



T 510.749.9102
F 510.749.9103

1516 Oak Street, Suite 216
Alameda, Ca 94501

www.lozeaudrury.com
michael@lozeaudrury.com

Via E-mail - Hard Copy to Follow

October 3, 2008

State Water Resources Control Board
Office of Chief Counsel
Jeannette L. Bashaw, Legal Analyst
P.O. Box 100
Sacramento, CA 95812-0100
jbashaw@waterboards.ca.gov

Re: Petition to Review California Regional Water Quality Control Board, Central Coast Region
Resolution No. R3-2008-0068; City of Salinas Stormwater Development Standards,
Monterey County

Dear Ms. Bashaw,

Enclosed for the State Water Resources Control Board's consideration is a petition for review filed on behalf of The Otter Project/Monterey Coastkeeper. If you could please confirm receipt of the petition would be greatly appreciated.

Sincerely,

A handwritten signature in blue ink that reads "Michael R. Lozeau".

Michael R. Lozeau

cc:

Steve Shimek, Monterey Coastkeeper (exec@montereycoastkeeper.org) (e-mail only)
Elizabeth Jennings (bjennings@waterboards.ca.gov) (e-mail only)
Roger W. Briggs (Rbriggs@waterboards.ca.gov)
Frances McChesney (fmcchesney@waterboards.ca.gov) (e-mail only)
Matt Thompson (mthompson@waterboards.ca.gov) (e-mail only)
Carl Niizawa, Deputy City Engineer (carln@ci.salinas.ca.gov)
Christopher Callihan (chrisc@ci.salinas.ca.gov)

1 Michael R. Lozeau
2 LOZEAU DRURY LLP
3 1516 Oak Street, Suite 216
4 Alameda, California 94501
5 Tel: (510) 749-9102
6 Fax: (510) 749-9103
7 E-mail: michael@lozeaudrury.com

8 Attorneys for Petitioner Monterey Coastkeeper

9 **BEFORE THE STATE WATER RESOURCES CONTROL BOARD**

10 In re: City of Salinas Stormwater Development) **PETITION TO REVIEW**
11 Standards, Monterey County) **CALIFORNIA REGIONAL WATER**
12) **QUALITY CONTROL BOARD,**
13) **CENTRAL COAST REGION**
14) **RESOLUTION NO. R3-2008-0068**

15 **I. NAME AND CONTACT INFORMATION OF PETITIONER.**

16 Steve Shimek
17 Executive Director
18 The Otter Project/Monterey Coastkeeper
19 475 Washington St., Ste. A
20 Monterey, CA 93940
21 Tel: 831-64-OTTER x. 114
22 exec@montereycoastkeeper.org

23 **II. REGIONAL BOARD AND STATE BOARD ACTIONS BEING PETITIONED.**

24 This petition seeks review of California Regional Water Quality Control Board, Central
25 Coast Region (“Regional Board”) Resolution No. R3-2008-0068 approving storm water
26 development standards for the City of Salinas pursuant to the City’s municipal separate storm
27 sewer NPDES Permit No. CA0049981, Regional Board Order No. 2004-0135. A true and
28 correct copy of Resolution No. R3-2008-0068 is attached hereto as Exhibit A. Petitioners seek
29 review on two issues.

30 First, the City of Salinas has questioned the final revisions made by staff to implement an
31 amendment to Section 1.5.3 (“Numeric Criteria for Stormwater Management”) of the City’s
32 Stormwater Development Standards for New Development and Significant Redevelopment
33 Projects (“SDS”) adopted by the Regional Board at its September 4, 2008 meeting. The City

1 argues that staff's final revisions of that section of the SDS are inconsistent with the Regional
2 Board's amendment. The City claims that the Board amended the SDS to strike out all of Part 4
3 of the Required Revisions listed for section 1.5.3. Monterey Coastkeeper seeks the State Board's
4 review to maintain staff's final revisions or, alternatively, to the extent the State Board
5 determines that the Regional Board voted to delete part 4, order that such deletion be restored
6 because it is not supported by the weight of the evidence, is inconsistent with the City's NPDES
7 permit and is otherwise contrary to the federal Clean water Act and the Porter-Cologne Water
8 Quality Control Act.

9 Second, Monterey Coastkeeper seeks review of the Regional Board's decision to delete
10 from Section 1.5.5 ("BMP Implementation") of the City's SDS a list of mandatory minimum
11 BMPs required to achieve the maximum extent practicable ("MEP") standards and replace
12 specified minimum BMPs with a general reference to the California Stormwater Quality
13 Association's New Development and Redevelopment Handbook. The specific list was
14 previously required by staff as necessary to achieve MEP. During the Regional Board's
15 September 4, 2008 Board meeting, various Board members instructed staff to remove the
16 mandatory minimum list of BMPs. Monterey Coastkeeper requests that the State Board find that
17 the mandatory minimum list of BMPs must be included in the City's SDS in order to achieve the
18 MEP standard and consistent with the weight of the evidence contained in the administrative
19 record.

20 **III. THE DATE THE REGIONAL BOARD ACTED.**

21 September 4, 2008. On September 22, 2008, the Regional Board's Executive Officer
22 circulated the final resolution to the interested parties.

23 **IV. STATEMENT OF REASONS THE REGIONAL BOARD'S ACTION WAS**
24 **INAPPROPRIATE OR IMPROPER.**

25 **A. The State Board Should Review The Regional Board's Approval of Salinas'**
26 **Development Standards In Order to Affirm the Inclusion of the Resolution's**
27 **Hydromodification Requirements.**

28 The City's SDS must include hydromodification control requirements in order to comply
with MEP and assure compliance with water quality standards. Attachment 4 of the City's MS4

1 permit sets forth Storm Water Management Permit Revision Requirements, including revisions
2 to the “Development Standards Component.” Attachment 4 requires the City to establish
3 specific categories of local development standards that will minimize impacts from alterations of
4 storm water flows from new development and redevelopment. *See* also NPDES Permit, Findings
5 13 & 15.¹ For example, the City’s development standards plan must “ensure that discharges
6 from new development and significant redevelopment address the potential for downstream
7 erosion and protect stream habitat.” Attachment 4, § 3.c.viii. For over a decade, storm water
8 managers have been aware that extended periods of low and moderately high flows cause
9 damaging increases in stream and channel erosion. *See* Dan Cloak Environmental Consulting,
10 Review of City of Salinas Storm Water Development Standards (Aug. 1 2008), p. 2 (“Cloak 1”).
11 Flow control standards are the recognized means of designing new developments and significant
12 redevelopments to prevent damaging flow modifications. As the Regional Board’s Executive
13 Officer emphasized to the City in December 2005: “The overriding concern in the Salinas
14 Permit and the EPA guidelines is reducing urban impacts to receiving waters by maintaining
15 predevelopment hydrology, which in turn minimizes urban pollutants reaching waterways.”
16 Letter from Roger Briggs, Executive Officer, to City of Salinas, p. 3 (Dec. 23, 2005).²

17 Regional Board staff proposed and Resolution No. R3-2008-0068 includes two types of
18 flow modification control requirements. One is based on assuring that all of the rainwater from a
19 moderately large rain event (a 24 hour 85th percentile rain event) is directed to low impact
20 development features and other BMPs that cause the post-development storm water runoff to
21 mimic the pre-development run-off rates and durations for the vast majority of storm events.
22 Attachment to Resolution No. R3-2008-0068, Ref. No. 3, SDS Section 1.5.3, Part 4.A. The

23
24 ¹ “Significant redevelopment” includes “the creation or addition of at least 5,000 square
25 feet of impervious surfaces on an already developed site.” NPDES Permit, Attachment 4, p. 7, §
26 III.c.1.

27 ² The Resolution’s hydromodification provisions also address the Low Impact
28 Development Center’s comment that, to be effective, the City’s development standards must
address not just specific BMPs in isolation, but must also address “the analysis of an entire site
with distributed [low impact development] BMPs,” demonstrating how “a distributed BMP
network will work to achieve storm water management goals or requirements.” Memo from
Low Income Development Center, Inc. to Roger Briggs (June 10, 2008), p. 2.

1 second hydromodification requirement gives developers the option to base their LID designs on
2 a computer simulation. *Id.*, Part 4.B. Both of these measures are being employed by other cities
3 in California as part of their MS4 permit programs. *See Cloak I*, p. 2.

4 The two hydromodification requirements are only found in Resolution No. R3-2008-
5 0068, including its attachment. The City’s design standards do not contain the same or similar
6 requirements. Thus, to the extent the City claims that the Resolution’s hydromodification
7 requirements are redundant of requirements that already exist, they are incorrect. If Part 4.A and
8 4.B are removed from the Resolution, the permit will not contain any hydromodification
9 requirements. As a result, there will be no enforceable effluent limitation in the permit that will
10 assure new developments and significant redevelopments in Salinas will not continue to
11 substantially alter the area’s hydrology and increase the pollution loading from the City’s urban
12 stormwater. *See Dan Cloak Environmental Consulting, Follow-up Comments on City of Salinas*
13 *Storm Water Development Standards* (Sept. 9, 2008), p. 3 (“If the proposed hydromodification
14 and LID standards are removed and the volume-based and a reference to the flow-based
15 treatment standards in Sections 4.4.2 and 4.4.3 substituted in their place, then that would
16 effectively eliminate the requirement for on-site hydrograph modification management in the
17 SWDS”).

18 The State Board should review Resolution No. R3-2008-0068 in order to confirm that the
19 Resolution’s hydromodification requirements are MEP for the City of Salinas. “MEP requires
20 permittees to choose effective BMPs, and to reject applicable BMPs only where other effective
21 BMPs will serve the same purpose, the BMPs would not be technically feasible, or the cost
22 would be prohibitive.” State Board Order WQ-2000-11, p. 20. To the extent the Regional Board
23 did elect to amend the SDS to eliminate the SDS’s hydromodification requirements requiring no
24 net increase in runoff rates and durations from new development and significant redevelopment,
25 such an omission from the permit is neither supported by the facts in the record or consistent
26 with the MEP standard. Review would resolve any potential inconsistency between the Regional
27 Board’s instructions and the Executive Officer’s final language by having the State Board affirm
28 the propriety of the Resolution’s hydromodification requirements.

1 **B. Salinas’s Development Standards Must Contain Minimum Mandatory**
2 **BMPs to Achieve the MEP Standard.**

3 Salinas’s development standards do not ensure the implementation of MEP because they
4 fail to provide sufficient instructions for developers to apply specific BMPs for a project’s
5 corresponding pollution sources. On August 12, 2008, Regional Board staff proposed specific
6 language necessary to bring the City’s SDS into compliance with the NPDES Permit and MEP.
7 Draft Table of Revisions (Aug. 12 , 2008), pp. 3-4. That draft language included a list of
8 specific best management practices consistent with MEP. *Id.* The listed BMPs were not
9 required for every single development project proposed in Salinas. Rather, the list was a specific
10 list of feasible BMPs that were to be used where they corresponded to a project’s identified
11 potential pollution sources. *Id.*, p. 4. Cloak Environmental Consulting had described the reasons
12 for including a specific list of BMPs, including the need for including in the standards “guidance
13 that would ensure the controls are consistently applied where needed. The SWDS should include
14 specific instructions for determining what structural source controls are required for a project.”
15 Cloak 1, p. 4. Mr. Cloak also observed that most Phase I NPDES-permitted California
16 municipalities have specific standards for source controls. *Id.*

17 Despite staff’s initial recommendation and Mr. Cloak’s expert input, at some point prior
18 to the Regional Board’s September meeting, staff removed the language specifying minimum
19 BMPs to be addressed for new development. At its September 4 meeting, the Regional Board
20 confirmed the removal of the specific list of BMPs and elected to replace the specific list with a
21 general reference to the California Stormwater Quality Association’s New Development and
22 Redevelopment Handbook. Attachment to Resolution No. R3-2008-0068, Ref. No. 4, SDS
23 Section 1.5.5, Part 3. The CASQA Handbook is designed to provide “general guidance” to
24 developers. *See Handbook*, p. 1-1. As CASQA candidly acknowledges at the front of the
25 Handbook, “due to the diversity in climate, receiving waters, construction site conditions, and
26 local requirements across California, this handbook does not dictate the use of specific BMPs
27 and therefore cannot guarantee compliance with NPDES permit requirements or local
28 requirements specific to the user’s site.” *Id.* Although clearly a useful publication and with all

1 due respect to CASQA’s important role, Monterey Coastkeeper does not believe the Regional
2 Board sufficiently carries out its permitting duties or cogently applies the MEP standard to its
3 region by adopting by reference without any public input a 376-page document prepared by a
4 group whose officers are elected solely by permit holders. *See* [http://www.casqa.org/
5 Membership/tabid/57/Default.aspx](http://www.casqa.org/Membership/tabid/57/Default.aspx).

6 MEP requires mandatory minimum BMPs for development and redevelopment projects.
7 The Regional Board’s deletion of specified minimum BMPs is inconsistent with testimony in the
8 record regarding proper implementation of the MEP standard. The State Board should review
9 Resolution No. R3-2008-068 in order to assure that the City of Salinas’ permit and SDS provide
10 sufficient specification of appropriate BMPs to assure that MEP is implement in that local
11 region.

12 **V. PETITIONERS ARE AGGRIEVED.**

13 Monterey Coastkeeper and its parent organization, The Otter Project, are aggrieved by
14 any omission of clear hydromodification or region-specific best management practices from new
15 development and redevelopment projects in the City of Salinas. The Otter Project and Monterey
16 Coastkeeper have thousands of members nationally, hundreds of whom live in the Monterey Bay
17 watershed, who depend upon clean local streams and shorelines in order to further their
18 recreational, scientific, economic and social interests. Monterey Bay and the Salinas River are
19 home to two national wildlife refuges and a national marine sanctuary. The Bay, the Salinas
20 River National Refuge and nearby Elkhorn Slough are world-rekknowned for their wildlife
21 viewing and recreational opportunities. As the City of Salinas’ web site acknowledges, “Urban
22 runoff—the surface water from our yards, driveways, and streets that flows through storm
23 drains—is the single greatest source of pollution to our creeks and the Monterey Bay.”

24 [http://www.ci.salinas.ca.us/ MtcSvc/StormWater-NPDES/StormWater Regulations.html](http://www.ci.salinas.ca.us/MtcSvc/StormWater-NPDES/StormWaterRegulations.html).

25 Monterey Coastkeeper has actively participated in the Regional Board’s and City’s efforts to
26 implement the City’s municipal storm water control program. *See, e.g.*

27 <http://www.otterproject.org/site/pp.asp?c=8pIKIYMIG&b=4172877>. Any shortcoming in the
28 City of Salinas’ MS4 NPDES Permit to assure that the City achieves MEP and prevent further

1 **IX. ISSUES RAISED BEFORE REGIONAL BOARD.**

2 Petitioners certify that each of the issues set forth above were presented either in writing
3 or orally to the Regional Board prior to its adoption of Resolution No. R3-2008-0068 on
4 September 4, 2008.

5 Dated: October 3, 2008

6 Respectfully submitted,

7 
8 Michael R. Lozeau
9 Attorney for Petitioner Monterey Coastkeeper
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

EXHIBIT A



Linda S. Adams
Agency Secretary

California Regional Water Quality Control Board

Central Coast Region



Arnold Schwarzenegger
Governor

Internet Address: <http://www.waterboards.ca.gov/centralcoast>
895 Aerovista Place, Suite 101, San Luis Obispo, California 93401-7906
Phone (805) 549-3147 • FAX (805) 543-0397

September 22, 2008

BY ELECTRONIC AND REGULAR MAIL

Carl Niizawa, Deputy City Engineer
carln@ci.salinas.ca.us
City of Salinas
200 Lincoln Ave.
Salinas, CA 93901-2639

Dear Mr. Niizawa;

WATER BOARD APPROVAL OF SALINAS STORMWATER DEVELOPMENT STANDARDS

On September 4, 2008, the Central Coast Water Board adopted Resolution No. R3-2008-0068, which approves the Salinas Stormwater Development Standards, contingent on Salinas incorporating a list of required revisions into the Development Standards. The Water Board's September 4 motion included removing language in Development Standards Section 1.5.3 that may be redundant with other sections of the document, while preserving all the hydromodification control requirements staff proposed. The Resolution and final list of required revisions are attached.

Please note that although the Resolution states the required revisions must be incorporated into the Development Standards within 30 days of Water Board adoption, we understand if Salinas requires up to 30 days from the date of this letter to incorporate the revisions, due to the late date of this letter.

If you have questions, please contact **Matt Thompson at (805) 549-3159** or Lisa McCann at (805) 549-3132.

Sincerely,

Roger W. Briggs
Executive Officer

Attachments: Resolution No. R3-208-0068 with Table of Required Revisions

See cc's on next page

California Environmental Protection Agency



Recycled Paper

Cc (via email):

City of Salinas Staff and Consultants:

Chris Callihan: chrisc@ci.salinas.ca.us
Dale Rosskamp: daler@ci.salinas.ca.us
Denise Estrada: denisee@ci.salinas.ca.us
Mike Ricker: mikeri@ci.salinas.ca.us
Chris Conway: ChrisConway@KennedyJenks.com

NPDES Stakeholder Committee:

Gary Shallcross: gary_shallcross@csumb.edu
Steve Shimek: exec@otterproject.org
Robin Lee: landgaze@hotmail.com
Traci Roberts: traci@montereycfb.com
Ken Tunstall: kenneth@tunstallengineering.com
Dan Matthies: DMatthies@WoodRodgers.com
Sue Shaffer: sshaffer@creekbridge.com
Bob Meyer: meyerb@co.monterey.ca.us

S:\Shared\Stormwater\Stormwater Facilities\Monterey CoMunicipal\Salinas Phase I Permit\Development Standards\Board Approval, Sept 2008\Transmittal of Reso and Required Revisions to Salinas SWDS, Sept. 2008.doc



**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL COAST REGION
895 Aerovista Place, Suite 101
San Luis Obispo, California**

RESOLUTION NO. R3-2008-0068

**City of Salinas Stormwater Development Standards
Monterey County**

The Regional Water Quality Control Board, Central Coast Region ("Water Board") finds:

1. On December 8, 1999, the U.S. Environmental Protection Agency (EPA) promulgated regulations under authority of the Clean Water Act (CWA) Section 402(p). These regulations required National Pollutant Discharge Elimination System (NPDES) stormwater permits for operators of municipal separate storm sewer systems (MS4s) that discharge to waters of the U.S.
2. The CWA allows the EPA to delegate its NPDES permitting authority to states with an approved NPDES program. The State of California is a delegated State. The Porter-Cologne Water Quality Control Act (California Water Code Division 7) authorizes the State Water Resources Control Board (State Board), through the Regional Water Quality Control Boards, to regulate and control the discharge of pollutants into waters of the State and tributaries thereto. The City of Salinas (City or Permittee) is under jurisdiction of the Central Coast Regional Water Quality Control Board (Central Coast Water Board).
3. On February 11, 2005, the Central Coast Water Board adopted Order No. 2004-0135 (NPDES Permit No. CA0049981), Waste Discharge Requirements for City of Salinas Municipal Stormwater Discharges (Permit).
4. The Permit requires the City to develop and implement a stormwater management program (SWMP). The SWMP must reduce the City's stormwater pollutant discharges to the maximum extent practicable (MEP) and protect water quality. The Central Coast Water Board last considered and approved the City's SWMP in February 2008, with final revisions approved by the Water Board on July 11, 2008.
5. The Central Coast Water Board found, verified through Permit adoption, that "increased volume, increased velocity, and discharge duration of storm water runoff from developed areas has the potential to greatly accelerate downstream erosion and impair stream habitat in natural drainages...When water quality impacts are considered during the planning stages of a project, new development and many redevelopment projects can more efficiently incorporate measures to protect water quality" (Permit finding No. 18).

6. Permit Attachment 4 and the City's SWMP require the City to minimize the short and long-term impacts on receiving water quality from new development and significant redevelopment by developing and implementing stormwater development standards. The City's stormwater development standards must control pollutant sources, preserve areas that provide important water quality benefits such as riparian corridors, limit disturbances of natural water bodies, require analysis of pre- vs. post-development hydrology, regulate development in areas especially susceptible to erosion, and control stormwater runoff discharge rates and velocities to prevent erosion and protect stream habitat. The Permit provides the public with opportunities to review and comment on development of the City's stormwater development standards.
7. The City submitted *Draft Stormwater Development Standards for New Development and Significant Redevelopment Projects* (SWDS) for Central Coast Water Board staff review on December 31, 2007. The City also convened a stakeholder committee to facilitate public involvement in SWDS development. After considering Central Coast Water Board staff and public comments, the City submitted revised SWDS to the Central Coast Water Board on May 17, 2008. The Low Impact Development Center of Maryland reviewed and commented on the revised SWDS. Several interested persons submitted comments on the revised SWDS on or around June 23, 2008. Following public notice in accordance with State and federal laws and regulation, the Central Coast Water Board, in a public hearing on July 11, 2008, considered comments on the revised SWDS by its staff, interested persons, and the public. The Central Coast Water Board considered the technical and economic feasibility of SWDS implementation. The Central Coast Water Board continued the SWDS hearing to a future date. After considering Central Coast Water Board comments, the City submitted further revised SWDS on July 25, 2008. In a public hearing on September 4, 2008, the Central Coast Water Board considered all comments regarding the further revised SWDS.
8. The Central Coast Water Board finds the SWDS meets the Central Coast Water Board's maximum extent practicable standard, with the revisions required by Paragraph 2 below. Implementation of the SWDS is technically and economically feasible. The SWDS meet the requirements in Permit Attachment 4, Sections III.a through c.
9. This action to approve the City's SWDS is exempt from the California Environmental Quality Act pursuant to Water Code Section 13389.

THEREFORE, BE IT RESOLVED THAT:

1. The Central Coast Water Board hereby approves *the City of Salinas Stormwater Development Standards for New Development and Significant Redevelopment Projects* (SWDS), subject to Paragraph 2 below. The SWDS become effective on October 3, 2008, or when adopted by the City of Salinas, whichever is sooner.
2. The City of Salinas must revise the SWDS no later than October 3, 2008, to include all the changes shown in the Attachment to this Resolution, "Table of Revisions Required by the Central Coast Water Board to *The City of Salinas Stormwater Development Standards (SWDS) for New Development and Significant Redevelopment Projects, July 25, 2008 Revision.*" Failure to make these revisions may subject the City of Salinas to enforcement action.
3. The City of Salinas must provide a copy of the revised SWDS to the Water Board Executive Officer no later than October 3, 2008, pursuant to Water Code Section 13383.
4. Any person affected by this action may petition the State Board to review the action in accordance with section 13320 of the California Water Code and Title 23, California Code of Regulations, Section 2050 et seq. The State Board must receive the petition within 30 days of the date of adoption of this Resolution. Copies of the law and regulations applicable to filing petitions will be provided upon request.

I, Roger W. Briggs, Executive Officer, do hereby certify the foregoing is a full, true, and correct copy of a Resolution adopted by the California Regional Water Quality Control Board, Central Coast Region, on September 4, 2008.



Roger W. Briggs, Executive Officer

ATTACHMENT TO RESOLUTION R3-2008-0068

**Table of Revisions Required by the Central Coast Water Board to
The City of Salinas Stormwater Development Standards (SWDS) for New Development
and Significant Redevelopment Projects, July 25, 2008 Revision**

As Revised and Approved on September 4, 2008

Acronyms:

BMP Best Management Practice
 IMP Integrated Management Practice
 LID Low Impact Development
 MEP Maximum Extent Practicable

Ref. No.	SWDS Section	Required Revision
1	Section 1.4.6, Waivers for Providing Stormwater Management	Add the following underlined text: The City is currently in the process of developing Waiver Program for approval by the Regional Board. Upon approval, a detailed description of the Waiver Program will be presented as an additional appendix to these SWDS. <u>Until the Waiver Program is approved by the Regional Board, the City will not grant waivers of these SWDS.</u>
2	Section 1.5, Stormwater Management	Add the following underlined text: Overall, stormwater management practices for development shall rely on a "tiered" approach. The first tier shall be site design planning per Section 1.5.1 to avoid and preserve natural drainage features, minimize topography changes, maintain the same overall size of drainage areas that discharge to receiving waters. The second tier shall be site source control measures that minimize stormwater contamination and pollutant transport. The third tier shall be stormwater treatment controls using LID techniques (e.g. IMPs) consistent with the numeric criteria listed in section 1.5.3. <u>Full implementation of all three tiers is required for development approval.</u>
3	Section 1.5.3, Numeric Criteria for Stormwater Management	Add the following underlined text and remove the following strikethrough text: All applicable projects per the criteria listed in Section 1.4.1 shall be required to meet the following stated numeric requirements: 1. All new development projects shall direct runoff from 100% of the area of new impervious surfaces (equivalent to 0% Effective Impervious Area) into BMPs meeting the requirements of these standards. <u>Exceptions may be allowed for driveways when grade breaks are located to minimize the area draining to the street.</u> Plans for new development projects not meeting this requirement will only be approved if

ATTACHMENT TO RESOLUTION R3-2008-0068

Ref. No.	SWDS Section	Required Revision
		<p>the applicant demonstrates, to the satisfaction of the City Engineer, that the full achievement of such is impracticable.</p> <p>2. All redevelopment projects shall direct runoff from a minimum of 95% of the area of new impervious surface area (equivalent to 5% or less Effective Impervious Area) into BMPs meeting the requirements of these standards. Plans for redevelopment projects not meeting this requirement will only be approved if the applicant demonstrates, to the satisfaction of the City Engineer, that the full achievement of such is impracticable.</p> <p>3. The project applicant shall <u>prepare an exhibit showing the entire site divided into discrete drainage areas and demonstrate in submitted site stormwater control plans (SWCPs) that for each discrete drainage area BMPs for runoff of impervious surfaces either (1) runoff from impervious areas produced by the first 0.6 inches of rainfall is detained and infiltrated from each specified drainage area or (2) runoff is routed to BMPs meeting the requirements of these standards. All BMPs must be adequately sized to accommodate its shown designated drainage area per the following numeric criteria:</u></p> <p style="padding-left: 40px;">A. All flow based BMPs shall be sized to, at minimum, the maximum flow rate of runoff from the designated specific drainage area using the 85th percentile hourly rainfall intensity multiplied by two. For the City of Salinas, this equates to a rainfall intensity of 0.22 inches per hour.</p> <p style="padding-left: 40px;">B. All volume based BMPs shall be sized, at minimum, for the volume of runoff produced from a 24 hour 85th percentile storm event. For the City of Salinas, this equates to a rainfall depth of 0.6 inches.</p> <p style="padding-left: 40px;"><u>C. Project applicants must comply with 3., 3.A. and 3.B. above by following and applying the BMP design methodologies, guidelines and considerations in Section 4, Stormwater Design Considerations. All SWCPs shall incorporate LID strategies and associated BMPs to the maximum extent practicable (MEP). Other treatment control BMPs may be used to treat runoff of portions of redevelopment projects where there is to be no new or replaced impervious surfaces installed.</u></p> <p>4. For all new development and redevelopment projects <u>that result in an increase of one acre or greater more of impervious surface, the project applicant shall demonstrate post-project runoff rates and durations do not exceed pre-</u></p>

ATTACHMENT TO RESOLUTION R3-2008-0068

Ref. No.	SWDS Section	Required Revision
		<p><u>project runoff rates and durations where such increases could accelerate downstream erosion or harm beneficial uses. The project applicant may demonstrate compliance with this requirement by either of the following methods:</u></p> <p><u>A. For each discrete drainage area, show runoff from impervious areas produced by the first 0.6 inches of rainfall is either (1) detained and infiltrated, or (2) detained and allowed to infiltrate and/or seep away slowly.</u></p> <p><u>B. Create a computer continuous simulation of runoff in the pre-project and post-project condition using 30 years or more of local hourly rainfall data.</u></p> <p>pre-project and proposed project hydrologic calculations using approved computer-based hydrologic modeling must show that the proposed project 100-year peak discharge is less than the pre-project 10-year peak discharge unless modeling of the project within the regional drainage system demonstrates no adverse impacts of alternative mitigation measures proposed by the applicant. For instance, if the applicant can show with accepted computer modeling of 5-, 20-, and 100-year design storm events that the project would result in no adverse impact to peak flows or its tributary regional storage areas; then the proposed project conditions would be acceptable.</p>
4	Section 1.5.5, <i>BMP Implementation</i>	<p>Add the following underlined text and remove the following strikethrough text:</p> <p>The BMPs selected for implementation for new development and significant redevelopment projects shall:</p> <ol style="list-style-type: none"> 1. Have pollutant prevention and minimize the exposure of potential pollutants to rainwater (source control BMPs) as the first consideration in stormwater design. <u>The applicant's Stormwater Control Plan shall identify each potential source within the project and incorporate corresponding source control BMPs into the project design.</u> 2. Be selected based on the type of developed site use, identified pollutants of concern and other pollutants expected to be on site in concentrations that may pose potential water quality concerns (see BMP Design and Selection Matrices in Section 2.3). <u>A combination of appropriate source control BMPs and Low Impact Development treatment BMPs, when properly designed, are considered to address pollutants of concern.</u> 3. <u>Source control BMPs shall be selected and implemented</u>

ATTACHMENT TO RESOLUTION R3-2008-0068

Ref. No.	SWDS Section	Required Revision
		<p><u>according to the most recent version of California Stormwater Quality Association's New Development and Redevelopment Handbook. The current version of this handbook may be found in Appendix I.</u></p> <p><u>4. Be selected for maximum effectiveness in removing pollutants and achieving other principles and objectives of Low Impact Development. Treatment BMPs shall be selected in the following order of preference. If a less-highly-preferred BMP is used, the applicant's Storm Water Control Plan must document the infeasibility of all more-highly-preferred BMPs:</u></p> <p><u>A. Bioretention facilities designed with a minimum 18 inches of soil and a design surface loading rate not exceeding 5 inches per hour and fed by gravity.</u></p> <p><u>B. Capture of the design flow in a vault or sump and pumping to bioretention facilities.</u></p> <p><u>C. A sand or media filter with a maximum design surface loading rate of 5 inches per hour and a minimum media depth of 18 inches. The sand surface must be made accessible for periodic inspection and maintenance (for example, via a removable grating).</u></p> <p><u>D. A higher-rate surface biofilter, such as a tree-pit-style unit. The grading and drainage design should minimize the area draining to each unit and maximize the number of discrete drainage areas and units.</u></p> <p><u>E. A higher-rate vault-based filtration unit, such as those using cartridge filters.</u></p> <p>3. Manage stormwater treatment and volume to the MEP. All areas of the site to which these SWDS apply shall be treated using the IMPs presented in Section 3: of these standards. Unless otherwise shown to be impracticable and alternatives are approved by the City Engineer, IMPs shall designed to treat runoff from all site drainage areas to which these SWDS apply using the LID techniques. The Regional Board has determined that use of LID meets the MEP criteria for stormwater management.</p> <p>4. Be designed and maintained with an engineered soil mix with minimum infiltration rate of 5.0 inches per hour and be engineered to accommodate overflow during larger storm events (e.g., storm events exceeding the design criteria for flow and volume based BMPs discussed above). Refer to Section 4.3.5 for detailed bioretention system design criteria,</p>

ATTACHMENT TO RESOLUTION R3-2008-0068

Ref. No.	SWDS Section	Required Revision
		including engineered soil mix specifications.
5	Appendix I	Append the most recent version of the California Stormwater Quality Association's New Development and Redevelopment Handbook

S:\Shared\Stormwater\Stormwater Facilities\Monterey Co\Municipal\Salinas Phase I Permit\Development Standards\Board Approval, Sept 2008\FINALTableofRequiredRevisionsToDevelopmentStandards,Sept4,2008.doc