City of Salinas

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Via Electronic Mail and U.S. Mail

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California Regional Water Quality Control Board
Central Coast Region
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Re: City of Salinas's Responses to Comments Posted on the City's Storm Water Management Plan

TO THE CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD, CENTRAL COAST REGION

In accordance with the adoption process set forth by Regional Board staff in its Notice of Posting, the City of Salinas respectfully submits these Responses to Comments submitted to the Regional Board on the City of Salinas's June 2007 Storm Water Management Plan.

The City acknowledges that in order for the June 2007 Storm Water Management Plan to be approved, when implemented in full it must meet the Maximum Extent Practicable standard. As acknowledged by City staff and Regional Board staff in its October 2, 2007 letter, the City's June 2007 Storm Water Management Plan will meet the Maximum Extent Practicable Standard with the incorporation of the Regional Board staff's Required Revisions and as indicated in the City's December 3, 2007 Comments on the Required Revisions, with very limited exceptions, the City of Salinas accepts the Required Revisions and will modify the Storm Water Management Plan accordingly.

The following contains the City of Salinas's timely submitted responses to the comments received during the sixty-day public review and comment period on the City's June 2007 Storm Water Management Plan. Each of the three comment letters submitted to the Regional Board and the responses set forth below correspond to the individual comments made in each of those three letters.

A. Bob Meyer, Chief Engineer Operations and Maintenance, Monterey County Water Resources Agency. November 28, 2007.

Response A-1

This comment is not directed toward the City's Storm Water Management Plan. Specifically, the Commenter requests revisions to the Regional Board's Required Revision no. 39 and footnote 2. This comment is, however, consistent with the City of Salinas's December 3, 2007 comments in response to the Regional Board's Required Revisions.

B. David S. Beckman, Senior Attorney, National Resources Defense Council (NRDC). November 29, 2007.

Responses B-1, B-2, and B-3

Generalized comments that the City's Storm Water Management Plan (SWMP) fails to meet "the requirements of the Clean Water Act or the underlying NPDES Permit," that the City's SWMP "is not the regulatory document requirement by 33 U.S.C. Section 1314 and 40 CFR Part 122.26," and that the City "has failed to comply with almost every notable development or redevelopment requirement set forth in Permit Attachment 4, Section III" are neither accurate nor practical or helpful.

The City acknowledges that not all program elements have been clearly defined in the SWMP and that additional work is required to identify specific commitments for each of the obligations imposed under the City's NPDES Permit. Since the submittal of its SWMP to Regional Board staff in June 2007, the City has worked collaboratively with Regional Board Staff to identify deficiencies in the SWMP and to work toward Regional Board approval. Nevertheless, the City's SWMP includes adequate information to determine that the City's NPDES Program is designed to reduce the discharge of pollutants to the Maximum Extent Practicable (MEP) both during and by the end of the five-year Permit term and to protect water quality. MEP must be assessed by looking at the SWMP as a whole and as the City submits the Program components in its Annual Reports, Regional Board staff will review them to ensure they meet the requirements of the regulations, the City's NPDES Permit, and the MEP standard. This will include a process for ongoing public review and, since this is an adaptively managed and iterative program, as the City and Regional Board staff learn more about storm water and water quality, the Regional Board can require the City to implement different or more stringent Best Management Practices (BMPs) where needed to meet the MEP standard and to protect water quality. And, to the extent the City is and has been requiring the incorporation of Low Impact Development (LID) strategies and techniques into all development and significant redevelopment projects within the City, despite the absence of an approved SWMP, the City is complying with Section III of Attachment 4 of the City's NPDES Permit.

Response B-4 and B-5

While the Commenter does not make clear which of the three Technical Memoranda prepared by Kennedy/Jenks is at issue, we conclude the reference is to Technical Memorandum No. 1 discussed in Required Revision No. 19 of the Regional Board staff's June 2007 SWMP Analysis and Required Revisions.

Technical Memorandum No. 1 was not prepared or adopted by the City of Salinas and thus the City questions whether posting Technical Memorandum No. 2 on the City's website is either appropriate or necessary; however, this document is available as a public record and is available upon request.

As stated by the City in Response 19 of its December 3, 2007 Comments on the Regional Board's Required Revisions, on January 30, 2007, the City provided then Acting Executive Officer, Michael Thomas, with a written response to Kennedy/Jenks' Technical Memorandum No. 1. This same letter was also presented to the Regional Board at its February 9, 2007 meeting held in Salinas, California. In that letter, the City acknowledged the recommended modifications and indicated the manner in which such recommended modifications would be incorporated into the City's codes, ordinances and standards; however, the City's position, as stated in that January 30, 2007 letter is essentially that the modifications recommended in Technical Memorandum No. 1 do not resolve conflicts between City codes, documents, and standards on the one hand, and the NPDES Program on the other hand. Furthermore, the recommended modifications do not necessarily provide foreseeable water quality runoff improvements in the City; rather, the majority of recommended modifications either duplicate existing requirements of City codes, ordinances, and standards or simply add editorial commentary regarding an existing requirement. On September 25, 2007, Regional Board staff indicated their acceptance of the City's response to Technical Memorandum No. 1 and further indicated the City had adequately addressed this Required Revision and no further action was necessary.

Response B-6

The City acknowledges the requirement of Section I.a of Attachment 4 of the City's NPDES Permit and the obligation thereunder to "submit [a] revised SWMP within 180 days of permit adoption for approval" by the Regional Board. The City further acknowledges that it did not meet that requirement; however, as described elsewhere in these Responses to Comments, the City is not, as the Commenter suggests, "severely behind schedule in implementing its NPDES Permit." The City understands its obligations to meet the timelines set forth in its Permit and acknowledges that it is late in obtaining RWQCB approval of its SWMP. However, the City is working cooperatively with RWQCB staff to complete all Permit requirements in an efficient manner. Regardless of whether the SWMP and other Permit requirements have been submitted and approved within the timelines established in the Permit, the City has already conditioned its approval of new development on the incorporation of LID strategies into the design, primarily

through directing storm water runoff into or through landscaped areas and minimizing hardscape in order to reduce overall runoff from sites.

Further, the City takes exception to the suggestions that the City "seems to have done almost nothing" since the Regional Board issued a Notice of Violation on September 1, 2006. In fact, by January 30, 2007, along with the City's submittal of a complete revised SWMP on that same date, all of the violations alleged in both the first *and* the second Notice of Violation were addressed. The City's efforts in this regard were acknowledged by the Regional Board and at its meeting of July 6, 2007, rejected the Regional Board staff's recommendation that further enforcement action was necessary. And, to the extent the City has consistently and timely met every milestone set by Regional Board staff, further remedy by the Regional Board is unnecessary and inappropriate. It is important to note, that with particular regard to storm water management plans, on a statewide basis, since the inception of the NPDES program, the Regional Board has approved only three storm water management plans for which hearings have been requested.

Response B-7

Development interests should not look to the City's SWMP for guidance on the development of storm water mitigation plans or on the implementation of LID strategies or techniques or to measure their compliance with the City's NPDES Permit. The SWMP is the City's plan and a part of the City's program for reducing the discharge of pollutants to the MEP and for protecting water quality. The appropriate location for guidance on storm water mitigation plans and on the implementation of LID strategies and techniques is the City's Storm Water Development Standards; the City's current Standard Specifications, Design Standards, and Standard Plans (2004) document which requires compliance with the City's NPDES Permit; and the California Best Management Practice Handbook for New Development and Redevelopment by the California Stormwater Quality Association (the "CASQA Handbook"). Each of these documents works together as a part of the City's NPDES Program. Assessing whether the City is in compliance with the MEP standards can only occur when looking at the City's NPDES Program as a whole, and not just the City's SWMP.

The City utilized the CASQA Handbook when advising development interests on compliance with the City's NPDES Program. The CASQA Handbook was authored by a team of expert consultants from Camp Dresser and McKee, Larry Walker and Associates, and Gary Minton, and supported by California State Water Resources Control Board, CalTrans, and various California municipalities throughout the state. Sections 2 and 3 of the CASQA Handbook provide information regarding developing a storm water management plan, planning principles, and site and facility design for water quality protection. Thus, to the extent a development interest requires guidance on how to create a storm water mitigation plan or to develop LID strategies or to comply with the City's NPDES Permit as it pertains to the incorporation of LID strategies and techniques, the practices set forth in this Handbook will prove useful as they are consistent with LID principles.

Response B-8

This City is complying with the required schedule set forth by the Regional Board for establishing storm water development standards and, in the absence of formally adopted storm water development standards, already has in-place requirements and guidance for LID implementation. The City's NPDES Permit requires the City to "[w]ithin one year of approval of the DSP, the Permittee shall amend, or adopt if needed, its own Development Standards, including amendments of ordinances as needed." (Permit Section III.b, Attachment 4)

As the Commenter has noted, the DSP was completed by the Regional Board's consultant, Kennedy/Jenks, in July 2007. The Kennedy/Jenks DSP, however, has not been formally approved by the Regional Board and in fact was rejected by Regional Board staff as insufficient to meet the needs for which it was intended. Proactively, the City is not waiting for such approval and has worked with a Stakeholders Committee comprised of varied local interests to develop local storm water development standards, using the Kennedy/Jenks DSP and the CASQA Handbook as baselines. A draft of the City's Storm Water Development Standards will be submitted to Regional Board staff in December 2007.

Pursuant to its NPDES Permit, the City is obligated to "reduce pollutant discharges to the maximum extent practicable." That is the standard by which performance under the City's Permit will be measured, and the City's acknowledges this obligation. In this regard the City, as already discussed herein, is committed to the implementation of LID strategies and techniques in all new development and significant redevelopment that occurs within the City. Implementation and enforcement of LID standards throughout the City's NPDES Program will be consistent with the MEP standard.

As noted above, the City's *current* storm water development standards can be found in the City's Standard Specifications, Design Standards, and Standard Plans (2004) document which requires compliance with the City's NPDES Permit and the CASQA Handbook. In fact, the City's NPDES Permit references the CASQA Handbook methods for sizing both flow and volume based BMPs. The City's existing standards and requirements specify the use of the CASQA Handbook for selection and design of best management practices for storm water quality, source control BMPs, and storm water basins for both water quality and for peak discharge control. Consequently, even though the City's Storm Water Development Standards are not yet complete, the importance of LID in protecting water quality is not lost on the City. To that end, through the application of *existing* City standards and requirements, the City is meeting the requirements of its NPDES Permit and the requirements of the Clean Water Act.

The CASQA Handbook provides specifications and guidance for the implementation of LID strategies and techniques. While the CASQA Handbook does not use the term "Low Impact Development" in its description of storm water BMPs, the practices set forth in the CASQA Handbook are consistent with LID and such practices, including the following:

1. LID planning principles such as reduction of post-development runoff, minimizing impervious surfaces, disconnection of impervious areas, and use of self-treating areas such as landscaping.
2. LID source control BMPs such as site design and landscape planning to minimize infiltration, provide retention, slow runoff, and minimize impervious land coverage, pervious pavements, and roof runoff controls to such devices as cisterns and rain barrels.
3. Detail design and specifications for LID treatment control BMPs such as vegetative swales, vegetative buffer strips, constructed wetlands, and bioretention.
4. Information on BMP selection criteria based on expected project type pollutant loads and detailed information on BMPs sizing criteria.

Response B-9

The City will complete its revisions to the Standard Specification, Design Standards, and Standard Plans during the first part of 2008. The revised document will primarily be the City's local addendum to the Caltrans Standard Specifications for Construction of Local Street and Roads July 2002. These amendments to the Caltrans Standards do not preclude the use of LID practices, but rather work in concert with the City's existing NPDES program components and practices to protect the quality of storm water runoff. The Caltrans documents are also consistent with the City's approach of specifying storm water requirements in the minimum quantity of documents possible. It is notable that Caltrans also distributes a separate storm water quality handbook.

Response B-10

This Comment is, unfortunately, not specific to which "documents referenced in the SWMP" the Commenter is referring. As such, the City cannot respond with any degree of specificity regarding how those documents have been amended to incorporate LID and the NPDES Permit's requirements.

Section 4.6 of the City's SWMP discusses the City's General Plan and its consistency with LID.

The City's General Plan is the City's fundamental land use policy and a primary tenet of the General Plan is the protection of natural resources. The philosophical foundation of the City's General Plan is the principle of "Smart Growth," a strategy strongly supported by the Environmental Protection Agency (EPA) as a storm water planning BMP. The City's planning principles, also called "New Urbanism" promote development in smaller areas for walkable communities less dependent on automobiles. Not only does this meet the EPA's call for smart growth to lessen the impacts of development on storm water quality, but it also mitigates impacts to climate change as it lessens the need for automobile transportation.

The City will incorporate LID standards into all appropriate documents by reference. This strategy allows change to be made as required to LID as the technology evolves without having

to amend the other documents. Changing planning documents like the General Plan is a much more burdensome process and often does not allow for needed changes in a timely manner. Incorporation by reference does not diminish the availability of information nor does it lessen its power to implement LID.

Response B-11

The City acknowledges that some of the documents referenced in this Comment are not readily available, for example, through the City's website. Where possible and practicable, all documents referenced in the SWMP that can be posted to the City's website will be by the end of January 2008, and the URL for each of those documents will be incorporated into the SWMP. Those documents which may not be posted due to the sensitive, proprietary or otherwise confidential content will not be posted to the City's website, but will be made available for inspection and review upon request. Such documents are available now for inspection. In such cases where electronic posting is not practicable or possible, those documents will continue to be made available for public review and the method and location for public review will be described in the SWMP.

The Commenter notes there are many City documents and as such "it is impossible to determine how the City's whole LID scheme fits together." This comment validates the City's approach to implementing LID design primarily through one document, the Storm Water Development Standards. The City understands that the best manner to manage, inform, enforce, and change evolving concerns like LID in its ordinances, codes, and standards is for requirements to be specified in a minimum of documents. Storm water design does not require review of a myriad of ordinances, codes, and standards and to the extent the City's LID requirements can be incorporated into one document, the program can operate more effectively.

Response B-12

The City's current Zoning Code has an existing requirement that development design meet the requirements of the City's NPDES Permit and NPDES Program:

> Section 37-50.180(k) Performance Standards. Stormwater and Water Quality Management. Parking lot and site design for all new and improved developments shall conform to the City's National Pollutant Discharge Elimination System (NPDES) Permit requirements; most recent edition adopted by the State Water Quality Control Board. Said requirements shall also include those contained in the most recently adopted/approved Salinas Design Standards, Development Standards, Grading Ordinance, Stormwater Management Plan, and Stormwater Management and Discharge Ordinance. Measures to reduce surface runoff from individual sites,, and ensure high quality water discharges therefore shall be included in all site designs to meet the goals, objectives and standards of said City NPDES Permit.

> (1) Evidence of Compliance. The City Planner shall require such evidence of compliance with performance standards as deemed necessary prior to approval of the development review application.

Through this and similar requirements, the City currently has the ability to require incorporation of storm water quality improvements in new development and significant redevelopment, as required under the City's NPDES Permit, without the need to incorporate additional modifications as suggested in Technical Memorandum No. 1. Consistent with Response B-11, redundancy of requirements in the Zoning Code with those in the Storm Water Development Standards will lead to the type of confusion the Commenter warns of in Comment B-11.

Response B-13

The DSP was authored by the Regional Board's consultant Kennedy/Jenks under contract with the Regional Board and pursuant to Regional Board staff direction. When finally produced by the Regional Board's consultant, City staff and Regional Board staff agreed the document failed to meet expectations, particularly with regard to the prescription of actual requirements. The DSP is effective as a guidance document and, to that end, the City is incorporating portions of this document into its Storm Water Development Standards which will be presented to Regional Board staff for review and consideration in December 2007.

Response B-14

LID and LID practices such as biofiltration and impervious surface disconnection are currently required in all new development and significant redevelopment projects within the City. In the last two years, and as reported in the City's 2006-2007 Annual Report, the City has required LID on all new developments and significant redevelopments in the City. Design specifications are listed in the CASQA Handbook and in practice the City has supplemented the CASQA standards with BMPs from Contra Costa County's Clean Water Program. Regardless of whether the SWMP and other Permit requirements have been submitted and approved within the timelines established in the Permit, the City has already conditioned its approval of new development on the incorporation of LID strategies into the design.

Response B-15

As indicated and described in Section 4.6 of the City's SWMP and as explained in Response B-10, *supra*, the City's General Plan is the policy document with regard to the City's smart growth policies. It is therefore not necessary to incorporate those policies into the SWMP, as the SWMP is subject to the General Plan's requirements. To City will incorporate citations to the General Plan into its SWMP.

Response B-16

The Salinas City Council adopted a revised Storm Water Ordinance on July 10, 2007. That ordinance became effective thirty days after adoption and has not been repealed by a subsequent order. The revised Storm Water Ordinance meets the requirements of the City's NPDES Permit and includes modifications consistent with the Kennedy/Jenks recommendations.

Response B-17

The City will correct all typographical errors found in the SWMP.

Response B-18

The noted brochures are available and provided at the City's Permit Center located at 65 West Alisal in Salinas, California, where all building and grading permits are issued.

Responses B-19, B-20, and B-21

As noted in Responses B-7 and B-8, the City's current storm water design standards are in its Standard Specifications, Design Standards, and Standard Plans (2004) document which requires compliance with the City's NPDES Permit and the CASQA Handbook. The City's design standard specifies the use of the CASQA Handbook for selection and for design of BMPs for storm water quality, source control BMPs, and storm water basins for both water quality and for peak discharge control.

Response B-22

Table 4.3 of the SWMP clearly lists the NPDES Permit requirements and implementation plan for compliance. The Commenter generally comments that Table 4.3 of the City's SWMP is "not particularly elucidating." Such comments are neither helpful nor practical for a response. Unfortunately the Commenter does not specifically indicate which action items have not been completed by the anticipated completion dates. Some of the anticipated completion dates may be months or years in the future, and that is by design as the SWMP is a document intended to cover a five-year period of time and to indicate at what point during that five-year period certain of the City's NPDES Permit requirements will be met. Not all of the City's NPDES Permit requirements must be met at the same time; the NPDES Permit requirements are spread over the five-year Permit term. It is therefore reasonable and expected that some of the action items are yet to be completed since the City is into the third year of the five-year Permit term.

Responses B-23, B-24 and B-25

The City of Salinas has moved proactively in implementing LID requirements in all applicable new development and significant redevelopment within the City for the last two years. The City

has documented actual construction of LID projects in its 2006-2007 Annual Report to the Regional Board.
The City's Storm Water Development Standards will be submitted to Regional Board staff in December 2007 and Regional Board staff will determine the timeline with regard to the public review period for that document.

The City's SWMP includes adequate information to determine that the City's NPDES Program is designed to reduce the discharge of pollutants to the Maximum Extent Practicable (MEP) both during and by the end of the five-year Permit term and to protect water quality. MEP must be assessed by looking at the SWMP as a whole and as the City submits the Program components in its Annual Reports, Regional Board staff will review them to ensure they meet the requirements of the regulations, the City's NPDES Permit, and the MEP standard. The City is committed to meeting the requirements of its NPDES Permit and in complying with the Clean Water Act. Through the City's commitment to meet the Regional Board staff's Required Revisions to the City's SWMP, City staff and Regional Board staff agree the City's SWMP will meet the MEP standard. This taken in context with the City's entire NPDES Program, including to the extent to which the City *already* requires the incorporation of LID strategies and techniques into new development and significant redevelopment projects that occur within the City, the City is meeting the requirements of its NPDES Permit and the Clean Water Act and enforcement action is, therefore, unnecessary.

C. Steve Shimek, Monterey Coastkeeper. December 3, 2007.

Response C-1

The Monterey Regional Storm Water Plan (MRSWMP) was never intended to be a "model" for the Central Coast region and the MRSWMP does not establish the standard for MEP. The Regional Board held the first hearing on the MRSWMP in May 2005. The Regional Board questioned the MRSWMP's specificity and continued the matter. The Regional Board held a second hearing in May 2006, and again continued the matter so that the public, the Permittees and Regional Board staff could provide the Regional Board with more information. The Regional Board held a third hearing in September 2006 and approved the MRSWMP. To suggest the City should "exceed the example set by Monterey" is also a flawed conclusion. There is no evidence that the Monterey Regional Permittees can implement the stringent requirements of the MRSWMP. The permittees are less than one year into their Permit term and it remains to be seen whether the MRSWMP that was approved can be implemented. The mere approval of a storm water management plan for another permittee says nothing about whether the storm water management plan is actually practicable. And, as the Commenter noted, the City of Salinas is a Phase I community in its second five-year permit term. NPDES Phase I requirements exceed those for Phase II communities in several respects, most notably with regard to monitoring and to new development.

The Commenter's labeling the MRSWMP "the model" when it clearly is not and was not intended to be, gives it unwarranted weight and mischaracterizes the Regional Board's actions. It is merely the plan the Monterey Peninsula Permittees are using.

Response C-2

The protracted approval process for the MRSWMP in many respects mirrors that of the City of Salinas's SWMP of which the Commenter complains and the City shares the Commenter's concerns about becoming worn down by the process; however, this protracted, iterative process is not unique to the City of Salinas: since the inception of the NPDES program, the Regional Board has only approved three SWMPs for which hearings have been requested.

The City has consistently and thoroughly responded to Regional Board staff's comments on the City's SWMP. At this point, Regional Board staff has identified forty-three (43) Required Revisions which, when incorporated into the SWMP by the City, will render the City's SWMP consistent with the MEP standard. As indicated in the City's December 3, 2007 Comments on the Required Revisions, the City will incorporate the Required Revisions into its SWMP as necessary. Those Required Revisions that are necessary will be completed by the end of January 2008.

Response C-3

This sort of generalized comment, wholly lacking in specifics with regard to the perceived lack or clarity, is neither helpful nor practical and a comment to which the City cannot specifically respond.

Response C-4

The City's NPDES Permit requirements serve as the minimum BMPs. Preparation of the City's SWMP is based upon the quite specific requirements contained within its NPDES Permit. Each section of the SWMP contains the City's requirements (BMPs) to a five-year work plan. These are summarized in the BMP tables found at the end of each Element. Therefore, in contrast to the Comment, the SWMP clearly documents BMPs and the linkage between them and other aspects of the SWMP.

Unlike the MRSWMP, which includes multiple jurisdictions and is administered by a consortium of local agencies, the City of Salinas is solely responsible for implementation of its SWMP; therefore, there is no need to identify "who is responsible for what action and how parties will be held accountable" as the Commenter asserts. The City of Salinas assumes sole responsibility for meeting the requirements of its NPDES Permit and the different departments and individual employees who staff each of those departments cannot be distinguished from the City as a whole. To the extent any one department or any one individual is responsible for any particular component of the SWMP, the City is responsible for such component. Accountability will be

assured through internal management practices, policy direction, and externally, through submittal of Annual Reports to the Regional Board. Through their review of the Annual Reports Regional Board staff will ensure the City is fulfilling the requirements of the regulations, the City's NPDES Permit, and the MEP standard. This will include a process for ongoing public review and, since this is an adaptively managed and iterative program, as the City and Regional Board staff learn more about storm water and water quality, the Regional Board can require the City to implement different or more stringent BMPs where needed to meet the MEP standard and to protect water quality.

Response C-5

The City acknowledges it is "behind schedule" with regard to a final, approved SWMP; however, in the absence of an approved SWMP, the City is actively implementing and meeting all the requirements of its NPDES Permit, as evidenced by its Annual Reports. Given the general nature of this comment, as no specifics are provided regarding which programs and which timelines have been missed, it is impossible for the City to specifically respond to this comment.

Response C-6 and C-7

Element 2 of the City's SWMP, titled Water Resources, is not a requirement of the City's NPDES Permit; thus, the perceived lack of specificity of this portion of the SWMP is irrelevant. The City included this discussion in the SWMP to give regional watershed context and background information for the SWMP. This watershed level information was provided because the City is moving toward a watershed approach, rather than a segmented approach, of resource management. In addition to locating and discussing each water body, Element 2 provides a brief summary of historical hydrologic conditions and subsequent changes along with regional information on water quality, e.g., 303(d) listed water bodies, beneficial uses, monitoring locations, and infrastructure. It provides sufficient detail to afford the reader a generalized understanding of the context in which the SWMP was developed.

Element 4 of the City's SWMP, titled Design Standards, addresses land use. Appendix E of the SWMP summarizes watershed management as it relates to the City's General Plan land use policies. Parcel level information, such as zoning and other development-level requirements, is available at the City's Permit Center and on the City's website.

This comment references "management of the system;" however, it is unclear what "system" the Commenter is referencing. The City is thus unable to respond to this comment.

Response C-8

Capacity issues of the Reclamation Ditch are primarily an infrastructural and flood control consideration—an issue fully addressed within the City's Storm Master Plan. This is a different

document currently under revision. The existing document can be read on-line on the City's website. The City works collaboratively with the Monterey County Water Resources Agency on issues pertaining to the Reclamation Ditch including the development of an impact fee intended to provide funding for improvements to the Reclamation Ditch. One of the projects on the MCWRA impact fee list, at the request of the City, is a desiltation basin for Gabilan Creek upstream of the City's Future Growth Area.

Response C-9

No response necessary.

Response C-10

Flood events are dynamic depending upon rainfall event, soil moisture condition, slope and development patterns, to name a few. As the SWMP is not focused on historic flooding, the discussion in the SWMP is adequate to provide the reader with a sense of flood concerns. As mentioned, further information on flood control and infrastructure capability is addressed within the City's Storm Water Master Plan.

Response C-11

Agricultural runoff has its source from outside the City's limits; therefore, the City has no direct authority to make plans for, or to mitigate the impacts that occur *outside* the City's limits and jurisdictional authority; the City has no authority to require the use or implementation of BMPs outside of its limits. Further, the City's SWMP was written to comply with the State Order and the City's NPDES Permit. The State Order that governs the City's NPDES Permit does not govern agricultural activities. Agricultural activities are exempt from federal NPDES Permit requirements; however, based upon the State Water Resources Board's 2002 305(b) Report on Water Quality, agricultural runoff is responsible for impairment of more rivers and streams that construction and urban runoff combined. In 2003, a new conditional waiver program requiring farmers to begin water quality monitoring was initiated in the Regional Board's Central Valley Region. This program was later applied to the Central Coast Region and is administered under the Regional Board's Conditional Waiver of Waste Discharge Requirements for Discharges from Irrigated Lands.

Element 7 of the City's SWMP addresses the potential impacts to water quality posed by commercial and industrial facilities, including major agricultural-related industries located within the City. To that end, Element 7 meets the City's NPDES requirements and identifies the City's high risk commercial and industrial operations and presents a strategy and measurable goals for reducing those operations' potential to discharge pollutants to the MEP. The City's strategy, as explained in Element 7, includes the identification and inventorying of pollutant sources and businesses, the establishment of BMPs, the implementation of an inspection and enforcement

program, the implementation of a training program, and the measurement of program effectiveness through measurable goals.

Response C-12

See Response C-2. Implementation of BMPs is addressed not only in a list form under Tables 3.5 and 3.6, but also in great detail in Table 3.7 of the SWMP. The City recognizes the potential for greater clarity with regard to Table 3.7 and will incorporate revisions to the SWMP to couple management practices to measurable goals.

Response C-13

See Response C-12. Element 3 includes a tiered approach—broad goals are established, then practices are identified to implement the goals. Measurements of performance are included to assess program success and the need for modification. Measurable goals, both as required by the City's NPDES Permit and as contained within the SWMP, are intended to provide benchmarks—a means to inform the program by measuring outcomes. Depending upon measurement of outcomes, activities may be adjusted, discontinued or maintained. Further, not all activities lend themselves to a precise metric. In all cases, performance assessments include a comparison of on-the-ground measured performance against stated intentions or goals. This calculus must factor in practical, as well as idealized considerations.

Response C-14

The location of the BMPs within the SWMP does not affect the implementation of such BMPs or the City's commitment to those BMPs. BMPs listed in Tables 3.5 and 3.6 were placed in an appendix to aide readability. Rather than interrupt the flow of the SWMP's narrative, these comprehensive discussions on BMPs were placed in their own sections. Implementation schedules are contained within Table 3.7. As noted above, the City will amend Table 3.7 to list BMPs in Tables 3.5 and 3.6 by reference to couple them with the implementation plans, time schedules and measurable goals. That amendment will be completed by the end of January 2008.

Response C-15

See Response C-14. Table 3.7 contains the specifics for Salinas's Municipal Maintenance program and will be amended to include BMPs contained in Table 3.5 and 3.6. As noted in the comments, the CASQA Handbook is not intended, by and of itself, "to dictate the selection of BMPs"; however, CASQA handbooks do serve as a compendium of management practices that can be chosen for select application when they address the pollutant of concern. In this case, the City chose various BMPs from CASQA's Municipal Maintenance Handbook that addressed local conditions.

Response C-16

See Responses C-14 and C-15. Narratives contained within the body of the SWMP are often included to set the stage and to identify conditions and existing practices. For example, Element 2 provides background information on surface hydrology and surface water quality. Remedies (BMPs) to the conditions identified are contained within the BMP tables contained at the end of each Element of the SWMP.

Response C-17

No guidelines regarding who will conduct training are necessary or possible. The City's approach to addressing water quality issues, such as training, is to identify stakeholders and to seek collaborative partnerships whenever possible. Possible partnerships have been identified within the SWMP. This approach achieves the City's intent to address water quality within a larger watershed management context. Clearly, flows into the City are as great a concern as outflows from the City. Partnerships are also desired because they add resources. Whether partnerships are formed or not, the City is solely responsible for conducting its training and meeting its NPDES Permit requirements. Establishing guidelines as to who will train is to commit mote than the City knows. Predicting what others might do is not possible. When outside resources are not available, the City will use its own resources. While commitments to means are not always possible, the City's commitment to ends, such as meeting its NPDES Permit are firm.

Response C-18

See Response C-17. Unlike the MRSWMP, training and all program implementation is the responsibility of one entity: the City of Salinas; therefore, the City bears all of the responsibility for training. To elaborate, each municipal department with NPDES Permit responsibilities will be responsible for training its own staff, as well as conducting outreach to its communities of interest. This primarily includes the City's Maintenance Services Department and Development and Engineering Services Department. Where training is designated to be performed by in-house staff, the City will provide training in accordance with the measurable goals set forth in the SWMP.

Response C-19

The language quoted in this comment is intended a background information to inform the reader and speaks only to general conditions and issues. This is not intended as either a BMP or a measurable goal, both of which are identified in the Table 3.7, and therefore does not call for the same level of specificity as a BMP or measurable goal.

Response C-20 and C-21

The City acknowledges that some of the documents referenced in this Comment are not readily available, for example, through the City's website. Where possible and practicable, all documents referenced in the SWMP that can be posted to the City's website will be by the end of January 2008, and the URL for each of those documents will be incorporated into the SWMP. Those documents which may not be posted due to the sensitive, proprietary or otherwise confidential content will not be posted to the City's website, but will be made available for inspection and review upon request. Such documents are available now for inspection. In such cases where electronic posting is not practicable or possible, those documents will continue to be made available for public review and the method and location for public review will be described in the SWMP.

The map of storm drain inlets is not included as part of the SWMP. In a manner consistent with the City's NPDES Permit, the City submitted a digitized map, inventory and maintenance schedule for all municipal storm drain inlets independent of the SWMP to the Regional Board. This document will not be posted on the City's website but is available for review upon request.

Response C-22

The City uses the term "visual scan" to include visually surveying sites for anomalies or obvious legal activities. This could include looking for areas that (1) should be dry but are not (during dry weather months); (2) wet areas that appear to have foreign substances (oily, shiny, discolored, emitting heat)l (3) excessive standing or running water; (4) water running off-site to the street; and/or (5) odors. City employees are trained to identify potential anomalies or potential pollutant sources, and those are what the employees visually scan for. To list in the SWMP specifically those things for which City employees are looking as they visually scan field sites is unnecessary and will only add the bulk of the document, much to chagrin of the Commenter.

Response C-23

Tables 3.5, 3.6, 3.7 and Appendix F of the City's SWMP identify the City's approach to maintenance and municipal facilities. The information contained in these sources it consistent with section V.c.ii of Attachment 4 of the City's NPDES Permit. Each municipal facility is described in detail in the appendices, including a photograph; management practices for each site are listed in Table 3.5 and 3.6. Implementation schedules are listed in Table 3.7.

Response C-24

Comment noted. The SWMP will be revised accordingly.

Response C-25

Responding to 100% of all reported or observed spills consistent with the City's Spill Response Control Plan is a measurable goal. The SWMP is the City's commitment to respond to 100% of all reported or observed spills.

Response C-26

The City's Hazardous Materials First Responder Operations (available at the Corporation Yard) also contains procedures for handling spills. This comment and several other comments within this letter speak to wanting greater detail regarding process, essentially "how" the City will meet its commitments. This comment misses what is critical and confuses ends and means.

The City's NPDES Permit is quite specific with regard to what the City must accomplish. Accordingly, the City has focused its attention on meeting these ends in preparing its SWMP. The City's approach in this regard is consistent with the City's NPDES Permit and the concept of MEP. The SWMP is both policy document and work plan. Adoption of the SWMP by the Salinas City Council, and approval of the SWMP by the Regional Board, establishes fixed commitments in the SWMP over the five-year Permit term. Indeed, the SWMP becomes part of the City's NPDES Permit; therefore, the City acknowledges that the Regional Board has the regulatory authority over the City with regard to commitments contained in the SWMP. Adoption by the City Council and approval by the Regional Board are conducted in public hearings and benefit from public participation.

While establishing goals five years into the future establishes a clear path that guides work efforts, locking into one process or another to achieve goals precludes the use of newer or better approaches. It also precludes making the most of opportunities as they arise. Locking into a process over the five-year permit forces the City to commit to more than what it knows. What funding will be available, what new capabilities staff will have, what will stakeholder partners offer, what program outcomes have occurred that might need responding to, are all questions that will alter the administrative process.

The City must have the flexibility to take advantage of changing circumstances in technology, budgets, opportunities for partnering, and unexpected events; flexibility is the foundational notion behind the definition of MEP and the "ever-changing BMPs": both must be assessed by looking at the SWMP and the City's NPDES Program as a whole. The City meets its requirements under the NPDES Permit and the concept of MEP by establishing clear commitments through the adoption of big picture goals and objectives (called BMPs in the SWMP) and by measuring performance outcomes against established benchmarks. Fixing process does nothing to ensure fulfillment of the objective.

Response C-27

Details on how the City will respond to 100% of spills adds nothing to whether the City fulfills its stated commitment to respond. Either the City responds and meets requirements or it does not. Details regarding the procedure or how the City responded do not change the commitment to respond. See Response C-26.

Response C-28

The City has determined to discontinue use of the PHAER Program. In its place, the City has developed a new BMP. This will be included in the January 2008 revised SWMP.

Response C-29

The City will correct all typographical errors found in the SWMP.

See Response C-26.

Response C-30

The City has a Spill Response and Hazardous Materials First Responder Operations program and handles chemicals consistent with Monterey County Environmental Health Department regulations.

See Response C-26.

Response C-31

Trained and certified staff members of the City's Maintenance Services Department provide oversight regarding the use of chemicals. Monterey County Environmental Health Department officials who conduct annual inspections of and who regulate City practices provide further oversight.

See Response C-26.

Response C-32, C-33, C-34, C-42, C-43, and C-44

See Responses B-7 and B-8.

Response C-35

"Hardship" is defined by the term "maximum extent practicable" (MEP). If it is not practicable by the terms of MEP, the applicant will be allowed to use other means to meet the water quality requirements. The SWMP will be revised to clarify the perceived misunderstanding.

Response C-36

The City's NPDES Permit requires that BMPs be selected on the basis of expected pollutants from the project type. The information for BMP selection and design is listed in the CASQA Handbook.

Response C-37

The other departments and agencies to be contacted will be determined by the specific project, its location, and its possible impact to other concerns. Given the myriad of project types, possible locations, and possible impacts, the level of detail specified is adequate and a listing of all the possibilities it not immediately possible.

Response C-38

The City's review process will be detailed in the forthcoming Storm Water Development Standards. The review process currently in place and in the forthcoming Storm Water Development Standards requires site design to meet the requirements of the City's NPDES Permit.

Response C-39 and C-40

See Response B-11. Additionally, when determining whether modifications of its existing codes, ordinances and regulations are appropriate, the City must consider a number of factors, the least of which is not the need for consistency among these codes, ordinances, and regulations. Moreover, the City must factor in considerations that may not be completely consistent with LID concepts and strategies. For example, specific requirements to minimize paving and enhance LID concepts may be detrimental to handicap access or public safety concerns, yet the City must be mindful of conforming its regulations to applicable state and federal regulations.

Response C-41

Comment noted.

Response C-42

See Response C-32.

Response C-43

See Response C-32.

Response C-44

See Response C-32.

Response C-45 and C-46

See Response C-32. The CASQA Handbook as well as the Regional Board supplied DSP have sizing criteria and BMP design meeting the MEP standard. The listed criteria for BMP sizing does not preclude adequate site design.

Response C-47

The City's SWMP is not an enforcement document in the sense that the City cannot rely upon the SWMP as support for implementation of escalating enforcement action in the event of a violation of the City's storm water standards. Rather, the City's Storm Water Ordinance, codified in Chapter 29 of the Salinas City Code, provides the sanctions available to the City in the event of non-compliance or violation of the City's standards. Enforcement actions are prosecuted by the City Attorney's Office and the Storm Water Ordinance provides the appropriate mechanism for the City Attorney to sustain prosecutions for violations of the City's storm water standards. The City's Storm Water Ordinance was revised and adopted by the Salinas City Council in 2007.

Response C-48

The City collaborates with Monterey County, including the Monterey County Water Resources Agency, on an on-going basis on storm water-related and other issues. In fact, the Chief Engineer of Operations and Maintenance for the Monterey County Water Resources Agency is a member of the City's NPDES Stakeholders Committee currently working on the City's Storm Water Development Standards.

Additionally, Land Use Element (LU-18) of the City's General Plan, evidences the City's commitment to work with other local agencies to address storm water issues:

> The City of Salinas shares the regional concern regarding development upstream from the Gabilan or Natividad Creek laterals in Carr Lake. The City will participate with other agencies in identifying capacity modifications, maintenance procedures, and funding sources sufficient to prevent increased siltation buildup, degradation, and destabilization in the Gabilan Creek and Natividad Creek laterals, resulting from development.

As evidence of the City's commitment to this General Plan policy, on November 2003, during a period when the City was in the throws of a budget crisis, in collaboration with the County of Monterey, the City completed an expansion of the Natividad Creek Detention Facility north of Laurel Drive, for purposes of siltation removal, water quality enhancement, and habitat restoration. The total construction cost of the project was $944,448. With engineering costs, the cost for this project exceeded one million dollars.

In May 2004, the City updated its Storm Water Master Plan. This document is available on the City's website. This document includes design recommendations for storm water in the City's Future Growth Area developments north of Boronda.
In July 2004, the City completed complementary desiltation projects with the County of Monterey in Gabilan Creek from Boronda to Laurel Drive. The City's share of the project cost was approximately $300,000.

For the last few years, the City has had discussions with the Monterey County Water Resources Agency (MCWRA) on an impact fee on development for the purpose of improving the Reclamation Ditch. One of the projects on the MCWRA impact fee list, at the request of the City, is a desiltation basin for Gabilan Creek upstream of the City's Future Growth Area.

One of the City's long-term goals is the restoration of Carr Lake for water quality and recreation. There are on-going discussions regarding this project with Monterey County, CSUMB Watershed Institute, Big Sur Land Trust, and the owners of property within the Carr Lake basin.

Response C-49

The waiver program will be incorporated into the City's Storm Water Development Standards to be submitted to Regional Board staff in December 2007. The criteria of the waiver program is specifically listed in the City's NPDES Permit and those criteria will be carried forward and reflected in the Storm Water Development Standards. Any waiver program, regardless of where it is in the City's Storm Water Program, requires approval of the Regional Board.

Response C-50

The City has developed a Storm Water Facility Maintenance Agreement and has required the development interests on such projects to enter into a maintenance agreement and to record against the agreement against the property. This requirement has been imposed on all new development and significant redevelopment projects within the City.

Response C-51 and C-52

Setback requirements are listed in the City of Salinas General Plan Policy COS-17. COS-17 requires a 100-foot setback from the City's creeks and the Reclamation Ditch. Development activities may be considered within the 100-foot setback area only if its is determined that such

encroachment will not have a significant adverse impact on riparian and wetland resources either because (1) the implementation of alternative mitigation measures will achieve a comparable or better level of mitigation than the strict application of the 100-foot setback, or (2) the property being developed is adjacent to a Reclamation Ditch, and no riparian or wetland resources are identified outside the areas of the improved ditch. In either case, such findings must be demonstrated and confirmed by a biotic resources study.

Response C-53 and C-54

The guidelines provided are specific enough for the City's inspection group to make a determination if a project is in the high or low priority category. A project adjacent to a water body would be a high priority project with the criteria provided.

Response C-56, C-57 and C-58

The established criteria provide the City staff with sufficient detail to determine those sites which are considered tenant improvements and are therefore treated as a lower priority. The City actively monitors and inspects construction sites, as detailed in Element 5 of the SWMP, to ensure compliance with the City's NPDES Permit. In the event any construction site fails to meet the requirements imposed upon it, due to its size or the nature of the construction activity, the City retains the authority and will exercise its authority to require implementation of sufficient protection measures to protect the quality of storm water runoff. As indicated in the City's SWMP, and consistent with the City's NPDES Permit, during this Permit term, the City will concentrate on the high priority sites based on their potential impact to water quality.

Response C-59 and C-60

Inspection and monitoring criteria and procedures are listed in section 5.4 (found on page 5.8) of the City's SWMP.

Response C-61

See Response C-26.

Response C-62

See Response C-26.

Response C-63 and C-64

Comment noted. The City agrees the amount of information contained in the various components of the City's NPDES are voluminous, as they are in any jurisdiction subject to the NPDES Program. Also see Response B-11.

Response C-65

Comment noted. The statement in question is a commitment to reach 100% of all industrial uses, including agricultural processing industries. The City has been inspecting this latter industry for many years as part of its Industrial Wastewater Treatment Plan Program. As stated within the SWMP, inspection procedures are clearly identified in the City's Industrial Inspection Guidance Manual for NPDES Storm Water Program, as amended. No further detail is needed.

See Response C-26.

Response C-66

See Response C-26.

Response C-67

See Response C-26.

Response C-68

This comment is unclear and the City fails to see the need for a change. The City will measure effectiveness of this BMP 6.10 by the number of events and/or the number of students participating in the educational outreach opportunities established in collaboration with local school districts.

Response C-69

The SWMP does not state that the City will rely solely upon documenting site visits to conduct the program. Site visits are a methodology the City has chosen to conduct educational outreach to industries and to conform compliance with NPDES Permit requirements. Consistent with the City's NPDES Permit, the percentage of sites visited is but one method the City will use to measure program effectiveness.

City inspectors make site visits to commercial and industrial sites as indicated in the SWMP to meet with site operators and to review operations and BMPs. Visits are educational and regulatory. Inspectors meet with site operators to review requirements, to explain BMPs, and to discuss concerns. They further inspect the site, prepare written documentation and notify the operator whether the business met the City's BMPs for that operation. If the business fails to meet that standard, it is given time to remedy the situation. The site is then reinspected and if it meets the requirements it is scheduled for its next regular inspection based upon the type of operation; industrial uses are inspected annually, commercial businesses are not. If it still does not comply, and depending on the reasons for non-compliance, the owner or operator or both may be subject to progressive enforcement action.

In addition to the percentage of sites visits, the results of the inspection and the dialogue with the site operators will be used to evaluate and to inform the program. For example, if several sites are having difficulty understanding what is required, then outreach efforts and educational literature will be re-evaluated. Depending upon that analysis, literature and site inspectors' comments may be adjusted. For example, if it is found that site operators do not speak English and the information was provided only in English, then the City will explore producing materials in the relevant language. This is an iterative process. See also Response C-26.

Response C-70

See Response C-26.

Response C-71

See Responses C-26 and C-69. This is an iterative process and survey results will serve to inform and to shape the City's ongoing efforts.

Response C-72

See Response C-26

Response C-73

Comment noted. The City works to incorporate multiple ways to engage the public in protecting surface water quality. With the adoption of the SWMP, the City will meet this goal. It should be noted that First Flush is not a City of Monterey program, but rather one conducted by the Monterey Bay National Marine Sanctuary. The Sanctuary has also conducted First Flush activities in Salinas, as well as in Pacific Grove and Santa Cruz. The program is conducted to protect the entire Monterey Bay. As Salinas is not a coastal community with direct urban water runoff into the bay, as is the case with these other communities, it has not been the focus of First Flush activities. That fact and the fact that Salinas has not had the history of sewer flows into the bay as other jurisdictions have had has likely affected the focus of First Flush programs.

Response C-73 and C-74

Agricultural industries were not identified in the City's NPDES Permit as needing to be addressed as a separate class. That does not mean however, nor should the SWMP's not containing specific mention of agricultural processing operations imply, that Salinas is not conducting programs addressing agricultural operations. To the contrary, the City has a relatively long history of inspecting agricultural processing industries as part of its Industrial Wastewater Treatment Plant program. This program is consistent with NPDES Permit requirements. As stated, inspections are conducted under the City's Industrial Inspection Guidance Manual for NPDES Storm Water Program, as revised. Program administration and

general procedures are similar for all businesses, but inspections target the pollutants of concern by industry and location.

Inspections are conducted under contract with the Monterey Regional Water Pollution Control Agency. This is the same agency that conducts inspections for the City of Monterey's program, and that serves as program manager for the Monterey Peninsula's Stormwater Program, including the MRSWMP. See also Responses C-65 and C-69.

Response C-75

The SWMP states the City will commence inspections in the "third" year, not "fourth"' as claimed in the letter. This schedule is consistent with the City's NPDES Permit. See Section IV.f of Attachment 4 to the City's NPDES Permit.

Response C-76

See Response C-74. Monterey outsources their inspection services to the same agency that Salinas uses: Monterey Regional Water Pollution Control Agency. Further, Salinas began its program and this methodology prior to Monterey Peninsula communities. Monterey has been exceedingly generous to the City, as have numerous other communities and individuals, with their time and with their resources and undoubtedly will continue to share their knowledge and experiences with the City in the future. In any case, neither Monterey nor any other community can provide inspection services to the City of Salinas, as is implied, without charge. As noted, Salinas and Monterey presently contract out their NPDES inspection services to the same organization. Further, the City has obtained authorization to hire a new City NPDES inspector to augment its local efforts. It is anticipated this will occur during the first quarter of 2008.

Response C-77

The City's approach is to share data with other stakeholders as a means of generating greater efficiency and effectiveness in terms of data gathering and analysis and to support the City's efforts toward regional watershed management, as is stated in this Comment and in the City's SWMP. See Element 1, Section 1.2, specifically Moving Toward a Watershed Approach and the design and text throughout the SWMP.

See Response C-76 regarding collaboration with the City of Monterey.

Response C-78 and Response C-79

Comment is made regarding the Commenter's difficulty with tracking BMPs to implementation plans and measurable outcomes. The City submits that the BMP tables contained within the SWMP logically link NPDES Permit requirements to BMPs, implementation plans, schedules

for completion and measurable goals, as well as identifying relevant sections of the SWMP itself. Consequently, there is no need for a change.

On December 12, 2007, two City staff members met with a representative of the Monterey Coastkeeper. One outcome of the meeting was the City will revise Table 3.7 so it more closely corresponds with the other tables contained within Element 3.

Regional Board's Required Revisions to the SWMP: Timeline For Completion of SWMP.

The City is acutely aware of the iterative process undertaken by Regional Board staff in reviewing and considering storm water management plans submitted by the many jurisdictions subject to NPDES program requirements. This process has interfered with the Regional Board staff's ability to bring storm water management plans before the Regional Board in a timely manner. Since the inception of the program, the Regional Board has approved only three storm water management plans for which hearing have been requested. Unfortunately, the City of Salinas's Storm Water Management Plan has not been one of them; however, as demonstrated in these Responses, with the City's commitment to the NPDES program and in the City's December 3 commitment to meeting the Regional Board staff's Required Revisions, the City's SWMP meets the MEP standard. Accordingly, the City again requests the Regional Board approve the City of Salinas's June 2007 Storm Water Management Plan.

Sincerely,

Christopher A. Callihan
Sr. Deputy City Attorney

CAC/ns

Enclosures

cc: Mayor and City Councilmembers
City Manager
City Attorney
Deputy City Manager/City Engineer
Deputy City Engineer
Senior Civil Engineer
Maintenance Services Director
Water Resources Planner
Wastewater Manager

LETTER A

MONTEREY COUNTY

WATER RESOURCES AGENCY

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CURTIS V. WEEKS
GENERAL MANAGER

STREET ADDRESS
893 BLANCO CIRCLE
SALINAS, CA 93901-4455

November 28, 2007

Mr. Roger Briggs
Executive Officer
California Regional Water Quality Control Board
Central Coast Region
895 Aerovista Place, Suite 101
San Luis Obispo, CA 93401-7906

Subject: City of Salinas Draft SWMP Required Revisions

Dear Mr. Briggs,

This letter is in response to the Public Notice on the above subject document. The Monterey County Water Resources Agency (MCWRA) operates and maintains the Reclamation Ditch that empties flood waters from the north central part of Monterey County (approximately 150 square miles) including the City of Salinas into the Tembladero Slough that eventually goes into Moss Landing Harbor and then to the Monterey Bay National Marine Sanctuary. The Reclamation Ditch is a manmade earthen channel built over 80 years ago and not a natural stream or creek.

A-1 Reference is made to comment 39 on page 10 and the associated footnote 2 on page 12. The Reclamation Ditch is included incorrectly as a natural creek or stream. The Reclamation Ditch must be maintained to include clearing, compaction and excavation among other activities in order to pass flood waters. If obstructions are allowed to occur and remain in the Reclamation Ditch without proper maintenance of clearing and excavation, localized flooding will occur with the high potential of loss of property and/or life. It is requested that any reference to the Reclamation Ditch be removed from the document.

Sincerely,

Bob Meyer
Chief Engineer Operations and Maintenance

cc: Carl Niizawa, Deputy Engineer, City of Salinas

LETTER B

NRDC
THE EARTH'S BEST DEFENSE

NATURAL RESOURCES DEFENSE COUNCIL

November 29, 2007

Via electronic mail and U.S. mail

Executive Officer and Members of the Board
Central Coast Regional Water Quality Control Board
895 Aerovista Place, Suite 101
San Luis Obispo, CA 93401

Re: Comments on Salinas Stormwater Management Plan

Dear Mr. Briggs and Members of the Board:

On behalf of the Natural Resources Defense Council and its more than 120,000 California members, we submit these comments on the latest draft of the City of Salinas's Stormwater Management Plan ("SWMP"). Our comments focus on Chapter 4 of the SWMP, entitled "Development Standards."

As noted in our September 29, 2006, letter, we support the City's efforts to implement low impact development ("LID") strategies as a means of controlling stormwater runoff and pollution. LID practices utilize various site design and treatment methods to maintain the natural hydrologic characteristics of developed sites; research has shown LID to be the most effective and cost-efficient means of managing stormwater and abating water pollution.

Unfortunately, since the time of our previous comment letter, the City seems to have done little to strengthen its SWMP by incorporating LID, nor has it otherwise submitted a SWMP that meets the requirements of the Clean Water Act or the underlying NPDES Permit No. CA0049981 ("Permit"). The current version of the SWMP is modestly changed from the 2006 draft but in most respects is nearly identical. It remains, at best, "a plan for a program," and not the regulatory document required by 33 U.S.C. Section 1314 and 40 C.F.R. Part 122.26. The SWMP merely outlines vague goals and policies, and references numerous other documents that supposedly contain real requirements for stormwater management. These other documents, however, are either non-existent or effectively useless and thus cannot provide a sufficient basis for implementing the City's NPDES Permit. In sum, Salinas continues to be in gross violation of its Permit, having failed to comply with almost every notable development or redevelopment requirement set forth in Permit Attachment 4, Section III.

B-1

B-2

B-3

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These issues are recognized by staff, who have prepared a ten-page table of comments and suggestions to improve the SWMP. To the extent that the Board is considering accepting the SWMP with the proviso that staff's comments be addressed, this unfortunately does not make the SWMP adequate or provide requisite public review opportunities, as required by the Permit and the Clean Water Act. With respect to Chapter 4, a key staff recommendation is that a Kennedy/Jenks Technical Memo be incorporated into the SWMP or that the City provide an
B-4 adequate alternative approach. (Table of June 2007 SWMP Analysis and Required Revisions, at 6.) We strongly support additional specificity, but the Memo at issue is not available from the Regional Board's website, nor is it available from the City's website. Moreover, by allowing the City to propose its own revised approach, staff's recommendation provides no opportunity for the interested public or the Board to be apprised of any future requirements related to Chapter 4 prior to consideration of the SWMP by the Board. It should go without saying that, here as elsewhere, the failure of the City to draft and submit for public review a document that discloses
B-5 its program and its compliance with the Permit violates public participation requirements, including those set forth in *Environmental Defense Center v. U.S. EPA*, 344 F.3d 832 (9th Cir. 2003), *cert. denied*, 124 S. Ct. 2811 (2004). The Regional Board must ensure that the important principle of public review and involvement is respected prior to approval of the SWMP.

We also highlight that the City is, as you know, *severely* behind schedule in implementing its NPDES Permit. The Permit required that the City submit a revised SWMP to the Central Coast Regional Water Quality Control Board ("RWQCB") for approval within 180 days of the Permit's adoption. The Permit was adopted on February 11, 2005, making the City
B-6 now *more than two years late* in obtaining approval of its SWMP. The RWQCB issued a Notice of Violation to the City on September 1, 2006, and the City seems to have done almost nothing in the interim. This is an inexcusable and illegal delay, one that requires remedy by the Regional Board and, failing that, by the U.S. Environmental Protection Agency.[1]

Some of the problems with the current version of the SWMP are as follows:

B-7
- The SWMP is a vague, aspirational document that contains no implementable standards or requirements. As we stated in our last letter, the SWMP is no more than a "plan to devise a program," with references to other documents that either do not exist or do not themselves provide clear guidance and requirements. A developer looking at the SWMP would have no idea how to create a stormwater mitigation plan that includes LID strategies or otherwise complies with the Permit or SWRCB Order 2000-11.

B-8
- The City's "Stormwater Development Standards," which were supposed to be issued after receipt of the final Development Standards Plan ("DSP"), appear not to have been issued yet, even though Kennedy/Jenks submitted the DSP in July of this year. The City's failure to complete the drafting of these standards seriously impedes the

[1] We have copied EPA on this letter because of the seriousness of the City's delay in complying with the Permit and the inability, so far, of the Regional Board to identify a course by which the City will attain compliance.

B-8 (Cont'd) City's ability to comply with the Clean Water Act because these standards seem to be the principle (if not the only) source of requirements and guidance for LID implementation.

B-9
- The SWMP states that the City is revising its Standard Specifications, Design Standards and Standard Plans document in conformity with Kennedy/Jenks's recommendations. According to the SWMP, these revisions will be completed simultaneously with the revisions to the Stormwater Development Standards. The same question thus arises: when will the City finish the revision process? The current version of the Standard Specifications, Design Standards and Standard Plans document on the City's website (purporting to be a 2008 version) contains no real discussion of LID stormwater management practices and does not provide any guidance on typical LID technologies, including, for instance, green roofs and cisterns.

B-10
- Regarding documents referenced in the SWMP that do actually exist, it is unclear how these documents have been amended to incorporate LID and the NPDES Permit's requirements—the SWMP provides no detailed description of any revisions that the City has made, nor does it specify which portions of such large documents as the City's General Plan contain anything approximating LID requirements.

B-11
- The SWMP lists so many other documents (almost all of which are either non-existent or unavailable on the City's and RWQCB's websites) that it is impossible to determine how the City's whole LID scheme fits together. The other documents referenced in the SWMP are: City Design Standards and LID Guidelines; Salinas General Plan; Salinas Specific Plans; Salinas Stormwater Development Standards; Salinas Zoning Code; Development (Design) Standards Plan; Salinas Grading Standards; Salinas Storm Water Ordinance; Storm Water Master Plan [distinct from the SWMP]; CEQA Initial Study Checklist; Salinas Standard Specifications, Design Standards and Standard Plans; Low Impact Development Design Standards; and Low Impact Development Standards Plan.

B-12
- The City apparently plans to wait until the fourth year of its NPDES Permit (2009) to implement suggestions already made by Kennedy/Jenks regarding changes to the City's zoning code to strengthen its LID component. There is no justification for this delay, and none is provided. By 2009, the City's current Permit will be almost obsolete; already identified changes should be made now.

B-13
- The DSP, which the SWMP refers to as a major source of LID guidance, is unmanageably long and appears to contain only suggestions and not actual requirements. While the City admits that the DSP is a "guidance document," there is no accompanying document that contains enforceable requirements. Without any idea of what the City would require when a developer proposes a project, there is no way for the public and the RWQCB to comment on the substance of the City's

B-13 (Cont'd) stormwater management strategy (if in fact the City's strategy has any substance). The RWQCB cannot approve the City's SWMP when it is impossible to analyze whether the City will implement LID to an extent that meets the MEP standard and other Permit conditions.

- B-14 The SWMP mentions the City's "LID development approach," which supposedly recognizes biofiltration and disconnection between drainage and impervious surfaces as preferred stormwater treatment methods. However, it is entirely unclear what the City's LID development approach is and what it includes. Are biofiltration and disconnection only "preferred" and not required? What are the design specifications for such treatment methods and how do they work to meet the Permit's standards and SWRCB Order 2000-11?

- B-15 The SWMP claims that the City will implement "sustainable smart growth solutions," but the SWMP provides no guidelines as to what constitutes a "sustainable smart growth solution." The SWMP does not even include citations to relevant portions of other documents that might contain such guidelines.

- B-16 The City maintains that it is updating its "Storm Water Ordinance" to be consistent with its NPDES Permit and Kennedy/Jenks's recommendations, but it appears that the City has not yet done so. The City's website contains a redlined copy of the Storm Water Ordinance, and the language from this ordinance appears in the City's municipal code. However, the City's municipal code describes this ordinance as having been repealed by a subsequent order. Additionally, the SWMP contains so many typographical errors that it is impossible to determine what the City's timeline is: "A public hearing will be heald for the revisedStorm Water Ordinance and followed t , with adoption by the City Council." (SWMP at 4-17.) B-17

- B-18 The SWMP states that the City will prepare a series of urban runoff pollution prevention information brochures, which apparently are critical resources for developers and the public to digest the voluminous documents that constitute the City's LID guidance. However, these brochures—like so many other documents mentioned in the SWMP—seem not to be available yet.

- B-19 The City's "menu" of BMPs for stormwater treatment is supposed to be incorporated into the City's Stormwater Development Standards document, but as this has not yet been published, there is no way to evaluate the adequacy of any BMPs that the City may select for a given project. Moreover, the City plans to establish "stipulated conditions, project designs and required BMPs" on a "project-by-project basis," but B-20 the City has not established the criteria by which each project will be analyzed, promising only that "project processing will be standardized and uniform water protection principles employed." How will processing be standardized? What will B-21 the guiding principles be? Once again, the SWMP answers these questions through

references to documents that do not exist or through circular references to the SWMP itself.

B-22 • Table 4.3 lists a number of actions that the City plans to take in order to implement its NPDES Permit, but the table overall is not particularly elucidating. Most of the action items are quite vague and refer to the numerous other documents that the City is relying on to achieve compliance with its NPDES Permit. Many of the anticipated completion dates are still months or years in the future, despite the Permit's having been issued in early 2005. Ironically, of the anticipated completion dates that have already passed, several pertain to actions that the City has apparently not yet completed.

B-23 Once the City remedies the problems listed above, it will hopefully be possible for the public and RWQCB to comment meaningfully on the City's plans to implement LID strategies in accordance with its NPDES Permit. Until that time, however, there is little that can be said about the City's substantive LID requirements because it appears that no such requirements exist.

B-24 We appreciate Regional Board staff's efforts to catalog the deficiencies of Salinas's SWMP, and their recommendations will certainly move the City toward compliance with its NPDES Permit. In the end, though, even if the City implemented all of the Regional Board's suggested changes, the SWMP would not satisfy the requirements of the Clean Water Act and Salinas's NPDES Permit. Many gaps in the City's plan would remain, especially regarding the degree to which the SWMP establishes any enforceable standards for low impact development.

B-25 We urge the Regional Board not to approve Salinas's SWMP until the City has undertaken a thorough overhaul and strengthening of the current draft. We further urge the Regional Board to institute formal enforcement action against the City. At this juncture, such action clearly appears to be necessary in order to convince the City to take its Clean Water Act obligations seriously.

Sincerely,

David S. Beckman
Senior Attorney

cc: Alexis Strauss, Director, Water Division, U.S.E.P.A. Region 9

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LETTER C

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December 3, 2007

Donette Dunaway
Central Coast Regional Water Quality Control Board
895 Aerovista Place, Suite 101
San Luis Obispo, CA 93401-7906

Re: Comments on the City of Salinas SWMP

Dear Ms. Dunaway,

Monterey Coastkeeper would like to offer our comments on the Stormwater Management Plan (SWMP) for the City of Salinas.

C-1 Our comments are made after thoroughly reviewing the Salinas Stormwater Plan and all appendices and then comparing the Salinas plan with the Monterey Regional Storm Water Management Program. The Monterey Regional Storm Water Management Program, a Phase II city, was developed to be the 'model' MS4 plan for the region. We expected Salinas to exceed the example set by Monterey; Salinas is in its' second 5-year term and is a Phase 1 city.

C-2 We trust our critique will be taken into consideration. All comments are made with the intention of moving forward in improving the development of an adequate program to manage stormwater runoff and protect regional watersheds. At this time, we do not feel that the Salinas SWMP is sufficient to accomplish this goal. In addition, we feel the long-protracted timeline for this process has taken its toll on RWQCB staff and has worn them down; we find the table of required changes proposed by RWQCB staff inadequate to meet our suggested changes or to protect water quality resources.

C-3 While we recognize the complexity of the task of developing a Stormwater Management Plan, we are unsatisfied with the product that has been submitted for review. The SWMP is a document full of unclear abstractions, vague goals and convoluted references to other sources of instruction on how to implement an effective program. Unfortunately, very little of this information is to be found in the Salinas SWMP itself.

C-4 One of our main concerns is the difficulty of assessing what the Best Management Practices for Salinas actually are. Much attention is given to existing practices, but no clear goals or tasks are outlined. While a summary of existing

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C-4 (Cont'd) practices is useful to establish a working base, the purpose of this document is to establish a measurable plan. This means a comprehensive list of BMPs followed by an Implementation Plan, including measurable goals, a timeframe, and details such as who will be responsible for what action and how parties will be held accountable. Instead, most of each Element is devoted to a vague discussion of current practices, coupled with some equally vague aspirations for the future. Suggestions for measurable goals, when they occur, are generally lost amongst ambiguities.

C-5 This is meant to be a final draft of a work long over due, and the City of Salinas is behind schedule in implementing many of the programs required of it by its NPDES permit. In order for an effective program to launch however, significant changes must be wrought in the document that is to provide guidance for such a plan. We have divided our specific comments by the elements in the order of the SWMP. Our comments are focused on Elements 2-7, which focus on some of the most important areas of stormwater management; yet these elements are the most problematic. Our comments are as follows:

Element Two which addresses Water Resources lacks detailed information throughout:

C-6 1 *"Each of these smaller areas drains to creeks, detention basins and/or other water bodies as shown in Figure 2-2." (SWMP 2-2)*: The plan lists a variety of creeks and streams in the introduction, but no information is given as to the type of zoning that surrounds these water ways. The map in figure 2-2 is somewhat large in scale, and does not illustrate details such as the type and sensitivity of the watersheds. There is also no information given as to the presence of specific types of development around the waterways, such as industrial or residential zoning, which could have serious implications for the management of the system. More comprehensive data is necessary to give the reader an accurate idea of the connection between human development and watersheds in specific locations.

C-7

C-8 2 *"...the Reclamation Ditch, lacks the capacity to handle additional runoff" (SWMP 2-11)*. This is a significant problem that is not addressed in the rest of the management plan. However, given the emphasis on future growth and development, it is necessary to question how this will affect the capacity of the Reclamation Ditch. In spite of projected Low Impact Development guidelines for Smart Growth, increased development is likely to lead to increased runoff. Identifying weaknesses in existing infrastructure should be a key element in planning for both future growth and stormwater management, but this is not addressed in the SWMP.

C-9 3 The review of water resources includes a summary of the findings and recommendations of the 2004 Salinas Stormwater Master Plan. It is noted that the Master Plan is focused primarily on managing flow and flooding, however there is some significant overlap between these issues and the daily municipal management of stormwater. Several facts are worth including in further detail:

C-10 ○ *2. "There were a few locations where significant overflows occurred*

C-10 (Cont'd) *with the City's system*" (SWMP 2-13): How few? Further detail is necessary.

C-11 4. "*Detention of upstream agricultural runoff will be needed*" (SWMP 2-13): This is a significant issue that greatly affects the quality of stormwater runoff especially given that many area watershed impairments are due to fecal coliform, nutrients, and pesticides - all related to agricultural runoff. However, it is not addressed throughout the SWMP. In fact, little time is spent on tackling agricultural runoff, even in the Element devoted to commercial and industrial facilities. Given the prominence of the agricultural industry in Salinas, this is a major oversight that must be corrected. Our affiliated organization, The Otter Project, commented on this specific point, and the City Council concurred, in an earlier draft.

C-12 In Element Three, which addresses Municipal Maintenance, the introduction states "This program element describes the City's municipal maintenance program to protect water quality through its maintenance activities" (SWMP 3-1). A list of 24 measurable goals is established. Some of these goals are more concrete than others, but the goals are for the most part acceptable assuming that BMPs and implementation plans accompany said goals. This, however, is where the problem lies. The BMPs that are set forth are vague and not coupled with any measurable implementation goals. Some specific concerns with this Element are as follows:

C-13 1 Section 3.3 *Strategy*, responds to the stipulation in the NPDES permit that the City of Salinas develop a Municipal Maintenance Program. The bulk of the text is an amalgam of already established practices and vague goals, such as "the City will identify and seek partners within the watershed to achieve stated goals," and, "the City will work to implement practices and programs for their proven benefits and their success in reducing pollutants of concern" (SWMP 3-5). No outline is given for a structured municipal maintenance program as required.

C-14 2 *"A total of nineteen BMPs are proposed for Municipal Maintenance operations. These are listed in Tables 3.5 and 3.6. A description of each BMP, the approach intended, suggested protocols, associated training, and inspection are individually summarized by BMP in Appendix B." (SWMP 3-5):* BMPs are a significant portion of the actual measurable stipulations of the SWMP. They should be included in the main text, followed by a specific implementation plan with quantifiable goals; this should not be relegated to an Appendix. Secondly, the BMPs were taken directly from the Stormwater Best Management Practices Handbook—Municipal, as prepared by the California Stormwater Quality Association. The document is included verbatim as Salinas' own plan. No adaptations are made to develop a specific plan for the City of Salinas. While CASQA's Handbook is a laudable resource, it was developed as a general guideline to aid the development of specific Stormwater Management Plans. As stated in the Handbook's introduction, "The purpose of this handbook is to provide *general* guidance for selecting and

C-15

implementing Best Management Practices (BMPs) to reduce pollutants in runoff from municipal operations. Federal and state programs require selected municipalities to reduce the discharge of pollutants in their stormwater
C-15 discharges to the maximum extent practicable (MEP) using an array of control
(Cont'd) measures including BMPs. *It is not the intent of this handbook to dictate the actual selection of BMPs (this will be done by the municipality), but rather to provide the framework for an informed selection of BMPs for the program*" (CASQA Municipal Handbook, Section 1.1, Introduction; italics added for emphasis).

3 Because this section of the SWMP does not map out BMPs that have been tailored to the City's needs, there is no real implementation plan that sets forth concrete, measurable steps that the City intends to actualize. For example, section 3.5 B discusses the problem of inflows and infiltration into a
C-16 sanitary sewer system. Most of this section is focused on addressing the cause of the problem, but no solution is proposed. The only suggestion of a plan is an ambiguous objective for the City to "expand its efforts and initiate a more comprehensive management approach to maintaining its sanitary and storm drain systems" (SWMP 3-9). This is not adequate enough for a final version of a Stormwater Management Plan.

4 *3.2 Goals/Measurable Goals a-c (SWMP 3-2)*: "One hundred percent of existing municipal maintenance staff trained by Year 1.." (SWMP 3-2). These goals
C-17 state the intention of the City to implement an employee training program for municipal staff. Some mention is made towards inviting local experts from the region to address watershed issues, yet specific guidelines still need to be outlined. Furthermore, although it is mentioned that "Training will be tailored each succeeding year, (SWMP 3-5A)" there is no stipulation made to address who will be responsible for the development of the training program; this may be problematic if the role has been outsourced to non-municipal organizations
C-18 if there is no lasting structure to guarantee the continuance of the program. In table 3.7, a list of potential implementers includes groups ranging from city staff (who are the focus of this particular training program to begin with) to the CSUMB Watershed Institute to the EPA and others. Again, this measurable goal is too vague for a final version of the plan. (SWMP 3-62)

5 3.5 Activities B. Facility Maintenance (SWMP 3-8): "Sanitary sewer overflows can occur when sewer collection lines designed to only conduct sanitary sewage become conduits for stormwater." (SWMP 3-8) This is vague language that further circumvents the actual purpose of developing a plan to initiate a
C-19 more comprehensive management approach. Quantifiable measures need to be outlined. Vague assertions that the city will "expand its efforts and initiate a more comprehensive management approach to maintaining its sanitary and storm drain systems" and "develop Stormwater Pollution Prevention Plans (SWPPPs) for all of its facilities" (SWMP 3-9) take the place of quantifiable goals with clear metrics.

6 Table 3.7 lists BMPs in correspondence with the Permit Section that they address, and then identifies an implementation plan and measurable goal. The following comments address the information organized in this table:

C-20 Permit Section V.a.i-iv. *Develop inventory and map of all inlets of MS4*: The BMP for this section refers to a map plan that does not seem to be included, or is not clearly marked. Furthermore, the implementation plan reads "Conduct maintenance of inlets and outfalls consistent with Inventory and Mapping Plan."

C-21 The mapping plan does not seem to exist, which makes the rest of the plan somewhat obsolete. Additionally, the plan of conducting maintenance of inlets is too vague. The measurable goal is stated as an annual report on maintenance activities, but what exactly these activities are is unclear.

C-22 Permit Section V.b.i *Properly operate and maintain storm drain system (SWMP 3-28)*: "Street sweeper operators, building officials and other city staff will visually scan...field sites where trash and other pollutants have been a recurring issue" (SWMP 3-28). The term "visual scan" is unclear. No guidelines are included as to what staff members are looking for, what they do when they find something, how they record the information, to what use the documents are put, or any other information that could illustrate how exactly this practice will reduce illegal dumping or increase public awareness of the issue.

C-23 Permit Section V.c.ii *Inventory and maintenance of permittee owned and private facilities, roads, and parking lots (SWMP 3-31)*: Implementation plan is to "Require new parking designs" and "Reduce the POC that [emanate] from vehicles in parking lots, such as petroleum, oil, copper and other metals, and rubber to the MEP" (SWMP 3-31, 3-32). The only measurable goal listed is that these ambitious goals be adopted by December 2007. The actuality of requiring new designs or reducing anything is left without examination or analysis.

C-24 Permit Section V.d. Designate *and implement BMPs (SWMP 3-34)*: Several BMPs that ought to be given individual attention are lumped together in this oddly constructed table. The nature of BMPs, Implementation Plans and Goals are often mixed up. For example, under the category of measurable goals, the text reads, "For example, shut off automated systems' cycles when rain is predicted for more than one day" (SWMP 3-34). This is an excellent idea, and one that should be a part of the implementation plan for achieving the BMP of monitoring watering effectiveness and efficiency (3.10c), not relegated to any example.

C-25 Permit Section V.d. *Designate and implement BMPs*: under Measurable goal: "Spills responded to 100% of time consistent with SCRP (Spill Control Response Team)" (SWMP 3-37): This is not a measurable goal. How will the City guarantee that 100% of spills will be responded to?

C-26 What is the protocol for responding to a spill? Where is the information

C-27 on employee training regarding the handling of a spill? More detail is needed to illustrate how precisely this goal will be achieved.

C-28 Permit Section V.d. *Designate and implement BMPs* (SWMP 3-44): Implementation Plan reads "eliminate use of toxins for street weed control; use the PHAER approach and IPM instead. See text of this

C-28 (Cont'd) Element for discussions on IPM and PHAER" (SWMP 3-44). The discussion of the City's use of the PHAER approach is unclear, and does not explain how exactly the City intends to eliminate use of toxins. References to outside documents or programs need to be incorporated into the City's SWMP, not substituted for one.

C-29 Permit Section V.e. *Implement pesticide, herbicide, and fertilizer application*: This seems to be a typographical error, but it is one that obfuscates the intention of this set of BMPs, the first of which reads: "Reduce dependence upon potentially hazardous chemicals..." (SWMP 3-46). This error repeats throughout table 3.7, and needs to be corrected to avoid confusion of intent. Additionally, "Pesticides tanks will be emptied of all pesticides as part of the application process" (SWMP 3-56). This is also vague and the City needs to explain exactly how pesticides will be emptied.

C-30 Other than covering storm drains from allowing rinse water from entering, what else is the City doing to ensure that pesticides and fertilizers do not enter water bodies?

C-31 Permit Section V.d, V.e, and V.g (SWMP 3-49): BMP reads: "Eliminate all use of chemicals included on State 303 (D) listed water bodies anywhere within city limits, unless a serious public health and safety concern exists." This is then listed as both the implementation plan and the measurable goal in the chart, without any details as to how this goal will be achieved. Who will oversee the elimination of these chemicals, and how will it be carried out?

C-32 Element Four focuses on Development Standards. This is a significant portion of the SWMP as Salinas expands into the Future Growth Area. The way that development occurs will greatly affect the management of stormwater. Unfortunately the bulk of this Element attempts to delegate the responsibility of establishing a decisive development plan to as many other documents as possible; rarely does the SWMP actually identify clear-cut BMPs with implementation plans and measurable goals. The

C-33 language remains vague, and the consistent referencing to documents that have not yet been adopted makes it very hard to discern if any actual plan has been made to minimize the impact of future growth. Guidance is lacking on establishing the hierarchy of 1) Site Design using LID, 2) Source Control, and 3) Structural Control. Some specific problem areas are as follows:

1

C-34 4.5 Best Management Practices "Selection of BMPs is therefore flexible based upon several factors. Selection is first up to the project design team's professional judgment. Second, City of Salinas staff members also have a role to ensure that requirements are met. At minimum, the suite of BMPs selected must meet the criteria established in the City's NPDES Municipal Permit, this element and other municipal, state and Federal regulations" (SWMP 4-8). This

C-35 portion of text basically passes responsibility on actually selecting any BMPs for development standards. Other references are made to the Development Standards Plan which purportedly identifies specific BMPs. "Developers are required to demonstrate hardship regarding problems with implementation of

C-35 biofiltration Bumps prior to approval of other types of treatment means, in its development means" (SWMP p. 4-13). The language used here is very unclear- what does the City classify "hardship" in this statement? Furthermore, under the section entitled BMP Selection (4.6 M. p. 4-22) the plan states that

C-36 "required BMPs will be established on a project-by-project basis" (SWMP 4-22). The purpose of the SWMP is to implement and enforce BMPs: this cannot be done if the City cannot commit to any BMPs.

2 Section 4.6 L Development Review Process: "During the review process, staff

C-37 will solicit comments from other City divisions and departments." (SWMP 4-21) This is vague. What other agencies is the city engaging in the review process? They should all be listed. Further, the City needs to spell out the exact review process: Will a projects' site design be reviewed at the preliminary approval

C-38 stage or later in the review process after changes to the site design may no longer be possible?

3 Table 4.3 lists BMPs in correspondence with Permit sections. BMPs are then matched with an implementation plan and a measurable goal. Throughout the

C-39 table however, it is notable that many of the implementation plans are conditional on other documents or parties. The following comments address table 4.3:

- Permit section III.a. *Incorporate water quality and watershed protection principles requirements into planning procedures and policies* (SWMP 4-30). The BMP reads, "Update the of the City Zoning Code." In addition to being unclear because of a typographical omission, the measurable goal

C-40 for this BMP is to take into consideration the Kennedy/Jenks comments with the next revision anticipated to occur in 2008. The updating of zoning codes is an important tenet of restructuring guidelines for low impact development, and the fact that the occurrence of this project hinges upon an anticipated document with no real time frame is troublesome.

- Permit section III.b. *Development Standards Plan*: The Implementation Plan for this section is to "Support development of LID Standards Plan." Further, the measurable goal is to "Support the completion of the Development Standards Plan." In addition to the plan and the goal being

C-41 virtually identical, the ambiguity of the language usage is equally troubling. There are many ways a city can "support" a project without ever achieving any tangible outcomes. How exactly the City intends to do this needs to be fleshed out with a real implementation plan and actual measurable goals.

- Permit section III.b *Development Standards Plan*: The majority of BMPs and goals under this section of the permit seem to be focused on the

C-42 further development of a plan. Perhaps this meta-plan will contain some real stormwater management guidance for development, but as it currently stands, the final version of the SWMP fails to do so.

- Permit section III.c. *Plan Review*: The Implementation Plan is as follows:

C-43 "Initiate compliance with NPDES permit requirements for new developments in advance of the approved development standards. City

C-43 (Cont'd) to use draft standards, approved standards from other jurisdictions in the state and permit sizing criteria" (SWMP 4-33). It appears that while the City is developing development standards, it will be attempting to hold developers accountable for standards that do not yet exist.

C-44 Although the desire to initiate compliance with NPDES permit requirements is commendable, it seems that actually outlining Development Standards for implementation would be a more efficient use of the City's time, rather than attempting to enforce an assembly of standards imported from other jurisdictions.

C-45 Permit Section III.c. *Plan Review*: Implementation Plan reads "Review all applicable new development and significant redevelopment plans for compliance with the Development Standards Plan, until the Stormwater Standards are approved. Emphasis will be on sizing criteria and BMP design" (SWMP 4-34). This statement is a critical flaw as sizing criteria and BMP design do not meet the NPDES permit requirement for MEP. As noted above, MEP is defined hierarchically as 1) Site Design using LID, 2) Source Control, and 3) Structural Control. "Sizing criteria" reflect structural control and misses the overwhelming benefits of good site

C-46 design. In addition, this statement is problematic for several additional reasons: First, the DSP has not been approved; second, the timeline for the development of all these plans is very unclear, and lastly, what information or guidelines the plans will contain is also vague, making it difficult to review project proposals up against them. On a related note,

C-47 guidelines are not established to handle non-compliance, nor is any mention made of measurable goals or a time line for such projects. The whole scenario is vague, inadequate, and does not meet the basic requirements of the NPDES permit.

C-48 Permit section III d. *Regional Stormwater Mitigation Plan*: The Implementation Plan suggests that Salinas "work with the County on water quality issues." No other details are set forth as to how the City intends to do this other than the goal of writing a letter to the RWQCB by the 5th year of the permit. If the City of Salinas truly wishes to work with the county to address regional storm water mitigation, it is necessary to include a far more detailed plan as to how they intend to do so.

C-49 Permit section III e. Waiver Program: Essentially this BMP is a plan to make a plan, and is insufficient at this final point in the timeline of the SWMP. The BMP reads "Formation of a waiver program" (SWMP 4-34); the lack of structure in the language makes this very unclear; it is not a management practice, let alone a best management practice. It is little more than an idea that is not expounded upon. The measurable goal listed is "submit a plan". How this is measurable is not clear: there is no suggestion as to what this waiver program might include, or how it would be developed.

C-50 Permit III.f. Maintenance Agreement and Transfer: Again, the Implementation Plan is little more than a rephrasing of the BMP, which is

C-50 (Cont'd

to devise criteria for infill projects. The Implementation plan reads "City will devise criteria for acceptance of maintenance agreements for infill projects" (SWMP 4-35). The listed measurable goal basically states that 100% of new infill will adhere to these successful maintenance agreements for infill projects that do not yet exist. This circular reasoning is illustrative of the general flawed nature of this Element.

C-51 Element Five addresses Construction Site Management. The main problem with this section continues to be a lack of clarity in language, leading to vague assertions and unsubstantial goals. The following issues illustrate this and should be addressed:

4 The City lists as one of its construction objectives the plan to "protect waterways and stabilize drainage ways" (SWMP 5-4). This language is vague and

C-52 the City has left out any real guidelines as to how said areas will be protected in order to meet this objective. This is a section where building and grading setbacks and compaction standards should be stated and reinforced.

5 The City has developed a set of criteria to determine high and low priority construction sites, yet these criteria are very unclear. The City lists the

C-53 following as high priority construction sites: "Site of 5 acres or greater, projects, active or inactive adjacent to a water body, and any Site tributary to a 303(d) impaired water body or environmentally sensitive area" (SWMP 5-7). Further, low priority sites are referred to as follows: "Sites (private and public) where no grading is proposed, such as tenant improvements" (SWMP 5-7). For a developer or private citizen, it is very difficult to understand the City's

C-54 priorities. For example, if a site has no grading involved but is adjacent to a water body is it still considered a low priority although there is no grading occurring in construction? Again, the City must be more detailed in outlining its goals, criteria, and standards.

6 The city states that tenant improvements are a low priority, but gives no guidelines as to what constitutes a tenant or a tenant improvement.

C-55 Therefore, under these criteria, there is a reason to believe that many construction sites are being overlooked by the City, allowing for urban runoff pollution to flow freely in some areas (SWMP 5-4C). Further, in areas hopefully designed with LIDS, such as the Future Growth Area, tenant improvements

C-56 could very significantly reduce the amount of permeable surface on a site. How will the City track and regulate this potentially significant impact?

7 The plan lists a set of performance standards for City staff to evaluate adequate construction site management practices. One standard in particular is excruciatingly vague: "Lack of adequate BMPs, or poorly installed measures,

C-57 shall be corrected" (SWMP 5-9). How exactly will the City correct construction sites in order for them to include BMPs that they are lacking and in what timeframe will the City allow construction sites to remain active with "poorly installed measures?"

8 Enforcement and construction regulations are outlined, however the language

C-58 used is bereft of significant details. "Inspections of such projects include review of erosion control measures and Best Management Practices" (SWMP 5-

C-59 12). How does the City review such projects during inspections? Is there a checklist involved for that process? If so, this document must be included in
C-60 the SWMP so developers understand what regulations they need to follow under the City's guidelines.

Element Six outlines the City's plan to address stormwater runoff pollution through Public Education and Outreach. The introduction states "The City's approach to carry
C-61 its message is through forming public-private partnerships" (SWMP 6-1). While the integration of stakeholders is a commendable plan, more detail is required to adequately illustrate how this plan is to be carried out. Although the plan makes reference to numerous other programs and organizations available as references, it
C-62 does not sufficiently identify the specific educational goals and programs that will be used to reach the general public. The follow comments illustrate this general criticism:

1 Section 6.3 Public Outreach and Education Activities C. Target Audiences, Development Community: In describing the educational program that will target the development community, the plan lists a variety of ordinances, documents and resources ranging from the Zoning Codes (which as
C-63 aforementioned and has not yet been adequately updated) to LID Development Standards, to the CASQA handbook, EPA documents, etc. This is a huge amount of information that may or may not be useful to developers in planning projects appropriate to the Salinas area. A specific program may pull from all of the resources, but a specific program plan should be outlined in this document to illustrate the nature of this public outreach campaign. Developers will not
C-64 conform to standards that they cannot find or understand. Furthermore, penalties and consequences for non-compliance need to be outlined as well.

2 Section 6.3 Public Outreach and Education Activities C. Target Audiences: "...public outreach for industry (including commercial businesses) will need to be expanded to include all of the industrial sites listed in the City's
C-65 Commercial and Industrial Element" (SWMP 6-5). This essentially amounts to a plan to make a plan for a program that targets a very important group of the community. This is not adequate and needs to be more detailed, with measurable goals to be achieved.

3 Table 6.2 lists BMPs in correspondence with Permit sections. BMPs are then matched with an implementation plan and measurable goal. The follow comments address this table:

- Permit Section VII.a.iv Public Outreach Program shall include commercial owners and operators: The BMP refers the reader to
C-66 Appendix D, which contains additional BMPs for Commercial and Industrial Facilities. However, these BMPs offer basic guidelines with no real guidelines as to how these will be enforced. While Appendix D provides an adequate framework for an educational program, it is not in
C-67 and of itself an educational program, and should not substitute the development of a real enforceable program.
- C-68 Permit Section VII .VII BMP 6.10 "Number of events and/or number of students involved" (SWMP 6-16). This measurable goal is unclear and

C-68 (Cont'd) needs to be expanded upon. It appears in this goal as if data or language is missing.

C-69 Permit Section VII. b. Conduct outreach (SWMP 6-17): The Implementation Plan for this BMP is very weak. In addition to site visits, repair and washing operations in Salinas need to be guided by the City on how to reduce their in-house waste from entering a storm drain. Documentation of site visits alone will do nothing to ensure the City's compliance of the NPDES permit.

C-70 Permit Section VII.h Conduct public awareness surveys: the City states that after it conducts a public awareness survey, the City will "document and analyze results" (SWMP 6-24). This is a very vague implementation plan for an important measurable goal that also needs to be expanded upon. What will the City do with the data it collects?

C-71 Will the data collected lead the City to improve or add more measurable goals? For a final version of a Stormwater Management Plan, more explanation is needed in this section.

C-72 4 Although the City states it has hired an educational consultant several times throughout the plan, there is very little curriculum instructions or details on how the City intends to promote water conservation and reduce urban water runoff to its youngest residents. The plan should include descriptions of classroom visit activities and activities students will be engaged in during in-classroom presentations. More details about what exactly the City is promoting about its watersheds to its students needs to be included in the SWMP.

C-73 5 Additionally, the City of Salinas should include more ways for all of its citizens to become engaged in stormwater management. The City of Monterey has successfully launched several efforts for citizen awareness and participation such as the First Flush program. Salinas can benefit by heightening its citizen participation in this effort by creating programs and educational campaigns similar to those adopted by the City of Monterey.

C-73 Element Seven addresses Commercial and Industrial Facilities. In addition to the continuing theme of vague language and unclear measurable goals, the City altogether avoids any specific guidelines for addressing industrial facilities that engage in agricultural production. Although the City includes recommended strategies and required BMPs for this Element, the guidelines for inspection are altogether too brief. According to this stormwater management plan, there are no adherence guidelines for facilities whose primary production is agriculture. This is alarming since agriculture looms above all other sources of revenue for the City.

C-74 While adhering and complying with the NPDES permit is a framework for designing a stormwater management plan, cities such as Salinas whose primary industrial facilities engage in agricultural production need to include specific additional measures to address stormwater management for this industry. Moreover, inspection guidelines for commercial and industrial facilities are also very vague. "The City will

C-75 inspect a minimum of 20% of these facilities each year, commencing after the fourth year of the permit" (SWMP 7-6). This statement seems illogical as the City has had its

C-75 (Cont'd) permit for 2 years yet it is waiting an additional 4 years before it embarks upon construction site inspections. We find this section entirely inadequate for a final version and in need of much greater detail.

C-76 Element Eight-Illicit Discharge and Illegal Connection is well written and includes adequate measurable goals but the City could benefit by collaborating with the City of Monterey on training materials for municipal staff to use while conducting inspections. Monterey has adequate inspection resources that can be of use to the City of Salinas for implementation of Element Eight.

C-77 Element Nine addresses Monitoring and Water Quality Testing, the City of Salinas has used the Quality Assurance Project Plan (QAPP) as "a means to protect water resources" and that "this collaborative approach fosters the sharing of data with other other stakeholders, greater efficiency and effectiveness in terms of data gathering and analysis, and continues the City's effort towards regional watershed management" (SWMP 9-1). This approach should encompass the entire creation of the SWMP and its elements, the City of Salinas should draw upon the experience of the City of Monterey, as it has already written and implemented its own stormwater management plan.

These comments represent scores of hours of review, research, and compilation. Allison Ford and Jeffrey Swartz were the researchers and reviewers for this effort. This document was primarily written by Allison Ford.

C-78 It is clear that the submitted plan is inadequate and in need of great improvement. We do NOT feel the plan needs more bulk; it suffers from bulk. We feel it needs fewer pages, fewer words, far fewer BMPs. But the plan needs strategic BMPs designed to achieve specific goals, with linked and spelled out implementation plans, with spelled out measurable outcomes.

C-79 In the current document it is nearly impossible to track a NPDES requirement to BMP to implementation plan to measurable outcome. Unfortunately, the RWQCB staff table of required changes does not address this fundamental, structural, shortcoming of the Salinas plan. RWQCB approval of such a flawed plan will inflict a serious damaging blow to future storm water plan implementation efforts.

It is our hope that these constructive criticisms be put to use in the improvement of the plan that it might be turned into an adequate working document. Thank you for your consideration.

Sincerely,

Steve Shimek
Monterey Coastkeeper