

**Staff Report for Draft Order No. R3-2012-0005
ATTACHMENT 3**

CHANGES TO DRAFT ORDER NO. R3-2012-0005 IN RESPONSE TO COMMENTS

Draft Order as a Whole

- Addressed language requiring that the City ‘ensure’ outcomes as follows:
 - Retained the word ‘ensure’ when it is in the City’s power to ensure outcomes
 - Replaced the word ‘ensure’ with more appropriate language when it is not in the City’s power to ensure outcomes
- Addressed language requiring that the City ‘prevent’ outcomes as follows:
 - Retained the word ‘prevent’ when it is in the City’s power to prevent outcomes
 - Replaced the word ‘prevent’ with more appropriate language when it is not in the City’s power to prevent outcomes
- Replaced ‘Salinas Reclamation Ditch’ with ‘Reclamation Ditch’

Findings

- Finding 2 – Replaced ‘storm drains and water bodies within the Permittee’s jurisdiction’ with ‘MS4’ to clarify which discharges are being permitted by the Draft Order
- Finding 15 – Updated the date of the section 303(d) list to reflect the most recently approved list
- Finding 23 – Modified language to clarify that Carr Lake functions as a detention basin, not a retention basin for managing stormwater runoff, and modified language to explain that the Salinas River discharges to the Old Salinas River during low-flow periods and directly to Monterey Bay during high-flow periods
- Finding 31 - Clarified, the Permittee is not responsible for discharges from agricultural lands that are comprised solely of return flows and/or stormwater.
- Finding 67 – Added details about the Lower Salinas River Watershed Fecal Coliform TMDL
- Finding 77 – Added language to specify that an output of the watershed characterization is to improve watershed processes that support and protect beneficial uses

Provision A-D – Discharge Prohibitions, Effluent Limitations and Receiving Water Limitations

- Added individual residential car washing, and incidental runoff from landscape irrigation, irrigation water, and lawn watering to the list of allowable non-stormwater discharges to provide the City greater flexibility in the management of these discharges. Added “significant” to clarify that only allowable non-stormwater discharges that are a significant source of pollutants need to be addressed
- Clarified that the Discharge Prohibitions, Effluent Limitations, and Receiving Water Limitations do not apply to discharges from portions of the MS4 that are also receiving waters when the discharges originate outside the Permit coverage area
- Removed specific requirements for the management of incidental runoff, and reference Provision H for details on the requirements, to provide greater flexibility to the City in

managing incidental runoff. Removed redundant prohibitions for non-stormwater runoff that is not incidental

- Added a requirement for the City to develop an organization chart to identify which City staff positions and departments are responsible for implementing each requirement in the Draft Order and to identify the structure of management/leadership positions responsible for compliance with the stormwater management program as a whole
- Clarified the timing of implementation of documents submitted in compliance with the Draft Order
- Clarified in the Fact Sheet that the City's compliance with the Draft Order will not be assessed by the level of cooperation received by other agencies

Provision E – Municipal Maintenance

- Extended the deadlines of several requirements to reduce the quantity of program modifications in the first year (specific examples are listed below)
- Extended the deadline for developing the inventory from 12 months to 2 years
- Removed some items from list of items that must be included in the inventory to reduce inventory workload
- Added clarifying language for outdoor public events that must be included in the inventory
- Added clarifying language delineating information that must be included in the inventory for Municipal Maintenance Operations and Events
- Extended the deadline for annual assessment of all Municipal Facilities, Maintenance Operations, and Events from 12 months to 2 years
- Removed language that alternative methodology for identifying High Priority Municipal Facilities, Maintenance Operations, and Events must be submitted within 6 months, to provide the City with more flexibility
- Extended the deadline for developing and implementing minimum BMPs from 12 months to 2 years
- Clarified requirements for minimum BMPs for Municipal Events
- Modified language related to minimum BMPs for pavement washing, mobile cleaning, and pressure washing, from BMPs that 'prohibit' discharge to BMPs that 'prevent' discharge
- Extended the deadline for developing and implementing SWPPPs from 12 months to 2 years
- Clarified requirements for SWPPPs for High Priority Municipal Events
- Extended the deadline for developing and implanting standard operating procedures for High Priority Maintenance Operations from 12 months to 2 years
- Modified maintenance requirements for catch basins as follows:
 - Allowed the City to continue its current inspection and cleaning methodology until the end of Year 2
 - Modified the requirement to determine depth of debris in catch basins to allow visual determination of depth as a percentage of occlusion of the outlet pipe
 - Added requirements for modifying the inspection and cleaning methodology to optimize total removal of sediment and debris

- Modified cleaning requirements to allow cleaning within 14 days for catch basins which can be cleaned by hand, and to allow cleaning prior to the beginning of the wet season for catch basins that require use of a vacuum truck
- Modified street sweeping requirements as follows:
 - Removed the requirement that measurements of solids collected must be normalized for moisture content
 - Reduced measurement of solids collected to only during the dry season
 - Modified language related to prioritizing sweeping routes and modifying sweeping frequencies, from a methodology based on percentages to a methodology based on optimizing total solids collected during the dry season for the 24 routes the City currently sweeps biweekly, without increasing total route miles
 - Added flexibility to sweep routes twice per month instead of biweekly
 - Extended the deadline to begin sweeping using the revised schedule from Year 2 to Year 3
 - Removed the requirement to reevaluate and remodify street sweeping schedules in Year 4 to reduce the number of changes the City will need to make to their program
 - Added requirement to estimate the percentage of route miles in which sweeping equipment is able to access the curb, and to increase over time the percentage of route miles in which sweeping equipment is able to access the curb
 - Extended the deadline for developing and implementing BMPs to reduce dirt tracking from 12 months to 2 years
- Extended the deadline for developing effective inspections from 12 months to 2 years
- Extended the deadline to begin municipal inspections from Year 2 to Year 3
- Excluded roads from Municipal Facilities requiring weekly visual observations
- Removed requirement that Municipal Events must be inspected annually
- Modified items required to be included in the information management system
- Removed requirement to train staff not employed by the City to provide the City with greater flexibility in how they provide oversight of work performed by others

Provision F – Commercial and Industrial

- Extended the deadlines of several requirements to reduce the quantity of program modifications in the first year (specific examples are listed below)
- Modified inventory requirements to reflect the following:
 - Extended the deadline to develop the commercial and industrial inventory from 12 months to 2 years
 - Reduced the number of commercial and industrial facilities and/or operations to be included in the inventory
 - Required prioritization of commercial and industrial facilities and/or operations for inclusion, starting from categories of facilities and/or operations currently in the City's commercial and industrial inventory
 - Clarified that the City is not required to conduct an inspection of facilities or operations prior to the initial revision of the inventory
- Modified minimum BMP designation requirements to reflect the following:

- Extended the deadline for designating and requiring effective implementation of minimum BMPs from 12 months to 2 years
- Added language that the City is only required to designate and require effective implementation of minimum BMPs for the facilities and/or operations included in the inventory
- Modified pollutant source control minimum BMP requirements, providing clarity on how to minimize exposure and divert run-on/runoff
- Added language requiring labeling of drains/inlets that convey discharges to the MS4 to the list of minimum BMPs
- Modified notification requirements to include only facilities and/or operations included in the inventory and provided the City with greater flexibility on the timing of the notification
- Modified inspection requirements as follows:
 - Extended the deadline to develop inspection procedures from 12 months to 2 years
 - Extended the deadline to begin inspections from 12 months to 3 years
 - Added language that prioritization is required only for facilities and/or operations included in the inventory
 - Clarified that the City is not required to conduct an inspection of facilities or operations prior to prioritizing the inventory
 - Clarified that the City must determine an Inspection Rating for each inspection of each facility and/or operation
 - Removed requirement that each Food Facility must be inspected each year
 - Removed requirement to reinspect some facilities and/or inspections in the following year
 - Modified of requirement for reinspection of low-performing facilities and/or operations from '7 days' to '30 days'
- Removed requirement to train staff not employed by the City to provide the City with greater flexibility in how they provide oversight of work performed by others

Provision G – Residential

- Extended the deadlines of several requirements to reduce the quantity of program modifications in the first year (specific examples are listed below)
- Extended the deadline for prioritizing residential areas and activities from 12 months to 2 years
- Extended the deadline for designating minimum BMPs for high priority residential areas and activities from 2 years to 3 years
- Added language to allow the City to prioritize complaints and adjust their level of response
- Extended the deadline for establishing criteria for new private residential areas to be designated as high priority private development, from 12 months to 2 years
- Extended the deadline for requiring implementation of Sections E.5 and E.6 for High Priority Private Development from 2 years to 3 years
- Modified the private development requirements to only apply to new development, not existing development.

Provision H – Illicit Discharge Detection and Elimination

- Extended the deadlines of several requirements to reduce the quantity of program modifications in the first year (specific examples are listed below)
- Extended deadline to update the MS4 map from 12 months to 2 years
- Extended the deadline for developing and implementing BMPs for high priority IDDE areas from 12 months to 2 years
- Replaced requirement to prioritize ‘industrial, commercial, or mixed use areas (including areas with Food Facilities) for inclusion on the High Priority IDDE map to a requirement to prioritize ‘areas containing facilities on the Permittee’s Commercial and Industrial Inventory
- Removed language that alternative methodology for identifying High Priority IDDE areas must be submitted within 6 months, providing flexibility to the City
- Added ‘or equivalent’ to the requirement to use the Center for Watershed Protection IDDE Manual
- Removed ‘to the MEP’ from requirement to take all necessary actions to eliminate illicit discharges
- Modified the Draft Order to allow the City to assess if bilingual Illicit Discharge reporting system and signage/storm drain messages are necessary. Clarified that signage and storm drain messages that are in English only, already installed but still legible, need not be replaced to provide bilingual messages
- Extended deadline for developing and implementing illicit discharge detection procedures from 12 months to 2 years
- Extended deadline for developing dry weather screening BMPs from 12 months to 2 years
- Extended deadline for beginning dry weather screening from 2 years to 3 years
- Extended the deadline for prohibiting excessive application of potable and recycled water from 12 months to 2 years
- Added requirement to develop and implement a plan to reduce Incidental Runoff, providing a mechanism for the City manage Incidental Runoff without prohibiting it
- Removed the requirement for the City to analyze the data gathered in Attachment D – Monitoring and Reporting Program to identify potential illicit discharges to eliminate the redundancy with Provision P

Provision J – New Development and Redevelopment

- Modified Stormwater Development Standards update deadlines from ‘within 3 months of adoption of this Draft Order’ to ‘within 18 weeks of adoption of this Draft Order’, consistent with the City’s request for more time for these requirements
- Added language to specify that the City must apply the most current version of the SWDS to applicable projects to the extent permitted under California law
- Modified source control BMPs to include the following:
 - Defined efficient irrigation systems
 - Changed requirement to route specific prohibited discharges to sanitary sewer to now just require that specific prohibited discharges not enter receiving waters or the MS4 (e.g., discharge to an onsite vegetated area, plumb to sanitary sewer)
- Expanded BMP options for Non-Priority Development Projects to increase flexibility

- Added language to specify the Central Coast Water Board Joint Effort for Hydromodification Control methodology will inform the point in hydrologic history for which an applicant shall design its site to meet the final flow control numeric requirements
- Modified final treatment requirements for Priority Development Projects to include the following:
 - Larger suite of BMP options if a project cannot meet the final treatment requirements using LID systems to increase flexibility
 - Specific design standards for non-retention based treatment systems (increased the volume of stormwater runoff required for treatment to 1.5 times the required volume of stormwater runoff required for treatment when using LID systems)
 - Infeasibility determination process

Provision K – Construction Site Management

- Extended the deadlines of several requirements to reduce the quantity of program modifications in the first year (specific examples are listed below)
- Extended the deadline for establishing criteria for high priority construction sites from 12 months to 2 years
- Extended the deadline for requiring construction sites to implement minimum BMPs from 12 months to 2 years
- Extended the deadline for requiring high priority construction site permittees to submit source control and erosion and sediment control plans from 12 months to 2 years
- Extended the deadline to begin reviewing construction plans from 12 months to 2 years
- Extended the deadline to begin construction site inspections from 12 months to 3 years
- Added language clarifying that the City is not responsible for construction sites in the Permit coverage area that the Permittee does not have jurisdictional authority over
- Removed requirement to train staff not employed by the City to provide the City with greater flexibility in how they provide oversight of work performed by others

Provision L – Development Planning and Stormwater Retrofits

- Clarified that riparian vegetation and habitat restoration-related activities are permitted within existing riparian vegetation and habitat areas in order to not discourage restoration activities
- Clarified that the City may delegate responsibility to itself for protecting existing riparian vegetation and habitat on privately-owned land
- Removed and revised a few items in the California Environmental Quality Act checklist to remove redundancy and add more specificity to the checklist item related to floodplain area impacts
- Modified retrofit requirements to specify that retrofits must emphasize LID projects
- Modified retrofit requirements to specify that the City shall assess City-owned features as candidates for retrofitting, but the City does not have to assess privately-owned features
- Added language to specify that the City can pursue comparable water supply, water quality, and flood protection and flood management goals and objectives to the current Integrated Regional Water Management Plan to meet the Integrated Regional Water Management Draft Order requirements

Provision M – Public Education and Public Involvement

- Extended the deadlines of several requirements to reduce the quantity of program modifications in the first year (specific examples are listed below)
- Extended the deadline for identifying priority stormwater issues from 12 months to 2 years
- Extended the deadline for identifying target audiences from 12 months to 2 years
- Added language that grades 3-6 are preferred but not required for public education for school children
- Added language clarifying the City's responsibilities for educating school children if the City is denied the opportunity by all schools despite multiple attempts
- Modified requirements for assessing the effectiveness of public education efforts to align assessment requirements with Section P
- Extended timelines for implementing pilot projects by one year
- Extended the deadline for implementing a public advisory group from 12 months to 2 years
- Reduced the number of pilot projects to be implemented by the City each year from 2 to 1
- Extended the deadline for maintaining an updated website from 12 months to 2 years

Provision N – Trash Load Reduction

- Modified language from 'prevent' trash discharges to 'reduce' trash discharges
- Removed 'municipally owned and/or operated schools' and 'the Rodeo Grounds' from the list of municipally owned and operated areas for which the City must designate and implement trash reduction BMPs
- Modified visual inspection requirements to require the City to visually inspect open channels and other surface drainage structures which are part of the Permittee's MS4 or part of receiving waters within the Permit coverage area that are not owned and operated by MCWRA
- Added a definition for 'surface drainage structure'
- Modified time to remove trash and debris found during visual inspections from one week to 14 working days
- Removed requirements related to drainage structures maintained by others
- Modified language 'to develop, adopt and enforce a Trash Reduction Ordinance to remove trash and litter loads' to language 'to have developed, adopted, and be enforcing enforceable mechanisms, such as a trash reduction ordinance, to effectively reduce trash discharges to the Permittee's MS4 and remove trash and litter loads' to provide more flexibility
- Removed public schools from, and added areas surrounding public schools, to the list of sites and sources to be addressed by trash reduction enforceable mechanisms
- Added language that the Trash Reduction Plan must incorporate trash capture devices, as applicable, to be consistent with flexibility language added in Section P.3.b.vii

Provision O – Total Maximum Daily Loads

- Added a requirement to develop interim targets if TMDL does not explicitly include interim targets

Provision P – Monitoring, Effectiveness Assessment, and Program Improvement

- Extended timelines for analyzing inspection results to be consistent with inspection requirements
- Modified BMP effectiveness assessment requirements to be consistent with modified catch basin inspection and cleaning requirements
- Removed language related to determining average and total solids collected through street sweeping (language is now located in Provision E)
- Modified effectiveness assessment methodology for street sweeping to be consistent with modified street sweeping requirements
- Removed Stormwater Discharge Action Levels for pyrethroid pesticides
- Modified the Stormwater Discharge Action Level for fecal coliform
- Added language that the City must obtain authorization from the Monterey County Water Resources Agency to conduct Trash Assessments in the Reclamation Ditch; or install trash capture devices to capture, prior to discharge into the Reclamation Ditch, the amount of trash equivalent to that generated by 20% of the commercial and industrial land area in the Permit coverage area

Provision Q – Watershed Characterization

- Added language to clarify the City is only expected to use data from existing local rain gages, so the City does not need to install new rain gages

Attachment B – Definitions

- Replaced the term 'Biotreatment;' with 'Biofiltration'
- Modified the end of the 'Rainy Season' from April 1 to April 30
- Added the following language to the definition of 'Municipal Separate Storm Sewer System (MS4)': 'When used without qualification, means the MS4 owned or operated by the Permittee'
- Clarified the Incidental Runoff definition applies to irrigation and lawn watering

Attachment D – Monitoring and Reporting Program

- Modified the analytical method for electrical conductivity and turbidity to field measurement in Table Attachment D.2, Table Attachment D.3, and Table Attachment D.4
- Modified the reporting level for turbidity from 1.0 NTU to 0.5 NTU in Table Attachment D.2 and Table Attachment D.3
- Clarified that zinc and copper analysis are for 'total' zinc and copper in Table Attachment D.2, Table Attachment D.3, and Table Attachment D.4
- Deleted sampling requirements for pyrethroid pesticides from Table Attachment D.2
- Added hardness as a parameter in Table Attachment D.3 and Table Attachment D.4
- Modified reporting limits for some pyrethroid pesticides in Table Attachment D.3
- Modified the parameter 'soluble orthophosphate' to 'orthophosphate' in Table Attachment D.4
- Modified the reporting limit for Malathion in Table Attachment D.4
- Modified the reporting limit for copper (total) from 0.01 ug/L to 0.5 ug/L
- Removed Fenvalerate as a parameter in Table Attachment D.4

- Modified receiving water monitoring requirements from monthly monitoring all year to monthly monitoring from November through May (inclusive) and also in July and September

Attachment K – Summary of Milestones/Deadlines

- Revised milestones and deadlines to reflect modifications made to provisions