



City of Salinas

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October 6, 2008

Via Electronic Mail and U.S. Mail

State Water Resources Control Board
Office of Chief Counsel
Jeanette L. Bashaw, Legal Analyst
P.O. Box 100
Sacramento, California 95812-0100

Re: City of Salinas's Petition for Review and Request for Evidentiary Hearing

Dear Ms. Bashaw:

Enclosed please find one (1) original copy of the City of Salinas's Petition for Review and Request for Evidentiary Hearing regarding the Central Coast Regional Water Quality Control Board's Order No. R3-2008-0068.

Please confirm your receipt of this filing and let me know if you have any questions.

Sincerely,

Christopher A. Callihan
Sr. Deputy City Attorney

CAC/ns

enclosure

cc: Mayor and City Council
City Manager
Deputy City Manager
Deputy City Manager/City Engineer
Deputy City Engineer

Interested Parties (Exhibit I to Petition) (via e-mail only)

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Attorneys for Petitioner
CITY OF SALINAS

**STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD**

In the Matter of City of Salinas Storm Water Development
Standards, Monterey County; California Regional Water
Quality Control Board, Central Coast Region Resolution No.
R3-2008-0068

**PETITION FOR REVIEW
AND REQUEST FOR
EVIDENTIARY HEARING**

This Petition for Review is respectfully submitted to the California Water Quality Control Board ("State Board") on behalf of the City of Salinas ("Salinas") pursuant to California Water Code Section 13320(a) and California Code of Regulations ("CCR") Title 23, Section 2050, *et seq.*, for review of Order No. R3-2008-0068 ("Resolution No. R3-2008-0068" or the "Order") that was issued by the Executive Officer of the California Regional Water Quality Control Board, Central Coast Region ("Regional Board") on September 22, 2008. A copy the Order is attached hereto as Exhibit A.

Salinas requests this petition for review be held in abeyance and at this time does not seek active review of this Petition.

Salinas concurrently, but separately, requests a stay of the Order pursuant to California Water Code Section 13321 and 23 CCR Section 2053 because the Order issued by the Executive Officer requires Salinas to perform actions which are the subject of the Petition and Salinas will suffer substantial harm if the stay is not granted. No substantial harm will be incurred by any

other interested person, or the public, if the stay is granted, and there are substantial questions of fact and law regarding the Order, as presented by the Executive Officer, and its validity.

1. Name and Address of Petitioner.

Petitioner may be contacted through counsel of record:

Christopher A. Callihan, Esq.
City of Salinas
200 Lincoln Avenue
Salinas, California 93901
Telephone: 831.758.7256
Facsimile: 831.758.7257
E-mail: chrisc@ci.salinas.ca.us

2. Specific Action or Inaction for Which This Petition For Review is Sought.

The specific action or inaction for which this Petition for Review is sought involves the Regional Board Executive Officer's (the "Executive Officer") interpretation of the Regional Board's September 4, 2008 action with respect to approval of Salinas's Storm Water Development Standards ("SWDS").

On September 4, 2008, the Regional Board considered and approved Salinas's SWDS. The Regional Board's consideration of the SWDS included a list of Required Revisions first proposed by Regional Board staff on August 12, 2008 (the "August 12, 2008 Required Revisions"). A copy of the August 12, 2008 Required Revisions is attached hereto as Exhibit B. In response to the August 12, 2008 Required Revisions, City staff and the Mayor of Salinas submitted letters to the Executive Officer commenting on the August 12, 2008 Required Revisions. Copies of those two letters are attached hereto as Exhibit C and Exhibit D, respectively. Subsequent to that August 12, 2008 list of Required Revisions, and prior to the September 4, 2008 Regional Board meeting, Regional Board staff released a revised list of Required Revisions (the "September 3, 2008 Required Revisions"). A copy of the September 3, 2008 Required Revisions is attached hereto as Exhibit E.

The September 3, 2008 Required Revisions differ from the August 12, 2008 Required Revisions in one respect: Ref. No. 4, SWDS Section 1.5.5, BMP Implementation. The August 12, 2008 Required Revisions included a list of source control Best Management Practices ("BMPs") applicable to new development and significant redevelopment projects within Salinas.

Prior to the Regional Board's September 4, 2008 consideration of the SWDS, Regional Board staff specifically and intentionally removed that list of source control BMPs from the list of Required Revisions and specifically and intentionally recommended the Regional Board approve the SWDS *without* that list of source control BMPs included as a part of the list of Required Revisions. On September 4, 2008, the Regional Board approved Salinas's SWDS with the list of source control BMPs removed from the final list of Required Revisions.

In addition to deleting that list of source control BMPs from the final list of Required Revisions, the Regional Board deleted Required Revision No. 4, shown at Ref. No. 3, Section 1.5.3, Numeric Criteria for Stormwater Management, as shown on Exhibit E ("Required Revision No. 4"). The Regional Board's final action expressly included deletion of Required Revision No. 4 in its entirety. To accurately reflect the Regional Board's action on Salinas's SWDS, final Resolution No. R3-2008-0068 should *not* include any reference to Required Revision No. 4.

On September 22, 2008, however, the Executive Officer informed Salinas that the Regional Board's action did not include deletion of Required Revision No. 4 in its entirety, but only "included removing language in [SWDS] Section 1.5.3 that may be redundant with other sections of the document, while preserving all the hydromodification control requirements [Regional Board] staff proposed." A copy of the Executive Officer's September 22, 2008 letter to Salinas is attached hereto as Exhibit F. Following Salinas's September 23, 2008 request for clarification of this matter, a copy of which is attached hereto as Exhibit G, on October 1, 2008 the Executive Officer sent an e-mail to Salinas concluding that the Regional Board's final motion of approval of Salinas's SWDS vested the Executive Officer with administrative discretion to modify the final list of Required Revisions in a manner he determines consistent with the Regional Board's September 4, 2008 discussion and deliberation. A copy of the Executive Officer's October 1, 2008 e-mail is attached hereto as Exhibit H.

3. The Date on Which the Regional Board Acted or Refused to Act

The Regional Board adopted Resolution No. R3-2008-0068 on September 4, 2008. The Executive Officer first transmitted his revisions to Resolution No. R3-2008-0068 and the final list of Required Revisions to Salinas on September 22, 2008.

4. Statement of the Reasons the Action is Inappropriate and Improper.

a. The Executive Officer has prejudicially abused his discretion. The action of the Executive Officer in modifying the final Order of the Regional Board is not supported by the record of the proceedings and the direction given by the Regional Board. The Executive Officer's September 22, 2008 interpretation of the Regional Board's final action on the SWDS is inappropriate and clearly not supported by the record.

b. The Executive Officer's interpretation of the Regional Board's motion and action on Salinas SWDS is contrary to the record. The Regional Board's final motion and action with respect to Salinas's SWDS is neither unclear nor unambiguous: the final motion made by then Regional Board member Dr. Press specifically states that Required Revision No. 4 should be struck from the list of Required Revisions. Any other interpretation is simply not supported by the record. As a result of the Executive Officer's action, and without relief from the State Board, Salinas stands aggrieved.

c. The Executive Officer has proceeded in excess of his jurisdiction as administrative staff. The Executive Officer does not provide reasonable evidence in support of his position of having discretion to interpret the Regional Board's action with respect to Required Revision No. 4 and approval of Salinas's SWDS.

5. Petitioner is Aggrieved.

Salinas is aggrieved for the reasons stated in Sections 3 and 4 above and because the Executive Officer's discretionary action with respect to approval of the SWDS does not make due consideration of the potential adverse impacts, economic and otherwise, to local businesses and industries. Further, new regulatory requirements imposed on communities like the City of Salinas, especially those with complex significant impact as those proposed in the Executive Officer's proposed Order, should be developed in a cooperative manner and not on an ad hoc basis.

6. Petitioner's Requested Action by the State Board.

Petitioner respectfully requests that the State Board direct the Executive Officer to prepare Resolution No. R3-2008-0068 in a manner consistent with the Regional Board's

September 4, 2008 unanimously approved final motion with respect to approval of Salinas's SWDS, including deletion of Required Revision No. 4 in its entirety. Alternatively, the Petitioner respectfully requests the State Board provide an evidentiary hearing on the Order pursuant to the United States Constitution; the California Constitution; California Water Code Section 13320; 23 CCR Section 648, *et seq.*, and Government Code Section 11400, *et seq.*

Petitioner requests this petition for review and request for an evidentiary hearing be held in abeyance by the State Board pending further actions, if any, by the Executive Officer or the Regional Board.

7. Statement of Points and Authorities.

Petitioner will provide a detailed statement of points and authorities in the event the Executive Officer fails to take remedial action to correct the Order consistent with the Regional Board's action and in the event the Petitioner seeks to have this petition for review and evidentiary hearing reactivated.

8. List of Interested Persons.

A copy of this petition was transmitted to the list of "interested persons" shown on Exhibit I.

9. Statement of Transmittal of Petition to the Regional Board.

A copy of this petition was transmitted to the Executive Officer of the Regional Board on October 6, 2008.

10. Substantive Issues Raised Before Regional Board.

Petitioner has not had opportunity to raise the substantive issues discussed in this petition given that the action upon which the Petitioner is aggrieved is an administrative action taken after the Regional Board's final action on Salinas's SWDS. Petitioner has made every effort to pursue amendments to the Executive Officer's Order through written correspondence and verbal communication with the Executive Officer and Regional Board staff. Petitioner maintains it is without remedy unless the State Board grants this petition in concert with a Stay Order.

Dated: October 6, 2008

Respectfully submitted,

City of Salinas

Handwritten signature of Christopher A. Callihan in black ink, written over a horizontal line.

Christopher A. Callihan, Esq.

Sr. Deputy City Attorney

Attorney for Petitioner, City of Salinas

Exhibit A

**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:

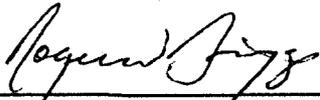
1. On December 8, 1999, the U.S. Environmental Protection Agency (EPA) promulgated regulations under authority of the Clean Water Act (CWA) Section 402(p). These regulations required National Pollutant Discharge Elimination System (NPDES) stormwater permits for operators of municipal separate storm sewer 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

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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 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-</p>

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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. Source control BMPs shall be selected and implemented

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\FINAL\TableofRequiredRevisionstoDevelopmentStandards,Sept4,2008.doc

Exhibit B

ATTACHMENT TO RESOLUTION R3-2008-0068

**DRAFT 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**

Prepared August 12, 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, and are each</u>All BMPs must be adequately sized to accommodate its shown designated drainage area per the following numeric criteria:</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;">C. 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.</p> <p>4. For all new development and redevelopment projects 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-project runoff rates and durations where such increases could accelerate downstream erosion or harm beneficial uses. The project applicant may demonstrate compliance with this</p>

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Ref. No.	SWDS Section	Required Revision
		<p><u>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, as occurs in a bioretention facility designed with a minimum 18 inches of soil, a design surface loading rate not exceeding 5 inches/hour, and a total volume (including surface detention, soil interstices, and subsurface storage) equal to the volume of runoff produced by the first 0.6 inches of rainfall on the drainage area tributary to the facility.</u></p> <p><u>B. Create computer continuous simulation of runoff in the pre-project and post-project condition using 30 years or more of local hourly rainfall data. Analyze the resulting hourly runoff flows to show peaks and durations of runoff from the development will not increase significantly, or alternatively, show any increases of peaks and durations of flow in waterways downstream of the development will not accelerate stream erosion or harm beneficial uses.</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> <p>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 Storm Water Control Plan shall identify each potential source within the project and incorporate corresponding source control BMPs into the project design, including the following:</u></p> <p><u>A. Interior floor drains, elevator shaft sump pumps, and</u></p>

ATTACHMENT TO RESOLUTION R3-2008-0068

Ref. No.	SWDS Section	Required Revision
		<p><u>parking garage floor drains will be plumbed to the sanitary sewer.</u></p> <p><u>B. Landscaping shall use pest-resistant plants appropriate to site soils, slopes, climate, sun, wind, rain, land use, air movement, ecological consistency, and plant interactions so as to minimize the need for fertilizers and pesticides.</u></p> <p><u>C. Pools, spas, ponds, decorative fountains, and other water features shall have a sanitary sewer cleanout located in an accessible area within 10 feet.</u></p> <p><u>D. Restaurants, grocery stores, and other food service operations shall have indoors or in a covered location outdoors, a floor sink or other area for cleaning floor mates, containers, and other equipment, plumbed to the sanitary sewer.</u></p> <p><u>E. Refuse areas will be covered, graded, and paved to prevent run-on and bermed to prevent runoff, and any drains within these areas will be plumbed to the sanitary sewer.</u></p> <p><u>F. All industrial processes and activities are to be performed indoors, and no processes may drain to the exterior or the storm drain system.</u></p> <p><u>G. Outdoor storage areas shall be covered, graded, and bermed to prevent run-on or run-off from the area. Storage of hazardous materials or hazardous wastes must be in compliance with local ordinances and the Hazardous Materials Management Plan for the site.</u></p> <p><u>H. Vehicle washing in non-residential areas shall be prohibited on-site unless an area designed for that purpose (that does not drain to the storm drain system) is provided.</u></p> <p><u>I. Fueling areas must be paved with Portland cement concrete or other equivalently smooth and impermeable surface and equipped with an overhanging roof or canopy that extends beyond grade breaks around the fueling area.</u></p> <p><u>J. Loading docks shall be covered and/or graded to minimize run-on to and runoff from the loading area.</u></p> <p><u>K. Where fire sprinklers are blown down, a means must be provided to avoid discharge of fire sprinkler test water</u></p>

ATTACHMENT TO RESOLUTION R3-2008-0068

Ref. No.	SWDS Section	Required Revision
		<p><u>to storm drains.</u></p> <p><u>L. Boiler drain lines, condensate drain lines, rooftop mounted equipment, and drainage sumps may not discharge to storm drains.</u></p> <p>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></p> <p><u>3. 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</p>

ATTACHMENT TO RESOLUTION R3-2008-0068

Ref. No.	SWDS Section	Required Revision
		<p>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, including engineered soil mix specifications.</p>

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Exhibit C



City of Salinas

Development & Engineering Department * 200 Lincoln Avenue * Salinas, California 93901

September 2, 2008

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

Re: Comments on the Regional Board Staff Report on the Salinas Stormwater Development Standards Approval

Dear Mr. Briggs

This letter is a general response to the Regional Board Staff Report of August 13th regarding the approval of the City of Salinas Stormwater Development Standards ("Development Standards"). The City is appreciative of the recommended approval of the Development Standards, which was developed in cooperation with Regional Board staff, Kennedy/Jenks Consultants, RBF Consulting and City staff from document inception in May 2006. The standards represent implementation of the Development Standards Component requirements of Attachment 4 of the City's 2005 NPDES permit. The Salinas Development Standards has been shaped by a culmination of detailed investigative findings of local conditions and other Salinas area stormwater issues by Kennedy/Jenks with oversight by the Regional Board Staff. The Development Standards have been further enhanced with the integration important flood control aspects into one set of stormwater design criteria with the assistance of RBF Consulting, whose staff has been involved for several years in analyzing the hydrology in the flood-prone watershed in which the City is situated. Since October 2007, the City of Salinas NPDES stakeholder committee has met and reviewed the Development Standards with modifications made to accommodate many concerns raised by the committee. And most recently, the standards were improved with expedited changes required by the Regional Board staff from its review and that of the Low Impact Development Center.

The City is in receipt of comments from Mr. Dan Cloak through Steve Shimek of the Monterey Coastkeeper and The Otter Project, which Regional Board staff has taken virtually verbatim as additional requirements for the Development Standards. As noted by Mr. Cloak, his review, comments, and recommendations were based on a focused review of Section 1 of the Development Standards. Mr. Cloak's review did not apparently consider much of the important related information contained in the other four sections and eight appendices of the SWDS. His review also occurred without consideration of local hydrologic and geomorphologic conditions, previously recommended changes by RWQCB staff, previous Salinas stakeholder and public

comments, the City's current NPDES permit, and without any input from City staff, Salinas stakeholders, and the Salinas community.

The incorporation of Mr. Cloak's recommendations as a requirement of approval of the Development Standards represents burdening the City with additional requirements without justification of a specific local environmental need, evaluation of economic impact, response and comments by the City, its stakeholders, and the general public. In essence, these new requirements are new NPDES permit requirements on the Salinas Community without the appropriate processes justifying these new permit conditions.

There are several objectionable elements in the new requirements. For example, the revisions required of the Developments Standards include the addition of items such as:

- *"Loading docks shall be covered and/or graded to minimize run-on to and runoff from the loading area."*
- *"All industrial processes and activities are to be performed indoors, and no processes may drain to the exterior or the storm drain system"*
- *"Outdoor storage areas shall be covered graded, and bermed to prevent run-on or run-off from the area"*

While these new requirements may be appropriate in other localities, the industrial base of Salinas is agricultural produce processing and transport; and as such, these requirements are excessive and overly restrictive on the Salinas Community without tangible local environmental benefit.

- *"Boiler drain lines, condensate drain lines, rooftop mounted equipment, and drainage sumps may not discharge to storm drains."*

This new requirement runs contrary to Section A.5. of the current City of Salinas NPDES permit (Order No, R3-2004-0135) as air conditioning condensate, foundation and footing drains, water from crawl space pumps, and uncontaminated pumped groundwater are listed in the City's NPDES permit as being allowed to discharge to storm drains.

- *"Refuse areas will be covered, graded, and paved to prevent run-on and bermed to prevent runoff, and any drains within these areas will be plumbed to the sanitary sewer."*

The City has an existing refuse area BMP that allows drainage to grassy vegetation. Requirement for refuse areas to be covered and plumbed to a sanitary sewer will make the installation of these refuse areas substantially more costly – the covered requirement will

additionally trigger the required installation of fire sprinklers in the enclosed refuse area and the corresponding installation of a fire water line to comply with the building fire code.

- *"Fueling areas must be paved with Portland cement concrete or other equivalently smooth and impermeable surface and equipped with the an overhanging roof or canopy that extents beyond grade breaks around the fueling area."*

Similar to many other of Mr. Cloak's recommendations for Section 1 of the Development Standards, it is an ill placed redundancy that is covered in other sections of the document. Section 1 is written to provide statements of general requirements and permitting procedures – BMP details for a variety of different applications are discussed in detail in the other sections of the Development Standards or by reference. Source control BMPs for fueling areas are clearly detailed in the California Stormwater Quality Association (CASQA) Handbook for New Development and Redevelopment that is adopted by reference in the Development Standards. As Mr. Cloak's review focus was limited to Section 1, many of his recommendations, now Regional Board staff conditions of Development Standard acceptance are poor fitting insertions which do not add any additional merit for stormwater protection and only serve to add another layer of complexity to the document.

It is also appropriate here to respond to comments in Mr. Dan Cloak's 5 August 2008 letter to Mr. Steve Shimek that state the Development Standards, 25 July 2008 Revision, includes the following "technical flaws":

1. The flow-control standards do not adequately protect streams against erosion.
2. The criteria for selection of treatment and flow-control facilities do not ensure MEP implementation.
3. The procedures and criteria for selection of structural source controls are inadequate to ensure implementation to MEP.

The City provides the following responses to Mr. Cloak's assertions:

1. "The flow-control standards do not adequately protect streams against erosion."

The Development Standards, meeting the City's NPDES permit and local geomorphologic factors conditions, is not technically flawed because it does not meet the Bay Area NPDES permit requirements.

Mr. Cloak supports his statement by noting that the Development Standards do not mimic the flow-control approaches currently taken by Bay Area counties and by Los Angeles and San

Diego regions. However, the letter does not provide any technical analysis to support a conclusion that the Development Standards do not adequately protect streams that receive runoff from the City of Salinas. The approach taken by the City of Salinas recognizes that, due to the regional hydrologic function of Carr Lake, Markeley Swamp and the Santa Rita storage areas, geomorphologic factors are not the same for Salinas as they are for the Bay Area. The City's approach must consider ongoing sedimentation in local streams and flood control channels from up gradient sources and the potential negative flood control impacts that can result from detaining flows in the City. The detention standard to "show the proposed project 100-year peak discharge is less than the pre-project 10-year peak discharge" is generally intended to keep future flows within the capacity of existing local storm drains and flood control facilities. In addition, it has not been identified where specific areas where hydromodification criteria are necessary to protect streams from erosion. Local creeks in Salinas are typically subject to sediment deposition from upstream sources rather than erosion potential for which the hydromodification procedures are intended to mitigate. Furthermore, the City has identified technical reasons why the hydromodification procedures that have been implemented in the Bay Area may actually have unintended negative consequences if they were to be applied to the watershed encompassing most of the City of Salinas (e.g., they may increase flooding potential). Furthermore, the City's current NPDES permit does not require hydromodification management as is required in the Bay Area permits.

It should be noted that Mr. Cloak advocates requirements to be added to the Development Standards that are more burdensome on development in Salinas, than is applied in the Bay Area. In the Bay Area, only areas that are subject to impacting streams with erosive flows, designated by redlines of the jurisdiction map, are subject to the hydromodification requirements. Mr. Cloak's recommendation for the Salinas Development Standards require for all projects that "the project applicant shall demonstrate post-project runoff rates and durations do not exceed pre-project runoff rates and durations where such increases could accelerate downstream erosion."

Mr. Cloak admits in his letter that the continuous simulation models used in the Bay area and elsewhere are continuing to undergo development and there are serious questions regarding their current usability. It is believed that millions of dollars in public funds have spent to date on these models with mixed results. There are also concerns about Mr. Cloak's recommendation allowing project applicants to prepare their own site-specific continuous simulation models. Privately developed models must adhere to strict criteria and be properly calibrated and verified; otherwise they will provide inconsistent results, and potentially inappropriate parameters, for sizing BMPs. Application of Mr. Cloak's recommendation would lead to burdensome requirements for development with questionable results all for a problem that likely does not exist.

The BMP numeric sizing criteria presented in the Development Standards (see Sections 1.5.3 and 4.4) are simple and cost effective, and they meet the requirements of the current Salinas NPDES permit.

2. "The criteria for selection of treatment and flow-control facilities do not ensure MEP implementation."

As evidence for the Development Standards not ensuring MEP implementation, Mr. Cloak indicates, "Section 3.2 suggests, but does not seem to actually require, that the entire site be divided into discrete drainage areas and the drainage from each area be accounted for and shown to be managed so as to meet MEP."

However, contrary to Mr. Cloak's charge, the Development Standards do require that each discrete drainage area meet the requirements of these standards. Section 1.5.3 states the following:

"The project applicant shall demonstrate in submitted site stormwater control plans (SWCPS) that BMPs for runoff of impervious surfaces from each specified drainage area meet the requirements of these standards and are each adequately sized to accommodate its shown designated drainage area per the following criteria."

It is the intent of these statements to require that all project site drainage sub-basin areas drain to appropriately sized BMPs.

Mr. Cloak additionally indicates "the SWDS provides a maze of cross references and a smorgasbord of criteria which maybe used to design LID facilities, but no criteria that apply to the site as a whole." The City concurs that there is room for improvement to streamline the presentation of material and reduce cross-referencing, and that some clarification and specificity related to the application of the criteria to design could improve the Development Standards. The Development Standards do not dictate how the engineer applicant integrates the site design, but rather require the applicants meet specific numeric requirements listed in the City's NPDES permit, which defines MEP implementation in Salinas.

3. "The procedures and criteria for selection of structural source controls are inadequate to ensure implementation to MEP," and, "SWDS Section 1 provides no specific requirements for the use of structural source controls."

The Development Standards provides requirements regarding source controls that meet the City's Permit requirements. Section 1.5.1 - Site Design Planning, states the following: "Consideration in the planning process shall be given to the following (where applicable)... Use of source controls that reduce the exposure of potential pollutants to rainfall and runoff." Section 1.5.5 - BMP Selection, refers to Section 2.3, which specifically requires projects with the

Exhibit D



City of Salinas

OFFICE OF THE MAYOR
200 Lincoln Avenue Salinas, California 93901

(831) 758-7201 Fax (831) 758-7368

September 3, 2008

Via Electronic Mail, Facsimile, and U.S. Mail

Roger W. Briggs
Executive Officer
California Regional Water Quality Control Board
895 Aerovista Place, Suite 101
San Luis Obispo, California 93401-7906

Re: City of Salinas Storm Water Development Standards; September 4, 2008 Required Revisions

Dear Mr. Briggs:

Thank you for the opportunity to comment on the Central Coast Regional Water Quality Control Board's ("Regional Board") proposed action on the City of Salinas's Storm Water Development Standards ("SWDS"). I understand the Regional Board is meeting this Thursday September 4, 2008 to consider its staff's recommendation on proposed "Required Revisions" to the City's SWDS which will effectively impose additional speculative and ad hoc requirements on new development that occurs within the City, including in-fill development. This letter is thus written as a general response to the Regional Board's proposed action and as an accompaniment to City Staff's technical response sent under separate cover. While the timeliness of this letter is not ideal, I hope that you will nevertheless give it due consideration.

As you are probably not aware, in addition to my serving as Mayor of Salinas I also serve as Chairman of the Grower Shipper Association of Central California, a regional agricultural association representing all sectors of the agricultural industry. In that capacity I am also concerned that the proposed Required Revisions will have an adverse impact on the economic well being of the local agricultural industry. As you may be aware, the agricultural industry remains the backbone of Monterey County's economy. I am concerned that the Required Revisions proposed to be imposed upon the City will hinder the continued economic viability of this vital industry. I have been contacted by various residents and community groups voicing their opposition to both the new requirements and the manner in which they are being imposed.

I am mindful and respectful of the Regional Board's role in protecting the environment, particularly water quality; however, regulations should not be imposed without due consideration of the potential adverse impacts, economic and otherwise, to the local businesses and industries. Moreover, new state regulatory requirements on communities such as the City of Salinas, especially those with complex significant impact as those proposed by Regional Board staff, should be developed in a more cooperative manner and not on an ad hoc basis. It is notable that

Mr. Roger Briggs, Executive Officer

Re: City of Salinas's Storm Water Development Standards; September 4, 2008 Required Revisions
September 3, 2008

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proposed Required Revisions are being imposed without prior input from City of Salinas staff, the City's NPDES Stakeholder committee, the general Salinas community or the Monterey, Santa Cruz, and San Benito County agricultural community, and without identification of tangible local environmental benefit or any discussion of economic impact.

The City of Salinas is very progressive with regard to its implementation of environmental policies, green implementation goals, and advanced storm water control projects. The City has long advocated Smart Growth policies in its General Plan and was one of the first jurisdictions in the area to institute Global Climate change mitigations for new development projects. Additionally, the City of Salinas recently adopted the UN Environmental Accords. All of these policies and programs speak to the City's commitment to protecting the environment while at the same time balancing the needs of the community and the economic well being of its residents and its businesses and industries.

The City of Salinas and its staff welcome continued opportunities to work with the Regional Board and its staff in finding solutions to the community's environmental concerns. Those efforts, however, must be balanced, rather than onerous and burdensome, and must take into consideration their impact on local economic development and on the residents and businesses of the City.

Sincerely,



Dennis Donohue
Mayor

cc: Salinas City Council
City Manager
City Attorney
City Engineer
Deputy City Engineer
Maintenance Services Director
John Arriaga, JEA and Associates

Assemblyperson Anna Caballero
State Senator Jeff Denham
State Senator Abel Maldonado

Monterey County Board of Supervisors
Salinas Valley Chamber of Commerce
Salinas Valley Builders Exchange

Mayor of Bakersfield

Mr. Roger Briggs, Executive Officer

Re: City of Salinas's Storm Water Development Standards; September 4, 2008 Required Revisions
September 3, 2008

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Mayor of El Centro
Mayor of Gonzales
Mayor of Greenfield
Mayor of Hollister
Mayor of Huron
Mayor of Marina
Mayor of Monterey
Mayor of Oxnard
Mayor of Reedley
Mayor of Sand City
Mayor of San Jose
Mayor of San Luis Obispo
Mayor of Santa Barbara
Mayor of Santa Cruz
Mayor of Santa Maria
Mayor of Seaside
Mayor of Soledad
Mayor of Ventura

Tom Nassif, President/CEO, Western Growers Association

Dave Puglia, Sr. Vice President, Western Growers Association

Exhibit E

ATTACHMENT TO RESOLUTION R3-2008-0068

**DRAFT 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**

Prepared August 12, 2008 Revised September 3, 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, and are each</u> All BMPs must be adequately sized to accommodate its shown designated drainage area per the following numeric criteria:</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;">C. 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.</p> <p>4. <u>For all new development and redevelopment projects 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-project runoff rates and durations where such increases could accelerate downstream erosion or harm beneficial uses. s.</u> The project applicant may demonstrate compliance with this</p>

ATTACHMENT TO RESOLUTION R3-2008-0068

Ref. No.	SWDS Section	Required Revision
		<p><u>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, as occurs in a bioretention facility designed with a minimum 18 inches of soil, a design surface loading rate not exceeding 5 inches/hour, and a total volume (including surface detention, soil interstices, and subsurface storage) equal to the volume of runoff produced by the first 0.6 inches of rainfall on the drainage area tributary to the facility.</u></p> <p><u>B. Create computer continuous simulation of runoff in the pre-project and post-project condition using 30 years or more of local hourly rainfall data. Analyze the resulting hourly runoff flows to show peaks and durations of runoff from the development will not increase significantly, or alternatively, show any increases of peaks and durations of flow in waterways downstream of the development will not accelerate stream erosion or harm beneficial uses. 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.</u></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> <p>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 Storm Water Control Plan shall identify each potential source within the project and incorporate corresponding source control BMPs into the project design, including the following:</u></p> <p><u>A. Interior floor drains, elevator shaft sump pumps, and</u></p>

ATTACHMENT TO RESOLUTION R3-2008-0068

Ref. No.	SWDS Section	Required Revision
		<p>parking garage floor drains will be plumbed to the sanitary sewer.</p> <p>B. Landscaping shall use pest-resistant plants appropriate to site soils, slopes, climate, sun, wind, rain, land use, air movement, ecological consistency, and plant interactions so as to minimize the need for fertilizers and pesticides.</p> <p>C. Pools, spas, ponds, decorative fountains, and other water features shall have a sanitary sewer cleanout located in an accessible area within 10 feet.</p> <p>D. Restaurants, grocery stores, and other food service operations shall have indoors or in a covered location outdoors, a floor sink or other area for cleaning floor mats, containers, and other equipment, plumbed to the sanitary sewer.</p> <p>E. Refuse areas will be covered, graded, and paved to prevent run-on and bermed to prevent runoff, and any drains within these areas will be plumbed to the sanitary sewer.</p> <p>F. All industrial processes and activities are to be performed indoors, and no processes may drain to the exterior or the storm drain system.</p> <p>G. Outdoor storage areas shall be covered, graded, and bermed to prevent run-on or run-off from the area. Storage of hazardous materials or hazardous wastes must be in compliance with local ordinances and the Hazardous Materials Management Plan for the site.</p> <p>H. Vehicle washing in non-residential areas shall be prohibited on site unless an area designed for that purpose (that does not drain to the storm drain system) is provided.</p> <p>I. Fueling areas must be paved with Portland cement concrete or other equivalently smooth and impermeable surface and equipped with an overhanging roof or canopy that extends beyond grade breaks around the fueling area.</p> <p>J. Loading docks shall be covered and/or graded to minimize run-on to and runoff from the loading area.</p> <p>K. Where fire sprinklers are blown down, a means must be provided to avoid discharge of fire sprinkler test water</p>

ATTACHMENT TO RESOLUTION R3-2008-0068

Ref. No.	SWDS Section	Required Revision
		<p>to storm drains.</p> <p>L. Boiler drain lines, condensate drain lines, rooftop mounted equipment, and drainage sumps may not discharge to storm drains.</p> <p>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). (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></p> <p>3. <u>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</p>

ATTACHMENT TO RESOLUTION R3-2008-0068

Ref. No.	SWDS Section	Required Revision
		<p>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, including engineered soil mix specifications.</p>

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Exhibit F



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.salinass.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 Co\Municipal\Salinas Phase I Permit\Development Standards\Board Approval, Sept 2008\Transmittal of Reso and Required Revisions to Salinas SWDS, Sept. 2008.doc



Exhibit G



City of Salinas

Office of the City Attorney - 200 Lincoln Avenue, Salinas, California 93901 - (831) 758-7256 - Fax (831) 758-7257

Vanessa W. Vallarta, City Attorney
Susan J. Matcham, Asst. City Attorney
Christopher A. Callihan, Sr. Deputy City Attorney
Georgina B. Mendoza, Deputy City Attorney

September 23, 2008

Roger W. Briggs
Executive Officer
California Regional Water Quality Control Board
Central Coast Region
895 Aerovista Place, Suite 101
San Luis Obispo, California 93401-0397

Re: Regional Board Approval of Salinas Storm Water Development Standards

Dear Mr. Briggs:

We are in receipt of your letter dated September 22, 2008 regarding the Regional Board's September 4, 2008 adoption of Resolution No. R3-2008-0068 approving the City of Salinas's Storm Water Development Standards contingent upon the City's incorporating a list of required revisions. The "final list of required revisions" attached to your letter, however, are not consistent with our understanding of the Regional Board's September 4 action.

Specifically, your attached list of required revisions, at Ref. No. 3, includes Required Revision 4 which we understood to have been removed, by virtue of Dr. Press's motion, from the Resolution and list of required revisions. We understood the Regional Board's position and action with respect to Required Revision No. 4 to be that this Required Revision potentially conflicts with Section 4.4.2 of the City's Storm Water Development Standards. To alleviate this potential conflict, then, the Regional Board's action was to delete this Required Revision. The City's positive reception to the Regional Board's action was in part based on our understanding that Required Revision No. 4 had been removed.

This issue needs to be resolved before the City can complete its incorporation of the Required Revisions into the Storm Water Development Standards as this is a significant departure from what we understood to be the Regional Board's final action. If your understanding of the Regional Board's action is consistent with ours and Required Revision No. 4 was included in your list as an oversight, please let us know and we will complete our incorporation of the Required Revisions. If that is not the case, it would be helpful to review the audio recording of the Regional Board's deliberations and action on this issue. In any event, so that we may be sure that we correctly and completely comply with the Regional Board's direction we would like to review the audio recording of the Regional Board's deliberations and final action on the City's Storm Water Development Standards. Consistent with the California Public Records Act, please

Roger Briggs, Executive Officer

Re: Regional Board Approval of Salinas Storm Water Development Standards

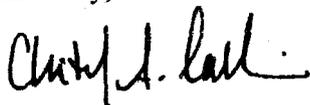
September 23, 2008

Page 2 of 2

send us a copy of the audio recording of the Regional Board's deliberations so that we may review it.

In the meantime, please let us know if you have any questions.

Sincerely,



Christopher A. Callihan
Sr. Deputy City Attorney

cc: Deputy City Engineer
City Attorney

Kennedy/Jenks Consultants

Matt Thompson, Water Resource Control Engineer
Frances McChesney, Legal Counsel

Exhibit H

Christopher Callihan

From: Roger Briggs [rbriggs@waterboards.ca.gov]
Sent: Wednesday, October 01, 2008 6:39 AM
To: Christopher Callihan
Cc: Frances McChesney; Jennifer Epp; Lisa McCann; Michael Thomas; Matt Thompson
Subject: Re: Stormwater Development Standards Revisions

Chris,

CLARIFICATION REGARDING WATER BOARD APPROVAL OF SALINAS STORMWATER DEVELOPMENT STANDARDS

I reviewed your September 23, 2008 letter regarding the Central Coast Water Board's approval of the Salinas Stormwater Development Standards on September 4, 2008. I also reviewed the audio recording of the Water Board's deliberations. The Water Board adopted a motion to remove certain sections of the proposed Required Revisions, but indicated that its intent was to remove any 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 Water Board wanted to be responsive to the City's request to eliminate redundancies - by unnecessarily added controls that restate requirements in a different way that may cause unneeded complexity and possible conflict/confusion (however, the Water Board did not direct us to eliminate hydromod controls). The Water Board's motion included the directive to have the Executive Officer "make it so."

To address the Water Board's motion, I specifically removed the references to 18 inches of soil and 5 inches per hour application rate from Required Revision No. 3, to remove any potential redundancy with other sections of the document. The language requiring applicants for projects adding one acre or more of impervious surface to demonstrate post-project runoff rates and durations do not exceed pre-project runoff rates and duration remains, because that requirement is necessary to control hydromodification, and is not redundant with any other section of the document. If you believe there is any language in the Final Table of Required Revisions that is redundant with other sections of the document, please call Matt Thompson at (805) 549-3159 or Lisa McCann at (805) 549-3132 and tell them specifically where in the document those redundancies occur and we will resolve those redundancies. We will wait to hear from you. Please respond by Friday, October 3.

thanks,
Roger Briggs

Roger W. Briggs PE
Executive Officer
Central Coast Regional Board
805-549-3140
fax 805-788-3511
rbriggs@waterboards.ca.gov
<http://www.waterboards.ca.gov/centralcoast/>

Exhibit I

Roger W. Briggs, Executive Officer
Michael Thomas, Assistant Executive Officer
Frances McChesney, Legal Counsel
Lisa McCann, Environmental Programs Manager
Matt Thompson, Water Resource Control Engineer
Jennifer Epp, Regional Board Staff
Regional Water Quality Control Board
Central Coast Region
895 Aerovista Place
San Luis Obispo, California 93401-7906

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Salinas, California 93906

Salinas Valley Chamber of Commerce
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P.O. Box 1170
Salinas, California 93902

Salinas Valley Builders Exchange
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20 Quail Run Circle
Salinas, California 93907

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Brian Finegan, Esq.
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Salinas, California 93902