

**STATE OF CALIFORNIA  
REGIONAL WATER QUALITY CONTROL BOARD  
CENTRAL COAST REGION**

**STAFF REPORT FOR REGULAR MEETING OF MAY 12, 2016**

Prepared on April 12, 2016

**ITEM NUMBER:** 9

**SUBJECT:** Status Report for the City of Salinas Municipal Storm Water Discharges, Monterey County, Order No. R3-2012-0005

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**KEY INFORMATION:**

Location: City of Salinas, Monterey County  
Type of Discharge: Municipal stormwater  
Disposal Method: Surface water discharge at multiple locations  
Existing Orders: Order No. R3-2012-0005

**THIS ACTION:** Informational

**SUMMARY**

The Central Coast Regional Water Quality Control Board (Central Coast Water Board) requested a status update on the City of Salinas' (City) stormwater permit compliance at the September 2015 Board meeting. This staff report summarizes Central Coast Water Board staff's assessment of the City's compliance and ongoing permit implementation since that September 2015 meeting. It also describes staff's process for renewing the permit. The City's current permit is a Phase I individual municipal permit, adopted May 3, 2012, Order No. R3-2012-0005 (2012 Permit).

Central Coast Water Board staff accompanied United States Environmental Protection Agency (USEPA) on an inspection in December 2014. USEPA provided a compliance inspection report to the City in June 2015 (Attachment 1). The compliance inspection report included recommendations, deficiencies and potential violations regarding the City's ability to implement the requirements in the 2012 Permit. The City submitted a letter response to the USEPA's compliance inspection report in July 2015 (Attachment 2). Central Coast Water Board staff reviewed the documents and found that the City is unable to demonstrate fully its compliance with the 2012 Permit. The City has responded to the findings of the compliance inspection by reorganizing the Division of Public Works and by hiring staff to ensure that permit compliance is a priority for the City.

Central Coast Water Board staff will continue to provide compliance assistance and track compliance with the 2012 Permit to compel successful implementation of the City's program, now that the City has demonstrated changes and responsiveness to inspections and findings of program deficiencies and permit violations.

## **COMPLIANCE ASSESSMENT**

Central Coast Water Board staff and the USEPA have conducted several inspections of the City's stormwater program over the course of the City's Phase I MS4 Permit. Status updates to the Central Coast Water Board have been provided in previous Board meetings. This status update is based on Central Coast Water Board staff's evaluation of the City's permit compliance activities and the City's response to address deficiencies and potential violations observed during the USEPA compliance inspection in December 2014.

### **Deficiencies and Potential Violations Observed During the December 2014 USEPA Compliance Inspection**

The USEPA found a number of deficiencies and potential violations during its compliance inspection in December 2014 (Attachment 1). The compliance inspection focused on three areas of the Permit:

- Illicit discharge detection and elimination (IDDE)
- Commercial and industrial site inventory and site inspections; and
- Construction site management (for compliance with stormwater pollution prevention requirements in the State-wide Construction General Permit).

#### **Deficiencies**

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. Although the identified deficiencies are correctable, the deficiencies identified reflect an overall programmatic shortfall for the City to apply a consistent approach and systematic method of tracking and documenting implementation of the City's Permit requirements. The deficiencies noted are:

- The City's limited IDDE field program lacked written standard operating procedures
- The IDDE program operates by 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.

#### **Potential Violations**

The USEPA found 12 potential violations in the IDDE program, the Commercial and Industrial Inventory and Site inspection program, and the Construction Inspection program. The USEPA discussed in detail each finding in the compliance inspection report. Summarized below are the potential violations:

- Lack of an up-to-date comprehensive storm sewer system map that meets the requirements of the permit.
- IDDE: limited ability for information tracking, lack of written procedures to perform and manage ongoing work, and limited implementation of progressive enforcement actions on parties that violate antipollution ordinances.
- Commercial and Industrial Inventory and Site Inspection: lack of records documenting a method for prioritizing facility inspections, incomplete inspection records, and small number of commercial and industrial facility inspections conducted during the permit period.

- Construction Inspection: absence of written inspection and enforcement procedures for construction sites and lack of a sufficient number of permit-qualified inspectors to perform the construction site inspections.

### **City of Salinas Response to the USEPA Compliance Inspection Report**

The City responded to the USEPA compliance inspection report in July 2015 (Attachment 2). In the response, the City indicated procedures were in place and the required guidance documents were available at the time of the Permit compliance inspection. The City also identified steps it had taken, or steps that it would take to resolve the deficiencies and potential violations. The City provided the following documents to show that Permit programs and written procedures were, or are now, in place:

- *City of Salinas Illicit Discharge Detection and Elimination Response Plan and Guidance Manual* (dated 2013, provided in the 2013-2014 Annual Report)
- *Dry Weather Screening Plan* (dated July 2015, prepared by Michael Baker International after the EPA compliance inspection), and
- *City of Salinas Stormwater Control Inspection and Maintenance Manual* (not dated, provided as an attachment in the City of Salinas response letter).

### **Central Coast Water Board Staff Assessment of City's July 2015 Response to USEPA Compliance Inspection Report**

Central Coast Water Board staff reviewed the City's response to the USEPA compliance inspection report to assess the level of permit compliance. Staff expanded its review to include the supporting information from the City's 2013-2014 and 2014-2015 annual reports. Central Coast Water Board staff found the City's explanations and supporting information did not fully demonstrate permit compliance as claimed in the City's response letter. Central Coast Water Board staff made the following observations in reviewing the City's response to the USEPA compliance inspection report:

- The City provided a copy of the written inspection and enforcement procedures for construction sites, (Program Deficiency No. 1 and Potential Violation No. 11).
  - The *City of Salinas Stormwater Control Inspection and Maintenance Manual* is devoted to post-construction BMP inspection and is irrelevant for inspection activities at active construction sites.
- The City provided a copy of written procedures for responding to reports of illicit discharges, tracking and reporting illicit discharges, and a progressive enforcement plan to address illicit discharges to its MS4, (Potential Violations Nos. 2, 3, and 6).
  - The *City of Salinas Illicit Discharge Detection and Elimination Response Plan and Guidance Manual* (IDDE manual) does not fulfil the requirements of the IDDE field program for investigating, responding and reporting illicit discharges.
- The City had not developed a formal process for scheduling construction site inspections; the City had not developed an effective information management system, (Program Deficiency No. 2, Potential Violations Nos. 2, 7, 8, and 10).
  - The City's information management system as presented does not meet the permit requirements.

The overall conclusion from the compliance inspection report is that shortfalls exist in implementing the City's stormwater program. The City's response to the USEPA addresses all of the deficiencies and potential violations, but does not provide substantial evidence to remedy the shortfalls. Central Coast Water Board staff has provided regulatory direction and compliance assistance through written comments by email, and verbal comments and constructive criticisms in meetings and by telephone. In an effort to advance the Permit compliance discussions, USEPA scheduled a meeting with the City, the USEPA and Central Coast Water Board staff in the week following the Board meeting, on May 18, 2016. The purpose of the meeting is to emphasize the seriousness of the compliance deficiencies and potential violations and to promote a process moving forward to correct the compliance shortfalls.

### **2016 Permit Compliance Activities**

The City has reorganized its public works functions responsible for stormwater compliance activities into a single department. The purpose of the reorganization into the Division of Public Works, Water Waste and Energy is to increase information sharing and minimize miscommunicated goals across multiple municipal departments. In addition to the reorganization, since January 2016, the City is implementing other programmatic improvements to better align with Permit requirements. Changes to date include:

- Hiring additional engineering and technical staff
- Hiring personnel that meet Permit-required construction inspector qualifications
- Writing new construction permit review procedures and checklists
- Writing a new construction site inspection manual with standard operating procedures, revised forms and enforcement response plan
- Preparing an erosion and sediment control inspection checklist for active construction sites
- Writing new commercial/industrial facility prioritization and inspection procedures
- Revising the inspection MOU with Monterey Regional Water Pollution Control Agency
- Revising the IDDE inspection and guidance manual, inspection, and reporting forms
- Rewriting the illicit discharge enforcement response plan
- Conducting stormwater and IDDE awareness and permit responsibility training for City departments
- Revising and implementing the Dry-Weather screening program with new procedures, forms and reporting, and
- Continuing with an ongoing detailed review of Permit compliance requirements.

### **COORDINATION OF CENTRAL COAST WATER BOARD STAFF'S 2012 PERMIT COMPLIANCE ASSISTANCE WITH PREPARATION OF 2017 PERMIT**

Central Coast Water Board staff is preparing for renewal of the City's Phase I MS4 permit (2017 Permit) for adoption at the May 2017 Board meeting. Preparation of the 2017 Permit began with developing a process plan to evaluate and consider modifications, as needed, to the 2012 Permit. The Central Coast Water Board staff met with the City of Salinas in early March 2016 to discuss the 2017 Permit renewal process. The process will include a thorough review of the 2012 Permit's requirements as well as an evaluation of the effectiveness of and challenges to their implementation and compliance. New requirements will also be included in the 2017 Permit, such as TMDLs and State-wide policies adopted during the current permit cycle (e.g., Ocean Plan Trash Amendments).

Central Coast Water Board staff will have discussions with the City on a regular basis to generate ongoing improvements on compliance with the current 2012 Permit. The continuing discussions about meeting the existing permit compliance requirements will help in formulating new approaches to ensuring complete compliance with the 2017 Permit.

## **CONCLUSION**

Since the December 2014 USEPA compliance inspection, the City has renewed its efforts to comply with permit requirements and demonstrated progress at controlling stormwater discharges through program improvements. The City has restructured its public works organization and hired new staff dedicated to implementing the permit requirements, and improve its procedures to correct deficiencies and potential violations identified in the compliance inspection report. Central Coast Water Board staff considers the City's ability to report the data it has collected as key to determining the City's compliance with the Permit. To date, deficiencies in reporting, which both Central Coast Water Board and USEPA staff have extensively documented, have obscured both its shortfalls and progress the City has made in implementing its stormwater program. Overcoming the reporting deficiencies will help provide a clearer picture of Permit compliance and program effectiveness towards water quality improvements.

Central Coast Water Board staff recognizes that the City likely will remedy deficiencies and potential violations implementing their stormwater program with the Public Works reorganization, better communication, the additional staff hired to help with Permit implementation, and improved data and information tracking and reporting. Central Coast Water Board staff will be preparing the 2017 Permit over this coming year. Development of the 2017 Permit will involve collaboration between Central Coast Water Board staff and City staff. Central Coast Water Board staff anticipate the 2017 Permit will continue most of the requirements of the 2012 Permit while adding new requirements based on recent regulatory programs enacted during the current permit cycle.

## **ATTACHMENTS**

1. Municipal Storm Sewer System (MS4) Compliance Inspection, City of Salinas, California, Inspection Report (March 26, 2015, USEPA)
2. City of Salinas Response to Final Storm Water Inspection Report for City of Salinas Municipal Separate Storm Sewer System (MS4) (July 24, 2015).