

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

**STAFF REPORT FOR REGULAR MEETING OF FEBRUARY 7-8, 2008  
Prepared January 15, 2008**

**ITEM NUMBER:** 17

**SUBJECT:** Adoption of City of Salinas Storm Water Management Plan

**KEY INFORMATION**

**Location:** City of Salinas  
**Discharge Type:** Municipal Storm Water  
**Existing Orders:** R3-2004-0135  
**This Action:** Adopt Resolution No. R3-2008-0012 Approving City of Salinas Storm Water Management Plan with required modifications itemized in the Resolution

**SUMMARY**

The purpose of this item is for the Central Coast Water Board to consider adoption of Resolution No. R3-2008-0012, which approves the City of Salinas' (City) June 2007 Draft Storm Water Management Plan (SWMP) with modifications. The Waste Discharge Requirements for the City's Municipal Storm Water Discharges require that the City's SWMP be approved by the Executive Officer, or by the Water Board at a public hearing. The City submitted three draft SWMPs during a two-year period, beginning in 2005, with each draft responding to Water Board staff comments. Accordingly, staff now recommends approval of the June 2007 Draft SWMP with modifications.

Staff reviewed the June 2007 Draft SWMP, and prepared the "Table of June 2007 SWMP Analysis and Required Revisions" (Required Revisions) which was posted with the SWMP for a 60-day public review. Five interested parties commented on the June 2007 Draft SWMP and Required Revisions. Staff reviewed the public comments and identified additional SWMP modifications, beyond the Required Revisions, that the City should make. These modifications are discussed in this staff report and itemized in draft Resolution R3-2008-0012 (Resolution) attached to this staff report. The June 2007 SWMP with the Resolution modifications will provide water quality protection upon implementation and in the future, and comply with the maximum extent practicable (MEP) standard. Staff recommends the Board adopt the Resolution which approves the June 2007 SWMP and staff's recommended modifications.

## DISCUSSION

This staff report presents: a) background information, which includes the decision making process for SWMP content; b) a brief summary of SWMP section content; c) a highlight of the significant public comments and staff responses, and; d) a conclusion and recommendation to adopt Resolution No. R3-2008-0012 (Attachment 1 of this Staff Report). The public comment and response section (Attachment 2 of this Staff Report), and the Required Revisions table (Attachment 4 of this Staff Report) contain justification for staff's recommended SWMP modifications.

### Background

On February 11, 2005, the Central Coast Water Board adopted Order No. 2004-0135 (NPDES Permit No. CA0049981) Waste Discharge Requirements for City of Salinas Municipal Storm Water Discharges ("Permit"). In drafting the City's 2005 Permit, Water Board staff reviewed the City's 1999-program annual reports, 2003 audit, water quality monitoring history, State Water Resources Control Board precedential orders, and other municipalities' storm water programs. The 2005 permit requirements were completely revamped and tailored to meet the City's needs and to align more closely with similar municipalities' 2<sup>nd</sup>-permit term requirements. The City's SWMP (Attachment 3 of this Staff Report) itemizes the City's 2005 Permit requirements, and cross-references each section of the SWMP that addresses Permit requirements. In doing so, the City is demonstrating diligence in following the Permit, and tackling storm water pollutants.

The City's 2005 Permit required significant changes to the SWMP and specified that it must address the following components:

1. Construction Site Management
2. Development Standards
3. Commercial/Industrial Facilities
4. Municipal Maintenance
5. Illicit Discharge Detection and Elimination
6. Public Education and Participation
7. Program Effectiveness
8. Legal Authority

The City created a draft SWMP in July 2006 for Salinas City Council approval prior to submittal to the Water Board. Although this SWMP version was not "officially" submitted to Water Board staff for approval, Water Board staff, and the Natural Resources Defense Council (NRDC) provided comments and recommendations for changes to this draft. The Salinas City Council approved the July 2006 Draft SWMP without changes; City staff immediately began making revisions in preparation for submittal to the Water Board. A revised draft SWMP was submitted to Water Board staff on January 31, 2007.

Water Board staff reviewed the January 2007 Draft SWMP and provided written comments to City staff. Water Board staff met with City staff in April and May 2007 to discuss the need for more direct language and more specifics on certain items in the SWMP. The result of these discussions is the current June 2007 Draft SWMP which is the subject of this hearing.

Water Board staff reviewed the June 2007 Draft SWMP, and created a Required Revisions table (Attachment 4 to this Staff Report). This table represents staff's initial recommendations for SWMP revisions that would make the SWMP comply with the permit, meet the maximum extent practicable (MEP) standard, and, therefore, be ready for consideration by the Water Board. Water Board management and staff met with City management and staff (by phone) on September 18 and 25, 2007, to discuss public comment posting and comment-response procedures, and the Required Revisions. Staff posted the June 2007 Draft SWMP and the Required Revisions to the Water Board website for a 60-day public review and comment period. The City responded to the posted revisions, and agreed to accept most of the Required Revisions (more details under "Primary SWMP Public Comments and Staff Response" section, below). Water Board staff subsequently posted all comments received, and opened up a 15-day publicly-noticed period for responses to comments received during the first posting. Staff responded to the first comments, considered the second set of comments, and has revised the proposed Required Revisions accordingly to create the Resolution that is presented to the Board for adoption at this Board meeting. See Attachment 5 of this Staff Report, Changes to "Table of June 2007 SWMP Analysis and Required Revisions", which provides staff's recommended revisions and our changes to those revisions, highlighted for easy reference. Staff's changes to the Required Revisions are in response to public and City comments. The Resolution presented to the Board (Attachment 1 of this Staff Report) includes most of staff's original Required Revisions, staff's recommended changes to the original Required Revisions, which include additional conditions to address development issues. The process and document sequence is illustrated below:

1. Draft SWMP
  2. Water Board staff's Required Revisions to Draft SWMP
  3. Posting Draft SWMP and Required Revisions for 60-days
  4. Comments on Draft SWMP and Required Revisions
  5. Post Comments for 15-day public review and response
  6. Water Board staff revises its recommended revisions
  7. Resolution to the Water Board for consideration

### **Salinas Storm Water Management Plan Summary**

The SWMP describes the organizational framework under which the City will work to accomplish the objectives of its storm water program. It also describes strategies, objectives, Best Management Practices (BMPs), Measurable Goals, and implementation timeframes.

The BMPs are grouped under the following eight "Elements" which match Permit requirements:

1. Construction Site Management
2. Development Standards
3. Commercial/Industrial Facilities
4. Municipal Maintenance

5. Illicit Discharge Detection and Elimination
6. Public Education and Participation
7. Program Effectiveness
8. Legal Authority

The City relied on past storm water program lessons, and known or suspected pollutants of concern, when selecting BMPs and Measurable Goals for their SWMP. The City believes these BMPs will be most useful and effective in reducing the discharge of pollutants to storm sewer systems and receiving waters and to protect streams and the watershed. Regular internal review and assessment of the overall program effectiveness measures are built into the BMP measurable goals. In each Annual Report, the City will report on all activities, and program effectiveness. The following sections summarize the elements in the SWMP.

### **1. Construction Site Management Element**

The Permit requires, and the SWMP BMPs incorporate, minimum standards that the City must require of all construction sites. The Permit establishes a level of certainty for the types of BMPs that construction operators should implement and the types of BMPs that inspectors will look for. Construction site managers can implement additional BMPs, but must provide some justification in the construction site Stormwater Pollution Prevention Plan (SWPPP) if one of the minimum construction BMPs is not implemented.

The SWMP Construction Site Management section focuses on three principal goals. The first is to develop regulations and performance standards, beginning with the site planning process and extending through the construction completion. Minimum BMPs include erosion and sediment control BMPs that meet proven, current and published standards. The second goal is to train staff and inform the public about new regulations, standards and procedures. The third goal is to ensure program effectiveness through inspections and enforcement. The SWMP addresses Permit requirements to establish minimum BMP requirements for construction sites greater than or equal to 1 acre, update the City's inventory of active construction projects, and review construction site SWPPP.

### **2. Development Standards Element**

The Permit and the SWMP include a requirement to adopt Development Standards, and Water Board staff has emphasized that the City must draft and apply comprehensive hydromodification controls and "Low Impact Development (LID)" design principles to all new development and redevelopment. The SWMP includes a series of BMPs that revise the General Plan to promote LID, and to write a Storm Water Ordinance and Storm Water Development Standards to require LID techniques. Therefore, these BMPs will meet the requirement to apply comprehensive hydromodification controls and "Low Impact Development (LID)" design principles to all new development and redevelopment, provided the City completes the Storm Water Development Standards.

### **3. Commercial/Industrial Facilities Element**

The Permit requires, and the June 2007 Draft SWMP provides BMPs to:

- Develop and require a designated set of minimum BMPs for commercial facility activities. The City will require industries and commercial sites to employ two categories of BMPs. The first category is a set of general application BMPs that logically will prevent or reduce watershed pollution. The second category includes BMPs tailored to the specific commercial/industrial categories of operation and activities. Industrial facilities are currently required to comply with the BMPs in the order stated in the City's *Industrial Inspection Guidance Manual*, 2000. The manual describes a progression of three types of BMPs: Storm Water Discharge Elimination, Source Controls and Treatment Controls.
- Inventory and inspect all commercial and industrial facilities that the City or Water Board staff identified as a potential source of pollution. The City currently conducts an industrial facility inspection program. The City has undertaken the June 2007 Draft SWMP's first step BMP for commercial facilities, and has inventoried all high-priority commercial facilities within its municipal limits. The next-step BMP in the SWMP is to prioritize a commercial facilities inspection list from the inventory of high-risk commercial facilities. Inspection priority will be based on facility type, location, compliance or compliance history, and other factors.
- Provide annual training program for inspectors and employees whose positions relate to the commercial/industrial facilities component.
- Address violations of the City's ordinances and Municipal Permit using progressively escalating enforcement procedure, including monetary and non-monetary administrative, civil, and criminal remedies. If conditions pose a risk to the public or threaten resources, the City can take action to abate the risk.

#### **4. Municipal Maintenance Element**

The overall goal of the Municipal Maintenance section is to provide public services in a manner that protects water quality. Specific goals include training City staff regularly within maintenance departments, and targeting relevant subjects; sweeping City roads and parking lots according to frequency based on risk category; inspecting and cleaning the storm drain system; inspecting City facilities annually; correcting all deficiencies; and managing City parks to protect storm water and minimize pollution.

The June 2007 Draft SWMP's Municipal Maintenance section focuses on abating trash, eliminating adverse water quality impacts from pesticide and herbicide use, proper housekeeping, and storm drain and sanitary sewer maintenance. The focus on pesticides and herbicides is based on regional water quality sampling which revealed that pesticides are a common pollutant source along the Salinas River corridor. The focus on trash is based on City staff's awareness that trash is a local significant issue requiring attention. The SWMP also includes a detailed inventory of City-owned parks, roads, parking lots and facilities, and includes Storm Water Pollution Prevention Plans for each facility. The SWMP requires annual inspections of all City-owned municipal facilities, and on-going training activities to employees whose jobs relate to municipal maintenance.

#### **5. Illicit Discharge Detection and Elimination Element**

The June 2007 Draft SWMP Illicit Discharge program includes the following actions to locate, control and eliminate spills and illicit discharges: 1) Mapping of industrial facilities

and the storm drain system; 2) illicit discharge reporting system; 3) drive-by inspections to identify illicit discharges in residential and commercial areas; 4) dry weather screening to locate illicit discharges exiting storm drains; 5) spill response program; 6) proper disposal programs for used oil and toxic materials; and 7) enforcement. The draft SWMP BMPs are designed to require the City to take proactive actions (e.g., drive-by inspections of priority areas, dry weather screening), and gives the City the tools it needs to react effectively (e.g., an inventory and map, a spill response plan). The City has already utilized their newly created storm water map and tracking system to track and eliminate illicit discharges during this permit term.

## **6. Public Education and Participation Element**

The public education and participation component provides outreach to the general public, utilizing a multi-media outreach campaign. These include outreach brochures, a website, participation in community events, educational programs for school children, storm drain marking, storm water hotline, the Our Water Our World Program, and mass media advertising. Pollutants of concern addressed by this element include trash and debris, sediment, metals, nutrients, pesticides, fertilizers, vehicle waste products, organic carbon, oil and grease, coliform, and various non-rainwater discharges. For this permit term, the City will focus on reducing the amount of trash (including plastics), sediments, pesticides and fertilizers entering receiving waters. Targeted audiences include the general public, public agencies/quasi-governmental organizations, select community sectors, and primary schools. Themes will be shared across target audiences, and activities will overlap to achieve the desired repetition. The public education and participation component also includes BMPs to provide a more intense outreach to the development-, business-, residential-, Latin- and classroom-audiences.

The SWMP includes two public surveys through the 5-year permit cycle with the intention of providing feedback to the City and stakeholders regarding the effectiveness of the public education and participation program.

## **7. Monitoring and Water Quality Testing**

The June 2007 Draft SWMP and City Permit require the City to submit and implement a Quality Assurance Project Plan (QAPP) that details the City's monitoring and water quality program. Detailed requirements of the QAPP are provided in the City's Permit. The QAPP has been submitted to the Water Board, and includes protocol for water quality sampling methodology and testing, comparing results to benchmarks and upstream (background) water quality, and recording water quality trends.

The Monitoring program's Primary objectives are summarized in the QAPP. In brief they include:

- A. Characterize urban runoff discharges;
- B. Assess the physical, chemical and biological impacts of urban runoff on receiving waters;
- C. Identify sources of pollutants;
- D. Assess the overall health and evaluate long-term trends in receiving water quality;
- E. Provide data necessary to assess compliance with the Order; and

- F. Measure and provide information to improve effectiveness of the City's Stormwater Management Plan, Urban Watershed Management Program and various BMPS;

## **8. Legal Authority**

The SWMP includes descriptions of the City's escalating enforcement policies. The City's enforcement documents address pollutant sources that include, but are not limited to, construction and development, industrial/commercial, and illicit discharges. In particular, the City's 2007 Storm Water Ordinance provides a broad base of authority for the City to enforce violations of the City's NPDES storm water Permit, and the General Storm Water Construction and Industrial Permits.

## **9. Program Effectiveness**

The Permit requires the City to assess the effectiveness of the SWMP components in each Annual Report so that the City and Water Board staff can evaluate current practices, and determine if changes are warranted. The overall goal of such evaluations is a continual improvement in water quality protection efforts. Each SWMP section contains discussions of how the City will evaluate effectiveness on that SWMP component. By building yearly effectiveness evaluations into each storm water program element, the City is ensuring that storm water protections will be refined to continually meet MEP, even as new conditions and information develops over time.

### **Primary SWMP Public Comments and Staff Responses**

The June 2007 SWMP and Water Board's Table of Required Revisions were posted for a 60-day public comment period. The June 2007 SWMP may be viewed and downloaded from:

[http://www.waterboards.ca.gov/centralcoast/stormwater/municipal/public\\_notice/salinas\\_draftSWMP\\_index.htm](http://www.waterboards.ca.gov/centralcoast/stormwater/municipal/public_notice/salinas_draftSWMP_index.htm)

Four groups submitted comments on the SWMP including the Monterey Coastkeeper, NRDC, MRWPCA, and the City of Salinas (commenting on the Required Revisions).

The SWMP and Required Revisions request for comments were followed by a second posted request for responses to comments received in the first posting. City of Salinas, Monterey Coastkeeper, NRDC, and NOAA sent in response-to-comments letters. All SWMP-related comment letters are included as Attachments 6 through 13 of this Staff Report. Staff's responses to all the comments are included as Attachment 2 of this Staff Report.

The four main topics in the following section are, by Water Board staff's assessment, the most significant concerns voiced in the comment letters. Staff has provided a summary response to each of these significant concerns in the following paragraphs. Attachment 2 of this Staff Report provides detailed comments and responses.

1. The City responded to the posted Required Revisions, and agreed to accept 38 of the 43 Required Revisions. The City presented arguments against full

acceptance of Required Revisions Numbers 12, 19, 28, 39, and 43, summarized as follows:

- a. Required Revision No. 12 directed the City to provide a measurable goal for LID-compatible tree plantings. The City explained in their public comment letter that this revision is not necessary because the City has adopted street tree lists that only include LID-compatible trees. The City argued that all development will use only listed trees, therefore additional BMPs (or required revision of the exiting BMPs) are not necessary.

Staff response - Staff agrees that the City's LID-compatible tree list is adequate to address the concern related to Required Revision No. 12. Staff removed this requirement.

- b. Required Revision No. 19 directed the City to address the contents of the Kennedy/Jenks Low Impact Development Technical Memorandum. The City asserts that addressing Kennedy/Jenks Memorandum in detail at this time may not provide coherence between Permit requirements and City codes, ordinances and standards, especially in light of the documents recently adopted by the City.

Staff response - Water Board staff accepts the City's assertion. However, Water Board staff's November 15, 2007 letter to the City (Attachment 2.a of Comment and Responses) specifically addresses the City's current documents, and raises more relevant questions and concerns about the City's plan to require and implement Low Impact Development. Staff removed Required Revision No. 19, and instead will reference the November 15, 2007 letter when determining whether the City's Storm Water Development Standards are adequate to provide a coherent and effective approach at bringing Low Impact Development into new and re-development projects. See Comment and Response #2 (in Attachment 2 of this Staff Report) for a full discussion.

- c. Required Revision No. 28 directed the City to conduct two similarly constructed public surveys in two different Permit years. It also added two written mail-out surveys. The revision was born out of a concern that the June 2007 Draft SWMP calls for a change in survey location between the City's first and second surveys, which would negate comparing survey results to one another. In their response, the City points out that the Permit requires two public awareness surveys (not four), and they reveal that their first survey, conducted in 2005-2006 Reporting Year, was not effective. Therefore, the City does not want to pattern the second survey to match the first. The City does not comment on the last sentence of Required Revision No. 28, "Document and analyze results to determine if SWMP BMPs should be modified."

Staff response - The City's reasoning for not modifying the survey methodology to make the second survey match the first survey is reasonable; however, the City needs to explain how the second survey information will be used. Staff edited Required Revision No. 28, so that it now reads, "The City must add language to BMP "6.11 and 6.17" that addresses the need to utilize the survey information to modify, improve, or verify the applicability of the current BMPs."



d. Required Revision No. 39 directed the City to add a BMP for riparian zone protection. The City asserts that their General Plan Policy COS-17 is adequately protective.

Staff response - Water Board staff revised Required Revision No. 39 to align with the Central Coast Regional Water Quality Control Plan's requirement for a construction project setback of 30-feet from watercourses whenever possible, and to also incorporate the City's current General Plan Policy COS-17. See Comment and Response #37 for a full discussion.

e. Required Revision No. 43 directed the City to add a BMP for mandatory 30-day public notice and comment on stormwater-related documents. The City states that they will make all reasonable efforts to provide a thirty (30) day public review period, but cannot be bound by a 30-day public notice requirement. They believe the requirement is not appropriate as a BMP under the City's permit, and is not necessary because the public may comment on any approved document at any time on ordinances, resolutions and other stormwater documents, and that neither the City's NPDES Permit, nor the Code of Federal Regulations requires a minimum public notice and comment period on stormwater-related documents prepared for Salinas City Council. In addition, commenters specifically criticized the City's public participation process.

Staff response – Staff have fielded several calls from the stakeholders working with the City in the Storm Water Development Standards group, who assert that the City staff has not been responsive to stakeholder input. In light of the historical concerns (discussed at past Board meetings) and ongoing complaints regarding the City's outreach to the public, staff recommends that SWMP Element 6 must include a BMP that requires the following: The City will make all reasonable attempts to provide a 30-day or more public notice and opportunity for public comment for stormwater or riparian protection-related documents prepared for City Council adoption. At a minimum, the City will provide a 15-day public review period for storm water or riparian protection-related ordinances, standards, and modifications to the SWMP. The City will provide advance notice to interested parties of documents that will be available and when they will be available for public review. The City must clearly communicate how public comments were evaluated and used to change documents. Substantive public comments must be addressed in a timely manner by City staff in a written format. The measurable goal(s) will include compliance with this BMP, and reasonable public satisfaction (demonstrated by lack of substantive complaints) regarding the public's opportunity to provide input and the City's consideration of that input.

2. Comment on Low Impact Development (LID) – Current City documents may reference LID, but do not contain actual LID requirements. Commenters note that the SWMP states the draft Stormwater Development Standards (submitted to the Water Board on December 31, 2007) will house the City's LID requirements and contain uniform water protection principles, and will also allow for project-by-project decisions based on professional judgment, and variances for developers that demonstrate hardship. Commenters question what the City is committing to, whether the requirements are adequate or enforceable, and

whether there will be opportunity for public participation in this process.

Staff response – Water Board staff considers the application of hydromodification and LID principles to be a critical element of the City's program responsibilities. The SWMP includes a series of BMPs that revise the General Plan to promote LID, and to write a Storm Water Ordinance and Storm Water Development Standards to require LID techniques. Therefore, these BMPs will meet the requirement to apply comprehensive hydromodification controls and LID design principles to all new development and redevelopment, provided the City completes the Storm Water Development Standards. The City's Development Standards is important because it will be the primary mechanism for implementing the Water Board's requirements regarding development and protection of water quality.

Staff finds it reasonable for the City to state in the SWMP that there will be professional judgment and project-specific decisions made during the LID planning and design; by its nature, LID project planning, design, and BMP selection involves a variety of inputs such as topography, soil, land use, economics, public acceptance, safety, traffic, hazardous waste site locations, and so on.

The public's specific comments are more applicable to the Storm Water Development Standards rather than the SWMP and, must ultimately, be addressed when the standards are proposed and reviewed to comply with the Permit and complete the SWMP. The SWMP lays out the process of the City producing draft Stormwater Development Standards by December 2007 (which the City submitted to the Water Board on December 31, 2007), and which will be reviewed by the Water Board staff for tentative approval. After Water Board staff deems the draft acceptable (which may involve revisions prior to approval), the draft Storm Water Development Standards will be posted on the Water Board's website for public comment for a 30-day period. Staff anticipates posting in March 2008. The draft will be presented at the soonest appropriate Water Board hearing, and recommended for adoption. If the City's Draft Development Standards are not acceptable, and we are unable to correct the deficiencies quickly, staff will present conditioned Development Standards to the Water Board. If adopted by the Water Board, the Development Standards and any added conditions will be enforceable based on Permit requirements. Staff anticipates that the Development Standards will be recommended to the Board for approval in July 2008 (This Board hearing is scheduled to be in Watsonville.) If adopted, the Stormwater Development Standards will become part of the City's SWMP and enforceable pursuant to the Permit.

Water Board staff is concerned that the City's process of drafting the Development Standards has been drawn out over time, while in the meantime, development projects continue to be designed and built that may not be in compliance with the City's permit, an approved SWMP, or the approved Development Standards. This issue is critical in Salinas, as the City's current development plans include approximately 3,400 acres of land, 15,100 new

homes, and 16 million square feet of non-residential development<sup>1</sup>.

Water Board staff recognize this level of development represents a significant potential impact to water quality, beneficial uses, and the biological and physical integrity of the lower Salinas River Watershed. We are currently developing parameters and thresholds for hydrologic controls, e.g., volume and rate of pre- and post-development runoff, that we will require of all municipal storm water programs in the Central Coast Region. These hydrologic control parameters will apply equally to Phase I and Phase II MS4s, including those areas identified as the City's future growth areas. Water Board staff will be informing all Phase I and Phase II MS4s of these requirements on or before February 15, 2008. Water Board staff will evaluate the Development Standards for consistency with these requirements.

3. Comments on the Reclamation Ditch – 1) There is disagreement over whether the Reclamation Ditch should be classified as a “water of the state” (a category that includes streams and navigable waters), and thus whether creek and riparian-protective measures would impede flood maintenance activities. 2) There is concern from all parties that the Reclamation Ditch can convey enough storm water runoff to minimize City flooding.

Staff response – 1) The Reclamation Ditch is a segment of Alisal Creek, which was dredged and de-vegetated as agricultural operations and urbanization expanded in the Salinas basin. As defined in the Porter-Cologne Water Quality Control Act, the ditch constitutes “waters of the state”, which includes “any surface water or groundwaters, including saline waters, within the boundaries of the state.” The ditch once functioned as a Creek and the U.S. National Oceanic and Atmospheric Administration's analysis concludes that the Reclamation Ditch segment of Alisal Creek is a functioning portion of a connected natural water system. The Water Board's mandate is to protect waters of the state, therefore staff maintains that the Reclamation Ditch section of Alisal Creek should be included in stream-protective BMPs. 2) The City has opted to require on-site infiltration, and minimize impervious surface (LID requirements). This will help address flooding issues in the Reclamation Ditch.

### **SWMP Modifications**

Water Board staff reviewed the SWMP prior to posting the document for public comment, and produced the Table of June 2007 SWMP Analysis and Required Revisions (Attachment 4 of this Staff Report). The SWMP and Required Revisions were posted for a 60-day public review and comment period. The public and the City submitted comments on the SWMP and on the Required Revisions. After receiving public comments Water Board staff adjusted the Required Revisions when appropriate (discussed above), and added some modifications. Attachment 5 of this staff report shows the actual changes to the posted Required Revisions. The Resolution presented to the Board (Attachment 1 of this Staff Report) is a combination of the modified

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<sup>1</sup> City of Salinas Sphere of Influence Amendment and Annexation, LAFCO Pre-Application Information, April 19, 2005

Required Revisions and additional required modifications resulting from public comments.

To summarize the Resolution's required revisions, staff provides the categories of required revisions, with approximate percentage distribution of the required revisions in each category: a) requirements for more specific descriptions or clarifications (fifty percent) b) better citation or inclusion of cross-referenced material (twenty percent); c) typographic or organizational errors (thirteen percent); d) modifications which will enable the BMP outcomes to translate into effectiveness measures or SWMP improvement over time (eleven percent); e) riparian zone protection (four percent); and f) improved public outreach or participation (two percent).

If the Water Board approves proposed Resolution R3-2008-0012, with the changes and conditions the Resolution requires, the City's June 2007 Draft SWMP will be designed to reduce the discharge of pollutants to the MEP standard established in the General Permit for these reasons: 1) The SWMP with modifications meets the City's Permit requirements including Permit Attachment 4 Stormwater Management Program Revision Requirements; 2) the SWMP with revisions employs BMPs to address the pollutants of concern and protect water quality now and in the future; and 4) the SWMP with revisions provides a logical progression of BMP implementation to meet a full program realization in a timely manner.

## **CONCLUSION**

Although the City has been under continuous permit coverage, and has had a SWMP in place since 1999, it is imperative that a new SWMP be adopted as soon as possible to replace the outdated 1999 version. Furthermore, the City has been implementing components of the June 2007 Draft SWMP since mid-2006. Water Board staff has seen improvements in the City staff responses and activity protecting water quality, which suggests that this SWMP is effective now and likely to be effective into the future.

The June 2007 Draft SWMP with modifications meets the City's Permit requirements. The SWMP addresses program elements from all major categories within a municipality's jurisdiction, and provides BMPs to address the known and suspected pollutants of concern from City activities. Very importantly, the proposed SWMP includes provisions to protect water quality from new and redevelopment both during construction, and into the future through application of LID requirements. Additionally, a delay in SWMP adoption may hinder the City's efforts to apply publicly-reviewed and Board adopted LID requirements to imminent new development. Approximately 3,400 acres of new development, representing 15,100 new homes, and 16 million square feet of non-residential development<sup>1</sup> are in the planning stages now.

The June 2007 Draft SWMP with revisions employs BMPs to address the pollutants of concern, and protect water quality now and in the future, and meets permit requirements and MEP.

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<sup>1</sup> City of Salinas Sphere of Influence Amendment and Annexation, LAFCO Pre-Application Information, April 19, 2005

**RECOMMENDATIONS**

Water Board staff recommends the Board adopt Board Resolution R3-2008-0012 approving the June 2007 Draft SWMP with conditions and required changes.

**ATTACHMENTS**

The Attachments to this Staff Report have been provided electronically for the Board Members, with the exception of Russell Jefferies who received a hard copy. The attachments to this item are available on the Water Board website,

[http://www.waterboards.ca.gov/centralcoast/stormwater/municipal/public\\_notice/salinas\\_draftSWMP\\_index.htm](http://www.waterboards.ca.gov/centralcoast/stormwater/municipal/public_notice/salinas_draftSWMP_index.htm)

or you may reach staff member Donette Dunaway, [ddunaway@waterboards.ca.gov](mailto:ddunaway@waterboards.ca.gov) (805) 549-3698 to otherwise access the documents at the Water Board office.

1. Water Board Resolution R3-2008-0012
  - Attachment A – Additions for Board Resolution No. R3-2008-0012, Final Table of June 2007 SWMP Required Revisions
2. Comment and Responses - Water Board staff response to public and City comment letters
  - Attachment 2.a - Water Board Nov. 15, 2007 letter to the City
3. The draft version of June 2007, City of Salinas Storm Water Management Program, which may be viewed and downloaded from: [http://www.waterboards.ca.gov/centralcoast/stormwater/municipal/public\\_notice/salinas\\_draftSWMP\\_index.htm](http://www.waterboards.ca.gov/centralcoast/stormwater/municipal/public_notice/salinas_draftSWMP_index.htm)
4. Table of June 2007 SWMP Analysis and Required Revisions
5. Changes to: "Table of June 2007 SWMP Analysis and Required Revisions"
6. Monterey County Water Resources Agency Nov. 28, 2007, comment letter
7. Natural Resources Defense Council Nov. 29, 2007, comment letter
8. Monterey Coastkeeper Dec. 3, 2007, comment letter
9. City of Salinas Dec. 3, 2007 letter.
10. U.S. National Oceanic and Atmospheric Administration, Dec. 7, 2007 letter
11. Natural Resources Defense Council Dec. 20, 2007, comment letter
12. Monterey Coastkeeper Dec. 20, 2007, comment letter
13. City of Salinas Dec. 20, 2007 letter