



California Regional Water Quality Control Board

Central Coast Region



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August 4, 2008

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To Participating Entities of the Monterey Regional Storm Water Permit Management Group:

NPDES SMALL MS4 GENERAL PERMIT ANNUAL REPORT; MONTEREY REGIONAL STORM WATER PERMIT PARTICIPANTS GROUP, WDID NOS. 3 27(MS#'S): CITY OF MONTEREY (03006), CITY OF PACIFIC GROVE (03007), CITY OF SEASIDE (03010), CITY OF SAND CITY (03011), MONTEREY COUNTY (03012), CITY OF DEL REY OAKS (03023), CITY OF MARINA (03025), AND CITY OF CARMEL-BY-THE-SEA (03003)

We received your Storm Water Management Program annual report on November 16, 2007. We appreciate the Monterey Regional Group's efforts to comply with the Municipal Stormwater General Permit (Municipal General Permit). We find that the combined Storm Water Management Program (SWMP) is a comprehensive program that shows good progress toward compliance with the Municipal General Permit. However, we also determined that the annual report is lacking some key information that is required to evaluate your implementation of the SWMP and compliance with the Municipal General Permit. We also found some violations of the Municipal General Permit that you must correct.

Water Board staff provides the following general and specific comments to improve the SWMP document, implementation of the SWMP, and the content of the annual report to satisfy Municipal General Permit requirements. The comments also include a list of violations of the Municipal General Permit.

Please review this letter carefully, as it requires the Participants Group (Participating Entities) to implement SWMP and Municipal General Permit requirements not fully implemented in the first year, and clarify other information provided in the annual report. For some issues, I am

requiring you to submit additional information by **August 29, 2008**, and for other issues, I am requiring you to provide additional information in **future annual reports**. We itemized the additional information and the dates the information is due to our office, in bold font throughout this letter.

GENERAL COMMENTS

1. The annual report follows the format recommended by the State Water Resources Control Board (State Board). Portions of the annual report are difficult to understand and review because the format includes little narrative text and, in some instances (e.g., Best Management Practice Status), relies solely on tables. Tables should be supportive rather than the primary means of informing the reader. The report should be informative and understandable to all stakeholder groups in your municipalities. Although the SWMP details potential contaminants in discharges to the MS4 (SWMP page 4-11), we found little detail describing how implementation of the entire program addresses reduction of pollutants of concern. You must explain in **future annual reports** how your program will control and reduce pollutants of concern such as metals (e.g., copper and zinc), orthophosphate, bacteria (SWMP pages 4-13 to 4-14), and other contaminants revealed in water quality monitoring.
2. SWMP Section 4 Best Management Practices (BMPs) and Measurable Goals Description of the Six Minimum Control Measures states (page 4-1, paragraph 2), "the Permittee must conduct and document evaluation and assessment of each relevant element of its program and revise activities, control measures, BMPs, and measurable goals, as necessary to meet MEP." Compliance with the Municipal General Permit also requires the Permittee(s) (Participating Entities) to conduct an annual evaluation of program effectiveness. It is important to evaluate the program's strengths and weaknesses so the program may evolve to become more effective over time. The Participating Entities must use quantifiable measurements that indicate or reflect BMP or minimum control measure (MCM) effectiveness.

The Municipal General Permit requires you to measure BMP or MCM effectiveness (see Section F.1.b., page 13). This involves measuring and reporting both measurable goals and any other information that informs achievement of the measurable goals and effectiveness of BMPs or MCMs. Measurable Goals (MGs) may include measures that indicate effort (i.e., miles of roads swept, number of storm water brochures distributed, etc.) and they may include measures to determine effectiveness, as well. You must also track other appropriate information or measurable data to determine effectiveness. Therefore, your **future annual reports** must include the following components:

- Assessment of program effectiveness in terms of achieving permit requirements and measurable goals;
- Assessment of program effectiveness in terms of protecting and restoring water quality and beneficial uses;
- Identification of quantifiable effectiveness measurements for each BMP, including measurements that link BMP implementation with improvement of water quality and beneficial use conditions;
- Prioritization of the assessment of BMPs specifically targeting primary pollutants of concern;



- Incorporation of the effectiveness assessment process outlined in CASQA's *Municipal Stormwater Program Effectiveness Assessment Guide* (see: <http://www.casqa.org/>);
- Identification of a range of quantifiable effectiveness measurements that collectively address outcome levels 1-4, as defined in the *Municipal Stormwater Program Effectiveness Assessment Guide* that you must use during annual effectiveness assessments;
- Identification of quantifiable effectiveness measurements that address outcome levels 5 and 6, as defined in the *Municipal Stormwater Program Effectiveness Assessment Guide*, that you must use during long-term effectiveness assessments (e.g., every three to five years); and
- Identification of steps you must take to revise the SWMP and optimize BMP effectiveness when effectiveness assessments identify BMPs or programs that are ineffective or need improvement.

One example could be the "Number of Illicit Discharge Hotline Calls Received from the Public." This measure could quantitatively indicate (directly or indirectly) that the public education MCM is working, as more members of the public know of the hotline number and are using it to protect water quality. It could also reflect a need to improve the Illicit Discharge MCM, as the ordinances may not be deterring illicit discharges. Another example could be the "amount of pollutants collected by street sweeping" as an indicator of pollutants prevented from entering storm drains, instead of, or along with, "miles of roads swept." By itself, "miles of roads swept" does not measure or indicate the amount of pollutants of concern prevented from entering the storm drain, and it does not indicate whether you swept the appropriate roads or the appropriate miles of roads. You must include direct measures in the proper context. We require you to keep track of these parameters, as the data shed light on historical trends, and allows the permittee to compare its own efforts with real world indicators.

The following additional references may help you select and evaluate MCMs, BMPs, MGs, along with other measurable and quantifiable parameters to demonstrate effectiveness for your Municipal Stormwater Programs:

- EPA-NPDES Training webcast (e.g., *Assessing the Effectiveness of Your Municipal Stormwater Program* – broadcast June 4, 2008; see http://cfpub2.epa.gov/npdes/courses.cfm?program_id=0&outreach_id=366&o_type=1),
- EPA. Preliminary Data Summary of Urban Stormwater Best Management Practices, Sections 5.4 Monitoring BMP Effectiveness and 5.5 Effectiveness of BMPs in Managing Urban Runoff (EPA-821-R-99-012; August 1999, pages 5-42 through 5-84 at: http://www.epa.gov/guide/stormwater/files/usw_a.pdf),
- Strecker, E.W., M.M. Quigley, B.R. Urbonas, J.E. Jones, and J.K. Clary, "Determining Urban Storm Water BMP Effectiveness," *ASCE Journal of Water Resources Planning and Management*, Vol. 125 No. 3, pp. 144-149, May/June 2001.

The annual report does not discuss effectiveness for BMP 1-1.a, but refers the reader to Appendix A. This appendix is 32 pages long and contains no section dedicated to effectiveness measurements. Measurable Goal 1-2.a compares test scores after two educational visits to 12 classrooms. This is the only effectiveness parameter found for MCM 1 that is composed of 25 Measurable Goals. You must provide more comprehensive effectiveness assessments comparable to MG 1-2.a so we can determine if you implemented the SWMP fully or in compliance with the Municipal General Permit in all



future annual reports. As discussed above, the effectiveness measures supply baseline data needed to establish long-term trends and show improvements in your program.

3. The Municipal General Permit requires each permittee to assess the appropriateness of each identified BMP in conjunction with an effectiveness assessment. Factors to consider in determining appropriateness include, but are not limited to, appropriateness for local population, pollution sources, receiving water concerns, and integration with local management procedures.

Monterey Regional Participating Entities did not adequately assess the appropriateness of any of the BMPs. Simply stating, "this BMP is considered or appears appropriate" is not sufficient. Each Participating Entity must specify the appropriateness of each BMP and MG in **future annual reports.**

SPECIFIC COMMENTS AND FOLLOW-UP REQUIREMENTS

I. SWMP MODIFICATIONS AND AMENDMENTS

This section addresses BMPs and MGs the Participating Entities did not implement adequately or did not report adequately. Consequently, the Participating Entities must submit the following **SWMP modifications and amendments** to the Water Board by **August 29, 2008.**

BMP 1-1.a (Implement Public Education & Outreach Program)

Measurable Goal 1.4 Teacher Training

- The Educational staff was allowed only one opportunity to train teachers in the area (see Annual Report, page 7; and Appendix A, page A-13), even though the Coordinating Entities of Pacific Grove, Monterey Peninsula, and Carmel-by-the-Sea Unified School Districts participated, at least financially, in the SWMP Public Education and Outreach Program. Each school district SWMP relies on the Monterey Regional SWMP Public Education and Outreach Program to fulfill a portion of their BMPs and Measurable Goals (MG) for MCM 1. The annual report notes this difficulty and proposes the following modification.

To implement this BMP fully, the Participating Entities propose to contact the three school district Regional Occupational Program Coordinators to provide teacher training for the ROP classes associated with hospitality, auto repair and other business related courses, which are often the source of stormwater pollution. We agree this interim approach may be an appropriate alternative to the original BMP. The SWMP indicated an MG of tallying the number of teacher trainings in Years-2 through Year-5. Educator training has many additional MGs that would, minimally, increase awareness and change behaviors of students, staff, and families. You must add additional MGs to demonstrate the effectiveness of this valuable aspect of the Public Education and Outreach MCM. Please edit the SWMP by **August 29, 2008** to add the proposed **BMP modifications, plus additional MGs and effectiveness assessments.**

Measurable Goal 8. Restaurant Outreach/Green Business Program

- Restaurant Outreach (Final Annual Report body, page 8; Appendix A page A-21) – The Participating entities report they failed to implement this MG. The education staff is



unable to use grant funds from Ecology Action Bay Watershed Education and Training (B-WET) because restaurant managers chose not to allow time for employees to receive training. You must modify this MG to insure the Participating Entities' effectively implement restaurant outreach. For example, the Participating Entities should focus a portion of their Department of Health inspections on controlling discharges to stormwater. This is important since Carmel and the City of Monterey expressed frustration that some restaurants had difficulties recycling drums of waste grease and oils that spilled during transfers to recycling company trucks. We agree with your proposed MG modification to provide restaurants videos and educational posters and incorporate stormwater pollution prevention elements in the California Restaurant Association Green Business program. Please edit the SWMP by **August 29, 2008** to add a better and achievable **MG**, like health inspections to do outreach to restaurants, and add your **proposed modification**.

II. ANNUAL REPORTING – ADDITIONAL INFORMATION NEEDED

This section itemizes information omitted from the annual report. To adequately report this information, required by the SWMP, you must submit additional information to explain the status or effectiveness of some BMPs or MGs. You must submit the following information by **August 29, 2008, where specified, or in the 2007/2008 annual report**. The necessary information, in many cases, requires you to develop better data tracking and reporting programs. In addition, you must collect and provide other information, not available now, in all **future annual reports**.

II.A. MCM 1 – Public Education and Outreach

BMP 1-1.a – (“Educate an audience ... about the causes of storm water pollution...”)

Appendix A. Public Education Outreach Program Annual Report

Measurable Goals 1-19 – Educational Materials – Staff agrees that “the educational component was presented in a variety of forms.” MCM 1 is composed of 19 separate Measurable Goals and “the Program reached many different segments of the public...” However, the Participating Entities provided no example documentation regarding brochures, newspaper ads or articles, bus ads, movie theater slides, the Our Water Our World (OWOW) program, the Household Hazardous Waste (HHW) program; volunteer recruitment efforts, radio spots, educational materials for schools, press releases, the storm drain model program, public attitude surveys, etc. Monterey Regional Participating Entities must provide access to educational materials in **future annual reports**. Staff finds the Stormwater & Education Alliance (SEA Monterey) web page displays some of these educational materials, but the annual report must provide this link and other examples in the reports.

Concerning the Print Ads, submit an **explanation** of why Monterey County stopped Weekly Ads after May 10, 2007, and why you ran no “Street Sweeping” ads in the Monterey County Weekly by **August 29, 2008**.

BMP 1.1a – (School Outreach)

- All Participating Entities – As part of Measurable Goal 1, Appendix A of the annual report indicates the total students reached (1,505) exceeded expectations. However,



the author did not normalize for the numbers of students in the comparison presented in an unlabeled table on page A-10, even though the Educational Coordinator visited the same 12 classrooms. As the Education and Outreach program grows, we agree the Educational Coordinator should develop a less subjective survey tool and then adjust scores based on numbers of students. Please submit a **description** of the survey tool and adjusted scores in the **next annual report**.

- All Participating Entities – Measurable Goal 15 (Public Attitude Survey; Appendix A, page A-28). Surveyors must calculate a ratio of positive answers and use the relationship to better estimate the effectiveness of media exposures. Please refer to the effectiveness assessment guidance listed in our General Comments item #2 and provide a better **estimate of effectiveness** in all **future annual reports**.

BMP No. 1-1.b – (Review and Revise “Year 1 Public Education & Outreach Plan”)

- All Participating Entities – Section ii, Status of Measurable Goals. The unnumbered Table on page 7 indicates that an update of Measurable Goals for BMP 1-1.b is too extensive to list and refers readers to Appendix A. We found no mention of BMP 1-1.b in Appendix A. Monterey Regional Education and Outreach staff must provide **plans** (dates, locations, etc.) explaining when and where they will review and/or revise the Measurable Goals by **August 29, 2008**.

II.B. MCM 2 – Public Involvement and Participation

In Section II.A for MCM 1, we indicated the Participating Entities cooperated to fund and support a wide variety of public events that involved volunteers and educated the local community. Similarly, a majority of the BMPs and MGs supporting MCM 2 were compliant with the SWMP and Municipal General Permit and demonstrated the multiple successes of the group's collective efforts. Below we document a few **inconsistencies and missing information** that the Participating Entities must submit to complete the **annual report**.

BMP 2-1.a – (Post Draft Annual Report for Public Review)

- All Participating Entities – The BMP states, “All written public comments submitted and notes taken at workshop will be considered for inclusion in the annual report and kept on file.” Staff finds no documentation of public review comments or an incorporation of those comments in the Annual Report (see BMP 2-1.c). The Participating Entities must provide a **summary of and/or evidence** of public comments and indicate changes made to the annual report in response to the comments by **August 29, 2008**.

BMP 2-1.b – (Annual Workshop #1)

- All Participating Entities – BMP 2-1.b required minimum attendance of 40 persons for Annual Workshop #1 – but only 21 attended. In the annual report, you state that video of the meeting broadcast over local TV would reach more people (and meet the requirement). However, televised meetings provide only one-way communication and no opportunity for feedback or direct input from the public. The Participating Entities must provide **additional measures** they will undertake to assure sufficient public review of the program and annual reports by **August 29, 2008**.



BMP 2-1.c – (Annual Workshop #2)

- All Participating Entities – The attendance goal of 40 persons for BMP 2-1.c was not met; only 5 people attended workshop #2. Similar to our comments for BMP 2-1.b, televised replay of the meeting provides no means for feedback or input from a remote and time delayed audience. The Participating Entities must provide **additional measures** they will undertake to assure sufficient public review of the program and annual reports by **August 29, 2008**.

BMP 2-2.a – (Financial Sponsorship for Coastal Cleanup Day)

- Sand City – No supporting materials appear on page H-30.
- Seaside – Appendix I has a blank page titled Supporting Materials for BMPs 2-2.a (page I-27) and presents no information.

These two Participating Entities must provide **additional measures** they will undertake to assure they address all required documentation in their annual reports by **August 29, 2008**.

BMP 2-2.b – (Recruit Volunteers for Coastal Cleanup Day)

- Pacific Grove – The City's involvement with Coastal Cleanup Day (CCD) would be clearer if you presented the pages in Appendix G, pages G-31 and G-32, in reverse order.
- Sand City – No additional information required; refer to Section III.B BMP 2-2.b for violations.
- Seaside – Although Table 2 (page I-4) indicates the City used two methods as required to recruit volunteers, Appendix I (page I-28), titled Supporting Materials for BMPs 2-2.b, is blank and presents no information. Seaside must provide **examples** of recruiting measures they used to meet SWMP requirements by **August 29, 2008**.
- Monterey County – No additional information required; refer to Section III.B BMP 2-2.b for violations.

BMP 2-2.c – (Stencil Stormwater Inlets)

- Seaside – As reported in Appendix I (page I-30), City staff and volunteers stenciled 30% of the City storm drains. However, the City must indicate if they stenciled Hot Spots storm drains as requested by the City Maintenance and Operations Supervisor (Appendix I, page I-5). The City must provide **documentation and additional measures** they will undertake to assure Hot Spot storm drains were (or will be) stenciled to the level required by the SWMP by **August 29, 2008**.
- Monterey County – Appendix J, pages J-24 and J-25 are blank. Staff suspects the County placed the pages to provide information on Storm Drain Stenciling, but the County did not provide any supporting information on their stenciling efforts. County staff must also provide **additional information or documentation left out of the annual report** to the level required by the SWMP by **August 29, 2008**.



BMP 2-3.a – (Representation in Citizen Water Quality Monitoring Network)

- All Participating Entities – The Annual Report provides no listing of Citizen Water Quality Monitoring Network meeting agendas, participants, what was learned, or incorporated into SWMP program(s). The Participating Entities must provide **additional information or documentation left out of the annual report** to the level required by the SWMP by **August 29, 2008**.

II.C. MCM 3 – Illicit Discharge Detection & Elimination**BMP 3-1.c – (Investigate Illicit Discharges)**

Since the Participating Entities did not adopt Storm Water Ordinances as planned (see Section III.C BMP 3-4.a), they used existing governance to investigate complaints. However, the data associated with these reports is confusing and disorganized. Some Participating Entities failed to report adequate information. Others violated their SWMP by failing to adequately investigate illicit discharges (see details below).

The Participating Entities must improve record keeping and **provide documentation** of the resolution of each Illicit Discharge (ID) case in **future annual reports**.

Illicit Discharge Reports and Investigations

- Carmel-by-the-Sea – No additional information requested. The City reports two ID reports investigated and successfully resolved during the Year 1 term (Appendix C, page C-34 through C-37).
- Del Rey Oaks – No additional information requested. The City reports one ID report investigated and successfully resolved during the Year 1 term (Appendix D, page D-33).
- Marina – The city received no ID reports (Appendix E, page E-38).
- City of Monterey – The city received and responded to approximately 22 reports despite adopting their stormwater ordinance late in Year-1 (May 1, 2007). However, the City's log of reports is not chronological, lacks complete enumeration, shows numerous notes without descriptions (pages F-47 and F-48), and prevents correlation of some reports (Appendix F, pages F-46 through F-101). One reported incident shows "on-going enforcement," but we could not associate the site or report. The City must improve their record keeping.

The City received a complaint for a construction project enrolled in the Construction Stormwater General Permit (Construction General Permit). Property owners or authorized agents of projects enrolled in the Construction General Permit are required to report discharges of non-stormwater. Property owners should notify City's stormwater staff about these discharges. The City must provide proper notification and an incident follow-up report to the Water Board describing the event and actions taken to prevent further violations of the Construction General Permit by the property owner. This is required in the Receiving Water Limitations Section B.3.a (page 4) of the Construction General Permit. Under the SWMP, the City must also ensure the property owners report non-stormwater discharges. Although the City and property owner resolved this



incident, they should have notified the Water Board at the time of occurrence, rather than months later in this annual report.

- Pacific Grove – The City investigated four ID reports during the first year. One incident resulted in a fine for discharging latex paint washwater. The log summarizing the reports is not in chronological order (page G-36), but otherwise it was clear and concise.
- Sand City – The City investigated 10 or 11 ID reports during permit term (Appendix H, pages H-35 through H-46). Nine incidents dealt with discharge of washing products from private cars or businesses. Staff is unsure of the number of reports because the City did not list report number 10 in the summary log. All other participating entities included an indication of the “effectiveness” of the BMP (Appendix H, Table 3, pages H-7 through H-9). However, Sand City entries (in Table 3) do not indicate the city’s estimate of the BMP 3-1.c effectiveness.
- Seaside – The City investigated one ID report during the report term and referred it to us. Other than providing the communications between the Water Board and discharger, the City does not provide any conclusions or resolution for this ID report.
- Monterey County – The County provided no supporting information or data about their efforts to detect and remove illicit discharges to storm water facilities within their control. Limited information provided for BMP 3-3.d does show a small table logging four incidents, but includes no other information.

The Participating Entities must provide **well-documented information on the IDs investigated, resolved, or deferred to other agencies in future annual reports** that demonstrate full BMP implementation and permit compliance.

BMP 3-2.a – (Storm Drain Mapping)

- Carmel-by-the-Sea – The City listed and mapped 11 outfalls discharging stormwater to the ocean within their jurisdiction (Appendix K, pages K-4 and un-numbered page K-8). The SWMP says the BMP “intent” requires the City to provide accurate storm drain maps to help locate illicit discharges and/or dischargers. The map, however, provides no indication of the internal storm drains or their routing within the City’s jurisdiction.
- Del Rey Oaks – No additional information required; refer to violations in Section III.C.
- Marina – No additional information required; refer to violations in Section III.C.
- City of Monterey – The City mapped 25 outfalls discharging stormwater to the ocean within their jurisdiction (Appendix K, page K-3 and un-numbered page K-7). The SWMP says the BMP “intent” requires the City to provide accurate storm drain maps to help locate illicit discharges and/or dischargers. The map, however, provides no indication of the internal storm drains or routing within the City’s jurisdiction.
- Pacific Grove – The City mapped 41 outfalls discharging stormwater to the ocean within their jurisdiction (page K-3 and un-numbered page K-6). The SWMP says the BMP “intent” requires the City to provide accurate storm drain maps to help locate illicit



discharges and/or dischargers. The map, however, provides no indication of the internal storm drains or routing within the City's jurisdiction.

- Sand City – The City mapped one outfall discharging stormwater to the ocean within their jurisdiction (Appendix K, page K-4 and un-numbered page K-7). The map, however, provides no indication of the internal storm drains or routing within the City's jurisdiction. The City provides a more detailed map showing the locations of internal storm drains associated with Good Housekeeping section BMP 6-10 (Appendix H, page H-60), which will assist detection of illicit discharges and/or dischargers.
- Seaside – The City mapped one outfall discharging stormwater to the ocean within their jurisdiction (Appendix K, page K-4 and un-numbered page K-7). The SWMP says the BMP "intent" requires the City to provide accurate storm drain maps to help locate illicit discharges and/or dischargers. The map, however, provides no indication of the internal storm drains or routing within the City's jurisdiction.

These five Participating Entities must **update their stormwater maps** in the **next annual report** to include all internal drains and routing to help meet the intent of this BMP to detect illicit discharges and illegal connections.

- Monterey County – The County's stormwater system mapping is in progress and the County expects to complete the mapping within Year-3 (2008-2009). However, the four maps presented in the annual report are difficult to understand and provide poor geographical orientation. The County must submit a **countywide overview map** showing the location of these finer scale maps to help orient the reader in **future annual reports**.

BMP 3-3.d – (100 percent of All Illicit Connections and Illicit Discharges [ICID] Investigated)

Most Participating Entities received and conducted only a few ICID investigations in Year-1. We found inconsistencies between reports for BMPs 3-3.d and 3-1.c. Some Participating Entities appeared to confuse reporting public input of Illicit Discharge complaints (BMP 3-1.c) and enforcement actions resulting from public input and staff inspections (BMP 3-3.d). ICID entries for BMP 3-1.c must track public input and your responses in the Annual Report. Entries for 3-3.d must document enforcement actions resulting from both public input and ICID your staff discovered independently. That distinction is lacking in most MCM 3 sections of the annual report.

In the **next annual report**, each Participating Entity must **document** that they resolved these protocols and improved record keeping to distinguish between the two types of illicit discharge-detection and elimination. The following is a summary of reporting inconsistencies:

- Carmel-by-the-Sea – No reporting inconsistencies. The City received two ICID complaints (recorded in BMP 3-1.c) and correctly documented the resulting enforcement actions for BMP 3-3.d.
- Del Rey Oaks – No reporting inconsistencies. The City received one ICID complaint (recorded in BMP 3-1.c) and correctly documented the resulting warning and clean up requirements in support of BMP 3-3.d.



- Marina – No reporting inconsistencies; see violations documented in Section III.C, BMP 3-3.d.
- City of Monterey – No reporting inconsistencies; see violations documented in Section III.C, BMP 3-3.d.
- Pacific Grove – The City received three complaints and documented one business inspection illicit discharge in BMP 3-1.c (Appendix G, page G-36). The record keeping associated with BMP 3-3.d, however, recorded only three warnings (Appendix G, page G-44). City staff recently acknowledged their mistake and willingness to improve record keeping for the next annual report.
- Sand City – The City provided copies of ten complaint logs in BMP 3-1.c (Appendix H, pages H-36 through H-45). The City reported all enforcement actions resulted in warnings, but did not itemize each event.
- Seaside – The City documented one illicit discharge and referred the complaint to Water Board staff in BMP 3-1.c. However, the City provided no follow-up information to document that the business secured the source of the brine discharge. Our stormwater staff followed up with our area engineer, who issued a response to the discharger's Notice of Intent on July 22, 2008. The facility must either apply for a facility specific NPDES permit, clean the waste to acceptable levels for eight heavy metals (notably copper and zinc), or cease the discharge (send to sanitary sewer).
- Monterey County – No reporting inconsistencies; see violations documented in Section III.C, BMP 3-3.d.

In **future annual reports**, the Participating Entities listed above must **document** follow-up inspections and verify that the discharges do not re-occur.

Pacific Grove, Sand City, and Seaside must review the requirements for BMPs 3-1.c and 3-1.d and develop clear procedures to receive, investigate complaints of illicit discharge, and subsequent enforcement. These Participating Entities must **update their procedures and reporting** in the **next annual report**.

BMP 3-6.a – (Educate Public about Illegal Discharges and Improper Waste Disposal)

All Participating Entities – We were unable to find any references to BMP 3-6.a in Appendix A. Although the information in Appendix A addresses the topic of illicit discharges and waste disposal, we found no direct references and no discussion of measurable goals for this BMP. The annual report does not adequately address how your education staff includes the topic in their presentations. In **future annual reports**, you must specifically **address the content and effectiveness** of this BMP.

II.D. MCM 4 – Construction Site Storm Water Runoff Control

The majority of MCM 4 is due to start in Year 2. Despite late adoption of stormwater ordinances, each Participating Entity must conduct inspections as part of an effective construction site, pollution prevention program; provide discharge resolution and reporting functions, and develop a means of implementing existing regulations and laws. Each



Participating Entity must provide a brief **summary of its existing construction inspection program** including staff assignments by **August 29, 2008**.

II.E. MCM 5 – Post-Construction Stormwater Management in New Development and Redevelopment

No additional information needed; refer to Section III.E for a description of violations of MCM 5.

II.F. MCM 6 – Pollution Prevention and Good Housekeeping for Municipal Operations

Supporting materials demonstrate City and County staff improved their understanding of stormwater pollutants and need to control contaminants from processes in their daily work and work scheduling decisions. The annual report does have some inconsistencies in MCM 6 as outlined below:

- Carmel-by-the-Sea – The City provides no indication of the effectiveness of their applicable BMPs (Appendix C Table 6, pages C-20 through C-22).
- Sand City – Sand City provides no indication of the effectiveness of their applicable BMPs (Appendix H Table 6 pages H-18 through H-20).

All Participating Entities must develop and describe their **effectiveness assessments** for MCM 6 BMPs, as discussed in our General Comment #2, in the **next annual report**.

BMP 6-6.a (Street Sweeping)

- Del Rey Oaks – The City did not implement a street sweeping program as required in BMP 6-6.a due to staffing limitations and budget difficulties. The City indicates they established a budget for Year-2 and began a contract to sweep the streets in fall of 2007. Also on a positive note, City staff did a good job to clean and maintain all of the City's storm drains and catch basins (per BMPs 6-10 b, 6-10 c, and 6-10 d). The City must submit **records of street sweeping and an assessment of the program's effectiveness** in the **next annual report**.
- Marina – The City indicates they did a good job sweeping the City streets (BMP 6-6.a). However, we received a complaint that no street sweeping occurred in portions of the City for many years. Our communication with the City indicates they are expanding the program to newly incorporated areas. In the **next annual report**, the City must **report results of an evaluation** of its sweeping program to assure protection of their vernal ponds and percolation lots.
- County of Monterey – No reporting inconsistencies; see violations documented in Section III.F BMP 6-6.a.

III. VIOLATIONS OF SWMP REQUIREMENTS AND STATUS OF BMP IMPLEMENTATION

This section focuses on the BMPs and MGs that one or more Participating Entity did not properly implement or did not meet the requirements in the SWMP. This section also includes reporting violations. To correct some of these violations, we require some Participating Entities to **implement SWMP improvements and report additional information by August 29, 2008**.



To correct other violations, some Participating Entities must **report the corrections in future annual reports** with supporting documentation that describes the changes and whether they were effective. Staff may recommend enforcement for these violations, particularly if Participating Entities do not correct violations, or do not correct them adequately, according to the requests for additional information to document corrections and their effectiveness.

III.A. MCM I – Public Education and Outreach

BMP 1-1.a – (“Educate an audience ... about the causes of storm water pollution...”)

All Participating Entities – Measurable Goal 5. (Household Hazardous Waste [HHW] program). The annual report refers readers to the Appendix A summary table (page A-17) and requires they contact outside agencies for information about the HHW program results. However, these external referrals do not 1) comply with the BMP and Measurable Goal, 2) provide appropriate information, nor 3) indicate the effectiveness. Mention of the HHW program on page A-16 and A-17 also lacks any measurable goal information. Staff visited these outside agency web pages but found they do not provide any measurable goals or any connection to stormwater issues among the Monterey Regional Participating Entities.

The Monterey Regional Participating Entities must provide **direct access to the HHW program information and an assessment of the BMP and MGs effectiveness** as it pertains to the SWMP by **August 29, 2008**.

III.B. MCM 2 – Public Involvement and Participation

BMP 2-2.b – (Recruit Volunteers for Coastal Cleanup Day)

- Sand City – The City was not compliant with the SWMP because
 - the City used only one agency channel to recruit volunteers for Coastal Cleanup Day (CCD).
 - the City indicates in Appendix H (page H-32) activities its staff and council participated in during prior years, but shows nothing about the required interaction or support for the September 15, 2006 CCD event.
- County of Monterey – The County reports they used only one agency channel to recruit volunteers for the CCD. The County is not compliant with this BMP because two means were required to recruit volunteers. The County explains they could not use “payroll stuffers” to spread the word. The County, however, did not explore other channels to broadcast the message for recruits. Flyers or posters displayed in employee assembly areas, or other messages announced in group meetings or locations, may work equally or better than a message placed in a pay envelope.

Sand City and Monterey County must provide **documentation and additional measures** they will undertake to assure they will use two measures to recruit volunteers by **August 29, 2008**. Sand City must provide **documentation they will participate in future Coastal Cleanup Days** as required by the SWMP by **August 29, 2008**.



III.C. MCM 3 – Illicit Discharge Detection & Elimination

BMP 3-1.a – (Hotline)

- All Participating Entities – Water Board staff reported a complaint from the Prunedale area of Monterey County. After multiple attempts over two days, hotline contacts with the County eventually directed staff to contact the Office of Emergency Services (OES) to make a report that the local agency uses to track complaints. Staff never received any follow-up or resolution on the OES spill report.

By **August 29, 2008**, the Participating Entities must provide **documentation showing they improved the hotline** to insure they are adequately tracking and responding to complaints. We suggest the hotline include zip codes for each area on the web pages and other advertisements and/or Participating Entities provide direction to OES if it is the prime agency for reporting all spills.

BMP 3-2.a – (Storm Drain Mapping)

- Del Rey Oaks – The City provides no map in Appendix K. A statement in Table 3 says the City updated the storm drain map in August 2007 to show drainage inlets within their jurisdiction. The City indicates stormwater from the City does not flow to ocean outfalls. The SWMP says the BMP "intent" requires the City to provide accurate storm drain maps to help locate illicit discharges and/or dischargers. The City must provide a **map** documenting the inlets and stormwater discharge locations in the **next annual report**.
- Marina – The City of Marina, despite a reference in Table 3 (Appendix E, page E-37) provides no storm drain maps in Appendix K. A statement in Table 3 (page E-37) indicates the City updated their internal storm drain system maps, but has no outfalls discharging to receiving water bodies. We did find a series of maps in the copy of the City's request for termination, but those are not current and show the outfall system the City blocked, abandoned, and demolished. The City must provide an **up-to-date map** documenting the inlets and stormwater discharge locations in the **next annual report**.

The City Manager requested termination of permit coverage from the Municipal General Permit in a letter dated August 8, 2007, because they feel they eliminated all stormwater discharges from the MS4. The basis of this request is the City's statement that all stormwater flows to percolation "lots" or basins. Water Board staff carefully reviewed the City's request for termination from the Municipal General Permit and met with City staff on February 27, 2008. We requested separate analyses for each lot and a hydraulic analysis of stormwater movement into ground waters or the ocean. Marina must consult with the Army Corps of Engineers (Bob Smith, San Francisco District) to demonstrate that the "lots" are not vernal ponds, that are waters of the U.S. or jurisdictional wetlands. If the Corps determines these are not Waters of the U.S., we will require the City to protect the beneficial uses of these waters of the State under the Porter-Cologne Water Quality Control Act. If the Corps makes this determination, Marina must apply for waste discharge requirements that incorporate all required elements of the Comprehensive Vernal Pond Management Plan and other measures designed to protect the beneficial uses of these waters of the State. If the Corps determines that these are waters of the U.S., the City of Marina will remain enrolled in the Municipal General Permit and be responsible for all actions and activities required by



the SWMP and Municipal General Permit. In the interim, the City of Marina is responsible for all actions and activities required by the SWMP and Municipal General Permit (see also Section III.C BMP 3-4.a).

Marina must provide **records of measures implemented** to protect these vernal ponds in compliance with the City's Comprehensive Vernal Pond Management Plan. If records are not available, Marina must provide **measures they will begin** immediately to comply with the Comprehensive Plan.

The City of Marina must provide a **status report** on progress to determine if their vernal ponds are within Army Corps jurisdiction and beneficial use protections by **October 1, 2008**.

BMP 3-3.a (Train Inspectors and Municipal Staff; Robert Ketley comprehensive training program on May 22, 2007)

- All Participating Entities – Table 3 for each Participating Entity indicates a description of the training program is contained in the body of the annual report. However, the annual report provides no information on the training program except the dates of training. The Participating Entities must provide documentation of the training content, topics covered, and a measure of the attendees' comprehension and understanding of the training.

Efforts to train staff from the following Participating Entities included:

- Carmel-by-the-Sea – City Building Inspector
- Del Rey Oaks – No City representative attended training
- Marina– No City representative attended training
- City of Monterey – Stormwater Program Manager
- Pacific Grove – Fire Inspector and Building Inspector
- Sand City – No City representative attended training
- Seaside – Two Code Enforcement Officers, Building Official, Health Department
- Monterey County – 18 County Environmental Health staff, plus additional staff from the County Health Department

Representatives from each Participating Entities must attend training as specified in BMP 3-3.a. Failure to train staff as planned in the SWMP is a violation of the General Permit. Furthermore, without adequate training, City Stormwater Program Managers would not be aware of all the requirements, proper inspection methods, and documentation practices for their facilities. Responsibility for each BMP rests with each Participating Entity and its stormwater program managers. Any failures to properly implement any BMP or Measurable Goal and resulting violations would affect the Participating Entity alone. Stormwater Program Managers must participate in the available training programs to know what the contracted staff is supposed to do for their Participating Entity. Untrained staff is not an excuse for BMP non-compliance.

Del Rey Oaks, Marina, and Sand City did not comply with BMP 3-3.a and are in violation of the SWMP. Representatives from these three Participating Entities must attend training as specified in BMP 3-3.a or face enforcement action by the Water Board (refer to Section III.F, BMP 6-4.a). Del Rey Oaks, Marina, and Sand City must provide **records of staff training** in the next annual report.



BMP 3-3.d – (100 percent of All Illicit Connections and Illicit Discharges Investigated)

As discussed previously in Section II.C BMP 3-3.d, most Participating Entities received and conducted only a few illicit connections and illicit discharges (ICID) investigations in Year-1. We found inconsistencies between reports for BMPs 3-3.d and 3-1.c. ICID entries for BMP 3-1.c must track public input and Participating Entity responses in the Annual Report. Entries for BMP 3-3.d must document enforcement actions. That distinction seems to be lacking in most Participating Entities' sections of the annual report.

Each Participating Entity must resolve these protocols and improve record keeping to distinguish between the two types illicit discharge detection and elimination. The following is a summary of reporting violations that must be corrected as indicated below.

- Carmel-by-the-Sea – No violations, refer to Section II.C, BMP 3-3.d for additional information.
- Del Rey Oaks – No violations, refer to Section II.C, BMP 3-3.d for additional information.
- Marina – The City reports it received no reports from the public. However, the City does not indicate if they conducted inspections to detect ICID. The City must provide **documentation for BMPs 3-3.d and 3-1.c** that demonstrates the City will implement clear procedures to receive, investigate, and enforce complaints of illicit discharge by **August 29, 2008**. Specifically, the City must **document that staff conducts inspections** for ICID.
- City of Monterey – The City logged 22 complaints during the first permit year (Appendix F, pages F-47 and F-48). The City reports 15 closed reports, two resulted in ongoing enforcements, and five are still under investigation. However, the City recorded no enforcement actions to support BMP 3-3.d (Appendix F, page F-177). Without records the City did not comply with BMP 3-3.d and is in violation of the SWMP. The City must provide the **records of enforcement actions** for this annual report by **August 29, 2008** and in all **future annual reports**. The City must also **document** each illicit connection investigation, resolutions, and enforcement actions by **August 29, 2008 and in all future annual reports**; and **document** the City's procedures to receive, investigate, and enforce complaints of illicit discharge by **August 29, 2008**.
- Pacific Grove – No violations; refer to Section II.C, BMP 3-3.d for additional information.
- Sand City – No violations; refer to Section II.C, BMP 3-3.d for additional information.
- Seaside – No violations; refer to Section II.C, BMP 3-3.d for additional information.
- Monterey County – The County provided a small table listing four inspections, but no supporting information or enforcement actions (Appendix J, page J-10). The County must revise the **documentation for BMPs 3-1.c and 3-3.d** to provide the supporting information and/or identify enforcement actions by **August 29, 2008**. The County must also **document** each illicit connection investigation, resolutions, and enforcement actions by **August 29, 2008 and in all future annual reports**; and **document** the County's procedures to receive, investigate, and enforce complaints of illicit discharge by **August 29, 2008**.



BMP 3-4.a – (Storm Water Ordinance)

The SWMP stated that all Participating Entities, except Monterey County, would adopt and enforce a Storm Water ordinance within three months of permit approval and that Monterey County would adopt an ordinance within six months of permit approval. Our files indicate we have not received evidence of ordinance adoption from all Participating Entities. We have received the following ordinances:

- City of Monterey – copy of ordinance adopted in 2002; City indicates staff revisions in a letter received on January 3, 2007
- Pacific Grove – received a copy of an ordinance on February 20, 2007,
- Seaside – copy of ordinance received on March 15, 2007,
- Monterey County – received two progressive draft ordinances on March 7, 2007 and February 21, 2008,
- Sand City – copy of ordinance received February 20, 2008

Carmel-by-the-Sea, Marina, and Monterey County must provide **copies of outstanding or revised ordinances** either electronically or by mail for our review by **August 29, 2008**.

Although five Participating Entities adopted stormwater ordinances within the annual report time frame (September 8, 2006 to September 7, 2007), they only reported the adoption date as a measurable goal. No Participating Entity demonstrated that the ordinances were effective despite marking this on the pertinent tables in the Appendices. The Participating Entities must **develop an effectiveness assessment** for the City's implementation of its stormwater ordinance and all other BMPs in all **future annual reports**.

Carmel-by-the-Sea, Marina, and Monterey County reported they did not adopt a stormwater ordinance by the Annual Report date (November 16, 2007). Our communication with Carmel-by-the-Sea and Monterey County indicates their staff is developing ordinances but Carmel's required interaction with the Coastal Commission and the County's relations with stakeholder groups have slowed the process. Marina is awaiting our decision on their request for termination from the Municipal General Permit (see Section D.5, page 12). However, as stated in Standard Provisions Section H.3,

"The filing of a request by the Permittee for a General Permit modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance does not nullify any General Permit condition."

Despite these delays or requests, delinquent implementation of BMPs is a violation of the SWMP and Municipal General Permit. Additionally, failure to adopt and implement an ordinance for MCM 3 affects progress in MCM 4 (Construction) and MCM 5 (Post-construction).

Carmel-by-the-Sea did not fail to implement a BMP but must submit a **draft ordinance** by **August 4, 2008** or two weeks prior to submitting the ordinance to the Coastal Commission.

Monterey County must provide a **written update of their progress** by **August 29, 2008**.

As discussed above (BMP 3-2.a), Marina must work with the Army Corps of Engineers to determine if the vernal ponds are waters of the U.S. In the interim, Marina's SWMP remains



active and according to Municipal General Permit Section H.3, the City must adopt an ordinance or alternative enforcement tool to protect their surface waters. Marina must **document** progress toward this goal by **August 29, 2008**.

We also found a reporting error for MCM 3 – In Section ii, Status of Measurable Goals (page 40), under Illicit Discharge Detection and Elimination BMP, the author did not include Del Rey Oaks on the list of cities that have not adopted an ordinance within the annual reporting period (adopted October 23, 2007 according to Mr. Jaques).

III.D. MCM 4 – Construction Site Storm Water Runoff Control

The majority of MCM 4 is due to start in Year-2. Despite late adoption of stormwater ordinances, the Participating Entities must implement all BMPs and MGs associated with MCM 4 as required in the SWMP for the first year.

BMP 4-1.a (Adopt Ordinance)

All Participating Entities failed to adopt a stormwater ordinance to establish their authority to enforce stormwater runoff control measures at construction sites within the time specified in the SWMP (see Section III.C BMP 3-4.a and Section III.E BMP 5-1.a.)

However, five Participating Entities have adopted ordinances to date, while three Participating Entities have yet to adopt a stormwater ordinance and incorrectly reported its implementation and/or its effectiveness. The delays in ordinance adoption also result in a violation of the SWMP and Municipal General Permit (Section D.2.d.1, page 10).

- Carmel-by-the-Sea – The annual report indicates (Appendix C, Table 4, page C-14) the City implemented an ordinance. However, the City did not implement an acceptable ordinance because the California Coastal Commission Local Coastal Plan certification requirements delayed ordinance adoption. The City does not provide the text of the ordinance it prepared prior to the Coastal Commission delayed certification. Carmel provided a plan for ordinance adoption. The City, however, must **revise the annual report** to show they have yet to adopt an ordinance by **August 29, 2008**. Additionally, the City must refer to General Comments # 2 and develop an **effectiveness assessment** for the City's implementation of its stormwater ordinance and all other BMPs in the **next annual report**.
- Del Rey Oaks – The annual report indicates (Appendix D, Table 4, page D-13) that the City implemented the ordinance BMP and it was effective. BMP 3-4.a, however, indicates the City had not adopted an ordinance within the report period, which could be neither implemented nor effective. The City must **revise the annual report** to indicate the BMP was not implemented and not effective by **August 29, 2008**. Additionally, the City must refer to General Comments # 2 and develop an **effectiveness assessment** for the City's implementation of its stormwater ordinance and all other BMPs in the **next annual report**.
- City of Monterey – The annual report indicates the City adopted an ordinance on May 1, 2007. Other than stating the ordinance was adopted (Appendix F, Table 3, page F-13), the City provides no information regarding its content or effectiveness. The City must refer to General Comments # 2 and develop an **effectiveness assessment** for the



City's implementation of its stormwater ordinance and all other BMPs in the **next annual report**.

- Marina – The annual report indicates (Appendix E, unnumbered Construction Site Stormwater Control Table, page E-39) an ordinance was implemented, but was also not applicable. Our review indicates the City did not adopt an ordinance and thus was not compliant with the SWMP or the Municipal General Permit. By **August 29, 2008**, the City must **amend the tables** to indicate the City's failure to complete the BMP and Measurable Goals. Additionally, the City must refer to General Comments # 2 and develop an **effectiveness assessment** for the City's implementation of its stormwater ordinance and all other BMPs in the **next annual report**.
- Pacific Grove – The annual report indicates the City adopted an ordinance before the other Participating Entities on February 7, 2007. Other than stating the ordinance was adopted (Appendix G, Table 3, page G-12), the City provides no information regarding its content or effectiveness. In the **next annual report**, the City must refer to General Comments # 2 and develop an **effectiveness assessment** for the City's implementation of its stormwater ordinance and all other.
- Sand City – Although the City adopted its stormwater ordinance earlier than most other Participating Entities, it did not provide any information regarding its content or evidence to support its effectiveness (Appendix H, Table 3, page H-8). The City must refer to General Comments # 2 and develop an **effectiveness assessment** for the City's implementation of its stormwater ordinance and all other BMPs in the **next annual report**.
- Seaside – Although the City adopted its stormwater ordinance within the first 6 months, it did not provide any information to its content or evidence to support its effectiveness (Appendix I, Table 3, page I-8). The City must refer to General Comments # 2 and develop an **effectiveness assessment** for the City's implementation of its stormwater ordinance and all other BMPs in the **next annual report**.
- County of Monterey – The annual report correctly indicates (Appendix J, Table 4, page J-12) the County did not complete BMP 4-1.a. and the BMP adoption schedule will need to be modified for Year-2. The County does not indicate when they plan to adopt the ordinance in Year-2. After recent communication with the Program Manager and County staff, they provided a draft of the ordinance and opportunity for comments by our staff. As discussed in Section III.C BMP 3-4.a, this is a violation and the County must provide an **update of ordinance adoption** by **August 29, 2008**. Additionally, the County must refer to General Comments # 2 and develop an **effectiveness assessment** for the County's implementation of its stormwater ordinance and all other BMPs in the **next annual report**.

As stated in the Monterey Regional SWMP, (Table 4-1, page 26):

"Using the guidance document and model ordinance contained on pages E-84 through E-98 and E-125 through E-131 of Appendix E, each Participating Entity will adopt a storm water ordinance revised to be specific to each entity's needs through appropriate governing body procedures".



Without an adopted ordinance, the cities of Carmel-by-the-Sea and Marina, and the County of Monterey are in violation of the SWMP and the Municipal General Permit. These Participating Entities must correct the violations by implementing the plans (see also Section III.C BMP 3-4.a) to demonstrate compliance with the SWMP and General Permit requirements.

BMP 4-3.a – (Construction Training; Robert Ketley’s comprehensive training program on August 7, 2007)

Efforts to train staff at the Participating Entities that have adopted their stormwater ordinances is likely to be more effective than training staff at the Participating Entities (listed below) that have not adopted or implemented their ordinances. However, the absence of an ordinance should not preclude City and County stormwater managers from implementing training to prepare staff to implement the ordinance and inspect construction sites within their jurisdictions. As discussed in Section III.C BMP 3-3.a, City Stormwater Program Managers and inspectors need to understand all compliance issues and regulations. The annual report indicates:

- Del Rey Oaks – No City representatives attended training. Please refer to our concerns on proper oversight by City stormwater program managers discussed in Section III. C, BMP 3-3.a and Section III. F, BMP 6-4.a.
- Monterey County – The County provides no mention of implementation of this BMP and MG for construction site inspection training in the annual report (BMP 4-3.a is not identified in Appendix J, Table 4, pages J-11 or J-12).

By **August 29, 2008**, these two Participating Entities must provide **documentation** their staff attended training or a plan for staff to attend training before end of Year-2.

III.E. MCM 5 – Post-Construction Stormwater Management in New Development and Redevelopment

Participating Entities did not implement BMP in violation of the Monterey Regional SWMP and the General Permit. Refer to Section III.C BMP 3-4.a and Section III.D BMP 4-1.a.

The annual report provided limited documentation for MCM 5 (BMP 5-1.a) because the SWMP schedule for most of MCM 5 will begin in Year-3. All Participating Entities faced the same hurdles for Post-construction ordinance adoption and implementation as documented for BMP 4-1.a in Section III.D. However, without an ordinance in effect Marina, Carmel-by-the-Sea, and Monterey County violated SWMP and Municipal General Permit requirements. These enrolled Participating Entities must continue to implement the plans discussed under Section III.C BMP 3-4.a to demonstrate compliance with the SWMP and Municipal General Permit requirements (see Section D.2.e.3, page 11). We also consider Carmel’s failure to submit a draft ordinance by July 1, 2008 as specified in our SWMP adoption letter a violation. We document Carmel’s reporting requirements in Section III.D BMP 4-1.a.

III.F. MCM 6 – Pollution Prevention and Good Housekeeping for Municipal Operations

Supporting materials demonstrate City and County staff improved their understanding of stormwater pollutants and need to control contaminants from processes in their daily work and work scheduling decisions. Five Participating Entities, however, either did not comply with the following BMPs or did not provide sufficient information to determine full compliance with the SWMP.



BMP 6-1.a (Employee Training)

- Del Rey Oaks – See SWMP violations below in Section III.F, BMP 6-4.a.

BMP 6-2.a (Inspect Municipal Hazardous Materials Storage)

- Carmel-by-the-Sea – The Monterey County Department of Environmental Health, Certified Unified Program Agency (CUPA) inspected the City's storage yard on October 25, 2007, but the City did not indicate if the inspection was effective to correct deficiencies in their Hazardous Materials usage and storage program (Appendix C, pages C-42 through C-46). By **August 29, 2008**, the City must provide brief **documentation** that City staff corrected any deficiencies within 30-days.
- Del Rey Oaks – No violations; refer to Section II.F, BMP 6-2.a for additional information requirements.
- Marina – No violations; refer to Section II.F, BMP 6-2.a for additional information requirements.
- City of Monterey – No violations; refer to Section II.F, BMP 6-2.a for additional information requirements.
- Pacific Grove – The annual report indicates the Monterey County CUPA did not inspect the City's hazardous materials facilities in Year-1 and this BMP was not applicable in the reporting year (Appendix G, Table 6, page G-20). The City, however, erroneously indicated this BMP was effective. The City indicates Monterey County CUPA plans to inspect in October or November 2007. By **August 29, 2008**, the City must provide brief **documentation** that the Monterey County CUPA performed an inspection in 2007 and City staff corrected any deficiencies within 30-days.
- Sand City – No violations; refer to Section II.F, BMP 6-2.a for additional information requirements.
- Seaside – No violations; refer to Section II.F, BMP 6-2.a for additional information requirements.
- County of Monterey – The County indicates in the annual report (Appendix J, Table 6, page J-16) that Monterey County CUPA inspected the County's hazardous materials storage facilities. The County, however, provides no documentation of these inspections or resolution of any deficiencies. The County indicates these inspections were effective (Table 6), but provides no assessment of the effectiveness. By **August 29, 2008**, the County must provide brief **documentation** that County staff corrected any deficiencies within 30-days.

BMP 6-4.a (Landscape Management)

- Del Rey Oaks – City staff did not participate in the training (also specified in BMPs 3-3.a, 4-3.a, and 6-1.a) because they plan to contract with outside agencies to perform inspection functions. However, without adequate training, City Stormwater Program Managers would not be aware of all the requirements, proper inspection methods, and



documentation practices for their facilities; as such, they would not know whether the contractors did the inspections correctly. The responsibility for effectively implementing each MG and BMP, and liability for violations, lies with each municipality. City stormwater staff must participate in the available training programs so they can adequately oversee their contractors. Further, having untrained staff is not an excuse for BMP non-compliance. By **August 29, 2008**, the City must provide a **plan and schedule** for appropriate training for its managers and staff.

- County of Monterey – The County stated they did not need to minimize irrigation runoff because, “there are no County parks within the urbanized areas covered by the MRSWMP” (BMP 6-4.a). This statement is shortsighted because the County operates San Lorenzo Park (along the Salinas River in King City), Lake Nacimiento, and Lake San Antonio that all connect to waters of the U.S. The intent of the Municipal Stormwater General Permit is to protect our waterways from pollutants in runoff from municipally controlled facilities. This must apply to facilities directly connected to the water body and those indirectly connected through a storm sewer system. We require the County to re-address their irrigation program to make sure no contamination from fertilizers, pesticides, bacteria, or other pollutants enters runoff from County parks. The County of Monterey must provide **documentation and resolution** of these deficiencies by **August 29, 2008**.

BMP 6-4.b (Toxic Chemical Spraying)

- County of Monterey – The County failed to document control measures to effectively spray toxic chemicals or pursue less toxic alternatives (BMP 6-4.b). The County of Monterey must provide **documentation and resolution** of these deficiencies by **August 29, 2008**.

BMP 6-6.a (Street Sweeping)

- County of Monterey – The County did not provide a schedule and protocols of their street sweeping program. The County of Monterey must provide **documentation and resolution** of these deficiencies by **August 29, 2008**.

BMPs 6-10.b through 6-10.e (Storm Drain and Inlet Maintenance)

- Sand City – The City’s street sweeping contractor failed to provide records of the material disposed at the landfill. To improve the City’s street sweeping program, we require the contractor provide records of the weight of material disposed at the landfill, so the City can track material removed as part of an effectiveness assessment (BMP 6-10.c). The City must provide **documentation and resolution** of these deficiencies by **August 29, 2008**.
- County of Monterey – The County did not provide logs of “hot spot” catch basins and inlets cleaning (BMP 6-10.b), or logs of storm drain and inlet cleanings and re-inspections (BMPs 6-10.c and 6-10.d). Consequently, we found no assurances the County maintained the logs (6-10.e). The County of Monterey must provide **documentation and resolution** of these deficiencies by **August 29, 2008**.



IV. STORM WATER MANAGEMENT PLAN ANNUAL REPORT STATUS REVIEW

To assess compliance with first year requirements in Monterey Regional's SWMP, we evaluated each Participating Entity's annual report. By using the details provided in the appendix tables plus supporting information for their individual Best Management Practices (BMPs) and Measurable Goals (MGs), we assessed an estimated measure of program effectiveness. Our assessment accounted for the variable numbers of BMPs and MGs among the Participating Entities because of differing infrastructure. For example:

- BMP 6-4.a – Monterey County indicates no public parks within its MS4 area, hence the County indicated it did not require an irrigation management program;
- BMP 6-5.b – Marina and Sand City have no public swimming pools;
- BMPs 6-8.a and 6-8.b – Del Rey Oaks, Sand City, and Monterey County have no vehicle wash facilities.

Also, the number of BMPs and MGs varied due to extra commitments outlined in the SWMP (e.g., for MCM 2, BMP 2-2.d City of Monterey and Pacific Grove provide funding for First Flush and Urban Watch monitoring).

Our program review included a tabular effectiveness assessment of the BMP and MG implementation by each Participating Entity in the first year. Pertinent to each MCM for each Participating Entity, we cross-checked the indications of BMP and MG implementation presented in the annual report tables (i.e., Status of BMPs and Implementation Plans and Status of Measurable Goals) with supporting documentation (e.g., activity tables, logs, inspection reports, checklists, training attendance and agendas). Using mainly the information provided in the annual report, we tallied the number of completed BMPs and MGs. Any element partially implemented received half credit (e.g., BMP 2-2.b). We summarized these effectiveness assessments in tables provided in Appendix 1.

Our review found, in general, the Participating Entities followed and implemented first year BMPs per the SWMP with a few changes (Appendix 1, Table 1-1). On a whole, the Monterey Regional Participating Entities adequately implemented about 90% of the BMPs and MGs in the first year. A large portion of this success resulted from the Participating Entities' joint implementation of approximately 10 BMPs and 44 MGs associated with MCMs 1 and 2.

Implementation of a small portion of MCM 2 (Appendix 1, Table 1-3) and all of MCMs 3 through 6 relied solely on the efforts of the individual Participating Entities (Appendix 1, Tables 1-4 through 1-7). Significantly, the SWMP required each Participating Entity to adopt an ordinance or enforcement tool within three months of permit adoption, except for Monterey County's requirement for ordinance adoption within six months, per MCMs 3, 4, and 5. No municipality met these requirements. To date, five of the eight entities have adopted ordinances and three have not (Carmel and Marina, 19 months, and Monterey County, 16 months late). Failure to adopt an enforcement tool affects the success of three minimum control measures (MCMs 3, 4, and 5) and subtracts from program effectiveness on multiple levels. All Participating Entities also failed to include some key information in the annual report needed to evaluate the performance of the SWMP.

In summary, overall implementation of MCM 1, MCM 2, and MCM 6 went well in the first year except for the issues addressed above in Sections II and III (Appendix 1, Tables 1-3, 1-4, and 1-7). We appreciate the efforts of Program Manager, Bob Jaques, and Education Coordinator,



Maris Sidenstecker as well as all other municipal staff who worked to implement the 25 Measurable Goals (MGs) associated with BMP 1-1.a and an additional 19 MGs associated with BMP 2-2.d. The Participating Entities financial support (\$141,000 just for MCM 1 BMPs) also contributed to the successful implementation of the joint components of MCM 1 and MCM 2. We attribute your good progress toward implementation of MCM 6 (Pollution Prevention & Good Housekeeping for Municipal Operations) to the many established practices instituted over several years within each Participating Entities' operations.

The annual report indicates that Del Rey Oaks, Marina, Sand City, Seaside, and Monterey County had greater challenges implementing MCM 3 (Illicit Discharge Detection and Elimination). We attribute these challenges to delayed ordinance adoption, need for better record keeping, and need for better communication among municipal staff. The lack of ordinances prevented the Participating Entities from assessing the effectiveness of MCM 4 and MCM 5. We expect the effectiveness of MCM 4 and MCM 5 to improve as the implementation of more BMPs and MGs increase over the next two years. We expect the next annual report to demonstrate better recordkeeping, no lapses in reporting, quantitative assessments of BMP and MG effectiveness, and definitive explanations of BMP appropriateness.

V. CONCLUSION

The Participating Entities must submit the requested information or improvements in reporting, documented in the General Comments Section, Section II and Section III, by the date specified or include it in **future annual reports as indicated**. Most information is due by **August 29, 2008**.

We require this information pursuant to Section 13383 of the California Water Code. Pursuant to Section 13385 of the Water Code, a violation of a request made pursuant to Water Code Section 13383 may subject you to civil liability of up to \$10,000 per day for each day in which the violation occurs.


The Central Coast Water Board needs the required information in order to ensure compliance with the Municipal General Permit. We require the Monterey Regional Participating Entities to submit this information because our review of the 2006/2007 SWMP annual report demonstrates that Water Board staff could not determine compliance due to inadequate reporting in some cases, and the Participating Entities are in violation of the Municipal General Permit and their SWMP in other cases. The Participating Entities are responsible for compliance with the Municipal General Permit and their SWMP. The 2006/2007 annual report and the above Water Board staff comments provide evidence supporting the need for this information.

Any person affected by this action of the Central Coast Water Board may petition the State Water Resources Control Board (State Water Board) to review the action in accordance with Section 13320 of the California Water Code and Title 23, California Code of Regulations, Section 2050. To petition the State Water Board, Office of Chief Counsel, at P. O. BOX 100, Sacramento, CA 95812, must receive your petition within 30 days of the date of this letter. We can provide copies of the law and regulations applicable to filing petitions upon request or available at: http://www.waterboards.ca.gov/public_notices/petitions/water_quality/index.shtml.



If you have questions regarding this matter, please telephone **David Innis at (805) 549-3150**, or via email at **dbinnis@waterboards.ca.gov**.

Sincerely,



Roger W. Briggs
Executive Officer

cc (via email):

Anna Holden-Martz (Anna.Holden@noaa.gov)
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APPENDIX 1



Table 1-1. Overall summary of the 8 Participating Entities' implementation of all Best Management Practices (BMPs) and Measurable Goals (MGs) for all Minimum Control Measures, during the Year-1 annual term. These effectiveness assessments included all of **MCM 1 and a large portion of MCM 2** implemented collectively by all Participating Entities.

MONTEREY REGIONAL 2006 - 2007 ANNUAL REPORT

Implementation of BMPs per minimum control measures (MCM) for 2006/2007 permit term.

Average Percentage Achieved in Y-1

MCM	Total Number	Met	Not Met	Exceeded
MCM 1 (Public Education and Outreach)				
BMPs	2	100%	0	0
MGs	25	100%	0	5
MCM 2 (Public Involvement and Participation)				
BMPs	8	94%	6%	1
MGs	19	89%	11%	0
MCM 3 (Illicit Discharge Detection and Elimination)				
BMPs	10	74%	26%	0
MGs	10	74%	26%	0
MCM 4 (Construction Site Stormwater Control)				
BMPs	3	69%	31%	0
MGs	3	66%	34%	0
MCM 5 (Post-Construction Stormwater Management)				
BMPs	1	38%	63%	0
MGs	1	38%	63%	0
MCM 6 (Pollution Prevention & Good Housekeeping for Municipal Operations)				
BMPs	19	91%	9%	0
MGs	19	89%	11%	0
Total Number				
BMPs	43	40	3	0
MGs	77	74	3	6
<i>Percent of BMPs</i>		93.0%	7.0%	
<i>Percent of MGs</i>		96.1%	3.9%	

*NOTE: New & redevelopment project requirements starts Y-3



Table 1-2. Summaries of the 8 Participating Entities' individual implementation of Best Management Practices (BMPs) and Measurable Goals (MGs) under their responsibility. The effectiveness assessments include a portion of **Minimum Control Measure (MCM) 2, and all of MCMs 3 through 6** during the Year-1 annual term.

ALL MONTEREY REGIONAL PARTICIPATING ENTITIES - 2007 ANNUAL REPORT
 ALL MINIMUM CONTROL MEASURES

Participating Entity	Total	Met	Not Met	Exceeded	Effective/Unk/ Not Effective
CARMEL					
BMPs	35	32	3	0	30/-/5
MGs	35	31.5	3.5	1	
DEL REY OAKS					
BMPs	28	18	10	0	17/-/11
MGs	28	17.5	10.5	1	
MARINA					
BMPs	35	26	9	1	26/-/9
MGs	35	26	9	1	0
CITY OF MONTEREY					
BMPs	37	34	3	1	35/-/2
MGs	37	36	3	2	
PACIFIC GROVE					
BMPs	38	35	3	0	35/-/3
MGs	38	36	3	2	
SAND CITY					
BMPs	29	25	4	0	25/-/4
MGs	29	24	5	0	
SEASIDE					
BMPs	38	31.5	6.5	0	31/-/7
MGs	38	31.5	6.5	0	
MONTEREY COUNTY					
BMPs	34	23.5	10.5	1	22/-/12
MGs	35	23	12	0	
Total					
BMPs	274	225	49	3	221/-/53
MGs	275	225.5	52.5	7	
Percent of BMPs		82.1%	17.9%	% Effectiveness - Met	81%
Percent of MGs		82.0%	19.1%	% Not Met	19%



Table 1-3. Individual summaries of the each Participating Entities' implementation of Best Management Practices (BMPs) and Measurable Goals (MGs) for **Minimum Control Measure (MCM) 2**, Public Involvement and Participation, during the Year-1 annual term. These effectiveness assessments exclude a large portion of MCM 2 implemented collectively by all Participating Entities (see Table 1-2 for all MCM 2).

MCM 2 (Public Involvement and Participation)

Implementation of BMPs and MGs for MCM 2 during the 2006/2007 permit term.

Participating Entity	Total	Met	Not Met	Exceeded	Effective/Unk/ Not Effective
CARMEL					
BMPs	3	3	0	0	3/-/0
MGs	3	3	0	1	
DEL REY OAKS					
BMPs	3	3	0	0	3/-/0
MGs	3	3	0	1	
MARINA					
BMPs	3	3	0	0	3/-/0
MGs	3	3	0	1	
CITY OF MONTEREY					
BMPs	3	3	0	0	3/-/0
MGs	3	5	0	2	
PACIFIC GROVE					
BMPs	4	4	0	0	4/-/0
MGs	4	5	0	2	
SAND CITY					
BMPs	3	3	0	0	3/-/0
MGs	3	2.5	0.5	0	
SEASIDE					
BMPs	4	3.5	0.5	0	3.5/-/0.5
MGs	4	3.5	0.5	0	
MONTEREY COUNTY					
BMPs	3	2	1	1	2/-/1
MGs	3	2.5	0.5	0	
Total					
BMPs	26	24.5	1.5	1	24.5/-/1.5
MGs	26	27.5	1.5	7	
<i>Percent of BMPs</i>		<i>94.2%</i>	<i>5.8%</i>	<i>% Effectiveness - Met</i>	<i>94%</i>
<i>Percent of MGs</i>		<i>105.8%</i>	<i>5.8%</i>	<i>% Not Met</i>	<i>6%</i>

NOTE: City of Monterey and Pacific Grove had multiple components in MG 2-2.d causing the percentage to exceed 100%



Table 1-4. Individual summaries of the 8 Participating Entities' implementation of Best Management Practices (BMPs) and Measurable Goals (MGs) for **Minimum Control Measure (MCM) 3**, Illicit Discharge Detection and Elimination, during the Year-1 annual term.

MCM 3 (Illicit Discharge Detection and Elimination)

Implementation of BMPs and MGs for MCM 3 during the 2006/2007 permit term.

Participating Entity	Total	Met	Not Met	Exceeded	Effective/Unk/ Not Effective
CARMEL					
BMPs	10	9	1	0	8/-2
MGs	10	9	1	0	
DEL REY OAKS					
BMPs	10	7	3	0	7/-3
MGs	10	7	3	0	
MARINA					
BMPs	10	5	5	0	5/-5
MGs	10	5	5	0	
CITY OF MONTEREY					
BMPs	10	10	0	0	10/-0
MGs	10	10	0	0	
PACIFIC GROVE					
BMPs	10	9	1	0	9/-1
MGs	10	9	1	0	
SAND CITY					
BMPs	10	7	3	0	7/-3
MGs	10	7	3	0	
SEASIDE					
BMPs	10	6.5	3.5	0	7/-3
MGs	10	7	3	0	
MONTEREY COUNTY					
BMPs	10	6	4	0	5.5/-4.5
MGs	10	5.5	4.5	0	
Total					
BMPs	80	59.5	20.5	0	58.5/-18.5
MGs	80	59.5	20.5	0	
Percent of BMPs		74.4%	25.6%	% Effectiveness - Met	73%
Percent of MGs		74.4%	25.6%	% Not Met	23%



Table 1-5. Individual summaries of the 8 Participating Entities' implementation of Best Management Practices (BMPs) and Measurable Goals (MGs) for **Minimum Control Measure (MCM) 4, Construction Site Stormwater Control**, during the Year-1 annual term.

MCM 4 (Construction Site Stormwater Control)

Implementation of BMPs and MGs for MCM 4 during the 2006/2007 permit term.

Participating Entity	Total	Met	Not Met	Exceeded	Effective/Unk/ Not Effective
CARMEL					
BMPs	4	3	1	0	3/-1
MGs	4	3	1	0	
DEL REY OAKS					
BMPs	4	1	3	0	1/-3
MGs	4	1	3	0	
MARINA					
BMPs	4	2	2	0	2/-2
MGs	4	2	2	0	
CITY OF MONTEREY					
BMPs	4	3	1	0	3/-1
MGs	4	3	1	0	
PACIFIC GROVE					
BMPs	4	3	1	0	3/-1
MGs	4	3	1	0	
SAND CITY					
BMPs	4	4	0	0	4/-0
MGs	4	3	1	0	
SEASIDE					
BMPs	4	3	1	0	3/-1
MGs	4	3	1	0	
MONTEREY COUNTY					
BMPs	4	3	1	0	3/-1
MGs	4	3	1	0	
Total					
BMPs	32	22	10	0	22/-10
MGs	32	21	11	0	
Percent of BMPs		68.8%	31.3%	% Effectiveness - Met	69%
Percent of BMPs		65.6%	34.4%	% Not Met	31%



Table 1-6. Individual summaries of the 8 Participating Entities' implementation of Best Management Practices (BMPs) and Measurable Goals (MGs) for **Minimum Control Measure (MCM) 5**, Post-Construction Stormwater Management, during the Year-1 annual term.

MCM 5 (Post-Construction Stormwater Management)

Implementation of BMPs and MGs for MCM 5 during the 2006/2007 permit term.

Participating Entity	Total	Met	Not Met	Exceeded	Effective/Unk/ Not Effective
CARMEL					
BMPs	1	0	1	0	0/-1
MGs	1	0	1	0	
DEL REY OAKS					
BMPs	1	0	1	0	0/-1
MGs	1	0	1	0	
MARINA					
BMPs	1	0	1	0	0/-1
MGs	1	0	1	0	
CITY OF MONTEREY					
BMPs	1	0	1	0	0/-1
MGs	1	0	1	0	
PACIFIC GROVE					
BMPs	1	1	0	0	1/-0
MGs	1	1	0	0	
SAND CITY					
BMPs	1	1	0	0	1/-0
MGs	1	1	0	0	
SEASIDE					
BMPs	1	1	0	0	1/-0
MGs	1	1	0	0	
MONTEREY COUNTY					
BMPs	1	0	1	0	0/-1
MGs	1	0	1	0	
Total					
BMPs	8	3	5	0	3/-5
MGs	8	3	5	0	
Percent of BMPs		37.5%	62.5%	% Effectiveness - Met	38%
Percent of MGs		37.5%	62.5%	% Not Met	63%



Table 1-7. Individual summaries of the 8 Participating Entities' implementation of Best Management Practices (BMPs) and Measurable Goals (MGs) for **Minimum Control Measure (MCM) 6**, Pollution Prevention and Good Housekeeping for Municipal Operations, during the Year-1 annual term.

MCM 6 (Pollution Prevention & Good Housekeeping for Municipal Operations)

Implementation of BMPs and MGs for MCM 6 during the 2006/2007 permit term.

Participating Entity	Total	Met	Not Met	Exceeded	Effective/Unk/ Not Effective
CARMEL					
BMPs	17	17	0	0	16/-1
MGs	17	16.5	0.5	0	
DEL REY OAKS					
BMPs	10	7	3	0	6/-4
MGs	10	6.5	3.5	0	
MARINA					
BMPs	17	16	1	1	16/-1
MGs	17	16	1	0	
CITY OF MONTEREY					
BMPs	19	18	1	1	18/-1
MGs	19	18	1	0	
PACIFIC GROVE					
BMPs	19	18	1	0	18/-1
MGs	19	18	1	0	
SAND CITY					
BMPs	11	10	1	0	10/-1
MGs	11	10.5	0.5	0	
SEASIDE					
BMPs	19	17.5	1.5	0	17/-2
MGs	19	17	2	0	
MONTEREY COUNTY					
BMPs	16	12.5	3.5	0	11.5/-4.5
MGs	17	12	5	0	
Total					
BMPs	128	116	12	2	112.5/-15.5
MGs	129	114.5	14.5	0	
Percent of BMPs		90.6%	9.4%	% Effectiveness - Met	88%
Percent of MGs		88.8%	11.2%	% Not Met	12%

