



California Regional Water Quality Control Board

Central Coast Region



Linda S. Adams
Secretary for
Environmental Protection

Arnold Schwarzenegger
Governor

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Phone (805) 549-3147 • FAX (805) 543-0397

February 16, 2010

RECEIVED
FEB 18 2010
CITY OF SOLEDAD
FINANCE DEPT

Certified Mail 7008 1140 0003 4708 6588

Clifton Price
Public Works Director
City of Soledad
248 Main Street
P.O. Box 156
Soledad, CA 93960

RECEIVED
FEB 18 2010
PUBLIC WORKS
DEPARTMENT

Dear Mr. Price:

NOTICE OF VIOLATION FOR FAILURE TO SUBMIT STORM WATER MANAGEMENT PROGRAM ANNUAL REPORT FOR FY 2008-09 AND FAILURE TO SUBMIT REVISED STORM WATER MANAGEMENT PLAN, CITY OF SOLEDAD, W DID# 3 27MS04029, MONTEREY COUNTY

The City of Soledad (City) is in violation of requirements contained in State Water Resources Control Board Order No. 2003-0005-DWQ, National Pollutant Discharge Elimination System General Permit No. CAS000004, Waste Discharge Requirements for Storm Water Discharges from Small Municipal Separate Storm Sewer Systems (General Permit). Pursuant to the California Water Code, such violation subjects you to enforcement action by the Central Coast Regional Water Quality Control Board (Water Board).

Violation: Failure to Submit Storm Water Management Program Annual Report for Permit Year 2008-09

The City has not submitted its Stormwater Management Program (SWMP) Annual Report for the 2008-09 permit year (Annual Report). Section F.1 of the General Permit required the City to submit this annual report to the Water Board by September 15, 2009, or as otherwise directed by the Water Board Executive Officer. In a letter to the City dated March 15, 2006, the Executive Officer directed the City to submit Annual Reports by December 6 of each year. Therefore, the City's Annual Report for the 2008-2009 permit year was due to the Water Board by December 6, 2009.

Violation: Failure to Submit Revised Storm Water Management Plan

The City has not submitted a revised Storm Water Management Plan (SWMP) as required by the Water Board Executive Officer per General Permit Section D. We delineated required revisions to the SWMP in a letter commenting on the City's SWMP Annual Report for the 2007-08 permit year, dated September 25, 2009. These revisions are necessary for the City to reduce pollutants in municipal stormwater to the maximum

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extent practicable and to protect water quality in compliance with the General Permit. We required the City to submit the revised SWMP with the City's Annual Report for Fiscal Year 2008-09, which was due to the Water Board by December 6, 2009.

Authority to require modifications to the City's SWMP is provided by General Permit Section G. General Permit Section D requires the City to incorporate changes required by the Water Board Executive Officer into the SWMP and adhere to its implementation.

Action Required

You must submit the City's 2008-09 Annual Report and a revised SWMP immediately. The annual report must comply with the conditions contained in General Permit Section F.1. The revised SWMP must incorporate all changes required by the Water Board Executive Officer as delineated in our September 25, 2009 letter. Please submit two electronic copies of the revised SWMP using Microsoft Word, one in "track changes" format. The 2008-09 Annual Report and the revised SWMP must be signed by "either a principal executive officer, ranking elected official, or duly authorized representative" (General Permit Section H.11) and include the following signed certification per General Permit Section H.12:

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system or those persons directly responsible for gathering the information, to the best of my knowledge and belief, the information submitted is true, accurate, and complete.

I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

Pursuant to Water Code Section 13385, violations of the General Permit subject you to civil liability of up to \$10,000 per day for each violation.

If you have any questions regarding this Notice of Violation, contact **Jon Rohrbough** at (805) 549-3458 or at jrohrbough@waterboards.ca.gov, or Phil Hammer at (805) 549-3882.

Sincerely,



for Michael J. Thomas
Assistant Executive Officer

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