

**STATE OF CALIFORNIA
REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL COAST REGION**

STAFF REPORT FOR REGULAR MEETING OF JULY 11-12, 2013
Prepared on June 18, 2013

ITEM NUMBER: 7

SUBJECT: Status Report for:

- **City of Salinas Municipal Storm Water Discharges, Monterey County, Order No. R3-2012-0005; and**
- **Monterey Regional Municipal Storm Water Discharges, Monterey County, Order No. 2003-0005-DWQ.**

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KEY INFORMATION:

Location: Monterey County
Type of Discharge: Municipal stormwater
Disposal Method: Surface water discharge at multiple locations
Existing Orders: Order No. R3-2012-0005 and Water Quality Order No. 2003-0005-DWQ

THIS ACTION: Informational

I. SUMMARY

The Central Coast Water Board requested a status update on the compliance of the City of Salinas and the Monterey Regional participants stormwater programs. Central Coast Water Board staff performed partial compliance audits of the City of Salinas, Monterey County, and City of Monterey's stormwater programs in March of 2013. This staff report provides a summary of the municipalities' compliance history to date, as well as the results of the 2013 stormwater audits.

Central Coast Water Board staff will continue to conduct audits of municipal stormwater programs in Monterey County each year. Central Coast Water Board staff prioritizes municipalities to audit each year based on a number of factors including, but not limited to, audit history, compliance history and potential impact to water quality.

II. CITY OF SALINAS MUNICIPAL STORMWATER PERMIT COMPLIANCE

The Salinas stormwater system serves a population of over 100,000, which subjects Salinas to Phase I municipal stormwater requirements. Salinas is currently the only Phase I permittee in the Central Coast Region, and the only permittee with an individual stormwater permit. Salinas has been subject to municipal stormwater requirements since 1999 and is currently required to comply with the requirements of Order No. R3-2012-0005 (Salinas Permit), adopted on May 3, 2012 (effective date of June 17, 2012). Prior to its coverage under Order No. R3-2012-0005, Salinas was subject to Order No. R3-2004-0135.

A brief summary of the history of Central Coast Water Board staff compliance assessment of the Salinas stormwater program is as follows:

- July 2003 Audit - Central Coast Water Board staff conducted an audit focused on Salinas's compliance with Salinas's first stormwater permit (Order No. 99.087). The results of the July 2003 audit were used in drafting Salinas's second permit (Order No. R3-2004-0135);
- September 2006 Notice of Violation (NOV) – Central Coast Water Board staff issued a NOV to Salinas for failure to comply with Order No. R3-2004-0135;
- January 2007 Second NOV- Central Coast Water Board staff issued a Second NOV to Salinas for failure to address the violations specified in the September 2006 NOV;
- July 2007 Status Report - Central Coast Water Board staff provided a status report to the Central Coast Water Board and recommended issuing a Cease and Desist Order with a time schedule;
- September 2007 Industrial Inspections – A USEPA contractor performed inspections of ten industrial facilities in Salinas;
- February 2008 Status Report- Central Coast Water Board staff provided a status report to the Central Coast Water Board noting Salinas had made significant progress, but Salinas continued to be out of compliance;
- January 2010 Industrial Inspections – A USEPA contractor performed inspections of five industrial facilities in Salinas;
- March 2011 Audit - Central Coast Water Board staff conducted an audit focused on the Construction Site Management and Development Standards/Parcel Scale Development program elements. The results of the March 2011 audit were used in drafting the Salinas Permit;
- October 2012 NOV - Central Coast Water Board staff issued a NOV to Salinas based on the findings of the 2011 audit;
- March 2013 Audit - Central Coast Water Board staff conducted an audit to assess Salinas's status of compliance with the findings of the 2011 audit and subsequent NOV; and

- June 2013 NOV - Central Coast Water Board staff issued a NOV to Salinas based on the findings of the 2013 audit (Attachment 2 to this staff report).

For a more detailed history of Salinas's status of compliance with their stormwater permits through February 2012, see Attachment 1 to this staff report (City of Salinas Status of Compliance with Order R3-2004-0135 dated February 2, 2012).

Some of the findings in the 2013 audit were similar to findings identified during the audits conducted in 2011 and 2003. For example, the 2011 and 2003 audits found that Salinas needed to make improvements in the management, coordination, and training aspects of their municipal stormwater program. During the 2013 audit, the audit team found Salinas still had not adequately addressed these issues. However, Salinas demonstrated significant progress in several program areas relative to the 2011 audit. Attachment 2 to this staff report contains the 2013 audit report (City of Salinas Notice of Violation dated June 18, 2013).

Some of the more significant improvements found during the 2013 audit relative to the 2011 audit included:

- Planning Staff and Engineering Support Staff Knowledge of Salinas Permit Requirements – Planning and Engineering Support staff demonstrated appropriate knowledge of the Salinas Permit requirements.
- Management Support – Leadership at Salinas demonstrated support and commitment to comply with the Salinas Permit requirements.

Some of the more significant violations and deficiencies found during the 2013 audit included:

- Construction Oversight of Capital Improvement Projects - Capital improvement construction projects did not receive adequate construction oversight for stormwater controls. Salinas did not demonstrate progress relative to the 2011 audit for this program element.
- Implementing Stormwater Development Standards Requirements for Capital Improvement Projects - Salinas did not have a mechanism in place to ensure capital improvement projects were checked for compliance with the Stormwater Development Standards. Salinas did not demonstrate progress for this program element relative to the 2011 audit.
- Stormwater Program Management - Salinas relies on different departments to implement various Salinas Permit requirements, leading to program coordination challenges. Salinas demonstrated progress relative to the 2011 audit; however, the departments continue to lack adequate coordination to provide comprehensive oversight of the Salinas Permit requirements.
- Record Keeping – Salinas demonstrated progress with record keeping relative to the 2011 audit; however, Salinas continues to not adequately track all of the information required to document Salinas Permit compliance.
- Staff Training and Knowledge – Salinas demonstrated progress with staff training and knowledge relative to the 2011 audit; however, some of the Salinas staff responsible for implementing Salinas Permit requirements continue to lack adequate understanding of the relevant requirements.
- Timelines for Implementation - Salinas has missed some deadlines specified in the Salinas Permit. For some of these deadlines, Salinas staff was not adequately tracking the deadlines and were not aware that the deadlines were missed.

The Salinas Permit has been in effect for one year and contains staggered deadlines for Salinas to update its stormwater program to comply with the new requirements. Some of the more significant program elements that were required to be implemented before the end of the first year include:

- Develop and maintain an information management system to document Salinas Permit compliance (deadline August 2012);
- Develop a monitoring program quality assurance project plan (deadline August 2012);
- Develop a Wasteload Allocation Attainment Plan for the Lower Salinas River Watershed Fecal Coliform Total Maximum Daily Load (TMDL) (deadline December 2012); and
- Revise the Salinas Stormwater Development Standards (deadline January 2013).

Salinas has missed three of the four deadlines listed above. Salinas submitted the Revised Salinas Stormwater Development Standards late and has yet to submit a Wasteload Allocation Attainment Plan for the Lower Salinas River Watershed Fecal Coliform TMDL. In addition, at the time of the 2013 audit, Salinas had not fully developed their information management system to document permit compliance. These missed deadlines are addressed in the City of Salinas Notice of Violation dated June 18, 2013 (see comment numbers # 5, # 9 and # 10) (Attachment 2 to this staff report).

Many other program elements were required to be updated by May 2013 (e.g., Stormwater Management Plan, staff training and assessment, plan development for addressing pollutants in Salinas River Outfall, etc.). Central Coast Water Board staff has not yet evaluated compliance with the Salinas Permit May 2013 deadlines. Salinas is required to provide a complete summary of their compliance with first year Salinas Permit deadlines in the Year 1 Annual Report due July 3, 2013. Central Coast Water Board staff will continue to assess the status of compliance with the Salinas Permit through the review of Salinas's response to the June 2013 NOV, review of Salinas Annual Reports, and future audits.

Salinas Storm Drain Management

At the January 31, 2013 Central Coast Water Board meeting, Board members received a comment from the public regarding Salinas's practice of propping open some storm drain grates during some rain events. In response to this comment, Central Coast Water Board staff included a summary of the history of the issue in the Executive Officer Report for the March 2013 Central Coast Water Board meeting. Central Coast Water Board staff found Salinas's management of its storm drain grates to be reasonable due to the limited scope of the grate opening, combined with Salinas's need to provide public safety. Further, storm drain grates are not particularly effective pollutant control devices, so staff found that opening of storm drain grates in limited circumstances will not significantly impact water quality. At the March 2013 Board meeting, the Central Coast Water Board directed to staff to include information in the July 2013 status report on best management practices (BMPs) Salinas is required by the Salinas Permit to implement to prevent pollutants from entering storm drains.

The Salinas Permit contains many requirements that have the potential to reduce the quantity of pollutants that enter the storm drains including:

- Street sweeping BMPs (deadline May 2013);
- Modifications to street sweeping practices to increase its effectiveness (deadline May 2015)
- Catch basin inspection and cleaning BMPs (deadline May 2013);
- Modifications to catch basin inspection and cleaning practices to increase its effectiveness (deadline May 2015);

- Implementation of minimum BMPs for municipal facilities, maintenance operations, and events (deadline May 2014);
- Trash management and other good housekeeping practices required for all construction sites (deadline May 2014); and
- Trash load reduction BMPs including:
 - BMPs to control trash and litter from public parks, Salinas municipal facilities, and Salinas owned or operated public venues (deadline May 2013);
 - Inspection and cleaning of surface drainage structures (deadline May 2013);
 - Source identification and abatement (deadline May 2014);
 - Development of trash reduction ordinance (deadline May 2015); and
 - Development of a trash reduction plan focusing on high priority trash areas (deadline May 2014).

Central Coast Water Board staff will consider the evaluation of compliance with these Salinas Permit requirements along with other priorities as future audits and Annual Report reviews are performed.

III. MONTEREY REGIONAL MUNICIPAL STORMWATER PERMIT OVERVIEW

The Monterey Regional Stormwater Permit Participants Group (Monterey Regional) is composed of eight participating entities (County of Monterey, City of Monterey, Sand City, Pacific Grove, Carmel-by-the-Sea, Seaside, Del Rey Oaks, and Marina). The stormwater systems of each participating entity serve a population of less than 100,000, which subjects each entity to the Phase II municipal stormwater requirements. The participating entities are co-permittees enrolled in National Pollutant Discharge Elimination System (NPDES) General Permit No. CAS000004, *Waste Discharge Requirements for Storm Water Discharges from Small Municipal Separate Storm Sewer Systems* (Municipal General Permit). Monterey Regional was one of the first Phase II enrollments in the Central Coast Region for stormwater permit coverage and has been subject to municipal stormwater requirements since 2006. The Municipal General Permit in effect through June 30, 2013 is Water Quality Order No. 2003-0005-DWQ. On July 1, 2013, Water Quality Order No. 2013-0001-DWQ becomes the effective Municipal General Permit.

To evaluate the current status of compliance of the Monterey Regional group, Central Coast Water Board staff performed partial audits in March of 2013 of the County of Monterey and the City of Monterey stormwater programs. These two entities combined cover more than half of the population in the Monterey Regional permit coverage area.

IV. MONTEREY COUNTY MUNICIPAL STORMWATER PERMIT COMPLIANCE

A brief summary of the history of Central Coast Water Board staff compliance assessment of the Monterey County stormwater program is as follows:

- May 2009 Audit - Central Coast Water Board staff conducted an audit focused on the Construction Site Management and Pollution Prevention/Good Housekeeping program elements of each of the Monterey Regional participating entities;
- September 2009 NOV - Central Coast Water Board staff issued a NOV to each of the Monterey Regional participating entities based on the findings of the May 2009 audit and review of the Monterey Regional 2007/2008 Annual Report;
- May 2010 Second NOV - Central Coast Water Board staff issued a second NOV to each of the Monterey Regional participating entities for violations contained in the September 2009 NOV that had not been corrected;

- March 2013 Audit - Central Coast Water Board staff conducted an audit to assess Monterey County's status of compliance with the Construction Site Management program element and the Post-Construction Management in Development program element; and
- June 2013 NOV - Central Coast Water Board staff issued a NOV to Monterey County based on the findings of the 2013 audit (Attachment 3 to this staff report).

Monterey County demonstrated progress in some areas relative to the 2009 audit, however, Central Coast Water Board staff found Monterey County to be out of compliance for some Municipal General Permit requirements. Attachment 3 to this staff report contains the 2013 audit report (Monterey County Notice of Violation dated June 18, 2013).

Some of the more significant improvements found during the 2013 audit relative to the 2009 audit included:

- Construction Oversight of Private Construction Projects – Monterey County staff demonstrated appropriate knowledge and procedures for construction oversight of stormwater controls. Monterey County is utilizing an integrated information management system that enables efficient inspection documentation, inspection tracking, and data access.
- Lead Stormwater Staff Knowledge of Municipal General Permit Requirements – Monterey County lead stormwater staff demonstrated thorough knowledge of Municipal General Permit requirements, and a commitment to a successful stormwater program.

Some of the more significant violations and deficiencies found during the 2013 audit included:

- Implementation and Tracking of Interim Post Construction Requirements – Monterey County has not been requiring applicable projects to implement interim Low Impact Development post-construction requirements. Monterey County has not been tracking development project applicability of the interim Low Impact Development post-construction requirements.
- Planning Staff Knowledge - Planning staff were not knowledgeable enough about the Municipal General Permit and Monterey Regional Stormwater Management Plan (SWMP) requirements to provide adequate guidance to applicants.

Central Coast Water Board staff will continue to assess the status of Monterey County's compliance with the Municipal General Permit through the review of Monterey County's response to the June 2013 NOV, review of Monterey Regional Annual Reports, and future audits.

V. CITY OF MONTEREY MUNICIPAL STORMWATER PERMIT COMPLIANCE

A brief summary of the history of Central Coast Water Board staff compliance assessment of the City of Monterey stormwater program is as follows:

- May 2009 Audit - Central Coast Water Board staff conducted an audit focused on the Construction Site Management and Pollution Prevention/Good Housekeeping program elements of each of the Monterey Regional participating entities;
- September 2009 NOV - Central Coast Water Board staff issued a NOV to each of the Monterey Regional participating entities based on the findings of the May 2009 audit and review of the Monterey Regional 2007/2008 Annual Report;
- September 2009 Audit - An audit team comprised of Central Coast Water Board staff, USEPA staff and PG Environmental (USEPA contractor) reviewed the City of Monterey's

Illicit Discharge Detection & Elimination, Construction Site Management, Post-Construction Stormwater Management in New Development & Redevelopment, and Pollution Prevention/Good Housekeeping program elements;

- May 2010 NOV - Central Coast Water Board staff issued a NOV to the City of Monterey based on the findings of the September 2009 audit;
- May 2010 Second NOV - Central Coast Water Board staff issued a second NOV to each of the Monterey Regional participating entities for violations contained in the September 2009 NOV that had not been corrected;
- March 2013 Audit - Central Coast Water Board staff conducted an audit to assess City of Monterey's status of compliance with the findings of the 2009 audits and subsequent NOV's; and
- June 2013 NOV - Central Coast Water Board staff issued a NOV to the City of Monterey based on the findings of the 2013 audit (Attachment 4 to this staff report).

The City of Monterey demonstrated progress in some areas relative to the 2009 audits, however, the City of Monterey was found to be out of compliance for some Municipal General Permit requirements. Attachment 4 to this staff report contains the 2013 audit report (City of Monterey Notice of Violation dated June 18, 2013).

Some of the more significant improvements found during the 2013 audit relative to the 2009 audits included:

- Construction Oversight of Larger Private Construction Projects – City of Monterey staff demonstrated appropriate knowledge and procedures for construction oversight of stormwater controls for larger private construction projects (sites disturbing one acre or more); and
- City of Monterey Staff Knowledge for Municipal Facilities and Operations – Monterey staff demonstrated increased awareness of appropriate BMPs for municipal operations and facilities.

Some of the more significant violations and deficiencies found during the 2013 audit included:

- Construction Oversight of Small Private Construction Projects – Small private construction projects (sites disturbing less than one acre) did not receive adequate construction oversight for stormwater controls;
- Illicit Discharge Detection and Elimination – Inspection staff was observed to either be inadequately trained or unwilling to recognize and correct illicit discharges and threats to water quality;
- Trash Management – Inadequate trash management was observed in several locations; and
- Work in Waters of the United States - Monterey has performed maintenance activities in bodies of water without ensuring appropriate jurisdictional determinations are conducted to determine if the work is located in waters of the United States and is therefore subject to Clean Water Act sections 401 and 404 permitting.

Central Coast Water Board staff will continue to assess the status of the City of Monterey's compliance with the Municipal General Permit through the review of the City of Monterey's response to the June 2013 NOV, review of Monterey Regional Annual Reports, and future audits.

VI. ATTACHMENTS

1. City of Salinas Status of Compliance with Order R3-2004-0135 dated February 2, 2012
2. City of Salinas Notice of Violation dated June 18, 2013
3. Monterey County Notice of Violation dated June 18, 2013
4. City of Monterey Notice of Violation dated June 18, 2013

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