

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

**STAFF REPORT FOR REGULAR MEETING OF SEPTEMBER 24, 2015**

Prepared on August 21, 2015

**ITEM NUMBER:** 12

**SUBJECT:** Status Report for City of Salinas Municipal Storm Water Discharges, Monterey County, Order No. R3-2012-0005

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**KEY INFORMATION:**

Location: City of Salinas, Monterey County  
Type of Discharge: Municipal stormwater  
Disposal Method: Surface water discharge at multiple locations  
Existing Orders: Order No. R3-2012-0005

**THIS ACTION:** Informational

**SUMMARY**

The Central Coast Regional Water Quality Control Board requested a status update on the compliance of the City of Salinas (City) stormwater program. This staff report provides a summary of Central Coast Water Board staff's oversight of the City's compliance, and general status of the City's program implementation.

The City's current permit is a Phase I individual municipal permit, adopted May 3, 2012, Order No. R3-2012-0005 (Permit). Central Coast Water Board staff conducted an inspection in March 2013, issued a Notice of Violation in June 2013, and provided a status update to the Central Coast Water Board in July of 2013. Since that time, Central Coast Water Board staff accompanied United States Environmental Protection Agency (USEPA) on another inspection in December 2014.

In general, the City has made some improvements to its stormwater program and complied with most aspects of the Permit and also has continued to have program shortcomings.

**BACKGROUND**

This status update is based upon observations during a December 2014 inspection and informed by prior inspections conducted in March 2011 and March 2013 and related correspondence.

Central Coast Water Board staff annually selects a subset of municipalities to review and inspect for compliance with stormwater permits. Central Coast Water Board staff uses an annual prioritization process to determine which and how many annual municipal stormwater program

inspections to conduct each year, and what aspects of the programs to focus on to secure the most effective and important water quality protection. The factors Central Coast Water Board staff considers in prioritizing municipalities to inspect each year include, but are not limited to: inspection history, compliance history, and potential impact to water quality.

## **PERMIT REQUIREMENTS**

The City owns and operates a municipal separate storm sewer system (MS4). As such, the City is required by the federal Clean Water Act to obtain a National Pollutant Discharge Elimination System (NPDES) permit for discharges to Waters of the United States from its MS4. Stormwater NPDES permits require permittees to reduce the discharge of pollutants in stormwater discharges to the maximum extent practicable (MEP), a standard specified by the federal Clean Water Act, and to protect water quality and beneficial uses, including achievement of receiving water quality standards. By comparison, other NPDES permittees with more specific discharges (e.g., publicly owned treatment works treatment plants, power plants, oil refineries) are typically held to effluent limits, since they typically have more control over effluent discharge and treatment.

Cities with a population between 100,000 and 250,000 people are subject to Phase I municipal stormwater requirements. With a population of 156,000, the City is currently the only Phase I permittee in the Central Coast Region, and the only permittee with an *individual* municipal stormwater permit. Smaller municipalities (population less than 100,000) are subject to Phase II municipal stormwater requirements. The State Water Resources Control Board issued a general permit for discharges of stormwater runoff from these smaller Phase II municipalities.

The City's stormwater permit expires every five years; therefore, the Central Coast Water Board reissues the City's Permit on an ongoing basis. The City has been subject to municipal stormwater requirements since 1999. The City was covered by Order No. R3-2004-0135 previously and is currently required to comply with the requirements of the current Permit, adopted on May 3, 2012 (effective date of June 17, 2012). The City has completed its third year of program implementation under the 2012 Permit. The City will apply for renewal of its permit in 2016.

Central Coast Water Board staff has reviewed several aspects of the City's Permit compliance and program implementation over the last few years, but the review has focused on a subset of the City's required activities that are most critical for achieving water quality goals.

### **Key submittals and milestones in 2012 Permit**

Table 1 lists some of the more significant program elements that the City was required to or still must implement during the 2012 Permit term. The Table also indicates the status of these elements.

**Table 1: Key Submittals and Milestones in the 2012 Permit**

Permit Program Element	On-time / Late	Date Received / Period
Stormwater Management Plan to demonstrate Permit Compliance	On-time	July 2013
Stormwater Development Standards (revised)	Late	Adopted April 2014
Develop Information Management and Permit Compliance Tracking System	Late	Ongoing implementation and staff training
Wasteload Allocation Attainment Plan for Total Maximum Daily Loads - Fecal Coliform	Late	January 2014
Wasteload Allocation Attainment Plan for Total Maximum Daily Loads - Nutrients	On-time	May 2015
Coordinate stormwater roles and responsibilities with Monterey County Water Resources Agency	Late	fully implemented in second half of 2014
Develop pollutant load discharge plan for the Salinas River Outfall	On-time	May 2013, revised September 2013
Develop and implement a trash reduction plan	On-time	July 2014 (Year 2 annual report)
Conduct water quality monitoring for receiving water, background receiving water, stormwater discharge trend, and stormwater discharges from urban catchments identified by the Urban Catchment Action Level Pilot Projects (Permit Attachment D)	On-time, incomplete progress reporting due to technical difficulties	July 2014 (Year 2 annual report)
Develop a long-term retrofit plan (design plans due in July 2017)	On-time	July 2014 (Year 2 annual report)
Modify and implement riparian setback requirements	Late	Updated in City of Salinas Municipal Code
Conduct watershed characterization assessment and mapping, including stream rapid assessments	On-time	July 2015 (Year 3 annual report)
Status updates on implementing effectiveness program (BMPs, PEPO, staff training, industrial inspections, construction, riparian protection, street sweeping, water quality monitoring programs)	On-time	Progress updates in annual reports
Report of Waste Discharge to inform next permit	NA	August 2016

Many other sub-elements within the above listed elements are implemented throughout the Permit term. Central Coast Water Board staff has not evaluated compliance with all of the City's Permit deadlines to date but will evaluate compliance consistent with the stormwater program's priorities for future inspections and Annual Report reviews.

**Permit Requirements related to the Future Growth Area**

In May of 2008, the Local Agency Formation Commission of Monterey County considered and approved annexation of land, commonly called the Future Growth Area, into the City. The Future Growth Area consists of approximately 2,388 gross acres and is planned for up to 11,485 total dwellings with almost four million square feet of commercial/retail/mixed use and public/semi-public uses. Development within the Future Growth Area is subject to the requirements of the Permit. The Permit requires the City to ensure that specific plans and other master planning documents, adopted for Future Growth Area development, incorporate Low Impact Development (LID) principles and demonstrate minimization of impacts to water quality, beneficial uses, and watershed processes.

In October of 2014, the City provided Central Coast Water Board staff with the preliminary draft specific plan for the Central Area of the Future Growth Area. Central Coast Water Board staff reviewed the stormwater section of the draft plan and identified the following notable components relating to water quality: 1) Commitment to restore many acres of riparian area; 2) Inclusion of a wide range of examples of retention-based Stormwater Control Measures types and applications; 3) Inclusion of street and site-level design examples that incorporate LID site design principles; and 4) Commitment to encourage the use of green infrastructure, in place of traditional gutter and pipe systems, to convey stormwater runoff. In a comment letter dated, November 18, 2014, Central Coast Water Board staff emphasized that the final plans must more clearly demonstrate compliance with the Permit's creek setback requirements, the Permit's numeric stormwater post-construction requirements, and the Permit's requirements for a decentralized approach to stormwater management.

The Central Area Specific Plan is the first specific plan document that Central Coast Water Board staff has received for the Future Growth Area. The developer of the West Area of the Future Growth Area also submitted a draft specific plan to the City. The developer is revising portions of the West Area Specific Plan and will be resubmitting it for City review. Central Coast Water Board staff will receive for review the West Area Specific Plan from the City after it is found acceptable for release by City staff.

**COMPLIANCE ASSESSMENT AND STATUS OF PERMIT IMPLEMENTATION**

Central Coast Water Board staff has inspected components of the City's program during the many years that the City has been covered by a municipal stormwater permit. See Table 2 for a brief summary of the history of Central Coast Water Board staff's compliance assessment of the City's stormwater program since the adoption of the 2012 Permit. Also, see Summary of Compliance Assessment (Attachment 1) for a full timeline of Central Coast Water Board staff's compliance assessment of the City's stormwater program.

**Table 2: Summary of Compliance Assessments since Adoption of 2012 Permit**

Order	Date	Compliance Assessment	
		Type	Description
<b>No. R3-2012-0005</b>	March 2013	Inspection	Central Coast Water Board staff conducted an inspection to assess the City's status of compliance with the findings of the 2011 inspection and subsequent Notice of Violation, and for compliance with the 2012 Permit.
	June 2013	Notice of Violation	Central Coast Water Board staff issued a Notice of Violation to the City, based on the findings of the 2013 inspection, to document violations and deficiencies of 2012 Permit requirements.
	July 2013	Board Status Report	Central Coast Water Board staff provided a status report to the Central Coast Water Board summarizing the City's compliance history to date, as well as the results of the 2013 inspection.
	August 2013	Response to Notice of Violation	City submitted a response to the June 2013 Notice of Violation.
	December 2014	Inspection	A USEPA contractor, accompanied by Central Coast Water Board staff and USEPA staff, conducted an inspection focused on the Illicit Discharge Detection and Elimination, Commercial and Industrial, and Construction Site Management program elements.
	March 2015	Compliance Inspection Report	USEPA staff issued a letter to the City based on the findings of the 2014 inspection (Attachment 2 to this staff report, received June 2015).
	July 2015	Response to Compliance Inspection Report	City of Salinas submitted response to the USEPA Inspection Report (Attachment 3 to this staff report, received July 2015).

**December 2014 USEPA inspection**

In December 2014, a USEPA contractor performed a partial compliance inspection of the City's stormwater program focusing on the following components of the City's stormwater program: illicit discharge detection and elimination (IDDE), commercial and industrial facilities, and construction site management. Central Coast Water Board staff and USEPA staff accompanied the USEPA contractor on the inspection. Central Coast Water Board staff observed other program areas in addition to those USEPA inspected and also noted progress related to past program deficiencies and violations found in 2013 during inspections.

The City has made progress implementing certain program elements inspected by USEPA since previous Central Coast Water Board staff inspections. The principal results of the USEPA inspection found the City lacking in inventory and inspection of industrial facilities, stormwater system mapping and inspections, construction site inspections and construction permit enforcement, and tracking and recording of Permit program activities. The USEPA also found the City continues to have similar Permit compliance deficiencies as found during the 2013 audit. These include: coordination of comprehensive oversight of Permit requirement compliance; inadequate information tracking; staff understanding of relevant Permit requirements; and staff training and certification for construction site inspectors. The USEPA's letter report in Attachment 2 records program deficiencies and potential permit violations. The City's response to the USEPA letter report is provided in Attachment 3.

## **PARTICIPATION WITH CENTRAL COAST LOW IMPACT DEVELOPMENT INITIATIVE**

The City has partnered with the Low Impact Development Initiative (LIDI) on several LID training workshops to support LID implementation in the Central Coast Region. Workshops have addressed the technical aspects of LID design and construction.

The City participated in a Proposition 84 Stormwater Grant led by the California Stormwater Quality Association (CASQA) to develop and implement Green/Complete Street Standards. These standards reflect the City's vision and leadership to integrate sustainable practices such as LID and green infrastructure into their community.

The City developed a comprehensive set of engineering details and specifications for LID designs (e.g., bioretention, pervious pavements), which are some of the most technically-sound and current in California. The City has made these details available in the native files (AutoCAD) for municipalities statewide who need to develop similar details and specifications to comply with post-construction stormwater control requirements.

## **SUMMARY OF 2014-2015 ANNUAL REPORT**

The City submitted their 2014 – 2015 annual report on time. The annual report documents compliance activities for the Year-Three permit requirements. A summary of the annual report highlights are listed below. Attachment 4 (2014 – 2015 Annual Report) Permit Requirements, Compliance Actions and Results provides the Permit program results in more detail.

- Permit Section E - Municipal Maintenance
  - The City is continually improving upon its trash removal rates at public venues, by street sweeping, and at council district neighborhood cleanup days. Public education and public outreach programs are contributing to positive behaviors about the impacts by trash upon watersheds.
  - The City adopted the *Best Management Practices Maintenance Rapid Assessment Methodology, Technical Document, Lake Tahoe Basin* (2009). Results of inspections and periodic maintenance activities are recorded in the City's tracking software Trakit.
- Permit Section F- Commercial and Industrial Facilities
  - The City completed an inventory of 1,250 commercial and industrial businesses with facility information tabulated in the City's Trakit software program.
  - The City completed inspections of over 30 percent of the total businesses with a focus on businesses with a higher potential for negative water quality impacts.
  - Data indicate improved stormwater quality due in part to inspections and public education and public outreach programs in the business community.
- Permit Section H – Illicit Discharge and Detection Elimination
  - The City maintains a program of after-hours drive-by inspections in high priority areas with a potential for illicit discharges. The drive-by program has resulted in nine instances of violations, cease and desist orders, or fines, and continuing education with contractors and business owners.
  - The City maintains records in their Trakit system about the locations, types of materials, volumes, and final disposition of 58 illicit discharges and spills.
- Permit Section J - Parcel Scale Development
  - Nine projects were approved incorporating post-construction stormwater control measures. Three projects are within the riparian zone.

- 5.5 acres of new impervious surface were or will be installed. Post-construction stormwater control measures at these projects include bioretention basins, underground retention and infiltration galleries, and pervious pavement features.
- Permit Section K – Construction Site Management
  - The City uses Trakit software as a construction site management tool for scheduling and reporting site inspections, scheduling follow-up inspections, and documenting construction site compliance and deficiencies.
  - The City performed 922 inspections. The result of the inspection tracking shows improvements over the term of the Permit for construction site compliance.
  - 103 correction notices issued for high priority sites and nine red-tagged projects.
- Permit Section N – Trash Load Reduction
  - There is an overall decrease in the volume of trash and debris removed from creeks and storm drain structures between 2013 and 2015.
  - The City inspects, maintains and operates 87 stormwater management features.
  - The City installed trash capture devices and filtration systems in high priority areas to minimize trash loads to the storm drain system.
- Permit Section P – Monitoring Effectiveness Assessment and Program Improvement
  - A 6 to 35 percent improvement was documented for integrated pest management practices (landscape chemical usage) for City landscape maintenance staff, and an 11 percent decline was documented for contracted landscaping services.
  - Water quality in the Urban Catchment Action Level Pilot Project exhibits static to decreasing water quality from 2013 to 2015.
  - Water quality in the streams in the Urban Subwatershed Monitoring program exhibits decreasing water quality from 2013 to 2015.

## CONCLUSION

Central Coast Water Board staff anticipates continuing oversight of the Permit, including review of priority submittals and the timeliness of the City's completion of milestones. This will require a more strategic approach to bring focus to the most critical program elements that hold the greatest potential to result in improvements in urban runoff quality and receiving water conditions. These elements include: the City's stormwater program effectiveness program; implementation of the Stormwater Development Standards in the City's Future Growth Area; and continuing improvement concerning non-compliance issues (e.g., oversight of industrial facilities and construction projects).

## ATTACHMENTS

1. Timeline of Central Coast Water Board Staff Compliance Assessment
2. USEPA December 2014 Inspection Report
3. City of Salinas Response to USEPA Inspection Report
4. Summary of Permit Requirements, Compliance Actions and Results

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