcement, including but not limited to legal costs and expert witness fees. Payment of the assessed Suspended Liability amount will satisfy the Settling Respondent's obligations pursuant to this Stipulation and the Proposed Order to implement the SEP.

23. **Regional Water Board is Not Liable:** Neither the Regional Water Board members nor the Regional Water Board staff, attorneys, or representatives shall be liable for any injury or damage to persons or property resulting from acts or omissions by Settling Respondent, its directors, officers, employees, agents, representatives or contractors in carrying out activities pursuant to this Stipulation or the Proposed Order, nor shall the Regional Water Board, its members or staff be held as parties to or guarantors of any contract entered into by Settling Respondent, its directors, officers, employees, agents, representatives or contractors in carrying out activities pursuant to this Stipulation and Proposed Order. From and after acceptance of this Stipulation and entry of this Proposed Order by the Regional Water Board, the Settling Respondent covenants not to sue or pursue any administrative or civil claim or claims against any State Agency or the State of California, or their officers, employees, representatives, agents, or attorneys for injuries and damages to persons or property resulting from acts or omissions by Settling Respondent, arising out of or relating to any matter expressly

addressed by the Complaint, this Stipulation or the SEP, Except as specifically provided in this paragraph, nothing in this paragraph shall be construed to limit, preclude or in any way prevent the Settling Respondent from pursuing any defense, cross claim or counterclaim in any administrative or civil claim or claims brought by an aggrieved party other than the Regional Board.

24. **Compliance with Applicable Laws:** The Settling Respondent understands that payment of the administrative civil liability in accordance with the terms of this Stipulation and Proposed Order, or compliance with the terms of this Stipulation and Proposed Order is not a substitute for future compliance with applicable laws, and that additional continuing violations of the type alleged in the Complaint may subject them to further enforcement by the Regional Water Board, including additional administrative civil liability.

25. **Party Contacts for Communications related to Stipulation and Proposed Order:**

For the Regional Water Board:

Mr. Russ Colby
320 W. 4th Street, Suite 200
Los Angeles, CA 90013
(213) 620-6373
rcolby@waterboards.ca.gov

For the Settling Respondent:

Mr. Dan Pfeifer
Wastewater Superintendent
City of Ventura
Public Works Department
P.O. Box 99
Ventura, CA 93002-0099

With Copy to:

Ariel Calonne
City Attorney
City of Ventura
P.O. Box 99
501 Poli Street, Suite 26
Ventura, CA 93002-0099

26. **Attorney's Fees and Costs:** Except as otherwise provided herein, each Party shall bear all attorneys' fees and costs arising from the Party's own counsel in connection with the matters set forth herein.

27. **Matters Addressed by Stipulation:** Upon adoption of this Stipulation and entry of the Proposed Order by the Regional Water Board, this Stipulation and Proposed Order represent a final and binding resolution to settle, as set forth herein, all claims, violations or causes of action alleged in the Complaint, based on the specific facts alleged in the Complaint and/or this Stipulation ("Covered Matters"). The provisions of this paragraph are expressly conditioned on the payment of the administrative civil liability as provided herein by the deadlines specified in this Stipulation, and the Settling Respondents full satisfaction of the obligations described in this Stipulation and Proposed Order.

28. **Public Notice:** The Settling Respondent understands that this Stipulation and the Proposed Order must be noticed for a 30-day public review period prior to consideration by the Regional Water Board. In the event objections are raised during the public comment period, the Regional Water Board may, under certain circumstances, require a public hearing regarding the Stipulation. In that event, the Parties agree to meet and confer concerning any such objections, and may agree to revise or adjust the Stipulation and the Proposed Order as necessary or advisable under the circumstances.

29. **Addressing Objections Raised During Public Comment Period:** The Parties agree that the procedures contemplated for adopting the Stipulation and Proposed Order by the Regional Water Board and conducting review of this Stipulation by the public are lawful and adequate. In the event procedural objections are raised prior to the Stipulation and Proposed Order becoming effective, the Parties agree to meet and confer concerning any such objections, and may agree to revise or adjust the procedure as necessary or advisable under the circumstances.

30. **Interpretation:** This Stipulation and Proposed Order shall be construed as if the Parties prepared it jointly. Any uncertainty or ambiguity shall not be interpreted against any one Party. The Settling Respondent is represented by counsel in this matter.

31. **Modification:** This Stipulation and Proposed Order shall not be modified by any of the Parties by oral representation made before or after its execution. Either Party may propose extensions or modifications as reasonably necessary to complete the SEP, and all modifications, including any extensions, must be in writing, mutually agreed upon and signed by all Parties and approved by the Regional Water Board.

32. **If Proposed Order Does Not Take Effect:** In the event that this Stipulation and/ or the Proposed Order does not take effect because it is not approved by the Regional Water Board, or its delegee, or is vacated in whole or in part by the State Water Resources Control Board or a court, the Parties acknowledge that they expect to proceed to a contested evidentiary hearing before the Regional Water Board and/or a

hearing panel to determine whether to assess administrative civil liabilities for the underlying alleged violations, unless the Parties agree otherwise. The Parties agree to re-initiate the hearing process in that new hearing procedures will issue with scheduled due dates for a hearing within 90 days from the date the Stipulation and/or the Proposed Order is deemed not accepted by the Regional Water Board. The Parties agree that all oral and written statements and agreements made during the course of settlement discussions will not be admissible as evidence in the hearing pursuant to California Evidence Code section 1152. The Parties agree to waive any and all objections based on settlement communications in this matter, other than California Evidence Code section 1152 evidentiary objections, including, but not limited to:

a. Objections related to prejudice or bias of any of the Regional Water Board members or their advisors and any other objections that are premised in whole or in part on the fact that the Regional Water Board members or their advisors were exposed to some of the material facts and the Parties' settlement positions as a consequence of reviewing the Stipulation, and therefore may have formed impressions or conclusions prior to any contested evidentiary hearing on the Complaint in this matter; or

b. Laches or delay or other equitable defenses based on the time period for administrative or judicial review to the extent this period has been extended by these settlement proceedings.

33. **Waiver of Hearing:** The Settling Respondent has been informed of the rights provided by CWC section 13323, subdivision (b), and hereby waives its right to a hearing for Complaint No. R4-2008-0091-MR before the Regional Water Board or a hearing panel prior to the adoption of the Stipulation and Proposed Order by the Regional Water Board or its delegee.

34. **Waiver of Right to Petition Regional Board's Adoption of Stipulation and Proposed Order:** The Settling Respondent hereby waives its right to petition the Regional Water Board's adoption of the Stipulation and Proposed Order for review by the State Water Resources Control Board, and further waives its rights, if any, to appeal the same to a California Superior Court and/or any California appellate level court. The Settling Respondent, however, reserves the rights to respond to any third party petitions related to the Complaint, this Stipulation or the SEP, and to petition the State Water Resources Control Board and the Superior Court under California Water Code sections 13320 and 13330 to review the orders, actions, failures to act, or other Regional Water Board decisions related to the rejection of this Stipulation and Proposed Order, the alternative enforcement of the Complaint under paragraph 17 above, or arising out of the enforcement or interpretation of this Stipulation and Proposed Order.

35. **Necessity for Written Approvals:** All approvals and decisions of the Regional Water Board under the terms of this Proposed Order shall be communicated to the Settling Respondent in writing. No oral advice, guidance, suggestions or comments by employees or officials of the Regional Water Board regarding submissions or notices

shall be construed to relieve the Settling Respondent of its obligation to obtain any final written approval required by this Proposed Order.

36. **Authority to Bind:** Each person executing this Stipulation in a representative capacity represents and warrants that he or she is authorized to execute this Stipulation on behalf of and to bind the entity on whose behalf he or she executes the Stipulation.

37. **Effective Date**: The obligations under this Stipulation are effective and binding on the Parties only upon the approval of the Stipulation and entry of the Proposed Order by the Regional Water Board or delegee, which incorporates the terms of this Stipulation.

38. **Severability:** The provisions of this Stipulation and the Proposed Order are severable; should any provision be found invalid the remainder shall remain in full force and effect.

39. **Counterpart Signatures:** This Stipulation may be executed and delivered in any number of counterparts, each of which when executed and delivered shall be deemed to be an original, but such counterparts shall together constitute one document.

It is so stipulated.

California Regional Water Quality Control Board Prosecution Team,
Los Angeles Region

By: Samuel Unger
Samuel Unger, Executive Officer

Date: Nov. 2, 2010

The City of San Buenaventura

By: _____
Rick Cole
City Manager

Date: _____

Approved as to Form:

By: _____
Ariel P. Calonne, Esq.
City Attorney

Date: _____

Order of the Regional Water Board

40. This Order incorporates the foregoing Stipulation and all terms and conditions thereof.

41. In accepting the foregoing Stipulation, the Regional Water Board has considered a mandatory minimum penalty for each serious and chronic effluent violation outlined in the Complaint pursuant to CWC section 13385, subdivisions (h) and (i). The Regional Water Board's findings are based upon information obtained by the Regional Water Board' staff in investigating the allegations in the Complaint or otherwise provided to the Regional Water Board. The Regional Water Board has reviewed the allegations in the Complaint and the information in the record and finds that the settlement is fair and reasonable and complies with its obligations under California Water Code section 13300, the 2010 State Water Resource Control Board Water Quality Enforcement Policy, and satisfies the objectives and requirements of the Federal Clean Water Act as implemented by the foregoing.

42. This is an action to enforce the laws and regulations administered by the Regional Water Board. The Regional Water Board finds that issuance of this Order is exempt from the provisions of the California Environmental Quality Act ("CEQA") (Public Resources Code, sections 21000 et seq.), in accordance with section 15321(a)(2), Title 14, of the California Code of Regulations. In implementing the SEP, the Settling Respondent shall comply with all applicable provisions of CEQA as described in the foregoing Stipulation and Attachment A.

Pursuant to CWC section 13323 and Government Code section 11415.60, **IT IS HEREBY ORDERED** on behalf of the California Los Angeles Regional Water Quality Control Board.

By:_____

TITLE: _____

Date: _____

Attachment A: **Oak Street Urban Runoff Diversion Supplemental Environmental Project for Surfers' Point**

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
LOS ANGELES REGION
SUPPLEMENTAL ENVIRONMENTAL PROJECTS
PROJECT PROPOSAL FORM

Organization	City of San Buenaventura ("City" or "Ventura"), Public Works Department
Contact Person	Ray Olson, Environmental Services Manager
Phone number	(805) 652-4593
Address	PO Box 99, Ventura, CA 93002-0099
E-mail	rolson@ci.ventura.ca.us
Proposed Project	**Design and Construction of Oak Street Urban Runoff Diversion Project for Surfers' Point**
Project Location	The City's Coastal Promenade at Oak Street.
Watershed	Ventura Coastal

Need for, and Environmental Value of the Project

Surfers' Point is Ventura County's most popular site for ocean water contact recreation. Approximately 800,000 residents and visitors use this area annually for surfing, swimming, fishing from the Ventura Pier, kayak surfing, kite surfing, wind surfing, and beach activities. Ample parking and coastal access for Surfers' Point is available.

The Oak Street storm drain system collects urban runoff from approximately 109 acres of existing urban development and from U.S. Highway 101, and the Paseo del Playa storm drain system collects urban runoff from approximately 5 acres of parking lot and roadway, all within Ventura's historic downtown core. This area generates urban runoff currently tributary to the ocean in the vicinity of Surfers' Point. The 2002 Clean Water Act Section 303(d) list includes four ocean water quality monitoring sites in this area as being impaired for bacteria indicators, and urban runoff has been identified as one source of bacteria in receiving waters for this area. Construction of an urban runoff diversion project that collects runoff from Ventura's historic core during dry weather, and diverts it for treatment prior to discharge will enhance ocean water quality in the Surfers' Point area by eliminating dry weather flow and low flow urban runoff, which contains pollutants of concern associated with urban development, including bacteria, metals, pesticides and nutrients.

Project Background. In 2006, the City successfully obtained a $953,000 Clean Beaches Initiative Grant from the State Water Resources Control Board to improve beach water quality at Surfers' Point by constructing two facilities to divert urban runoff

to the sanitary sewer in areas tributary to the ocean in the vicinity of Surfers' Point. Using this grant, the City undertook planning, design and construction of two diversion systems for urban runoff from two different storm drain outlets collecting runoff from the City's downtown core and U.S. 101. These two initial diversion facilities were constructed with that grant, and are now located and operating at the storm drain outlets at California and Figueroa streets. The two existing diversion systems divert dry-weather urban runoff from approximately 100 acres of existing urban development to the sanitary sewer system for treatment (*see* Final Report *Low Flow Diversions for the California and Figueroa Street Storm Drains at Promenade Park Beach* February 1, 2010 ("Final Diversion Report") attached).

In 2008, construction for these two diversion systems was completed, and they have been successfully operating as intended so that currently dry-weather runoff is diverted from the Figueroa Street and California Street storm drains systems into the sanitary sewer system for treatment at the City's wastewater treatment plant, rather than flowing directly into the ocean without treatment in structural Best Management Practices (BMPs). As a result of these initial diversion projects, ocean water quality has improved significantly. *See* Table 3, Final Diversion Report.

Concurrently with the planning design and construction of those two, now existing urban runoff diversion projects, further engineering and water quality evaluation indicated that the construction of two additional diversions would provide significant additional water quality benefit for ocean waters in the vicinity of Surfers' Point. Accordingly, in 2006, the Los Angeles Regional Water Quality Control Board adopted Order No. 06-002 determining that two additional urban runoff diversions located at storm drain outlets to the ocean at Oak Street and Paseo de Playa would constitute an appropriate Supplemental Environmental Project. The Board further approved the planning, design and construction of these two additional diversion structures, identified collectively as the "Surfers' Point Sanitary Sewer Diversion," as a Supplemental Environmental Project ("SEP") providing significant surface water quality benefit for the ocean and receiving waters within the Ventura Coastal watershed. The Surfers' Point Sanitary Sewer Diversion was also placed on the Regional Board's current SEP list (posted October 2008) for completion.

Subsequently, in 2006, the Regional Board adopted Order No. R4-2006-0002 requiring the City to pay $300,000 in previously assessed penalties toward the funding of the Surfers' Point Sanitary Sewer Diversion SEP. It is estimated to require $907,000 in total construction costs to complete the SEP consisting of two additional diversion systems, so, currently, an additional $607,000 needs to be funded to complete the SEP facilities.

Proposed SEP. Pursuant to this proposed Supplemental Environmental Project ("Proposed SEP"), the City will agree to contribute $298,500 of the currently pending total of $582,000 in penalties assessed under ACL-No. R4-2008-0091-M (the "ACL") to plan, design and construct the Oak Street storm drain system urban runoff diversion to the sanitary sewer for treatment and protection of the ocean surf zone at Surfers' Point.

The diversion system currently proposed for planning, design and construction would be located at the Oak Street storm drain outfall, which, as noted above, currently discharges urban runoff from 109 acres within the City's urban core and U.S. 101 (there is no natural habitat in the tributary area) to the ocean in the vicinity of Surfers' Point, without treatment via structural treatment Best Management Practices (BMPs).

Construction of the Oak Street urban runoff diversion project will enhance ocean water quality in the Surfers' Point area by eliminating dry-weather flow and low-flow urban runoff, which contains pollutants of concern associated with urban development, including bacteria, metals, pesticides and nutrients. By providing treatment for dry-weather and low-flow urban runoff, the Oak Street urban runoff diversion project will improve water quality in the ocean at one of California's premier recreational spots, reducing health risks at California's beaches, and improving beneficial uses of ocean waters for both recreational and environmental purposes.

- Specific Goals: To design and construct one urban runoff diversion system for the Oak Street storm drain outfall to divert dry-weather and low-flow runoff to the sanitary sewer system for treatment prior to discharge.

- Budget: $598,500. See "Budget" section below for details.

- Workplan Developed?: Yes. It is included below in the "Workplan" section.

Project Description

Pursuant to this Proposed SEP, the Oak Street urban runoff diversion would be planned, designed, and fully constructed for a total cost of $598,500, using the $300,000 currently set aside for funding of the Surfers' Point Sanitary Sewer Diversion, plus $298,500 in penalties now due under the ACL, which equates to slightly less than 50% the penalties currently due under the ACL. The "Oak Street Diversion System" consists of installation of the following infrastructure and improvements:

- A wet well with submersible pump;

- A pumping control system and motor control center that will activate a pumping cycle;

- Discharge piping to deliver the storm water to the gravity flow sanitary sewer.

The Oak Street Diversion system was chosen as the system to be constructed pursuant to this Proposed SEP based on recent evaluation of the information, data and experience obtained in implementing the California Street and Figueroa Street diversions, analysis of pre-diversion and post-diversion water quality monitoring data for that prior project, and a review and analysis of the Paseo de Playa diversion system requirements. This evaluation and analysis indicated that the best practical alternative

with the most impact on improving ocean water quality would be construction of the Oak Street Diversion System. This information further indicated that, by comparison, the Paseo de Playa Diversion system would offer far more limited water quality benefit, but would cost at least as much as the Oak Street Diversion to construct. More specifically, the Oak Street Diversion was chosen for this SEP Proposal rather than the Paseo de Playa Diversion because:

- The drainage area of the Paseo de Playa storm drain system outlet is orders of magnitude smaller at 5 acres than that for the Oak Street outlet at 109 acres; therefore the Paseo de Playa outlet conveys far less urban runoff, including dry-weather runoff, and related pollutants to ocean waters than the Oak Street outlet;
- A diversion of Paseo de Playa storm drain system runoff would require the same level of infrastructure as each of the other diversion systems; and
- It is estimated that the available funding can complete construction of just one diversion structure.

By comparison, based on this recent evaluation and analysis, the Oak Street Diversion System is expected to attain the full water quality benefit anticipated by the original Surfers' Point Sanitary Sewer Diversion SEP when it was adopted, but will cost less than the $907,000 anticipated to be necessary for full implementation of both diversion systems thought to be necessary upon initial identification of the Surfers Point Diversion Project as an appropriate SEP. Given the vast difference in drainage areas, the Oak Street Diversion System is expected to attain practically all the water quality benefits that both diversions would have achieved, and therefore the Oak Street Diversion System is now proposed as the last storm drain diversion project necessary and appropriate to attain anticipated ocean water quality improvements at Surfers' Point.

Since the Surfers' Point Sanitary Sewer Diversion project allowed for construction of one of two proposed diversions when less than the full amount of SEP funding is available, and since the goals and objectives of the Surfers' Point Sanitary Sewer Diversion project would be fully achieved by implementation of the Oak Street Diversion System, the Proposed SEP, which would fully implement the Oak Street Diversion System, would also complete the Surfers' Point Sanitary Sewer Diversion SEP approved by the Regional Board in 2006.

Project Goals

- To construct and operate the Oak Street Diversion System to divert all dry-weather and low-flow urban runoff to the sanitary sewer for treatment prior to discharge;
- To eliminate dry-weather exceedences of State bacteriological standards in ocean waters at Surfers' Point, as determined via AB 411 weekly ocean water quality monitoring.

Project success will be documented by as-built reports, confirming construction of the Oak Street diversion system and by attainment of dry-weather bacteriological standards in receiving waters in the vicinity of the Oak Street storm drain system outfall as determined via AB 411 weekly ocean water quality monitoring results.

Nexus

The Proposed SEP improves surface water quality in the ocean by reducing pollutants of concern associated with urban runoff, including bacteria and nutrients, as well as metals, pesticides, and other pollutants associated with urban development uses in the area tributary to Oak Street storm drain system. By reducing bacteria, nutrients, and metals, among other pollutants, in discharges of urban runoff and storm water from the Oak Street storm drain system outlet to the ocean, the Proposed SEP addresses the same pollutants as those which constituted the vast majority of the exceedences listed in the ACL.

In addition, the Proposed SEP reduces pollutants making their way to the same receiving waters as those ultimately affected by the exceedences listed in the ACL, and provides water quality benefit to the same Ventura Coastal Watershed. As a result, there is substantial nexus between the water quality improvement provided by the Proposed SEP and the violations that are the subject of the ACL.

Support from Public Interest Groups

The City will seek support from Ventura Coastkeeper and other environmental groups or public agencies with jurisdiction over natural resources.

Statewide and Regional Benefit

The Proposed SEP will improve water quality at Ventura County's most popular site for ocean water contact recreation. Since approximately 800,000 residents and visitors from the City, Ventura County and throughout the State use this area annually for beachcombing, surfing, swimming, fishing from the Ventura Pier, kayak surfing, wind surfing, kite surfing, and other recreational uses, the improved water quality, particularly with respect to reduction in bacteria levels, will directly benefit health of visitors from the City, the region and the entire State.

Beneficial Uses and/or Pollutants to be Directly Benefitted and/or Addressed

The Proposed SEP is primarily intended to reduce bacteria in urban runoff and preclude it from entering the ocean from the Oak Creek outfall near Surfers' Point. In addition, however, the Proposed SEP will also reduce other pollutants of concern associated with urban development, including nutrients and pesticides generated by landscaping applications, heavy metals associated with vehicular traffic, trash, surfactants, and other toxic and non-toxic pollutants associated with existing urban development and

freeways. The attainment of bacteriological standards for ocean waters greatly enhances recreational beneficial uses, and the reductions in all pollutants reduced via the Oak Street Diversion System enhance all aquatic, wildlife and other environmental beneficial uses, including water contact and non-contact recreation, commercial and sport fishing, rare and endangered species, marine habitat, and migration.

CEQA Compliance

Excavation to install the diversion is anticipated to require no more than a 10-foot-by-25-foot excavation of part of the 25-foot-to-35-foot wide paved and landscaped public park promenade, which is wholly within the public right-of-way. All construction activities will occur during work hours established by City ordinance. No natural habitat is within the affected footprint for the proposed project. The diversion of dry-weather flows will not result in the need to expand the existing sanitary sewer system or the water treatment facility to which the flows will be diverted.

Thus, the Proposed SEP will likely qualify for one or more of the following "categorical exemptions" from CEQA:

"[C]onstruction and location of limited numbers of new, small facilities or structures; installation of small new equipment and facilities in small structures . . . [including] Water main, sewage . . . and other utility extensions, including street improvements, of reasonable length to serve such construction." (Cal. Code Regs, tit. 14, § 15303, subd. (d).)

Projects that involve "negligible or no expansion of an existing use" such as "[e]xisting facilities of . . . publicly owned utilities used to provide . . . sewerage, or other public utility services." (Cal. Code Regs, tit. 14, § 15301, subd. (b).)

"Replacement or reconstruction of existing utility systems and/or facilities involving negligible or no expansion of capacity." (Cal. Code Regs, tit. 14, § 15302, subd. (c).)

After approval of the Proposed SEP by the Los Angeles Regional Water Quality Control Board, the City Council will take a discretionary action to adopt the approved SEP and allocate funds pursuant to the Budget set forth below, and approve implementation of the Work Plan for the Oak Street Diversion System described below.. Prior to issuing any discretionary approval, the City will conduct an initial study pursuant to CEQA Guidelines, and all applicable ordinances or guidance adopted by the City, to determine if it is subject to the requirements of CEQA, and if so, whether a Notice of Exemption pursuant to a Categorical Exemption listed above is adopted, or whether a Negative Declaration, or Mitigated Negative Declaration is appropriate. Both the Work Plan and the Budget include activities and funding to assure that the appropriate CEQA document, whether Notice of Exemption, a Negative Declaration or a Mitigated Negative Declaration, will be completed, considered and acted upon by the City as required by CEQA.

The City Is Capable of Accomplishing the Oak Street Diversion System and Providing the Required Reports

The City has completed numerous capital improvement projects relating to water quality and storm water runoff, and it has a long record of compliance with all reporting requirements. Indeed, as explained above, the City successfully obtained a $953,000 Clean Beaches Initiative Grant from the State Water Resources Control Board to improve beach water quality at Surfers' Point by constructing two diversions for urban runoff from storm drain outlets located at California and Figueroa streets to the sanitary sewer system for treatment. Further, the City prepared and timely and properly submitted the attached Final Report for those two diversion systems.

As explained further below, the City personnel responsible for implementing the Proposed SEP have the expertise and experience to ensure its successful completion. If approved by the Regional Board, upon adopting the SEP and taking action to fund implementation of the Work Plan, the City will identify additional contingency funding that will be used, if necessary, to fulfill the City's commitment to complete the adopted Oak Street Diversion System even if the Budget identified in this SEP Proposal below turns out to be inadequate. Thus, the City is capable of accomplishing the Oak Street Diversion System and providing the required reports.

Workplan and Timeline

The following Workplan identifies the tasks that the City has determined are necessary to complete the Oak Street Diversion System, and the estimated schedule that the City believes is necessary to accomplish the tasks and the project, barring unforeseen circumstances.

Upon the Prosecution Team's approval of this SEP Proposal, a representative of the Prosecution Team will sign the Settlement Agreement and Stipulation for Entry of [Proposed] Order ("Settlement Agreement"), indicating the Prosecution Team's approval and recommendation to the Regional Board to accept the settlement of the ACL, including the City's implementation of the SEP, and to enter the [Proposed] Order. The City and the Prosecution Team currently expect that the Prosecution Staff will approve the SEP Proposal, and execute the Settlement Agreement, then provide it to the City on November 3, 2010. Next, the City Council will take action to adopt or reject the Settlement Agreement and SEP at the first City Council meeting after receipt by the City of the Settlement Agreement executed by the Prosecution Team. The City and the Prosecution Team currently anticipate the first City Council meeting following the City's receipt of the Settlement Agreement executed by the Prosecution Team will be the City's November 8, 2010 Council Meeting. As soon as possible after the City Council's consideration, approval and execution of the Settlement Agreement, and submission of the executed Settlement Agreement to the Regional Board, the Regional Board will provide 30-days public notice of the Settlement Agreement and [Proposed Order],

including the SEP. After the public notice period, the Regional Board will consider, and either adopt or reject the Settlement Agreement and SEP, and will either execute and enter the [Proposed] Order, or will decline to do so. Within 30 days after the Regional Board's acceptance of the Settlement Agreement and SEP, and entry of the Order, Task 1 and the related timeline noted in the Table below would commence. Accordingly, by way of example, should the Regional Board take action to accept the Settlement Agreement and the SEP, and enter the [Proposed] Order on or before December 28, 2010 the City would take action to implement Task 1 of the Workplan below no later than January 28, 2011, and the Oak Street Diversion System project and the timeline for task 1.0 would begin no later than January 28, 2011. Further, to continue the example, if the SEP is begun January 28, 2011, then completion of construction for the Oak Street Diversion System is estimated to occur from 21 to 31 months thereafter, or sometime between October 28, 2012 and April 28, 2013.

Task	Workplan	Timeline
Task 1.0	Contractual hiring of the consulting engineering firm.	Months 1-3
Task 2.0	Preliminary design.	Months 4-7
Task 3.0	Prepare 35% design drawings, specifications and cost estimates.	Months 8-9
Task 4.0	Prepare 65% design drawings, specifications and cost estimates.	Months 10-11
Task 5.0	Prepare 90% design drawings, specifications and cost estimates.	Months 12-13
Task 6.0	Prepare 100% design drawings, specifications and cost estimates.	Months 14-15
Task 7.0	Final plans and bid package.	Months 16-17
Task 8.0	Prepare any necessary CEQA documentation and obtain regulatory permits.	Months 7-10
Task 9.0	Bid and award construction contract.	Months 18-21
Task 10.0	Construct improvements.	Months 21-31
Task 11.0	Quarterly Reports to the Los Angeles Regional Water Quality Control Board and the Division of Financial Assistance of the State Water Resources Control Board. Reports will include an evaluation and analysis of actual project performance as compared to goals, as well as an accounting of all costs and expenses incurred by the project.	Quarterly
Task 12.0	Annual Reports to the Los Angeles Regional Water Quality Control Board, the independent third-party evaluator (identified below), and the Division of Financial Assistance of the State Water Resources Control Board. Reports will include an evaluation and analysis of actual project performance as compared to goals, as well as an accounting of all costs and expenses incurred by the	Yearly

Task	Workplan	Timeline
	project.	
Task 13.0	The Final Report shall include an assessment of the successful implementation of the SEP by the independent third-party evaluator (identified below) based on the success criteria identified herein. The Final Report shall be forwarded to the Regional Board and the Division of Financial Assistance of the State Water Resources Control Board. Any unspent SEP funds shall be forwarded to the State Cleanup and Abatement Account.	Within two months of completion of construction.
Task 14	Evaluate performance measures. Review AB 411 ocean water quality monitoring results to compare with project goals.	Continuing after project completion.

Budget

Preliminary Design	$20,000
35% Design	$20,000
65% Design	$20,000
90% Design	$20,000
100% Design	$20,000
Final Design and Bid Package	$20,000
CEQA Documents and Regulatory Agency Permits	$15,000
Construction	$438,500
Project Management and Administration	$25,000
Total	$598,500

The City has already appropriated $300,000 from its General Fund Capital Improvement Project budget for CIP 93031, which includes the Oak Street Diversion System. The $298,500 in ACL liability that will be suspended, applied to funding of, and ultimately discharged upon successful completion of the Proposed SEP will therefore fully fund the construction of the Oak Street Diversion System. As currently occurs for the California and Figueroa Street diversion projects, the City will fund the operation and maintenance of the completed Oak Street Diversion System with funding provided under a line item in its annual public works budget.

Personnel

The City of Ventura's Environmental and Water Resources (EWR) Division will manage the project. EWR is responsible for the City's Stormwater Quality Program (NPDES), storm drain system maintenance, sanitary sewer maintenance, and tertiary POTW maintenance and operation. If implemented, this will be the third and final diversion of storm drains to the sanitary sewer system by the City of Ventura in this same vicinity.

EWR possesses extensive project and contract management experience, as well as knowledge of coastal water quality issues and the operation and maintenance of storm drain and collection systems.

Personnel involved in the implementation of the project include the following:

Ray Olson, Environmental Services Manager
Ray has over 20 years of experience administering programs that have improved environmental quality in local jurisdictions throughout California including Tuolumne County, Stanislaus County, City of Lancaster and the City of Ventura. He is registered with the State Department of Health as an Environmental Health Specialist (REHS), and has a Masters Degree in Public Administration (MPA) from CSU Northridge with a focus on Environmental Policy.

Dan Pfeifer, Wastewater Utility Manager
Dan has over 25 years experience in the operation and maintenance of sanitary sewers and wastewater treatment plants. He has extensive background in project design and construction coordination having completed over 30 million in capital improvement projects for the City of Ventura at the Ventura Water Reclamation Facility. He holds an AS degree from Ventura College, a State of California Grade V Wastewater Treatment Plant License, and a Grade II Collection System Technologist certificate from the California Water Environment Association.

Evaluation Plan and Criteria

The Ventura County Environmental Health Department performs weekly ocean water quality monitoring locations in the vicinity of Surfers' Point. The City's goal is that the AB 411 ocean water quality monitoring program will establish that 100% of the dry-weather ocean monitoring results for this area comply with the State's bacteriological standards for the ocean. If dry-weather exceedences are detected, the City will conduct technical and forensic analysis as necessary to determine if the exceedences are related to urban runoff, or if the Oak Street Diversion System has been successful and the exceedences likely have a different cause. Project success will be evaluated and communicated through the quarterly and yearly reports to the Regional Board and the Division of Financial Assistance of the State Water Resources Control Board.

Third-Party Evaluation

It is not anticipated that a third party evaluation of the SEP will be necessary, based on the type of project proposed and the supervision that will be exercised by the Regional Board staff. However, should the Executive Officer of the Regional Board conclude prior to, or during project implementation that certain project issues or improvements require a third party evaluation, the City will specify an independent engineer, consultant or academic acceptable to the Regional Board that doesn't otherwise work as a consultant for the City to provide such a third party evaluation. The City will

contract with, and fund the costs and expenses of such a third party evaluation in addition paying the penalties assessed under the ACL, but the consultant, engineer or academic chosen to perform those duties will report directly to the Regional Board.

Continuation/Expansion Plans

The City will fund the operation and maintenance of all of its completed urban runoff diversion systems, including the Oak Street Diversion System, with funding provided under a line item in its annual public works budget. In addition, while the urban runoff diversion systems, including the Proposed SEP, are not a requirement of the current MS4 Permit applicable to the City of Ventura, the City of Ventura Stormwater Quality Program is currently investigating a ballot measure for a stormwater quality property related fee, or another type of regional stormwater fee or credit program adopted under the MS4 Permit, to permanently increase program funding to provide other BMPs that will complement the completed diversion runoff systems to reduce pollutants in urban runoff and stormwater. Such a fee could also provide additional long-term funding for the operation and maintenance of the existing urban runoff diversion systems, and for the expansion of urban runoff diversion systems into other areas of the City.

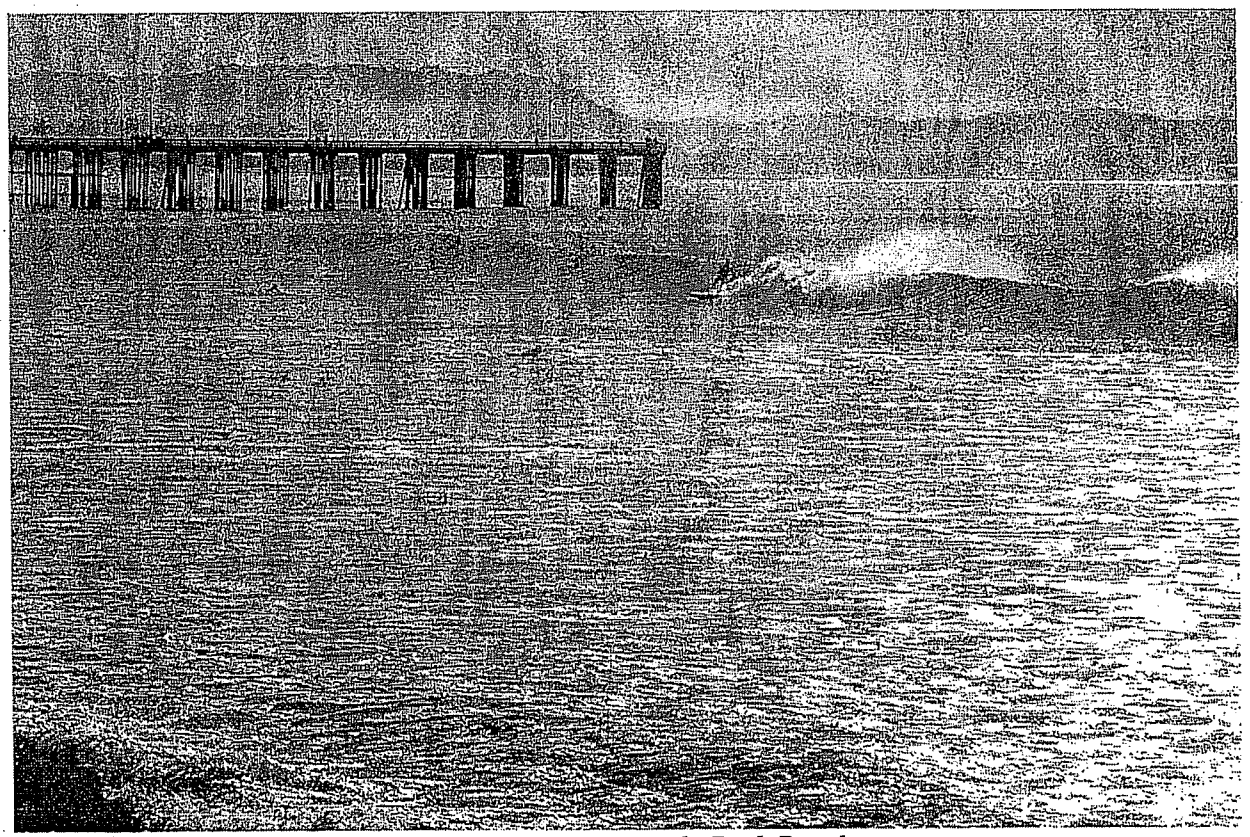
Attachment: Final Report
Low Flow Diversions for the California and Figueroa Street Storm Drains at Promenade Park Beach
February 1, 2010.

FINAL REPORT

LOW FLOW DIVERSIONS FOR THE CALIFORNIA AND FIGUEROA STREET STORM DRAINS AT PROMENADE PARK BEACH

Proposition 13
Grant Agreement No. #06-238-550-1

Clean Beaches Initiative Program



City of Ventura Promenade Park Beach

Prepared by:
City of Ventura Public Works Department

February 1, 2010

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Executive Summary

Project Description and Purpose:

Before this project was implemented, stormwater from Ventura's downtown core discharged year round through stormdrain outlets that dumped directly onto beaches in heavily used recreational areas. The stormwater was polluted with disease causing bacteria, which threatened the health of bathers, and the many year-round surfers who regularly ride Ventura's famous waves. These beaches were posted with advisories not to enter the water because of bacterial contamination related health risks an average of 11 times per year during the 10-year period of 1998-2008. One year (2005) the beaches were posted twenty-one times!

Data showed that the highest concentrations of bacteria in the stormwater occurred during the dry season of April through November, even though rainfall was practically non-existent during those times. An alarming amount of these dry-weather bacteria was found to be strains that originate from warm-blooded animals that can carry disease to people. Most likely animal fecal sources came from pet owners who did not clean up after their pets, the many downtown transients who did not clean up after themselves, and from seagulls that forage in downtown trash bins. Water sources that carried these contaminants to the beaches included business owners hosing down sidewalks and storefronts, car washing, over-watering of landscaped areas, water leaks, and groundwater discharges from underground utility vaults. As these water sources flow through city streets, gutters and alleys, they picked up the bacterial contaminations that were conveyed into the stormdrain and discharged onto the beach.

To reduce this pollution source, carefully engineered structures were built to divert dry weather stormwater discharges from two storm drain beach outfalls to the City owned wastewater treatment plant. These storm drains collect runoff from Ventura's historic downtown core, a portion of the U.S. 101 Freeway (Caltrans), the Seaside Park Fairgrounds (a State agency), and undeveloped hillsides above Ventura.

Completion of the improvements resulted in immediate and long lasting water quality improvements. Last year (2009) there were no beach closures in the beach area near the stormdrain discharge locations. Also, an intensive 6-month monitoring project demonstrated the success of the diversion structures in improving coastal water quality and making the water safer for surfers and swimmers. This report presents further details on the construction, costs, operation and success of this project.

Involved Public Agency/Private Partners: Surfrider Foundation Ventura County Chapter; Ventura County Environmental Health Department; Ventura County Watershed Protection District; California Coastal Commission; Ventura CoastKeeper

Total Project Cost: $ 1,033,802

Project Funding Source(s): $838,802 from Clean Beaches Initiative. $195,000 from the City of Ventura's General Fund.

Grantee Contact Info:

Name: Ray Olson
Title: Environmental Services Manager
Phone: (805) 652-4593
Email: rolson@ci.ventura.ca.us

1. Introductions and Overview

This report consists of data results, interpretation of data, information on project status, highlights and results of quality control assessments, internal review and Project achievements. The monitoring efforts were conducted by the City of Ventura pursuant to grant agreement number 06-238-550-1 between the State Water Resources Control Board (State Water Board) and the City of Ventura.

1.1. Problem Statement and Existing Conditions

The coastline from Surfers Point to the Ventura Pier is Ventura's most popular location for body contact with ocean water. The consistent swells lure surfers and other beach activity enthusiasts from throughout Ventura County and Santa Barbara's south coast, from sunrise to sunset throughout the year. Swimmers, kayakers, beach walkers and windsurfers also enjoy the easy coastal access and ample parking. The Ventura County Fairgrounds (AKA Seaside Park), Ventura's Coastal Promenade, hotels and restaurants, and the Ventura Pier border this coastline. It is equally popular with residents and visitors.

The storm drain system collects urban runoff from the downtown business district and the U.S. 101 Freeway and then discharges the runoff onto the beach via five outfalls, depending on tidal conditions and sand accretion. Storm drain-related problems identified to-date, but not prioritized include:

- AB 411 weekly ocean water testing has indicated that in 2001 there were 253 days of beach postings within the ¾ mile subject area. This translates to 337 posting/closed days per beach mile. The subject area is 303(d) listed for bacteria indicators.
- "First flush" rainfall events produce visibly discolored, odorous discharges from the storm drain system.
- The City receives occasional citizen complaints about sewer leaks in this area, with the complaints based on odorous conditions. When investigated, staff identifies the odors to be originating from the storm drain system. No sewage is present.

The primary purpose of this project is to reduce the discharge of bacteria into coastal waters at Ventura County's most popular location for water contact activity. In compliance with AB 411, the County Environmental Health Department conducts weekly ocean water quality testing at five locations within the subject area. The subject area is currently 303(d) listed for bacteria indicators. The goal of the project is to eliminate dry weather storm drain discharges into this popular recreational area. This accomplishment would remove the subject area from its current 303(d) listing for bacteria indicators.

1.2. Geographical Setting

The Figueroa Street storm drain system collects runoff from 62 acres of the downtown business area, from the ocean to the northern side of U.S. 101. Development in this area is a mix of commercial and residential uses. This area is fully developed, and the storm drain system is completely undergrounded. No natural habitat exists in this area.

Collecting runoff from 13 acres of the city's downtown commercial and residential area, the California Street storm drain system also receives runoff from approximately 10 acres of the U.S. 101 Freeway. It is fully developed, with no natural habitat.

Figure 1: Map of the City of Ventura

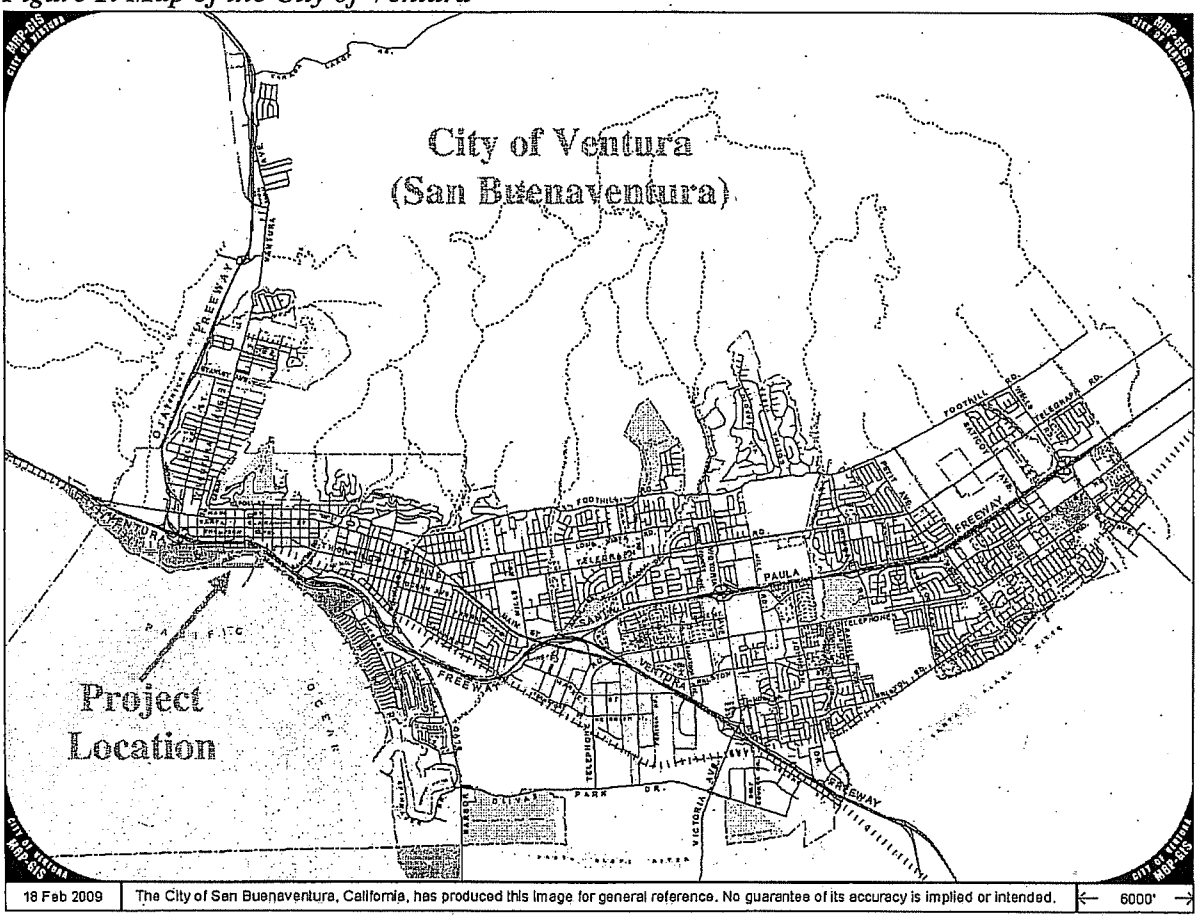
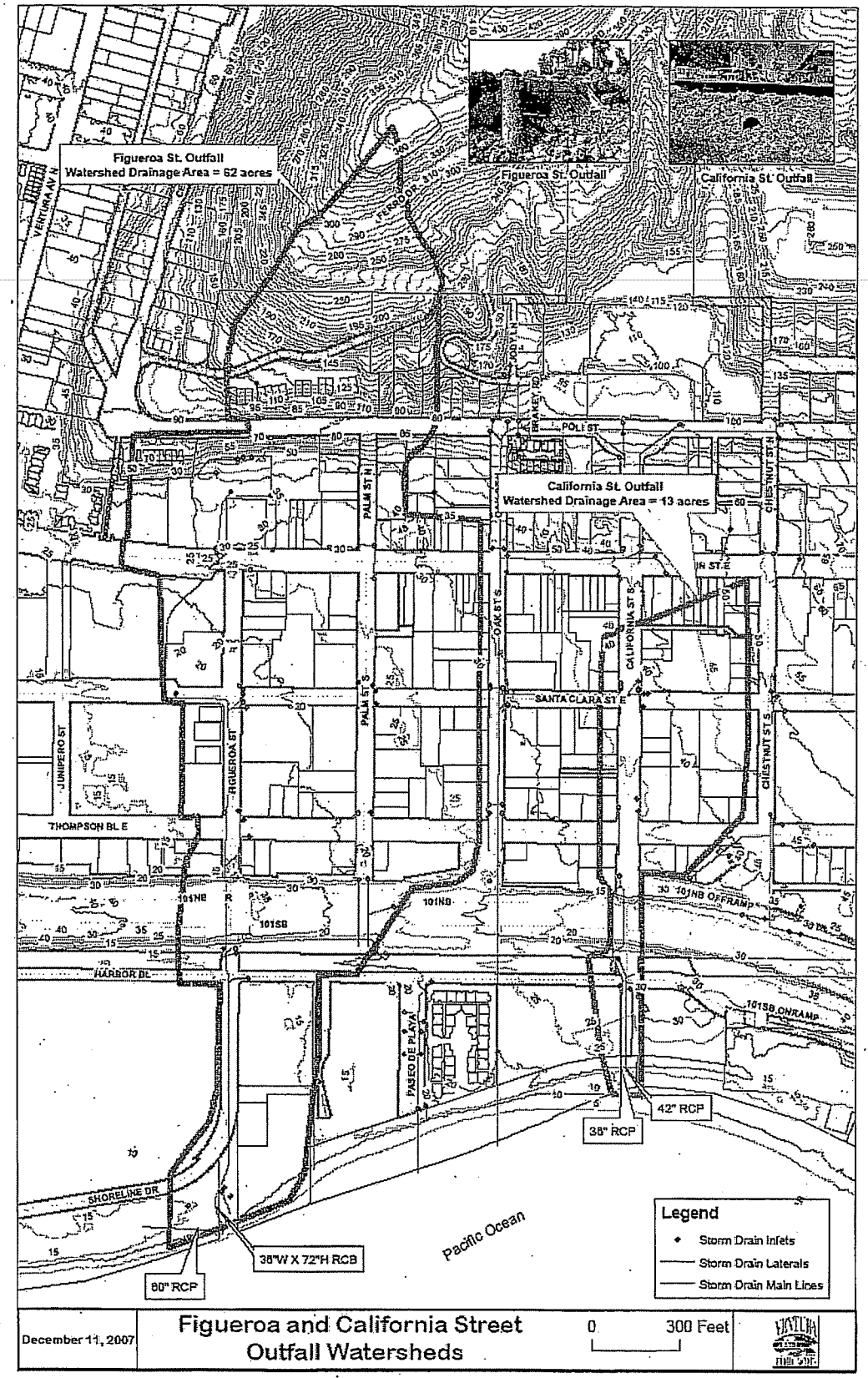


Figure 2: Map of Drainage Areas Diverted and Treated by Project



2. Project Summary

2.1. Project's Objective

This project designed and constructed stormwater diversions from two storm drains within the project area to the City-owned wastewater treatment plant. These storm drains collect runoff from the downtown business and residential district, a portion of the U.S. 101 Freeway (Caltrans), the Seaside Park Fairgrounds (a State agency), and undeveloped hillsides above Ventura and discharge the runoff onto the beach below the City's Promenade. The drains are:

- Figueroa Street Storm Drain (4' x 6' concrete box)
- California Street Storm Drain (42" corrugated metal pipe)

This project:

- Identified tie-in locations for diversions from the storm drain system to the sanitary sewer.
- Provided conceptual, preliminary and final drawings for the diversion structures.
- Constructed low flow storm drain diversions to the wastewater treatment plant.

Completion of the improvements resulted in immediate and long lasting water quality improvements. Project success has been measured by sampling water quality above the diversion structures and comparing it to AB 411 monitoring results obtained in the mixing zone below these storm drains. Flow volumes were measured.

2.2. Project History

The Ventura County Environmental Health Department (EHD) began AB 411 compliance sampling in 1998. Initially, 30 to 40 sites were monitored on a weekly basis. By 2004, approximately 55 sites were monitored weekly, on a year-round basis. Due to budget constraints, EHD gradually began reducing the number of sites monitored during the wet season. As of November 2008, EHD is no longer conducting wet season monitoring.

The project was needed because the Promenade Park Beach (AKA Surfers Point) is the most heavily used beach in Ventura County, and monitoring results indicated that bacterial levels posed a significant health risk to beach goers.

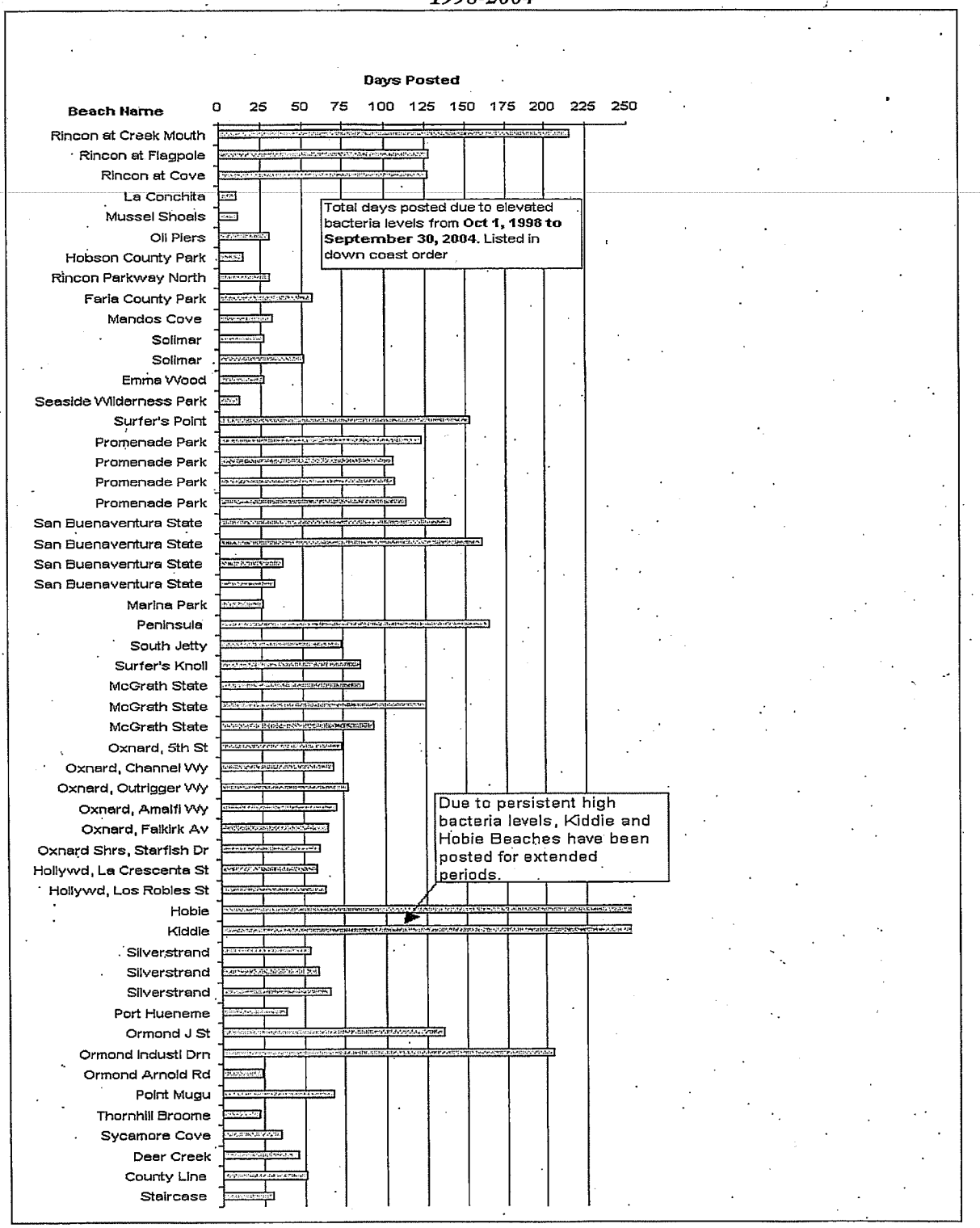
The City of Ventura Public Works Department collaborated with the Ventura County Chapter of the Surfrider Foundation, the Ventura CoastKeeper, the Ventura County Watershed Protection District, and the local (Ventura) office of the California Coastal Commission to bring this project to its fruition.

2.3. Baseline Water Quality

Water quality conditions at the two storm drain discharges were noticeably poor prior to this project. Surfers could smell the Figueroa Street storm drain discharges 100 yards offshore. The California Street storm drain discharged into a stagnant pond that became malodorous and filled with algae.

The following chart illustrates summary results for various Ventura County Beaches from 1998-2004

Figure 3 (Graph): Days beaches were posted for bacteria contamination in Ventura County. 1998-2004



2.4. Potential Source Categories

Urban runoff is the primary source of pollution identified. This runoff originates from the downtown business and residential land use areas, as well as the U.S. 101 Freeway. Initial flows are caused by stormwater, pumped groundwater, irrigation over watering, residential car washing, water line flushing, and other allowable non-stormwater discharges, subject to conditions. Typical pollutants include pet waste, fertilizers, nutrients, pesticides, vehicle fluid drippings, by-products of motor vehicle tire and brake wear, sediments, road wear, etc.

2.5. Funding Program

Initial investigations were conducted with funding, in the amount of approximately $97,000, received through the Supplemental Environmental Funding (SEP) program of the Los Angeles Regional Water Quality Control Board. The SEP program is funded by fines imposed by the RWQCB for water quality violations. Clean Beaches Initiative funding paid for design and construction of the low flow storm drain diversions. The City of Ventura's General Fund paid $195,000 to the wastewater treatment plant for connection fees. The City's General Fund pays for ongoing operations and maintenance, costs, as well as metered treatment charges paid to the sewage treatment plant. Project administration, reporting, monitoring and other incidental costs have been absorbed by the City's General Fund.

Table 1: Project Budget

	Planning*	Design	Construction	Monitoring	O& M Annual
Project Cost	$97,000	$168,000	$866,000	$10,000	$20,000
CBI – Grant		$168,000	$671,000		
Other (specify)	$97,000				
Local Match			$195,000	$10,000	$20,000

**Include environmental document, permitting and right of way.*

Ongoing maintenance, operation and treatment costs are paid for by the City's General Fund.

3. Project Activities, Tasks and Schedule of Completion

The following Table (Table 2) summarizes documents and forms submitted for review to the California State Water Resources Control Board during this project.

Table 2: Documentation and Review Timelines

Item	DESCRIPTION	DUE DATE	SUBMITTAL DATE
	EXHIBIT A – SCOPE OF WORK		
1.0	QUALITY ASSURANCE PROJECT PLAN and MONITORING PLAN	--	
1.1	Quality Assurance Project Plan	Sept. 2004	Sept. 2004
1.2	Monitoring Plan	June 2008	June 2008
2.0	WORK TO BE PERFORMED BY GRANTEE	--	
2.3	Copy of Engineering Feasibility Evaluation	Sept. 2004	Sept. 2004
2.4	Final Design	--	
2.4.1	Copies of Final Plans and Specifications	May 2005	May 2005
2.5	Construction	--	
2.5.1	Copy of Bid Materials and Letter of Award	June 2006	June 2006
2.5.2	Copy of Notice to Proceed Letter	August 2006	August 2006
2.5.4	Copy of "As-built" Drawings and Photo Documentation	January 2007	January 2007
3.0	Reporting		
3.1	Annual Progress Summary	September 2005, September 2006, September 2007, & September 2008	September 2005, September 2006, September 2007, & September 2008
3.2	Draft Project Report	November 2009	February 2010
3.3	Final Project Report	November 2009	March 2010
	EXHIBIT B – INVOICING, BUDGET DETAIL AND REPORTING PROVISIONS		
5.0	REPORTS	--	
5.1	Progress Reports by the twentieth (20th) of the month following the end of the calendar quarter (March, June, September, and December)	Quarterly	Quarterly
5.2	Grant Summary Form	Day 90	Day 90
5.3	Natural Resource Projects Inventory Project Survey Form	Before final invoice	March 2010
	EXHIBIT C – SWRCB GENERAL CONDITIONS		
# 6	Copy of final CEQA/NEPA documentation	As Needed	May 1, 2006
#22	Signed Cover Sheets For All Permits	Not Needed	Not Needed
	EXHIBIT D – GRANT PROGRAM TERMS & CONDITIONS		
#5	Monitoring and Reporting Plan	June 2008	June 2008

Project Completion Date

Project construction was completed in September 2007. Operations commenced immediately thereafter.