

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL COAST REGION
895 Aerovista Place, Suite 101
San Luis Obispo, California**

**RESOLUTION NO. R3-2008-0012
February 7-8, 2008**

**City of Salinas Storm Water Management Plan
Monterey County**

The Regional Water Quality Control Board, Central Coast Region (“Water Board”) finds:

1. On December 8, 1999, the U.S. Environmental Protection Agency (“EPA”) promulgated regulations under authority of the Clean Water Act (“CWA”) Section 402(p). These regulations required National Pollutant Discharge Elimination System (NPDES) storm water permits for operators of municipal separate storm sewer systems (“MS4s”) that discharge to waters of the U.S.
2. The CWA allows the EPA to delegate its NPDES permitting authority to states with an approved NPDES program. The State of California is a delegated State. The Porter-Cologne Water Quality Control Act (California Water Code Division 7) authorizes the State Water Resources Control Board (State Board), through the Regional Water Quality Control Boards, to regulate and control the discharge of pollutants into waters of the State and tributaries thereto. The City of Salinas is under the jurisdiction of the Central Coast Regional Water Quality Control Board (Central Coast Water Board).
3. 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”).

4. The Permit prohibits: a) Discharges from MS4s in a manner causing, or threatening to cause, a condition of pollution, contamination, or nuisance (as defined in §13050 of the California Water Code) in waters of the State of California; and b) Discharges from MS4s that cause or contribute to the violation of water quality objectives or water quality standards (Permit, Discharge Prohibitions A.1 and 2, pg. 6)
5. The Permit prohibits: a) Discharges from MS4s that cause or contribute to the violation of water quality standards (designated beneficial uses and water quality objectives developed to protect beneficial uses) of Receiving Waters; and b) Discharges from the MS4 of storm water, or non-storm water for which a Permittee is responsible, which result in, or contribute to a condition of nuisance in Receiving Waters (Permit, Receiving Water Limitations, C.1 and C.2, pg.6-7).
6. The Permit requires the City to comply with Discharge Prohibitions A.1 and A.2 and Receiving Water Limitations C.1 and C.2 through timely implementation of control measures and other actions to reduce pollutants in the discharges in accordance with the SWMP.
7. The Permit requires the City of Salinas (“City” or “Permittee”) to revise its 1999 storm water management program (“SWMP”), and create a SWMP, approvable by the Executive Officer or the Central Coast Water Board, which is better-designed to reduce pollutant discharge to the maximum extent practicable (“MEP”) and to protect water quality. The SWMP must contain Best Management Practices (“BMPs”) that address eight components: Construction Site Management; Development Standards; Commercial/Industrial Facilities; Municipal Maintenance; Illicit Discharge Detection and Elimination; Public Education and Participation; Program Effectiveness; and Legal Authority. The SWMP must incorporate measurable goals and implementation time

schedules, and must be available for public review and comment. The SWMP is subject to a public hearing if one is requested prior to approval.

8. The SWMP requires the City to develop and implement programs and ordinances, and standards by 2010 to achieve MEP. The specific provisions of some of these programs will be developed after SWMP approval, and will be subject to public review and Central Coast Water Board approval.
9. The Central Coast Water Board found, verified through Permit adoption, that “increased volume, increased velocity, and discharge duration of storm water runoff from developed areas has the potential to greatly accelerate downstream erosion and impair stream habitat in natural drainages...When water quality impacts are considered during the planning stages of a project, new development and many redevelopment projects can more efficiently incorporate measures to protect water quality.” (Permit, Finding No. 18)
10. One of the SWMP elements that the City will develop during the permit term is the Stormwater Development Standards which will regulate new and redevelopment post-construction. The City’s Development Standards must include comprehensive requirements that maximize infiltration of clean groundwater, minimize the volume and velocity of runoff, minimize pollutant loading, and protect riparian and wetland habitat. This is necessary to protect water quality, beneficial uses, and the biological and physical integrity of watersheds, and can be accomplished with hydromodification controls and Low Impact Development (LID) design principles. To meet the MEP standard, the City must implement LID techniques.
11. The City created a Draft SWMP in July 2006. In response to Water Board staff review and comments, the City revised the July 2006 SWMP, and prepared two subsequent revised SWMPs based on staff comments. The outcome was a final Draft June 2007 SWMP.

12. Following public notice in accordance with State and federal laws and regulations, the Central Coast Water Board, in a public hearing on February 8, 2007, heard and considered all comments on the SWMP.
13. The Central Coast Water Board finds the SWMP to be consistent with the anti-degradation policies of 40 CFR Section 131.12, SWRCB Resolution 68-16, and the Central Coast Water Board's Basin Plan.
14. This action to approve the City's SWMP is exempt from the California Environmental Quality Act pursuant to Water Code Section 13389.
15. The Central Coast Water Board finds that the SWMP is designed to reduce the discharge of pollutants to the MEP standard established in the General Permit for these reasons: 1) The SWMP meets the City's Permit requirements including Attachment 4 Stormwater Management Program Revision Requirements; 2) the SWMP employs BMPs to address the pollutants of concern, except for BMPs that are not technically feasible in the locality, or whose cost would exceed the benefit to be derived, or where other selected BMPs achieve the same water quality protection or serve the same purpose, or where the cost of the BMPs would be prohibitive; and 4) the SWMP provides a logical progression of BMP implementation to meet a full program realization in a timely manner.

THEREFORE, BE IT RESOLVED THAT:

1. The Central Coast Water Board hereby approves the City of Salinas Storm Water Management Plan (SWMP), subject to Paragraph 2, below. The SWMP will become effective on the date this Resolution is adopted.
2. The City of Salinas is required to amend the SWMP no later than April 8, 2008, to include all the changes shown in "Final Table of June 2007 SWMP

Required Revisions”, Attachment A to this Resolution. Failure to make these revisions may subject the City of Salinas to enforcement action.

3. The City of Salinas must provide a copy of the revised pages of the SWMP to the Water Board no later than April 8, 2008, pursuant to Water Code Section 13383.

4. Any person affected by this action may petition the State Board to review the action in accordance with section 13320 of the California Water Code and Title 23, California Code of Regulations, Section 2050 et seq. The State Board must receive the petition within 30 days of the date of adoption of this Resolution. Copies of the law and regulations applicable to filing petitions will be provided upon request.

I, Roger W. Briggs, Executive Officer, do hereby certify the foregoing is a full, true, and correct copy of a Resolution adopted by the California Regional Water Quality Control Board, Central Coast Region, on February 8, 2008.

Roger W. Briggs, Executive Officer