



City of Salinas

Public Works Department

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July 24, 2015

Kathleen H. Johnson, Director
Enforcement Division
United States Environmental Protection Agency
Region X-Pacific Southwest Region
75 Hawthorne Street
San Francisco, CA 94105-3901

Subject: City of Salinas Response to Final Storm Water Inspection Report for City of Salinas
Municipal Separate Storm Sewer System (MS4)

Dear Ms. Johnson:

We appreciated the opportunity to meet with EPA staff on December 2nd and 3rd of 2014 for the purpose of providing information for the EPA stormwater program audit report. As requested in your June 4, 2015 cover letter transmitting the report, we have prepared responses and updates on the City NPDES Program related to potential NPDES Permit violations EPA staff identified during their visit. We have separated each of the 3 categories of responses as contained in the report and reprinted the EPA program recommendations/program deficiencies/potential permit violations in bold and italics prior to our response for clarity. For your convenience we have also attached a memory drive with electronic versions of referenced documents.

EPA Recommendations

- 1. The City and Monterey Regional Water Pollution Control Authority (Agency-MRWPCA) clearly define which entity is responsible for conducting which/how many inspections annually to ensure that all required industrial and commercial facilities are inspected at the frequency required.***

The Permit requires that the City inspect 20% of Commercial/Industrial businesses annually. MRWPCA has been contracted to provide support services to the City in

conducting NPDES inspections, not to manage the program. The City has sole responsibility for ensuring 20% of inspections are completed each year

The MRWPCA has provided assistance because of their expertise in the inspection process and has committed to continuing assistance as long as they have sufficient resources to provide inspection assistance to the City.

The City also has similar contracts with MRWPCA to cover field inspections and water quality sampling used to bill the 24 industries that discharge to the City's Industrial Wastewater Treatment Facility. They also provide the administrative services including y billing for each of the City's 24 Industrial users. Additionally, many of the 24 Industrial Wastewater Treatment Plant Users are also listed in the annual NPDES inspection list so the MRWPCA conducts both inspections at the time of the NPDES inspection each year.

It is important to note that the City annually exceeds the 20% requirement, completing 32% of inspections in the 2014/2015 Reporting Year.

2. *The City conduct routine self-assessment of its commercial and industrial stormwater program to ensure procedures, training, databases, and facility information is current and accurate.*

The City conducts internal assessment reviews between the Wastewater Manager and the Environmental Compliance Inspector before each inspection season to ensure that any compliance issues are addressed. The City also holds a kickoff meeting with MRWPCA each inspection year to go over any changes in the list of facilities to be inspected and the issues that are likely to be encountered.

The City's inspector conducts a minimum of 20% of inspections along with the MRWPCA inspectors to ensure that the inspections remain consistent with the City's NPDES obligations and inspections are conducted to obtain the highest degree of success in implementing facility BMP's. These actions, as well as the consistent communications with the MRWPCA inspectors during the inspection process, are a key component in maintaining a thorough program.

3. *The City consider implementing a more proactive approach for identifying facilities in need of General Industrial Permit coverage and for reporting non-filers to the Central Coast Water Board.*

In an effort to be more proactive in identifying and reporting industries that should be potentially enrolled in the State's General Industrial Permit process the City is working

with Brown and Caldwell consulting to perform an assessment of the approximately 40 non GIP industries on the City's Industrial facility inspection list to determine if they should be enrolled in the GIP program. This is the first phase effort to identify non-filers to the program. The City will, after the initial assessment, continue to assess if there are other businesses that should be enrolled in the program.

- 4. The City evaluate the staffing for the private construction site inspections. It appeared as though the large number of construction projects assigned to the private construction site inspector would impact the City's ability to conduct thorough site inspections.***

The City's private construction inspector has several stormwater related certifications (CESSWI, CPESC and QSD/QSP) and 30+ years of experience in inspection making him extremely qualified and well versed in stormwater related construction inspection requirements. The high volume of inspection is largely attributed to numerous smaller projects including utility installations and small sidewalk/curb/gutter projects. Additionally the volume is achieved as storm event related inspections were few due to the lack of rain with the total rainfall each of the past two years being approximately 3" per year with the normal rainfall amount being approximately 12" per year. The amount of rainfall received was also concentrated in a few storms.

In order to better respond to future increased in workload, we are in the process of reviewing our current staffing and staff assignments.

- 5. The City not conduct routine SWPPP inspections on behalf of private developers. Private developers are required to conduct their own SWPP inspectors to comply with the State's Construction General Permit.***

We are aware of the contractors/private developers' responsibilities related to SWPPP inspection. However, the City is diligent in insuring, that regardless of the contractor's/private developer's responsibilities, all required construction best management practices (CBMPs) are in good order and properly installed and the requirements of the erosion control plans and stormwater pollution prevention plans are being implemented, especially for smaller, less experienced contractors on smaller projects. This helps to insure the CBMPs will function properly during rain events and that the contractors have the CBMPs properly in place prior to the event.

Program Deficiencies

- 1. The City's limited IDDE field program lacked written SOPs and was based on institutional knowledge of current staff.***

The City prepared an IDDE Response Plan and Guidance Manual that addresses the Standard Operating Procedures that are referenced above. The Plan was submitted with the 2013-2014 Annual Report as required by the City's NPDES Permit. The IDDE Response Plan and Guidance Manual is based on the Center for Watershed Protections guide on Illicit Discharge Detection and Elimination (IDDE) as required by the Permit. The Plan is attached as a PDF file as (Exhibit H-1 Illicit Discharge Guidance Manual).

- 2. The City had not developed a formal process for scheduling public and private construction site inspections to ensure consistency with Permit required inspection frequencies.***

Construction sites are required to be inspected weekly whether they are private or CIP to ensure that all stormwater control devices or Best Management Practices (BMP's) are functioning as designed and implemented. The inspections are weekly for both large scale with a permanent Low Impact Development (LID) Maintenance Declaration for the stormwater control Post Construction Best Management Practice (PCBMP) or just temporary construction sites with temporary construction BMP's. Additionally, the inspections are mixed up every week so the contractor does not know when the inspector will arrive or at what time unless the contractor has scheduled a special inspection regarding the processes involved in construction of a bioretention or underground storage device. With these special LID installations we inspect all phases of installation such as the initial excavation, fabric, rock, pipe, soil, mulch, plantings, inlet and outlet control structures, etc. All documents required to be submitted by the Contractor are reviewed NOI, REAP, NOT; NOT is required to get a final acceptance for the project along with the LID Maintenance Declaration recorded by the County Recorder. The Contractors REAP is reviewed and the Contractor submits to the State Water Board who effectively receives the REAP from the contractors and monitors those documents for compliance. We have a procedure for inspecting every type of Storm Water Control PCBMP device and an understanding of how and why these devices work, what pollutants of concern are addressed and how and when they are to be maintained.

The City recently prepared (June 11, 2015) a Storm Water Control Inspection and Maintenance Manual. The inspection schedule is as follows:

Active construction sites are inspected weekly with the days mixed up so they are not the same every week. Active construction sites with a SWPPP/Stormwater Control Plan

(SWCP) will have a permanent PCBMP and is inspected every week including progressive construction inspections for the particular storm water permanent control device. Permanent Storm Water Control PCBMP's are inspected twice annually (fall/winter and spring) all inspections are recorded in Trakit and for PCBMP's on the PCBMP Inspection Tracking Log. A copy of the Storm Water Control Inspection and Maintenance Manual is submitted herewith on the attached thumb drive.

Potential Permit Violations

- 1. The City's MS4 system map was not up-to-date at the time of the inspection and did not include and identification of the drainage areas for all outfalls that discharge urban runoff from the MS4, as required by Section Q.2 (b)(iv) of the Permit.***

The City has a storm system map that was developed for the Storm Drain Master Plan that was prepared for the City by consultants Camp, Dresser and McKee (CDM) in 2004. The information provided on the Map is still correct and valid with current conditions. The map provided in the Storm Drain Master Plan contained the City's sub-watersheds with designations of each of the sub-drainage areas, major pipelines and system outfalls within each drainage area. Each sub-drainage area is defined by a boundary area and a drainage area designation that includes the waterbody to which that drainage area drains, and a unique identifier number for each area.

Although the base map contains the information referred to, the original base map has been updated to allow for easier identification of the larger watershed areas on one map.

- 2. The City had not developed an effective information management system to track all reports of potential illicit discharges. The City was not consistently tracking the type of discharge and approximate discharge quantity of reported illicit discharges as required by Section H.4(c) of the Permit.***

The City has consistently recorded illicit discharge but has inconsistently recorded volumes or quantities of each discharge beyond sewer or fuel spills. A demonstration of the City's information system was provided by Gary Gabriel, the City's Wastewater Crew Supervisor at the time of the audit. The City has since added volumes and quantities on its reporting sheet and the volumes and quantity entries have been added to the GIS menu to be recorded for all future discharges. Examples of these changes are in files attached as Illicit Discharge Reporting Form and GIS Illicit Discharge Map 2015. Important to note is that all reported illicit discharges were contained and recovered and all discharges were prevented from reaching a waterbody.

3. *The City had not developed written procedures for responding to reports of potential illicit discharges, including a flow chart for internal use and identification of the various agencies and their contacts involved in incident response, as required by Section H.6 of the Permit.*

Please see (Program Deficiencies #1) above. Exhibit H1 Illicit Discharge Guidance Manual, above, addresses the items listed above and were submitted with the 2013-2014 Annual Report in accordance with the Permit Guidelines. The document has written procedures for responding to reports of potential illicit discharges and a flow chart for internal use is presented on Page 13 of the document, Section 5, **Figure 5-1. Routes to an Illicit Discharge Investigation**

4. *The City had not developed and implemented dry weather screening best management practices (BMPs) to detect illegal discharges, including written procedures for dry weather field observations and monitoring, as required by Section H.6 of the Permit.*

City staff has corrected this oversight completing the document to implement dry weather screening best management practices (BMPs) to detect illegal discharges, including written procedures for dry weather field observations and monitoring, as required by Section H.6 of Permit.

5. *The City had not completed dry weather screenings at all identified screening stations between May 1 and September 30, 2014, as required by Section H.6 (a) of the Permit.*

Staff underestimated the time and resources needed to input data into GIS system ¼ mile quadrants and documenting 2 sample sites in each quadrant. This resulted in over 700 quadrants and 489 potential sample locations. This also resulted in a late start of the dry weather screening program and an underestimate of the employee time that would be required to complete sampling of the mostly ponded water sites with individual test sample kits. Dry Weather Screening continued past September 30th and City staff completed 247 testing locations out of the 489 locations established in the dry weather screening database. To expedite the testing process the dry weather season the City has invested in two multi-parameter meters that will test multiple parameters from one sample rather than use multiple test kits to perform water testing. This should shorten the time needed to sample each site. Staff has started the dry weather screening for Year 4 and is confident that all sites will be inspected by September 30, 2014.

6. *The City had not developed or implemented a progressive enforcement response plan to address illicit discharges to its MS4, as required by Section H.11 of the Permit.*

The City's Progressive Enforcement Plan is outlined in the attached file (Exhibit H1 Illicit Discharge Guidance Manual) the Plan is documented in Section 6 of the plan and is documented on pages 21 thru page 25. Appendix A of the document is the Stormwater Ordinance from the Salinas Municipal Code in support of the illicit discharge prohibition and the legal authority to respond to illicit discharges through the legal processes available to the City. More importantly, 2 files are attached (Ordinance 2423 and Resolution 18387) that were approved by the City Council in 2003, establishing the City's progressive enforcement authority.

7. *The City had not revised or updated its commercial and industrial inventory to include the minimum information required by Section F.1 (a) of the Permit.*

The Environmental Compliance Inspector in attendance during the Audit submitted an abbreviated Commercial and Industrial inspection list to the EPA representative to show the business name and a limited amount of information due to the oversized nature of the complete Commercial/Industrial database document. The full Commercial and Industrial facility inspection list and all the information fields included in the database were not submitted for review. The full spread sheet contains 29 fields of information and the full database is submitted with this document as (2015-2016).

8. *The City had not included in its inventory all industrial facilities subject to the State's general Industrial Permit of facilities subject to EPCRA Section 313 as required by Section F.1 (b) of the Permit.*

The City assessed industries subject to EPCRA Section 313 that should be enrolled in the program. A search of the EPA web site that was updated on November 24, 2014 shows only two TRI locations in Salinas, The sites were Growers Ice Company that the City currently inspects and the Chemical Lime Natividad Plant that is not in the Salinas City limits. The site information is included in the attached file named (EPA Site 2013 TRI Analysis, Salinas, Ca Updated 11/24/2014).

In an effort to be more proactive in identifying and reporting industries that should be potentially enrolled in the States General Industrial Permit process the City is in the process of obtaining an Agreement for Services with consultants Brown and Caldwell to perform an assessment of the approximately 40 non GIP industries on the City's Industrial facility list to determine if they should be enrolled in the GIP program.

9. *The City was not inspecting a minimum of 20 percent of the facilities on its commercial and industrial inventory annually, as required by Section F.4 (d) of the Permit.*

At the time of the audit the Commercial/Industrial inspections were only 7 months into the new permit year. The Permit requirement is to complete 20% of the 1250 business inventory. The City completed all 79 industrial facilities and 316 commercial automotive business inspections. This represents inspections of 32% of the Commercial/Industrial businesses exceeding the 20% minimum.

10. The City's informal approach for prioritizing industrial and commercial inspections was not based on the factors specified in Section F.4(a)(i)-(xiii) of the Permit.

Year 3, 2014-2015, is the first year the City was required to conduct Commercial and industrial inspections under the current permit. In an effort to remain proactive in this requirement the City also conducted inspections in years one and two of the Permit.

This is the first year that BMP and Trash assessments were also performed. Facilities with longest time since the last inspection, the lowest performing facilities, and those that required a re-inspection due to low BMP or trash ratings will be given priority in future inspections.

11. The City had not developed written inspection and enforcement procedures to ensure that corrective actions are implemented at construction sites lacking effective BMPs, as required by Section K.6 (b) of the Permit.

We memorialized the inspection and enforcement procedures the City follows for both Permit Center (private) and Public Works (capital improvement project) and provided that to the auditors prior to the end of the audit. We have included another copy.

12. The City's public construction site inspectors did not have QSD certifications at the time of inspection, as required by Section K.11 (b) of the Permit.

Although the City Public Works inspectors currently do not hold QSD certifications, they have received formal QSD training (see attached Exhibit A rosters). Public Works staff eligible to obtain the QSD certification have done so (Francisco Aguayo, P. E. & Eda Herrera, P.E.), but the PW Inspectors lack the underlying required credential to obtain QSD status. These inspectors are working towards achieving the underlying credentials. In the interim, the City had utilized a combination of in-house and consultant QSD-certified personal to provide intermittent over-sight of City inspectors on CIP projects.

We now recognize that this approach does not fully meet Section K.11(b) criteria. Therefore, the City is revising its procedures to utilize in-house or consultant QSDs to conduct all public work construction site inspections in accordance with Section K frequencies.

We believe that the information provided in this letter represents a satisfactory response to the audit review process completed by the EPA. Should you have technical questions or require further information please contact Walter Grant, at 831-758-7485, he can also be reached by e-mail at walterg@ci.salinas.ca.us.

We appreciate the conditions of professionalism and collegiality demonstrated by all parties over the course of this audit. It is important for us that you understand that gaining and retaining compliance with all regulations is a top priority for our City. We also want you to know that we are deeply committed to working with your agency to ensure that all recommendations and requirements of this audit are fully implemented.

Should you have questions of myself please do not hesitate to call at 831-758-7390.

Sincerely



Gary E. Petersen C.A.E
Director of Public Works
City of Salinas

cc: Ray Corpuz Jr., City Manager
Chris Callihan, City Attorney
Rob Russell, City Engineer
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