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Region 9
Enforcement Division
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**MUNICIPAL SEPARATE STORM
SEWER SYSTEM (MS4)
COMPLIANCE INSPECTION**

**CITY OF SALINAS,
CALIFORNIA**

INSPECTION REPORT

**Inspection Dates:
December 2–3, 2014**

**Report Date:
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1.0 Executive Summary

On December 2–3, 2014, representatives from the U.S. Environmental Protection Agency (EPA), Central Coast Regional Water Quality Control Board (Regional Board), and PG Environmental, LLC, an EPA contractor, collectively referred to as the EPA Inspection Team, conducted an inspection of the City of Salinas, California (City) municipal separate storm sewer system (MS4) program.

The EPA Inspection Team reviewed documents, interviewed staff, and conducted field activities to review the City's MS4 program. The inspection focused on three elements of the City's MS4 program: (1) illicit discharge detection and elimination; (2) commercial and industrial; and (3) construction site management. At the conclusion of the inspection, the EPA Inspection Team discussed preliminary observations with City representatives.

In this report, the EPA has identified program recommendations, program deficiencies, and potential permit violations. Specifically, EPA recommendations:

- The City and the Monterey Regional Water Pollution Control Authority (MRWPCA) clearly define which entity is responsible for conducting which/how many inspections annually to ensure that all required industrial and commercial facilities are inspected at the frequency required.
- The City conduct routine self-assessment of its commercial and industrial stormwater program to ensure procedures, training, databases, and facility information is current and accurate.
- The City consider implementing a more proactive approach for identifying facilities in need of General Industrial Permit coverage and for reporting non-filers to the Central Coast Water Board.
- The City evaluate the staffing for the private construction site inspections. It appeared as though the large number of construction projects assigned to the private construction site inspector would impact the City's ability to conduct thorough site inspections.
- The City not conduct routine SWPPP inspections on behalf of private developers. Private developers are required to conduct their own SWPPP inspections to comply with the State's Construction General Permit.

EPA identified the following program deficiencies:

- The City's limited IDDE field program lacked written SOPs and was based on institutional knowledge of current staff.
- The City had not developed a formal process for scheduling public and private construction site inspections to ensure consistency with permit required inspection frequencies.

The EPA identified the following potential Permit violations:

- The City's MS4 system map was not up-to-date at the time of the inspection and did not include an identification of the drainage areas for all outfalls that

discharge urban runoff from the MS4, as required by Section Q.2.(b)(iv) of the Permit.

- The City had not developed an effective information management system to track all reports of potential illicit discharges. The City was not consistently tracking the type of discharge and approximate discharge quantity of reported illicit discharges as required by Section H.4(b) of the Permit.
- The City had not developed written procedures for responding to reports of potential illicit discharges, including a flow chart for internal use and identification of the various agencies and their contacts involved in incident response, as required by Section H.4(c) of the Permit.
- The City had not developed and implemented dry weather screening best management practices (BMPs) to detect illicit discharges, including written procedures for dry weather field observations and monitoring, as required by Section H.6 of the Permit.
- The City had not completed dry-weather screenings at all identified screening stations between May 1 and September 30, 2014, as required by Section H.6(a) of the Permit.
- The City had not developed or implemented a progressive enforcement response plan to address illicit discharges to its MS4, as required by Section H.11 of the Permit.
- The City had not revised and/or updated its commercial and industrial inventory to include the minimum information required by Section F.1(a) of the Permit.
- The City had not included in its inventory all industrial facilities subject to the State's General Industrial Permit or facilities subject to EPCRA Section 313 as required by Section F.1(b) of the Permit.
- The City was not inspecting a minimum of 20 percent of the facilities on its commercial and industrial inventory annually, as required by Section F.4(d) of the Permit.
- The City's informal approach for prioritizing industrial and commercial inspections was not based on the factors specified in Section F.4(a)(i)-(xiii) of the Permit.
- The City had not developed written inspection and enforcement procedures to ensure that required corrective actions are implemented at construction sites lacking effective BMPs, as required by Section K.6(b) of the Permit.
- The City's public construction site inspectors did not have QSD certifications at the time of the inspection, as required by Section K.11(b) of the Permit.

2.0 Salinas Stormwater Program

On December 2–3, 2014, the EPA Inspection Team conducted an inspection of the City of Salinas, California (City) municipal separate storm sewer system (MS4) program. Discharges from the City's MS4 are regulated under the *Waste Discharge Requirements for City of Salinas Municipal Storm Water Discharges*, National Pollutant Discharge

Elimination System (NPDES) Permit No. CA0049981, Order No. R3-2012-0005, effective May 3, 2012 and expires on May 2, 2017 (Permit).

The Permit is the City’s third NPDES MS4 permit. On October 22, 1999, the Regional Board issued NPDES MS4 Permit No. CA0049981 to the City under Order No. 99-087, which was subsequently renewed and amended on February 11, 2005 by Order No. R3-2004-0135.

The Permit authorizes the City to discharge or contribute to discharges of stormwater from its Phase I MS4 into the receiving waters (including the Salinas River) that flow into Monterey Bay. The water bodies in this region include the following Clean Water Act (CWA) Section 303(d)-listed water bodies: Alisal Slough, Santa Rita Creek, Gabilan Creek, Natividad Creek, the Reclamation Ditch, and the Salinas River. Figure 1 provides the Permit-listed receiving waters for the City’s MS4 as well as the associated impairments (found in provision 24 of the “Findings” section of the Permit).

Receiving Water	CWA Section 303(d) Listed Impairments
Alisal Slough	Low dissolved oxygen; Nitrate; Sediment Toxicity; Unknown Toxicity
Santa Rita Creek	Nitrate (source unknown); Ammonia, unionized; E. coli; Fecal coliform; Low dissolved oxygen; Nitrate; Sodium; Turbidity
Gabilan Creek	Fecal coliform (from natural, nonpoint, and urban runoff/sewer sources); Nitrate (source unknown); Ammonia, unionized; Fecal coliform; Nitrate; Sediment toxicity; Turbidity; Unknown toxicity; pH
Natividad Creek	Nitrate (source unknown); Ammonia, unionized; E. coli; Low dissolved oxygen; Nitrate; Sediment toxicity; Temperature, water; Turbidity; Unknown toxicity; pH
Reclamation Ditch	Ammonia, unionized; Fecal coliform (from natural, agricultural grazing, and urban runoff/sewer sources); Low dissolved oxygen (source unknown); Pesticides (from agricultural, industrial, and nonpoint sources); Priority organics (from agricultural, industrial, non-point, urban runoff/sewer, and unknown sources); Chlordane; Copper; Diazinon; E. Coli; Nitrate; Sediment toxicity; Turbidity; Unknown toxicity; pH
Salinas River	Fecal coliform (source unknown); Nitrate (source unknown); Pesticides (from agricultural and nonpoint sources); Toxaphene (source unknown); Chlordane; Chloride; Chlordane; DDD; Diazinon; Dieldrin; Electrical Conductivity; Enterococcus; E. coli; PCBs; Sodium; Total dissolved solids; Turbidity; Unknown toxicity; pH

Figure 1. Receiving Waters and Impairments

According to the 2010 U.S. Census, the City encompasses approximately 23.22 square miles and has a population of approximately 163,665. It is bordered by the Gabilan and Santa Lucia mountain ranges and located in the Salinas Valley. The City is located approximately 11 miles east of the Pacific Ocean, and is about 52 feet above sea level. Approximately 0.04 square miles of the City’s area is surface water, and the City has an average annual rainfall of 13.26 inches.

2.1 Program Areas Evaluated

The EPA Inspection Team obtained information through interviews with representatives from the City along with a series of site visits, field verification activities, and record reviews. EPA conducted field visits and held discussions with City representatives to obtain information regarding overall program management, program evaluation, and oversight.

The inspection entailed an evaluation of the City's compliance with the following three stormwater management components of the Permit:

- Illicit discharge detection and elimination (IDDE);
- Commercial and industrial; and
- Construction site management.

The EPA Inspection Team did not evaluate all components of the City's MS4 program, and this inspection report should not be considered a comprehensive evaluation of all individual program elements.

3.0 Evaluation Findings

This section describes the EPA's findings. Within each subsection, where applicable, EPA has identified program deficiencies, potential Permit violations, and program recommendations. Potential permit violations are areas where the Permittee is not fulfilling requirements of the Permit and/or the SWMP. Program deficiencies are areas of concern that may prevent successful program implementation or areas that, unless action is taken, have the potential to result in noncompliance in the future. This report also provides recommendations for improving program implementation.

The inspection findings are supported by interviews, observations, and photographic evidence gathered during the inspection, as well as documentation that was obtained before, during, or after the inspection. This inspection report does not attempt to comprehensively describe all aspects of the City's MS4 program or fully document all lines of questioning conducted during personnel interviews. The presentation of inspection findings in this report does not constitute a formal compliance determination or notice of violation; rather, it identifies areas of concern with Permit compliance. Additional inspection report materials, including an inspection schedule and sign-in sheet, are included in [Appendix A](#).

Multiple documents were referenced by EPA during the inspection process and development of this report (e.g., the Permit, MS4 annual reports). In addition, the City provided EPA with multiple documents during the inspection process. Referenced documentation used as supporting information is provided in [Appendix B](#), Exhibit Log. Photograph documentation is provided in [Appendix C](#), Photograph Log. A complete list of documents obtained is provided in [Appendix D](#), Document Log. The documents identified in [Appendix D](#) have not been included in the submittal of this inspection report. Copies of the materials are maintained by EPA Region 9 and can be made

available upon request. As part of the inspection process, EPA conducted site visits to various locations located within the City's MS4. Observations from these site visits are included in Appendix E.

3.1 Program Management

During the opening conference, City representatives explained that the City had not historically prioritized MS4 program management and only recently had the City begun to develop programs and procedures prescribed by the Permit. As such, many of the program elements that should have been implemented under the City's former MS4 permits either had not been implemented or were newly implemented at the time of the inspection.

City representatives stated that most of the tasks performed as components of the MS4 program (e.g., illicit discharge detection and elimination) were conducted based on institutional knowledge. However, City representatives explained they were in the process of developing an operation and maintenance manual for the MS4 which would include standard operating procedures (SOPs). A timeframe for completion was not provided.

3.2 Illicit Discharge Detection and Elimination

Section H of the Permit requires the City to, among other actions, (1) develop and implement effective ongoing activities to detect, investigate, and eliminate illicit connections and illicit discharges into its MS4, (2) develop an up-to-date and accurate MS4 System Map that includes high priority IDDE areas and dry weather screening stations, (3) develop and implement an effective illicit discharge reporting system, (4) develop and implement effective dry weather screening BMPs to detect illicit discharges, and (5) utilize its legal authority to enforce ordinances, statutes, permits, contracts or other means to eliminate illicit discharges through implementation of a progressive Enforcement Response Plan.

3.2.1 Illicit Discharge Detection and Elimination BMP Development

Section H.1 of the Permit requires the City to develop and implement ongoing activities to detect, investigate and eliminate illicit connections and discharges into its MS4. City officials explained written standard operating procedures (SOPs) for its IDDE field programs had not been developed. All components of the City's IDDE program were being implemented based on institutional knowledge of current staff.

The City's Wastewater Division was primarily responsible for implementing the field components of the IDDE program. Wastewater Division staff explained that ArcPad and handheld Trimble GIS units were used in the field to locate, verify, and mark asset locations. At the time of the inspection, ArcPad was being used to track dry-weather screenings, IDDE activity locations, and maintenance activities. The Wastewater Division Supervisor demonstrated the ArcPad database, which he stated was uploaded to the master GIS database daily (refer to Appendix C, Photograph 1).

Program Deficiency

The City's limited IDDE field program lacked written SOPs and was based on institutional knowledge of current staff. The lack of a SOP hinders the ability of the City to implement an effective IDDE program required by the Permit.

3.2.2 MS4 System Mapping

Section H.2 of the Permit requires the City, by the end of year 2 (i.e., May, 2014), to develop an up-to-date and accurate MS4 System Map. The MS4 map is to include, among other requirements, the elements specified within Section Q.2 of the Permit (Watershed Characterization: Watershed Delineation).

The EPA Inspection Team reviewed the City's geographic information system-based (GIS-based) mapping system, which included a layer for high priority IDDE areas and dry-weather monitoring locations (refer to [Appendix B, Exhibits 1 and 2](#)). However, the City's MS4 system map was not complete. City staff explained that limited updates were made to its MS4 system map between 2009 and 2013 due to resource constraints. For this reason, any new development within the City's jurisdiction during this time frame would not be included in its mapping system. City staff were in the process of determining the extent of necessary updates to the system to reflect new or modified system assets.

The City's GIS-based system map included the storm drain sewer system (including pipe sizes and open channels), post-construction BMPs owned by the City, IDDE priority areas, manholes, storm drain maintenance areas, and outfalls (refer to [Appendix B, Exhibits 3 and 4](#)). However, the City's MS4 system map did not identify drainage areas contributing flow to individual City-owned outfalls (i.e., catchment areas).

Potential Permit Violation:

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

3.2.3 Illicit Discharge Reporting

Section H.4 of the Permit requires the City to promote, publicize, and facilitate public reporting of suspected illicit discharges or other water quality concerns associated with discharges into or from the MS4 through the development and implementation of an effective central contact point reporting system. Section H.4(b) of the Permit specifies that the City is required to develop and maintain an effective information management system to track all reports of potential illicit discharges. At a minimum, the information management system is to include the following for all reports of potential illicit discharges:

- i) The follow-up actions conducted by the Permittee (e.g. investigations, enforcement);
- ii) Type of discharge, approximate quantity, and discharge location (including Urban Subwatershed); and

iii) The resolution of the report.

Section H.4(c) of the Permit requires the City to develop and maintain a written illicit discharge response procedure. The procedure shall contain a flow chart for internal use that shows the procedures for responding to reports of potential illicit discharges, the various responsible agencies and their contacts, and who would be involved in illicit discharge incident response.

EPA verified that the City was maintaining a water pollution hotline and had listed the hotline number under the “Water” section of its Environmental Resources Program webpage. City staff explained calls from the public regarding suspected illicit discharges are typically received by administrative staff in the Maintenance Division of the Public Works Department. At the time of the inspection, the City did not have written SOPs for tracking reported illicit discharges or the City’s response.

City staff explained that reports of suspected illicit discharges are documented “informally” before being forwarded to a Public Works Department field supervisor for response. Staff further explained that field crews document the City’s response through completion of an “Illicit Discharge Reporting Form” (refer to Appendix B, Exhibit 5). Completed forms are provided to GIS staff, who enter the data into the City’s GIS mapping system for the purpose of determining high priority illicit discharge areas and identifying illicit discharge trends.

The City provided a list of illicit discharges occurring in 2013 and 2014 (up to the date of the inspection) along with corrective/follow-up actions (refer to Appendix B, Exhibit 6). The City also provided a corresponding GIS-generated map showing the locations of illicit discharge events (refer to Appendix B, Exhibit 7). The information provided by the City included the date, description, location, and response actions for each illicit discharge. In some cases the approximate discharge quantity was included in the response description, but in many cases the volume or quantity was not documented.

Potential Permit Violations:

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

The City had not developed written procedures for responding to reports of potential illicit discharges, including a flow chart for internal use and identification of the various agencies and their contacts involved in incident response, as required by Section H.4(c) of the Permit.

3.2.4 Dry Weather Screening

Section H.6 of the Permit requires the City, by the end of Year 2 (i.e., May 2014), to develop and implement effective dry weather screening BMPs to detect illicit discharges. The City is also required to implement and revise if necessary, written procedures for dry

weather screening activities including field observations and outfall monitoring. The dry weather screening BMPs shall be designed to emphasize frequent, geographically widespread field monitoring to detect and eliminate illicit discharges and illicit connections to the MS4.

The Permit further requires procedures for dry-weather screening to be based on each of the criteria listed in section H.6.a–f, which require dry-weather screening at each identified screening station beginning in Year 3 (i.e., June 2014) between May 1st and September 30th.

City staff stated the City had not implemented a dry-weather screening program during the first two years of coverage under the Permit. City representatives stated that they had started dry-weather screening in August 2014. At the time of the inspection, City staff estimated they had only completed screening in approximately half of the required locations for 2014. Inspections were tracked and documented using ArcPad, but hardcopy forms were available as backups in all trucks. Screening stations were assigned based on a quarter-mile grid system; if no outfalls were located in a particular quarter-mile grid, City staff stated they would inspect a stormwater manhole for dry-weather flow.

At the time of inspection, City representatives stated that they were in the process of developing written SOPs for dry-weather screening, but had not yet finalized them. City staff stated that if a dry-weather discharge was discovered, they would sample any pooling water or flow and send the samples to their lab contractor, Pacific EcoRisk.

During the inspection, the EPA Inspection Team conducted a site visit to the City's only outfall to the Salinas River. There was moderate precipitation at the time of the inspection, and a moderate amount of flow was observed discharging from the outfall (refer to Appendix C, Photograph 2). White foam was visible at the discharge point and continued for approximately 30 feet downstream (refer to Appendix C, Photograph 3). City representatives indicated the foam observed at the discharge point was likely the result of cars being washed in residential neighborhoods upstream. When asked if the source of the suspected pollutant had been investigated, City staff stated that they had inspected the storm drain line via closed-circuit television and determined the likely cause of the constant low flow was infiltration from groundwater. No samples of the discharge were collected as part of the City's investigation.

Potential Permit Violations:

The City had not developed and implemented dry weather screening BMPs to detect illicit discharges, including written procedures for dry weather field observations and monitoring, as required by Section H.6 of the Permit.

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

3.2.5 Enforcement to Eliminate Illicit Discharges

Section H.11 of the Permit states the City is to utilize its legal authority to enforce appropriate ordinances, statutes, permits, contracts or other means to eliminate illicit discharges within the Permit coverage area. The City is required to implement a progressive Enforcement Response Plan [ERP] ...to bring responsible parties into compliance.

Section S.2 of the Permit requires the City to develop and implement an effective, progressive ERP. The ERP is to outline the City's potential responses to violations (e.g., non-compliance of municipal codes, ordinances, statutes, standards, specifications, permits contracts) and shall address repeat and continuing violations through progressively stricter responses as needed to achieve compliance. The ERP is required to describe how the City will use enforcement, based on the type of violation. Response types listed in section S.2 of the Permit include verbal warnings, written notice, escalated enforcement measures that include citations (with fines), stop-work orders, withholding of plan approvals or other authorizations, and additional measures.

Section 29-13 of the City stormwater ordinance states, "It is unlawful for any person to establish, use, maintain or continue illicit discharges or illicit drainage connections to the city storm drainage system. This prohibition shall apply to connections in existence at the time of the adoption of the ordinance codified in this chapter, irrespective of whether such connection was made under a permit or other authorization or whether permissible under the law or practices applicable or prevailing at the time the connection was made." Although the City's stormwater ordinance includes sufficient legal authority to prohibit illicit discharges and connections to its MS4, the City had not developed or implemented an ERP to address documented illicit discharges or connections through the issuance of verbal warnings, written notices, and other Permit-specified escalating enforcement measures. The City's stormwater construction inspector indicated that if an illicit discharge was documented, the City would likely seek voluntary compliance, followed by the issuance of a notice of violation (NOV) that could ultimately serve as the basis for a \$500 administrative fine before the matter could be referred to the City's Code Enforcement Office.

Potential Permit Violation:

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

3.3 Commercial and Industrial

Section F of the Permit requires the City to (1) keep its inventory of commercial and industrial sources current through annual updates, (2) designate and require the effective implementation of minimum BMPs for all facilities and operations included in the Commercial and Industrial Inventory, (3) notify owner/operators of stormwater requirements, (4) inspect facilities based on a prioritization schedule, (5) obtain, track, and analyze parameter results reported by facilities, (6) develop and maintain an information management system, and (7) provide training to any municipal staff, whose

job duties are related to implementing the commercial and industrial stormwater requirements.

3.3.1 Commercial and Industrial Inventory

Section F.1(a) of the Permit requires the City, by the end of year 2 (i.e., May 2014), to revise its Commercial and Industrial Inventory and keep the inventory current by including and/or updating the following minimum information each year: facility or operator name; address; urban subwatershed in which the facility or operation is located; nature of business or activity; pollutants potentially generated by the facility or operation; standard industrial classification codes; a description of the facility or operation activities that have the potential to contaminate stormwater; principal stormwater contact; and whether the facility or operation is enrolled in the Industrial General Permit program.

Section F.1(b) of the Permit requires the City to identify facilities and/or operations for inclusion in its inventory according to the following order (i.e., industrial facilities first, followed by commercial food facilities and operations, etc.): industrial facilities; commercial food facilities and operations; commercial automotive repair facilities and operations; retail or wholesale gasoline outlets; commercial car washes; livestock operations within the Permit coverage area that discharge into the Permittee's MS4; nurseries and greenhouses; commercial retail centers; commercial mobile operations; commercial trash and garbage facilities and operations; aviation, marine, and equipment facilities and operations; commercial construction facilities and operations; commercial landscape and pest control operations; miscellaneous commercial facilities and operations; and all other commercial and industrial facilities or operations that the Permittee determines may contribute a significant pollutant load to the MS4.

City staff provided EPA a spreadsheet titled "Industrial and Commercial Business Inventory," which includes 78 industrial facilities and numerous commercial establishments (refer to Appendix B, Exhibit 8). The City's inventory did not include the minimum information for each facility required by Section F.1(a) of the Permit. Specifically, the City's inventory lacked fields identifying: the urban subwatershed in which the facility or operation is located; the nature of business or activity; the pollutants potentially generated by the facility or operation; a description of the facility or operational activities that have the potential to contaminate stormwater; and whether the facility or operation is enrolled in the Industrial General Permit program.

EPA conducted a limited review of the City's commercial and industrial database following the on-site inspection and identified several facilities covered by the State's Industrial General Permit and at least one facility subject to section 313 of the Emergency Planning and Community Right-to-Know Act (EPCRA Section 313) not identified on the City's inventory.

Potential Permit Violations:

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

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

3.3.2 Inspection of Facilities and Operations

Section F.4 of the Permit requires the City to inspect facilities and operations in its Commercial and Industrial Inventory for compliance. Section F.4(a) of the Permit further specifies that, beginning in year 3, the City is to prioritize facilities and operations in its Commercial and Industrial Inventory for inspection each year. The City is to prioritize facilities and operations based on potential threat to water quality and watershed health.

City staff explained the City had entered into an agreement with Monterey Regional Water Pollution Control Authority (MRWPCA) to assist in conducting commercial and industrial facility inspections. A copy of the City's agreement with MRWPCA was provided (refer to [Appendix B, Exhibit 9](#)). The scope of work stated that MRWPCA's primary responsibility would be conducting inspections of industrial facilities and commercial food service establishments annually. City staff were unable to provide a formal schedule identifying which entity would be responsible for which inspections. City staff stated that at the beginning of each inspection cycle, City representatives get together with the MRWPCA representatives during a "kickoff" meeting to discuss the approach for the upcoming year's commercial and industrial inspection schedule. City and MRWPCA staff estimated that MRWPCA performs approximately 60 percent of all annual commercial and industrial facility inspections.

Section F.4(d) of the Permit requires the City, beginning in year 3 (i.e., May 2014), to inspect a minimum of 20 percent of the facilities on its commercial and industrial inventory.

The City staff explained commercial and industrial facility inspections are conducted using a City-developed "Commercial/Industrial Facility BMP Compliance Rating Inspection Form." City and MRWPCA inspectors explained that any compliance concerns identified are documented on the inspection form and discussed with the facility representative prior to completing the inspection.

City staff estimated that approximately 85 – 90 industrial facilities and 300 – 400 commercial facilities are inspected annually and explained that its TrakIt database is used to track completed inspections. Printouts of TrakIt-generated Inspection Activity Reports for the City's Industrial Wastewater Conveyance System and a City-managed construction project were provided as examples of the City's inspection tracking system (see [Appendix B, Exhibit 10](#)). City staff explained that the commercial and industrial inspections are also entered into the City's GIS mapping system and provided several GIS-generated maps identifying the type a location of completed inspections (refer to [Appendix B, Exhibit 11](#)).

Based on a review of the documentation provided from the City's TrakIt database and GIS mapping system, EPA determined that the City was not inspecting a minimum of

20% of the industrial facilities on its commercial and industrial inventory annually. The City's Commercial and Industrial Inventory, containing a field detailing the "date of last inspection" was the most comprehensive record of completed inspections provided. The inventory indicated the most recent inspections were conducted in 2012.

The EPA Inspection Team conducted a site visit to Mann Packing, Incorporated as part of the evaluation of the City's industrial facility inspection program. Observations from the site visit are included in Appendix E.

Potential Permit Violations:

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

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

Program Recommendations:

EPA recommends the City and MRWPCA clearly define which entity is responsible for conducting which/how many inspections annually to ensure that all required industries and commercial facilities are inspected at the frequency required.

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

3.3.3 Process to Refer Non-filers and Noncompliance to Central Coast Water Board
Section F.7 of the Permit states for industrial facilities subject to the requirements of the General Industrial Permit that cannot demonstrate coverage under that permit, the City shall notify the Central Coast Water Board of those non-filers within 10 business days of discovery.

City staff stated the City would report any non-filers discovered during investigations for non-compliance (i.e., reactive); however, the City did not have a formal and proactive approach for identifying facilities subject to the requirements of the General Industrial Permit that had not obtained coverage.

Program Recommendation:

EPA recommends the City develop a more proactive approach for identifying facilities in need of General Industrial Permit coverage and for reporting non-filers to the Central Coast Water Board.

3.4 Construction Site Management

Section K of the Permit requires that the Permittee (1) develop a Construction Site Management and Information Inventory, (2) establish criteria for high priority construction sites, (3) require minimum construction BMPs for all construction sites, (4) require minimum high priority construction site source control and erosion and sediment control plans, (5) review construction plans that meet the Permit requirements, (6) conduct inspections of construction sites based on the Permit requirements, (7) implement a progressive ERP, (8) develop and maintain an information management system, and (9) provide staff training.

During the inspection, the EPA Inspection Team held discussions with City staff regarding the status and documentation of construction activities within the City. In addition, the EPA Inspection Team visited various private and public sites, including residential and commercial development sites. The site visits included discussions with City inspectors, interviews with site proponent staff (e.g., the general contractor or construction manager), and an assessment of the adequacy of temporary erosion and sediment control BMPs. It should be noted that the individual construction sites visited as a component of the inspection were not evaluated for compliance with the Construction General Permit (CGP).

3.4.1 Construction Site Management and Information Inventory

Section K.1 of the Permit requires the City, by the end of year 2 (i.e., May 2014), to develop and maintain a construction site inventory. Section K.6(e) of the Permit requires that the City's Construction Site Information Management system include, among other elements, dates and results of all inspections. Section K.10 of the Permit further specifies that the system must also document the status of all required City permits (i.e., grading and building permits), and site specific information relied upon to categorize sites as high priority based on potential threat to water quality (i.e., site size, soil erosion potential, proximity to impaired water bodies).

The City utilizes the TrakIt Land Management software program for documenting construction site inspections. City staff stated they enter information for both private and public construction projects is entered into the database. EPA reviewed the TrakIt system and found it to be up-to-date and adequate for maintaining the City's construction site inventory and documenting its construction site management program including inspection findings.

3.4.2 High Priority Construction Sites

Section K.2(a) of the Permit requires the City, by the end of year 2 (i.e., May 2014), to establish criteria for designating construction sites as high priority based on potential threat the water quality. Section K.10(e) of the Permit requires the City to document the information used to determine if a given site shall be designated as a High Priority Construction site.

City staff provided an “Erosion and Sediment Control Plan Checklist” (refer to Appendix B, Exhibit 12). The checklist provided criteria for identifying “high priority” projects, identified required information to be included in site specific storm water pollution prevention plans (SWPPPs), and included a field to record the City’s approval of a project’s Erosion and Sediment Control Plan.

3.4.3 Construction Site Inspections

Section K.6 of the Permit requires the City, by the end of year 3, to conduct inspections during all phases of construction utilizing qualified personnel and written procedures. Section K.6 of the Permit further states that all sites are to be inspected at a minimum of once per month during the rainy season, with those being designated as High Priority Construction Sites getting inspected once per week and within 48 hours of a ½-inch rain event.

Table 5.3 of the City’s 2008 SWMP states that the City will “[c]ontinue to implement the inspection policy to exceed the minimum NPDES permit construction inspection frequencies:

- 1) During the wet season of one per week for all high priority sites/active projects and once per month for all other sites, and
- 2) During the dry season of once every other month for all construction projects.”

City representatives stated that the City does not have a formal inspection scheduling mechanism for public or private construction site inspections. The City does classify construction projects as either high or low priority based on site size and potential environmental impacts. However, there was no formal protocol for scheduling inspections based on these criteria. All inspections (public and private) are documented in the TrakIt database. City representatives stated the inspectors did not use the priority assignment for inspection purposes.

Prior to the inspection, the City provided a map of active construction sites (refer to Appendix B, Exhibit 13) to the EPA Inspection Team. The map included both public and private sites and was generated from the City’s GIS mapping system. Construction site priority was not indicated on the map.

City representatives stated that all active private construction sites are inspected at a minimum of once per week. The City’s Private Construction Site Inspector stated he performs approximately 40 site inspections per week. He stated that while in the field he spends approximately 20 to 30 minutes at each site, and makes visual observations and has discussions with site representatives. He stated that completed inspections and inspection findings are documented in the City’s TrakIt database.

The Private Construction Site Inspector stated construction site inspections entail verification that erosion and sediment control BMPs and SWPPP requirements are being implemented, but there was no written procedure for conducting private construction site

inspections or documenting required corrective actions. If he identifies an issue, he informs the site supervisor verbally, or he may give written notice of the issue. The developer is typically given 48 hours to remedy the non-compliance. If non-compliance persists, the Private Construction Site Inspector stated that the City has the ability to stop work on a project.

The Private Construction Site Inspector stated that in addition to conducting oversight inspections for construction sites, he also conducts routine SWPPP-required inspections for the private developers. These are inspections that developers are required to conduct in order to comply with the State's Construction General Permit.

The City's Public Construction Site Inspectors stated they conduct weekly stormwater inspections at all public construction sites and that they are onsite daily in their capacity as construction managers. The Public Construction Site Inspectors stated three City-employed inspectors are responsible for managing and inspecting the 6 to 10 projects that the City averages at a single time. City representatives stated that they were working on developing a formal approach to scheduling public construction site inspections, based on site priority level, with inspection frequencies ranging from once per week to bi-monthly.

The City's Public Construction Site Inspectors explained if they observe a SWPPP violation, they verbally request the contractor to address the issue. The inspectors stated because of how most public construction site contracts are written, if the site supervisor does not resolve the issue, the contractor will not get paid until the non-compliance is resolved. All public construction site stormwater inspections are documented using the City's "BMP Inspection Report" form and the information is entered into TrakIt.

The EPA Inspection Team visited several public and private active construction sites as a component of the inspection. While onsite, the EPA Inspection Team spoke with site proponent staff, such as the general contractor or construction manager, and assessed the adequacy of temporary erosion and sediment control BMPs. The EPA Inspection Team visited three active, private construction sites as a component of the inspection: Creek Bridge Apartments, Monte Bella Housing Development, and Closter Park Basketball Court. The EPA Inspection Team visited one active construction site as a component of the inspection, that being the City's Industrial Wastewater Conveyance Project. Applicable observations from the site visit activities are provided in [Appendix E](#).

Potential Permit Violation:

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

Program Deficiency:

The City had not developed a formal process for scheduling public and private construction site inspections to ensure consistency with Permit required inspection frequencies. Both the public and private inspection programs would benefit from a more structured scheduling approach.

Program Recommendations:

EPA recommends the City re-evaluate the staffing needs for its private construction site inspection program. It appeared as though the large number of construction projects assigned to the sole private construction site inspector would impact the City's ability to conduct thorough stormwater inspections at private construction sites.

EPA recommends that the City conduct routine inspections of construction activities within its jurisdiction to ensure compliance with the requirement contained within its stormwater ordinance, rather than SWPPP inspections on behalf of private developers. Private developers are required to conduct their own SWPPP inspections to comply with the State's Construction General Permit.

3.4.4 Qualifications for Stormwater Construction Site Inspectors

Section K.11.b of the Permit states, "Inspectors shall be certified by the State Water Board as a Qualified SWPPP Developer (QSD)."

The City's Private Construction Site Inspector was certified as a QSD, but the public site inspectors who conducted erosion and sediment control inspections were not certified. The Public Construction Site Inspectors' Supervisor was a certified QSD; however he did not conduct construction site inspections.

Potential Permit Violation:

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