

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

**STAFF REPORT FOR REGULAR MEETING OF SEPTEMBER 7-8, 2006**  
Prepared August 18, 2006

**ITEM NUMBER:** 13

**SUBJECT:** **Issuance of NPDES Municipal Storm Water Permit Waste Discharge Requirements for Storm Water Discharges from Small Municipal Separate Storm Sewer Systems (Phase II Storm Water Permit), Monterey Regional Group, Monterey County**

**KEY INFORMATION**

**Location:** Cities of Monterey, Del Rey Oaks, Sand City, Seaside, Pacific Grove, Marina, and the County of Monterey, all within Monterey County  
**Discharge Type:** Municipal Storm Water  
**Existing Orders:** None  
**This Action:** **Adopt Resolution No. R3-2006-0076 Approving Monterey Regional Storm Water Management Program**

**SUMMARY**

This item presents proposed Resolution No. R3-2006-0076, which approves the Monterey Regional Storm Water Management Program (MRSWMP). A Water Board approved SWMP is required to enroll the Cities of Monterey, Del Rey Oaks, Sand City, Seaside, Pacific Grove, Marina, and the County of Monterey (hereinafter referred to as the Monterey Regional Group) in the NPDES Municipal Storm Water Permit for Small Municipal Separate Storm Sewer Systems (General Permit, or Phase II Storm Water Permit).

This staff report provides background information regarding the Monterey Regional Group's MRSWMP development and a staff recommendation for MRSWMP approval.

The Monterey Regional Group submitted five MRSWMP drafts over a three-year period with numerous public meetings and public input. The Resolution contains staff recommended MRSWMP modifications based on comment letters received and discussions with interested parties and the Monterey Regional Group.

By adopting the Resolution, the Water Board will enroll the Monterey Regional Group in the General Permit. The Monterey Regional Group will then be required to implement a comprehensive storm water management program designed to reduce pollutants discharges in urban storm water to the maximum extent practicable.

## DISCUSSION

The Monterey Regional Group is required by the Clean Water Act §402(p) to obtain permit coverage pursuant to the General Permit. The keystone of the Phase II Storm Water permit program is the Storm Water Management Program that is written by the permit applicants.

The Monterey Regional Group developed the MRSWMP over the course of about four years, with input from Water Board storm water staff and members of the local communities a year prior to the first MRSWMP submittal. The Monterey Regional Group submitted their initial MRSWMP and Notice of Intent to comply with the General Permit on March 4, 2003, prior to the August 8, 2003 due date. Water Board staff deemed the MRSWMP incomplete, made comments, and returned the MRSWMP to the Monterey Regional Group for revisions. This review-revision process was repeated several times until we arrived at a "final" version (which has since been revised), dated February 17, 2004. Water Board staff accepted the MRSWMP, and posted it on the State Board website for a 75 day public comment period which ended April 30, 2004. Water Board staff received several comment letters and scheduled a meeting for early June 2004 to give the Monterey Regional group and Water Board staff an opportunity to interact with commenters. The purpose of the meeting was to reach consensus and revise the MRSWMP to satisfy commenters' concerns. At the closing of the June 2004 meeting, the Monterey Regional Group agreed to withdraw the MRSWMP, and make revisions to reflect the main concerns raised at the meeting. The Monterey Regional Group re-submitted a draft MRSWMP, dated December 8, 2004.

Water Board staff determined that the MRSWMP met the requirements of the General Permit and posted the document for a 30-day public comment period on December 10, 2004. Additional comments were received during the comment period. The Monterey Regional Group made minor modifications to the MRSWMP and Water Board staff scheduled it for the May 2005 Water Board hearing.

During the May 2005 Water Board hearing, several commenters and Water Board members expressed concern about the lack of detail and specificity in the MRSWMP. The Board directed the Monterey Regional group to revise the MRSWMP to include additional details and specificity.

The Monterey Regional Group submitted a revised MRSWMP on October 31, 2005. Water Board staff determined that the revised MRSWMP was considerably more detailed and specific and posted the document for 30-day public comment period on November 16, 2005. Water Board staff scheduled the MRSWMP for the February 2006 Water board hearing after receiving public comment.

During the February 2006 Water Board hearing, several commenters and the Water Board again expressed concern about the lack of detail in the MRSWMP. The Water Board encouraged the Monterey Regional group to work with the Natural Resources Defense Council (NRDC) to revise the MRSWMP to include additional detail and to compare the MRSWMP to the NRDC report entitled "A Practical Plan for Pollution Prevention: Urban Runoff Solutions for the Monterey Region" (Report). The Water Board also directed staff to provide additional information regarding

stormwater program costs and the Monterey Regional group's enforcement plans.

The Monterey Regional Group met with NRDC several times between February 2006 and July 2006. The Monterey Regional Group submitted a revised MRSWMP on June 1, 2006, containing modifications agreed upon by NRDC and the Monterey Regional Group. Water Board staff posted the June 1, 2006 MRSWMP on June 22, 2006, for a 30-day public comment period.

The MRSWMP includes protocols for responding to reports of illegal discharges and illicit connections for all Monterey Regional Group members. Each Monterey Regional Group member will be responsible for logging, investigating, and responding to each reported incident. Documentation will be kept on the response and the outcome of reported incidents.

The State Water Resources Control Board conducted an NPDES Stormwater Cost Survey (Survey) in January 2005. The Survey documented municipal costs associated with demonstrating meaningful progress toward MEP compliance. The Survey includes information from six MS4 Phase I California cities. The normalized annual cost per household ranged from \$18 to \$46 for the six cities.

Water Board staff requested an estimated annual budget and cost per household to implement the MRSWMP from the Monterey Regional Group. Sand City, the City of Monterey, Monterey County, and Seaside submitted responses. Del Rey Oaks, Marina, and Pacific Grove had not submitted the information by the date this report was drafted. The annual cost per household for the Monterey Regional Group ranged from \$20 to \$655

(Seaside - \$20, Monterey County - \$119, City of Monterey - \$130, Sand City - \$650).

## **MONTEREY REGIONAL STORM WATER MANAGEMENT PROGRAM (MRSWMP) SUMMARY**

The MRSWMP describes the organizational framework under which the participating entities will work together to accomplish the objectives of the program. It contains a description, and map, of the areas to be covered by the NPDES permit for which the program was prepared. It also describes Best Management Practices (BMPs) with justification for BMP choices, Measurable Goals, implementation timeframes, and implementing party(ies).

The purpose of the MRSWMP is to implement and enforce a series of BMPs. These BMPs are designed to reduce the discharge of pollutants from the municipal separate storm sewer systems to the "maximum extent practicable," to protect water quality, and to satisfy the appropriate water quality requirements of the Clean Water Act. The achievement of these objectives will be gauged using a series of Measurable Goals, which also are contained in the MRSWMP.

The BMPs are grouped under the following six "Minimum Control Measures" (MCMs), which are required under the Phase II regulations:

1. Public Education and Outreach
2. Public Participation/Involvement
3. Illicit Discharge Detection and Elimination
4. Construction Site Runoff Control
5. Post-Construction Runoff Control

#### 6. Pollution Prevention/Good Housekeeping

The MRSWMP lists BMPs and Measurable Goals, developed by the participating entities, using the comprehensive list of potential BMPs and Measurable Goals promulgated by EPA, and based on the Model Urban Runoff Program (MURP). The development of the MURP was a team effort that included the City of Monterey, City of Santa Cruz, California Coastal Commission, Monterey Bay National Marine Sanctuary, Woodward-Clyde Consultants, Association of Monterey Bay Area Governments, and the Central Coast Regional Water Quality Control Board. The MURP includes tools for local governments to develop comprehensive urban runoff programs.

The MRSWMP list contains those BMPs and Measurable Goals that the participants believe will be most useful and effective in reducing the discharge of pollutants from storm sewer systems within the particular geographic area and land uses covered by this permit.

#### **MRSWMP REVISIONS**

Water Board staff presented the October 2005 MRSWMP at the February 2006 Water Board meeting. At the February 2006 meeting Water Board members directed the Monterey Regional group to meet with the NRDC and discuss BMPs that are included in the NRDC Report. The Monterey Regional group submitted a revised MRSWMP on June 1, 2006 (Attachment 1).

Water Board staff posted the revised MRSWMP on the State Board web page for a 30-day public comment period. The NRDC submitted a letter on July 26, 2006, supporting adoption of the MRSWMP with specific revisions to the

June 1, 2006 MRSWMP, agreed to and submitted by the Monterey Regional Group. The revisions (Attachment 2) are included in the Resolution and were posted for a 30-day public comment period on July 28, 2006.

The MRSWMP includes additional commitments and detail including, but not limited to the following:

#### A. General Permit Attachment 4 Design Standards (Supplemental Provisions)

The General Permit Attachment 4 Design Standards, also called "Supplemental Provisions," establish minimum BMP requirements that stress (i) low impact design; (ii) source controls; and (iii) treatment controls. Attachment 4 Design Standards are not required for all Phase II entities. The Monterey Regional group has agreed to require the Attachment 4 design standards for the entire group.

#### B. Water Quality Monitoring

The Monterey Regional group will expand the First Flush and Urban Watch programs to include outfalls at least 18" in diameter and that are safe for volunteers to access. They will conduct water quality monitoring on at least 25% of the outfalls four times per year.

The Monterey Regional group will conduct pollutant source tracking using Urban Watch and First Flush data. The two highest priority pollutants of concern will be tracked at a minimum of one outfall in an effort to identify probable sources and eliminate them.

Based on existing water quality data, the Monterey Regional Group will implement a pollution reduction component that identifies geographic

areas that are sources of pollution, including T. Gondii and other pathogens impacting California sea otters. Once the geographic areas are identified the Monterey Regional group will implement a program to reduce and eliminate pollutant sources identified as impacting sea otters.

#### C. Storm Water Ordinance Adoption

Each Monterey Regional group member will adopt a storm water ordinance within three months of MRSWMP approval, with the exception of Monterey County. Monterey County will adopt a storm water ordinance within six months of MRSWMP approval.

The storm water ordinances will prohibit non-storm water discharges to the storm sewer system and will provide the Monterey Regional group members enforcement authority to act against violators of the ordinances.

#### D. Public Participation

The Monterey Regional group has committed to specific financial and staff resource support for Urban Watch, First Flush, Snap Shot Day, Annual Coast Cleanup, and Walk N' Talk programs. The Monterey Regional group will provide a minimum of \$29,000 per year to support and provide advertising for the programs. The Monterey Regional group commits to 100 hours of staff time to support the recruitment of college and civic organizations for storm drain stenciling events.

#### E. Illicit Discharge Detection

The Monterey Regional group expanded their business inventories to include all businesses with the potential to discharge pollutants and commits to inspecting 100% of inventoried businesses by the end of the permit

term. Inspections will be prioritized based on business type and proximity to sensitive water bodies.

The Monterey Regional group will perform source tracking of manholes located in identified "hot spots" to determine and eliminate pollutant sources. The MRSWMP includes a list of identified "hot spots", which are areas in commercial zones where there is high pedestrian traffic which typically generates high levels of trash.

Twice during the permit term the Monterey Regional group will perform an analysis for pollutants of concern in street sweeping material removed during street sweeping operations.

#### F. Construction Training

The MRSWMP includes specific municipal staff training protocols for construction plan review and construction site inspections. The Monterey Regional group will also present construction BMP training twice per year at construction industry professional meetings.

Staff's recommendation includes requiring a list of changes to the MRSWMP. Most of the changes were submitted by the Monterey Regional Group and reflect agreement between the Monterey Regional Group and the NRDC.

In summary, Water Board staff believe that the revised MRSWMP meets or exceeds MEP and the minimum requirements set forth in the Phase II General Permit; that there is ample evidence that the objective of the Monterey Regional group is to comply with the letter and the intent of the General Permit; and finally, that the level of detail in the revised MRSWMP is adequate for reviewers to understand

and evaluate. The Monterey Regional Group has demonstrated they intend to develop and implement a program that will reduce pollutants to the maximum extent practicable.

## COMMENTS

Staff posted the Storm Water Management Plan to the State Water Board website, [http://www.swrcb.ca.gov/stormwtr/sm\\_municipal\\_swmp.html](http://www.swrcb.ca.gov/stormwtr/sm_municipal_swmp.html), and Regional Water Board website, <http://www.swrcb.ca.gov/rwqcb3/>, and sent a notice electronically on June 22, 2006, to all persons listed on the interested parties list. Comments for the MRSWMP were due back to the Water Board by July 26, 2006.

Water Board staff received two letters in response to the June 2006 request for comments.

Water Board staff received a letter from the NRDC supporting approval of the MRSWMP(Attachment 3).

The Pebble Beach Company submitted a letter (Attachment 4) objecting to the MRSWMP, including General Permit Attachment 4 design standards for the entire Monterey Regional group. Water Board staff response to the Pebble Beach Company comments are included as Attachment 5.

## PUBLIC HEARING

The Water Board will hold a public hearing to consider enrolling the Monterey Regional Group in the Phase II Storm Water Permit. The public hearing is scheduled for September 8, 2006, in Monterey, California. Exact location address and Water Board hearing agenda will be posted to the Water Board website,

<http://www.waterboards.ca.gov/centralcoast/>.

Further information regarding the conduct and nature of the public hearing concerning this draft order may be obtained by writing or visiting the Central Coast Regional Water Quality Control Board office, at 895 Aerovista Place, Suite 101, San Luis Obispo, CA 93401, attention Ryan Lodge, (805) 549-3506, or [rlodge@waterboards.ca.gov](mailto:rlodge@waterboards.ca.gov).

## RECOMMENDATIONS

Adopt Board Resolution R3-2006-0076, which accepts the June 2006 Monterey Regional Storm Water Management Program as complete, approves Monterey Regional Group enrollment in the Phase II General Permit, and requires the Monterey Regional Group to make the following recommended changes:

1. The MRSWMP should list the actual MS4s or MS4 areas that are required to comply with General Permit Attachment 4, including Castroville, Prunedale, Sand City, Pacific Grove and the portions of the City of Monterey that flow to an ASBS.
2. Include maps of the permit areas as Figures 3-1, 3-2, 3-3, and 3-4, which are referenced in the table of contents and were included in the October 2005 MRSWMP.
3. Remove the last paragraph on MRSWMP page 4-14 regarding single fiscal year budgets.
4. Include the MRSWMP modifications listed in the proposed revisions document (Attachment 2) submitted by the Monterey Regional Group on July 26, 2006.

**ATTACHMENTS**

The Attachments to this Staff Report have been provided electronically to the Board Members and are available on the Water Board website at:

<http://www.waterboards.ca.gov/centralcoast/Permits/Index.htm>

Interested person may also contact Ryan Lodge at the number and e-mail address above (under Public Hearing) to arrange a document review in person, at the Water Board offices.

The attachments are listed here:

1. The June 1, 2006, Monterey Regional Storm Water Management Program.

2. Monterey Regional Group proposed MRSWMP revisions dated July, 26, 2006.
3. Natural Resources Defense Council July 26, 2006 comment letter.
4. The Pebble Beach Company July 26, 2006 comment letter.
5. Water Board staff response to the Pebble Beach Company comment letter.
6. Board Resolution No. R3-2006-0076.

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