

**Staff Report for Order No. R3-2012-0005  
ATTACHMENT 2.c**

**PROPOSED MODIFICATIONS AND COMMENTS  
RECEIVED FROM CITY OF SALINAS SINCE FEBRUARY 2, 2012  
ON DRAFT ORDER NO. R3-2012-0005 AND STAFF RESPONSE**

E. Municipal Maintenance (Partial)

5) MS4 System Operation and Maintenance – The Permittee shall properly operate and maintain the MS4 system to reduce the discharge of pollutants to the MEP. The Permittee shall implement each maintenance operation listed below, at a minimum, at all Permittee-owned and/or maintained MS4 system features.

a) Catch Basins

- i) Beginning in Year 1, the Permittee shall inspect all catch basins each year during the dry season. The Permittee shall remove all sediment and debris in each catch basin found with its outlet pipe at least 40-percent occluded. The Permittee shall clean catch basins found to require cleaning within 14 days of inspection, except where use of a vacuum truck is required, and in every case prior to the first storm event of the subsequent wet season.
  - (1) The Permittee shall determine and record the depth of sediment and debris detected in each catch basin during each inspection.
  - (2) The Permittee shall measure and record the total volume of sediment and debris removed from all catch basins each year.
- ii) By the end of Year 2, the Permittee shall identify modifications to the catch basin inspection and cleaning program to optimize the total volume of sediment and debris removed from catch basins each year. The identified modifications shall include the following elements, at a minimum:
  - (1) Modification of the Cleaning Threshold – The Permittee shall identify a new threshold for catch basin cleaning that is more protective of water quality than the 40-percent occlusion threshold used during Years 1 and 2. The modified threshold shall be designed to maximize the number of catch basins cleaned each year consistent with all elements of the modified inspection and cleaning program.
  - (2) Identification of High Priority Catch Basins – The Permittee shall use sediment and debris depth data collected during Years 1 and 2, as well as municipal staff's knowledge of local conditions, to identify catch basins most likely to exceed the modified cleaning threshold on a consistent basis.
  - (3) Inspection of all high priority catch basins each year.
  - (4) Inspection of Non-High-Priority Catch Basins – The Permittee shall inspect a percentage of non-high-priority catch basins each year. The percentage shall be designed to achieve rotating inspection of each non-high-priority catch basins at a frequency of at least once every five years.
  - (5) Cleaning of all Catch Basins Exceeding the Threshold – The Permittee shall remove all sediment and debris from each catch basin found during inspection to exceed the modified cleaning threshold each year. The Permittee shall clean catch basins found to require cleaning within 14 days of inspection, except where use of a vacuum truck is required, and in every case prior to the first storm event of the subsequent wet season.

- iii) Beginning in Year 3, the Permittee shall implement the modified catch basin inspection and cleaning program each year during the dry season. In addition, the Permittee shall continue to determine and record the depth of sediment and debris detected in each catch during each inspection, and shall continue to measure and record the total volume of sediment and debris removed from all catch basins each year.
  - (1) The Permittee shall assess and modify the catch basin prioritization each year, as necessary, on the basis of data collected.
- iv) Beginning in Year 3, the Permittee shall measure and track the total volume of solids removed from catch basins each year and the total volume of solids removed in each Urban Subwatershed each year. (See Section Q.2 for watershed delineation [Watershed Characterization: Watershed Delineation]).

**Proposed Additional Language:**

- v) *The Permittee may propose, for Central Coast Water Board Executive Officer approval, an alternative methodology in lieu of catch basin cleaning that provides the equivalent protection of storm water objectives. Rationale for Addition. Structural treatment facilities may be installed at or near outfall locations that act as collectors for sediments and trash before discharge to an outfall pipe and may preclude the more labor intensive process to clean multiple smaller catch basins within a drainage area. Effectiveness: Provides an equal but less time and cost alternative to cleaning multiple catch basin locations.*

**Staff Response to February 22, 2012 Comment City of Salinas – Provision E.5.a.v**

Central Coast Water Board staff has added language in Provision E.5.a which provides flexibility for the City to propose an alternative methodology.

- b) Wastes, debris, and water removed during normal and emergency maintenance operations shall not be placed into the MS4 and shall be properly disposed.

6) Street Sweeping and Cleaning

**Comment:** *The current permit requirement is for sweeping of all City Street Quarterly or 4 time annually. The City's current sweeping program accomplishes sweeping of all City Streets 26 times annually. This is a 600% increase over the current permit requirement.*

**Staff Response to February 22, 2012 Comment City of Salinas – Provision E.6**

This comment does not appear to recognize that the City's SWMP is an enforceable part of existing Order No. R3-2004-0135, so that requirements contained in the Stormwater Management Plan (SWMP) are in fact requirements under the existing Order. Existing Order No. R3-2004-0135 Section II.C (Inventory and Maintenance of Permittee-Owned Facilities, Roads, and Parking Lots) requires quarterly sweeping of all Permittee-owned roads. However, BMP 3.20 in the City's SWMP requires weekly sweeping of commercial streets and semi-monthly sweeping of residential streets. Therefore the City's current requirement for sweeping is weekly sweeping of commercial streets and semi-monthly sweeping of residential streets. Street sweeping requirements contained in the Draft Order do not require the City to increase its current level of effort for street sweeping.

- a) Within 12 months of adoption of this Order, the Permittee shall develop and keep current a map that indicates all sweeping routes, of all municipally-owned or operated streets and parking lots, and the priority designation of each route.
  - i) Prior to the submittal of the Permittee's Report of Waste Discharge, the Permittee shall integrate sweeping routes into the Permittee's watershed characterization map developed according to Section Q.1 (Watershed Characterization: Watershed Data Information Management).
- b) The Permittee shall track the following information each year:

- i) The number of route miles swept for each sweeping event for each route;
- ii) The volume of solids collected for each sweeping event during the dry season for each route;
- iii) The total volume of solids collected for all sweeping events during the dry season for each route; and
- iv) The total volume of solids collected for all sweeping events during the dry season for all routes. *Repeated as iii) above.*

**Staff Response to February 22, 2012 Comment City of Salinas – Provision E.6.b.iv**

Provision E.6.b.iv is not a repeat of Provision E.6.b.iii. Provision E.6.b.iii requires the City to track the volume of solids collected for each route individually, while Provision E.6.b.iv requires the City to track the volume of solids collected for all routes combined. The City will determine the volume of sediment required to be tracked in Provision E.6.b.iv by adding together the data tracked according to Provision E.6.b.iii. Central Coast Water Board staff has clarified this distinction by adding the word “combined” to Provision E.6.b.iv.

- c) Within 12 months of adoption of this Order, the Permittee shall calculate the average volume of solids collected per route mile swept during the dry season each year for each of the 24 routes the Permittee currently sweeps biweekly. By the end of Year 2, the Permittee shall use this information to identify modifications to the sweeping schedule for these routes to optimize total sediment removal, using the following procedure. The Permittee may propose, for Central Coast Water Board Executive Officer approval, an alternative methodology for increasing the effectiveness of street sweeping efforts that is at least equivalent to the following procedure.
  - i) The Permittee shall designate for weekly sweeping, instead of biweekly sweeping, those routes which were found to have the highest volumes of solids removed per route mile swept.
  - ii) The Permittee **shall** designate for monthly sweeping, instead of biweekly sweeping, those routes which were found to have the lowest volumes of solids removed per route mile swept. ***Proposed: (please designate as "may") Rational for Revision: Street sweeping can be controversial and have complicated political ramifications. The decision to reduce sweeping services should be at the City's discretion. Effectiveness: Achieves the intended goal to reduce sweeping services to offset increases required in E.6.c.i above, but leaves this to the discretion of the City to continue to provide more frequent service if possible.***

**Staff Response to February 22, 2012 Comment City of Salinas – Provision E.6.c.ii**

The purpose of reducing sweeping frequency for some routes is so the City can increase the sweeping frequency of the dirtiest routes without increasing the overall level of effort.

City staff withdrew this comment in a telephone conversation with Central Coast Water Board staff on March 1, 2012. Central Coast Water Board staff understands that the City may wish to propose an alternative plan for increasing the effectiveness of its street sweeping efforts, and Provision E.6.c already includes language providing this flexibility.

- iii) The Permittee may designate for sweeping twice per month, instead of biweekly, the remainder of the 24 routes the Permittee currently sweeps biweekly.
- iv) The Permittee shall not decrease the total number of route miles swept per year. ***Proposed: The Permittee shall not decrease the total number of route miles swept per year greater than the number of route miles reduced as a result of changes to the biweekly schedule to twice per month or other minor adjustments needed to accommodate the implementation of a strategy for public notification of sweeping schedules as noted in iii) above.***

**Rationale for Revision** – *The City’s current sweeping program is a 300 percent increase over the current permit requirement. Current Bi-weekly sweeping is not conducive to posting of regulatory signs for street sweeping, nor for posting of dates and times on a Web site. Sweeping must be incrementally reduced as schedules are changed to accommodate specific date and time schedules that can be posted (i.e. twice per month from every two weeks schedules). Effectiveness: The incremental reduction in curb miles swept will be offset by the potential for more effective sweeping as a strategy for public notice of sweeping dates and times is implemented.*

**Staff Response to February 22, 2012 Comment City of Salinas – Provision E.6.c.iv**

The modified sweeping schedule detailed in this Provision is designed to improve the effectiveness of City’s street sweeping efforts for the same level of effort. The Draft Order allows the City to switch to semi-monthly sweeping as long as the level of effort (total number of route miles swept per year) remains constant. Modifying the sweeping frequency from biweekly to semi-monthly would result in a decrease in frequency from 26 times per year to 24 times per year for the affected routes. The Draft Order allows this reduction if the miles elsewhere are increased. The City’s proposed modification would result in an overall decrease in level of effort unless miles were increased elsewhere. An overall reduction in level of effort would not achieve the Maximum Extent Practicable standard. City staff understands this point and has withdrawn this comment.

- v) The Permittee shall not be required to increase the total number of route miles swept per year beyond the small incremental increase resulting from the difficulty of matching exactly the total miles swept.
- d) Sweeping Frequency
  - i) **During Year 1**, the Permittee shall sweep all sweeping routes in accordance with their existing frequency (i.e., as specified in the most recently approved SWMP for Order No. R3-2004-0135). **Proposed: During Years 1, and 2 Rationale for Revision: Year 2 is “implied” as the proposed new sweeping schedules begin in Year 3. Effectiveness: Meets the intended schedule for implementation of new route schedules in Year 3.**

**Staff Response to February 22, 2012 Comment City of Salinas – Provision E.6.d.i**

Central Coast Water Board staff has modified the language in the Draft Order to read, “During Year 1 and Year 2.”

- ii) Beginning in Year 3, the Permittee shall sweep all municipally-owned or maintained streets **and parking lots** each year in accordance with the frequencies developed according to Section E.6.c. **Proposed: Remove “and parking lots” requirement and insert as separate requirement as E.6.c.iii. (below). Rationale for Revision: Parking lot cleaning should not be considered in the same context as street sweeping. Curb miles and volume of solids per curb mile swept cannot be applied to parking lots to determine the frequency for sweeping schedule as they are typically surface areas to be cleaned instead of a single collection point at the curb and gutter to be swept in a linear fashion. A proposed schedule for Parking lot cleaning based on estimated volume of users and its intended activity is proposed as E.6.c.iii below. The frequency of Parking lot cleaning should be scheduled dependent on its intended use.**

**Staff Response to February 22, 2012 Comment City of Salinas – Provision E.6.d.ii (1)**

Central Coast Water Board staff understands that parking lots are not included in the street sweeping routes discussed in Provision E.6.c. Therefore Central Coast Water Board staff has deleted the words “and parking lots” from Provision E.6.d.ii, and has added other parking lot

cleaning requirements in Provision E.6.i (see Staff Response to February 22, 2012 Comment City of Salinas – Provision E.6.d.iii).

The Permittee shall continue to sweep weekly the 4 routes which the Permittee currently sweeps weekly. **Proposed:** *Delete this requirement. Rationale for Revision: The current weekly routes include the City's "downtown" and business corridors and thoroughfares. The purpose for sweeping these routes on a weekly frequency is not based on the presence of a greater volume of solids than is typically found on other routes, but adds consideration for the visual aesthetic desired for our business community. Sweeping frequency for these routes should be considered in the same context as schedules based on volume of material collected in Year 1 as noted in E.6.c. Effectiveness: This meets the permit goal to consider load volumes per curb mile swept in developing rationale for street sweeping schedules.*

**Staff Response to February 22, 2012 Comment City of Salinas – Provision E.6.d.ii (2)**

The purpose of this requirement is to facilitate the City's comparison of sweeping route efficiencies in accordance with Provision E.6.c by limiting the comparison to routes swept at a single frequency (i.e., biweekly). Central Coast Water Board staff also assumed that the City would prefer to continue sweeping downtown business district streets weekly. City staff withdrew this comment in a telephone conversation with Central Coast Water Board staff on March 1, 2012. Central Coast Water Board staff understands that the City may wish to propose an alternative plan for increasing the effectiveness of its street sweeping efforts, and Provision E.6.c already includes language providing this flexibility.

- iii) **Proposed Addition:** *Beginning in Year 3, the Permittee shall sweep all municipally owned or maintained parking lots each year in accordance with the following frequencies.*
- (1) *Municipally owned Business District (public) parking lots shall be swept weekly.*
  - (2) *Parks and Recreation facility parking lots shall be swept monthly.*
  - (3) *Library and Municipal Office Facility parking lots shall be swept quarterly.*

**Staff Response to February 22, 2012 Comment City of Salinas – Provision E.6.d.iii**

Central Coast Water Board staff understands that the City submitted this comment as an alternative to Draft Order language requiring the City to sweep parking lots as part of street sweeping routes. Central Coast Water Board staff understands through conversation with City staff that the City does not, in fact, sweep parking lots as part of street sweeping routes, but as a separate activity. In addition, it is not the intent of the Draft Order to increase parking lot sweeping efforts over current levels. Central Coast Water Board staff understands that the City currently sweeps the parking lots identified in BMP 3.7 of the City's SWMP on a weekly basis. In addition, the City conducts daily visual inspection of all municipal parking lots and garages that includes removal of visible trash, litter, and debris. Central Coast Water Board staff has added Provision E.6.i to clarify these requirements.

- e) In areas where street sweeping is technically infeasible (e.g., streets without curbs), the Permittee shall increase implementation of other trash/litter BMP procedures to minimize pollutant discharges to storm drains and water bodies. The Permittee shall show on its street sweeping map the location of these areas.
- f) Sweeping Equipment Selection and Operation
  - i) When replacing existing sweeping equipment, the Permittee shall select and operate high-performing sweepers that are efficient in removing pollutants, including fine particulates, from impervious surfaces.
  - ii) The Permittee shall track equipment design performance specifications to ensure that street sweeping equipment is operated at the proper equipment design speed with appropriate verification, and that equipment is properly maintained. **Proposed:** *The Permittee shall track equipment design performance specifications and ensure*



*that Street Sweeper Operators are trained in the proper equipment design speed and that the equipment is properly maintained. **Rationale for Revision:** Unless there is a simpler intended methodology, “appropriate verification” implies the use of electronic (GPS) tracking devices to monitor the speed of the street sweeper and maintaining this data on a daily basis for the term of the permit, assuming this is technically feasible. Electronic tracking of personnel and equipment would require an Employee/Bargaining Union Agreement for use. This is an unnecessarily complicated methodology to determine the simple issue of using the appropriate speed while sweeping. If the sweeping speed is too fast, the sweeper will not pick up material and this can be easily seen and determined by the operator during the sweeping process. New sweeper operators are trained in the proper operation and care of the street sweeper through use of the vehicle operations manual and by more experienced sweeper operators and vehicle maintenance personnel. **Effectiveness:** Ensuring that operators are properly trained will meet the intent of this requirement that the sweeper is operated properly and consistent with the manufacturer’s guidelines.*

**Staff Response to February 22, 2012 Comment City of Salinas – Provision E.6.f.ii**

City staff withdrew this comment in a telephone conversation with Central Coast Water Board staff on March 1, 2012. The language contained in the Draft Order provides flexibility for the City to select a practical methodology for verifying that street sweeping equipment is operated at the proper speed. The Draft Order does not require the City to use electronic tracking devices to monitor operating speed of street sweepers.

- iii) The Permittee shall operate sweepers to optimize pollutant removal by providing sweepers access to the curb through the use of parking restrictions that clear the curb or through effective public outreach to inform citizens of sweeping days and times so that voluntary curb clearing can occur.
  - (1) Within 12 months of adoption of this Order, the Permittee shall estimate the percentage of curb miles covered by sweeping routes that are actually swept during sweeping operations. The estimate must exclude curb miles sweeping equipment was unable to access due to parked cars or trash cans. The estimate must be supported by data, but may be based on assessments provided by equipment operators. *Add: or by assessments performed at minimum of twice annually to obtain an annual average. **Rationale for Revision:** The operation of a street sweeper requires a combination of important skills. Most importantly the operator must maintain a high degree of focus and awareness of his surroundings. The operator drives the vehicle from the curb (right) side of the vehicle. His attention must be focused on his travel path on the street, the broom placement at the curb and gutter, efficiency of the street cleaning that is taking place, parked vehicles in his forward path and focus on the opposite side view mirror for passing cars coming from the rear of the vehicle. This generally must be accomplished in one fluid movement to maximize street cleaning at the curb, avoid hitting parked cars in front of him, and be able to enter the flow of street traffic from the curb and back again without stopping so that the sweeping route is completed on time. This constant driving and equipment operation takes place 6 to 7 hours each day excluding breaks. The intensity of focus and awareness that is required cannot be overstated. The operators cannot be distracted to assess the number of parked cars and garbage cans that are passed on multiple streets during an 8-hour shift. It takes 3 sweepers, two weeks each to complete a one time sweeping of the City. This level of detailed assessment is a 12-week commitment of an additional employee to ride along to count cars and garbage*

cans twice annually. **Effectiveness:** Performing an assessment on a semi-annual basis will provide an annual average for the purposes of this assessment and the requirements of item (2) below.

**Staff Response to February 22, 2012 Comment City of Salinas – Provision E.6.f.iii.1**

City staff withdrew this comment in a telephone conversation with Central Coast Water Board staff on March 1, 2012. The language contained in the Draft Order provides flexibility for the City to select a practical methodology for estimating the percentage of route miles that are actually swept, including the methodology proposed in the comment. Therefore Central Coast Water Board staff finds that the Draft Order does not need to include the proposed language.

- (2) Within 12 months of adoption of this Order, the Permittee shall develop a strategy designed to increase over time the percentage of curb miles covered by sweeping routes that are actually swept during sweeping operations. The Permittee shall consider both short-term and long-term objectives, including elements such as parking restrictions and public outreach efforts.
- (3) Beginning in **Year 2**, the City shall implement the strategy developed in accordance with Section E.6.f.iii.2. **Proposed: Change to Year 3. Rationale for Revision: This requirement should coincide with the Year 3 implementation of new sweeping schedules as noted in E.6.d.2. Strategy for public outreach should match the implementation of the new sweeping schedule. Effectiveness. Outreach efforts will be coordinated with implementation of new sweeping schedules.**

**Staff Response to February 22, 2012 Comment City of Salinas – Provision E.6.f.iii.3**

Central Coast Water Board staff has revised the Draft Order to incorporate the proposed change. In addition, Central Coast Water Board staff has revised Provision E.6.f.iii.2 to include a requirement that the City develop a methodology for determining whether the strategy developed according to Provision E.6.f.iii.2 achieves its objective. This addition will ensure that the City's strategy to increase the percentage of curb miles actually swept is effective even though implementation is delayed by one year.

- g) Sweeper Waste Material Disposal – Within 12 months of adoption of this Order, the Permittee shall develop and implement an effective procedure to properly dispose of street sweeper waste material. This procedure shall ensure that water and material will not reenter the MS4 or enter water bodies.
- h) Tracking of Dirt and Other Debris onto Streets – By the end of Year 2, the Permittee shall develop and implement effective BMPs to reduce the tracking of dirt and other debris onto streets, regardless of its source (e.g., construction sites, commercial operations, landscape operations, agricultural operations). By the end of Year 2, the Permittee shall develop and utilize its legal authority (e.g., municipal codes, ordinances, statutes, standards, specifications, permits, contracts, or other means) to enforce the reduction of dirt and other debris tracked onto streets. The Permittee shall implement the progressive Enforcement Response Plan (Section S.2 [Legal Authority: Enforcement Measures and Tracking]) and take all necessary follow-up actions (e.g., warnings, notices, escalated enforcement, follow-up) to bring operations into compliance. The Permittee shall respond to and document all complaints received from third-parties and document any required corrective actions and the implementation of corrective actions. The Permittee shall utilize the reporting system described in Section H.4 (Illicit Discharge Detection and Elimination: Illicit Discharge Reporting System) to facilitate third-party complaints of tracking of dirt and other debris onto streets.
- 8) Inspections of Municipal Facilities, Maintenance Operations, and Events – By the end of Year 2, the Permittee shall develop effective municipal inspections that at a minimum meet

each item listed below. Beginning in Year 3, the Permittee shall implement the municipal inspection requirements each year.

- a) **Weekly** Visual Observations – The Permittee shall **weekly** perform visual observations of all inventoried Municipal Facilities (excluding roads) and Maintenance Operations to ensure materials and equipment are clean and orderly, and to minimize the potential for pollutant discharge. The Permittee shall look for evidence of spills and debris and immediately clean them up to prevent contact with precipitation or runoff. The Permittee shall identify any corrective actions and verify the corrective action is completed. For Maintenance Operations that are occurring in multiple locations simultaneously, the **weekly** visual observations do not need to occur at every location but can be weekly rotating spot checks of some operations such that all crews are observed frequently. **Proposed: Change the word Weekly to Routine of Daily. Rationale: Staff routinely checks all work areas and facilities where activities take place on a daily basis or prior to use. This follows established BMP's which are already in place. Staff routinely checks all work areas and all activities and facilities for spills, debris, and excessive runoff whenever they are present.**

**Staff Response to February 22, 2012 Comment City of Salinas – Provision E.8.a**

The City's proposed modification would increase the required visual observation frequency. The Draft Order specifies minimum requirements. The Draft Order does not need to be modified to accommodate the City's current practices of performing visual observations daily. After discussion, the City understands it is always permissible for the City to exceed the minimum requirements contained in the Draft Order.

- b) Annual Inspections – The Permittee shall perform inspections each year of all Municipal Facilities and Maintenance Operations not designated as High Priority to ensure all minimum BMPs identified in Section E.3 (Minimum BMPs for Municipal Facilities, Maintenance Operations and Events) are implemented effectively. The inspections shall identify any modifications or additions required to reduce the pollutants in runoff to the MEP. The Permittee shall identify any corrective actions and verify the corrective action is completed.
- c) Quarterly Inspections for High Priority Municipal Facilities, Maintenance Operations, and Events – The Permittee shall conduct quarterly inspections of all High Priority Municipal Facilities, Maintenance Operations, and Events.
- i) Inspection Procedures
- (1) Inspections shall include, but not be limited to the following:
    - (a) Assessment of the effective implementation of the Municipal Facility, Operation or Event SWPPP;
    - (b) Assessment of compliance with this Order, Permittee ordinances and permits related to runoff;
    - (c) Assessment of BMP implementation, maintenance, and effectiveness;
    - (d) Visual observations for non-stormwater discharges, potential illicit connections, and potential pollutants in runoff ; and
    - (e) Education and training on stormwater pollution prevention, as conditions warrant.
  - (2) The Permittee shall complete the specific inspection checklist contained in the SWPPP or standard operating procedures.
  - (3) Inspection Rating – The Permittee shall determine the Inspection Rating for each inspected facility, operation, and event using the methodology described in Attachment G, or an equivalent methodology developed by the Permittee and approved by the Central Coast Regional Water Board Executive Officer.



- ii) The Permittee shall identify any BMPs that are not implemented effectively, or are not properly installed or maintained, and any additional BMPs required at each High Priority Municipal Facility, Operation, or Event to reduce pollutant discharges to the MEP and protect water quality.
  - iii) The Permittee shall notify the responsible party of each High Priority Municipal Facility, Operation, or Event of the results of inspection, including the Compliance Percentage, any BMPs that are not implemented effectively, and any required additions or modifications to BMPs.
  - iv) Low-Performing High Priority Municipal Facilities and Operations – The Permittee shall reinspect each High Priority Municipal Facility and Operation with an Inspection Rating of “E” or less within 30 days. The Permittee shall calculate the Inspection Rating for each reinspected facility and operation. The Permittee shall continue to reinspect the low-performing facility or operation as necessary, at intervals not to exceed 30 days, until there is a demonstrable quantifiable improvement in Inspection Rating.
  - v) Visual Observation of Stormwater Discharges - The quarterly inspections shall include visual observations of the quality of the runoff discharges from each High Priority Municipal Facility, Maintenance Operation, and Event (unless climate conditions preclude doing so, in which case the Permittee shall evaluate the discharges four times during the rainy season). For Events that are less than 3 months in duration, one observation shall occur. Observed problems (e.g., color, foam, sheen, turbidity) that can be associated with pollutant sources or BMPs shall be remedied. Within three days, the observed problem shall be remedied, or for complex problems, a plan to promptly remedy the observed problem shall be developed within three days.
- d) Information Management – The Permittee shall develop and maintain an information management system to record and track the following inspection information for each Municipal Facility, Operation, and Event:
- i) Required inspection frequency and type (e.g., weekly visual observation, annual inspection, High Priority quarterly inspection and visual observation of stormwater discharge);
  - ii) Dates of all inspections and reinspections and type of inspection performed;
  - iii) For each inspection: corrective actions or any additional/modified BMPs required;
  - iv) Dates that corrective actions or additional/modified BMPs were implemented;
  - v) Whether the recorded inspection is a reinspection;
  - vi) If the responsible party was notified of the results of the inspection; and
  - vii) For High Priority Municipal Facilities, Maintenance Operations, and Events:
    - (1) The number of specific BMPs required at each site;
    - (2) Results of inspections, including the inspection checklist, the number of BMPs implemented effectively or properly installed and maintained and the Compliance Percentage;
    - (3) Sites requiring reinspection within 30 days; and
    - (4) Results of the quarterly visual observations of stormwater discharges.

12) Salinas River Outfall – Within 12 months of adoption of this Order, the Permittee shall develop and submit to the Central Coast Water Board Executive Officer for approval, a plan to decrease the pollutant loads (including nutrients, salts, pathogen indicators, and pesticides) discharged from the Salinas River outfall. The plan shall include:

- a) Pollutant source identification;
- b) Ranking of pollutant sources in terms of priority;
- c) Identification of actions that will provide measurable pollutant load reduction outcomes;

- d) Ranking of actions in terms of expected effectiveness;
- e) Identification of actions to be implemented;
- f) An implementation schedule;
- g) Measurable pollutant load reduction outcomes;
- h) **Monitoring plan to monitor the Salinas River Outfall after actions are implemented that is consistent with CCAMP and the Receiving Water Monitoring described in Attachment D - Monitoring and Reporting Program; and Question: Are we to implement the full scope of monitor constituents required of the Receiving Water site 309ALD in Attachment D? If so why isn't this included in Attachment D as a monitoring requirement? Will this be in addition to the Trend monitoring site just 1 mile upstream at the City's stormwater pump station with no other City stormwater inputs between them? This will add approximately \$70,000 annually to the estimated cost of \$215,000 for implementing the requirements of Attachment D. Five-year program costs, \$1,425,000!**

**Staff Response to February 22, 2012 Comment City of Salinas – Provision E.12.h**

Central Coast Water Board staff has modified the Draft Order to remove the reference to Attachment D in the Salinas River Outfall monitoring plan. The City is required to develop a monitoring plan that will demonstrate the corrective actions implemented by the City have been effective at decreasing the high pollutant loads at the Salinas River Outfall.

The City should obtain the existing data that has been collected by the Central Coast Ambient Monitoring Program at this location and use this data to develop their plan for the Salinas River Outfall.

Central Coast Water Board staff anticipates that the City can develop an effective monitoring plan for the outfall at a significantly lower cost than has been estimated by the City in this comment.

- i) Identification of how the Permittee will assess effectiveness of the implemented actions and make any needed modifications to the plan.

**15) Reporting**

- a) In the Year 1 Annual Report, the Permittee shall include:
  - i) A description of the information management system(s) developed to track the information required by this Section;
  - ii) A summary of the results of catch basin inspection and cleaning activities, including the total number of catch basins in the Permit coverage area, verification that all catch basins were inspected and cleaned as required, verification that sediment/debris depth was determined and recorded for each catch basin, and the total volume of sediment and debris removed from all catch basins;
  - iii) Street sweeping map showing the sweeping frequency assigned to each street and parking lot;
  - iv) The strategy developed in accordance with Section E.6.f.iii.2;
  - v) A description of the procedure developed to dewater and dispose of street sweeper waste material;
  - vi) A description of the developed Maintenance of Structural BMP Verification;
  - vii) A description of the process developed to assess new flood management projects; and
  - viii) The plan developed for the Salinas River outfall.
- b) In the Year 2 Annual Report, the Permittee shall include:
  - i) The municipal inventory;

- ii) A list of minimum BMPs developed for each inventoried Municipal Facility, Maintenance Operation, and Event;
  - iii) Verification of SWPPPs development for each High Priority Municipal Facility, and Event;
  - iv) Verification of standard operating procedures developed for each High Priority Maintenance Operation;
  - v) The checklists developed for each High Priority Municipal Facility, Maintenance Operation, and Event;
  - vi) A summary of the results of catch basin inspection and cleaning activities, including the total number of catch basins in the Permit coverage area, verification that all catch basins were inspected and cleaned as required, and verification that all data was collected, recorded, and tracked as required;
  - vii) A summary of the results of catch basin inspection and cleaning activities, including the total number of catch basins in the Permit coverage area, verification that all catch basins were inspected and cleaned as required, verification that sediment/debris depth was determined and recorded for all catch basins, and the total volume of sediment and debris removed from all catch basins;
  - viii) A description of the process used to modify the catch basin inspection and cleaning program, including a description of the modified program and the rationale for believing that the modified program will optimize the total volume of sediment and debris removed from catch basins each year;
  - ix) A description of the process used to modify street sweeping schedules in accordance with Section E.6.c, including the rationale used to identify routes for more frequent or less frequent sweeping, identification sweeping frequency for each route, and the total number of route miles swept per year before and after modifications; and
  - x) A description of the BMPs developed and legal authority developed to reduce tracking of dirt and other debris onto streets;
- c) In the Year 2 Annual Report and each subsequent Annual Report, the Permittee shall include:
- i) A description of progress made implementing the strategy developed in accordance with Section E.6.f.iii.2;
  - ii) A description of the Structural BMP Rapid Assessment methodology developed and the maintenance needs of each structural BMP (Year 2 Annual Report only);
  - iii) Maintenance of Structural BMPs
    - (1) For each structural BMP inspected during the reporting period, the Permittee shall report the following information in electronic tabular format (i.e., displayed in a table):
      - (a) Name of facility/site inspected;
      - (b) Location (street address) of facility/site inspected;
      - (c) Name of owner of installed BMPs; and
      - (d) For each inspection:
        - (i) Date of inspection;
        - (ii) Type of inspection (e.g., initial, annual, follow-up, spot);
        - (iii) Type(s) of BMPs inspected (e.g., swale, bioretention unit, tree well) and an indication of whether BMPs are in an onsite or offsite system;
        - (iv) Inspection findings or results (e.g., proper installation, proper O&M, system not operating properly because of plugging, bypass of stormwater because of improper installation, maintenance required immediately); and
        - (v) Enforcement action(s) taken, if any (e.g., verbal warning, notice of violation, administrative citation, administrative order).

- (2) The total number of structural BMPs that have been installed to date to comply with Order No R3-2004-0135 or to comply with the requirements for Priority Development.
  - (3) The number structural BMPs inspected each year and the number of structural BMPs found to have a BMP RAM score of less than "acceptable" (Year 3 Annual Report and subsequent Annual Reports only).
  - (4) Whether or not structural BMPs were maintained, as required, to achieve a BMP RAM score of at least "acceptable" (Year 3 Annual Report and subsequent Annual Reports only).
  - (5) A summary of information management system updates including measures the Permittee implements to ensure the system is kept up to date.
  - (6) A discussion of the inspection findings for the year and any common problems encountered with various types BMPs. This discussion shall include a general comparison to the inspection findings from the previous year.
  - (7) A discussion of the effectiveness of the Permittee's O&M BMPs and any proposed changes to improve the O&M BMPs (e.g., changes in prioritization plan or frequency of O&M inspections, other changes to improve effectiveness of BMPs).
  - (8) A list of all newly installed (installed within the reporting period) BMPs. This list shall include the facility locations and a description of the BMPs installed.
- iv) A list of all flood management projects in the planning stage and how water quality impact reduction measures are being incorporated into the design; and
  - v) A summary of the progress on the Salinas River outfall plan.
- d) In the Year 3 Annual Report, the Permittee shall include a summary of the developed Structural BMP Rapid Assessment methodology.
  - e) In the Year 3 Annual Report and each subsequent Annual Report, the Permittee shall include:
    - i) A description of updates made to the municipal inventory including the reasoning for the update;
    - ii) A description of updates made to the minimum BMPs including the reasoning for the update;
    - iii) A description of updates made to High Priority Municipal Facility and Event SWPPPs and Maintenance Operation standard operating procedures including the reasoning for the update;
    - iv) A description of updates made to the checklists for each High Priority Municipal Facility, Maintenance Operation, and Event including the reasoning for the update;
    - v) A description of the implementation of the BMPs to reduce tracking of dirt and other debris onto streets including a description of any corrective actions taken;
    - vi) Summary of the weekly visual observations procedures at Municipal Facilities, Maintenance Operations, and Events and how the Permittee ensured the weekly observations occur and that identified issues were resolved;
    - vii) Quarterly and Annual Inspections of Municipal Facilities, Maintenance Operations, and Events
      - (1) A summary of the quarterly and annual inspections for minimum BMP implementation including percentage of facilities, operations and events inspected and the inspection results and follow-up actions;
      - (2) The number of municipally owned and/or maintained High Priority Municipal Facilities, Operations, and Events, and the number of High Priority Municipal Facilities, Operations and Events inspected quarterly;
      - (3) Verification that site-specific inspection checklists were used for all inspections;
      - (4) Results of all inspections, including Inspection Rating;

- (5) Identification of Low-Performing High Priority Municipal Facilities and Operations, including the results of all reinspections conducted and identification of improvements in Inspection Rating achieved at each facility and operation;
- (6) Verification that all inspected sites were notified of the inspection results as required;
- (7) Verification that the information management system has been updated as required;
- (8) A summary of the results of the visual observations of stormwater discharges;
- viii) A summary of the results of the Municipal Facility, Maintenance Operations, and Event assessments including the list of High Priority Municipal Facilities, Maintenance Operations, and Events as well as the criteria used to designate facilities, operations, and events as High Priority;
- ix) A summary of the results of catch basin inspection and cleaning activities, including the total number of catch basins in the Permit coverage area, the number of high priority catch basins, the number of catch basins inspected, the number of catch basins cleaned, verification that all catch basins were inspected and cleaned as required, and verification that all data was collected, recorded, and tracked as required, the total volume of sediment and debris removed from all catch basins; and the total volume of sediment and debris removed from all catch basins within each Urban Subwatershed;
- x) Verification of the assessment of catch basin prioritization, including the number of any catch basins newly identified as high priority and the number of any catch basins reduced from high priority.
- f) In each Annual Report, the Permittee shall include:
  - i) MS4 System Operation and Maintenance
    - (1) A summary of information management system updates;
    - (2) Whether the information management system has been updated to include all required information;
  - ii) Street Sweeping
    - (1) All data tracked in accordance with Section E.6.b;
    - (2) A summary of sweeping activities performed, including verification that all routes were swept in accordance with the required schedule;
    - (3) The average volume of solids collected per route mile swept during the dry season for each of the 24 routes the Permittee currently sweeps biweekly;
    - (4) The estimate of the percentage of curb miles covered by sweeping routes that are actually swept during sweeping operations, developed in accordance with Section E.6.f.iii.1, including a description of the method used to develop the estimate;
    - (5) The types of sweepers used;
    - (6) A summary of the equipment design performance tracking; **Proposed: A summary of the training used to ensure that equipment is operated consistent with the manufacturers recommendation. Rationale for Revision: See 6.f.2 above. Effectiveness: Meets the intended goal that sweeping equipment is operated consistent with the manufacturers guidelines for operation.**

<p><b>Staff Response to February 22, 2012 Comment City of Salinas – Provision E.15.f.ii.6</b>          See Staff Response to February 22, 2012 Comment City of Salinas – Provision E.6.f.ii.</p>
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- (7) The use of additional resources in sweeping seasonal leaves or pick-up of other material;
- (8) A description of the methods for addressing areas identified in Section E.6.g (Street Sweeping and Cleaning), considered infeasible for street sweeping;



- (9) A description of any sweeping equipment replacement;
- iii) A summary of the oversight procedures the Permittee implemented for all operations performed by staff not employed by the Permittee;
- iv) A training report that includes at a minimum:
  - (1) List of all staff whose job duties are related to implementing the municipal stormwater requirements of this Order, the date(s) training occurred and the topics covered;
  - (2) Results of the annual training assessment and a summary of any implemented revisions to training; and
  - (3) A summary of the Permittee's compliance with the training requirements of this Section.

#### F. Commercial and Industrial (Partial)

##### 1) Commercial and Industrial Inventory

- a) By the end of Year 2, the Permittee shall revise its Commercial and Industrial Inventory in accordance with this Section. The Permittee shall keep the inventory current by including and/or updating the following minimum information each year, as necessary for each facility or operation on the inventory:
  - i) Facility or operation name (i.e., the name of the business);
  - ii) Address;
  - iii) Urban Subwatershed in which the facility or operation is located;
  - iv) Nature of business or activity;
  - v) Pollutants potentially generated by the facility or operation;
  - vi) Standard Industrial Classification (SIC) codes;
  - vii) A description of the facility or operation activities that have the potential to contaminate stormwater;
  - viii) Principal stormwater contact; and
  - ix) Whether the facility or operation is enrolled in the General Industrial Permit.
- b) The Permittee shall include a minimum of 1,250 commercial and industrial facilities and/or operations on the Commercial and Industrial Inventory. *Proposed: Delete this requirement. Rationale for Revision: The Permittee shall identify facilities and/or operations for inclusion in the inventory according to the order listed below (i.e., Industrial Facilities first, followed by Commercial Food Facilities and Operations, etc.).* The Permittee shall include all facilities and/or operation in each of the categories listed below in the Permit coverage area **until the inventory includes at least 1,250 facilities and/or operations.** *Please Clarify the Intent of this Requirement. Question: This implies that the City is not required to inspect more than 1,250 facilities during the permit term or as many facilities that are needed to maintain a list of 1,250. Do we continue to fill the list from the "overall" inventory as facilities are no longer in business? What happens if the overall inventory list falls below 1,250 due to business closures or other causes?*

#### **Staff Response to February 22, 2012 Comment City of Salinas – Provision F.1.b**

After discussion with Central Coast Water Board staff, the City withdrew the suggestion to delete Provision F.1.b. The City is required to develop an inventory that includes a minimum of 1,250 commercial and industrial facilities. The City is required to identify facilities for inclusion in the inventory based on the Draft Order listed in Provision F.1.b. The City is required to inspect a minimum of 20 percent of inventoried facilities each year. If facility closures cause the inventory to drop below 1,250, the City would need to add more facilities to the inventory. If facility closure

is common, the City may want to estimate the number of closures and develop an inventory of a size that includes a buffer to account for those closures.

- i) Industrial Facilities
  - (1) Industrial facilities, as defined by 40 CFR section 122.26(b)(14), including those subject to the General Industrial Permit or other individual NPDES permit.
  - (2) Facilities subject to section 313 of the Emergency Planning and Community Right-to-Know Act, 42 U.S.C. 11023 (commonly known as SARA Title III); and
  - (3) Hazardous waste treatment, disposal, storage, and recovery facilities.
- ii) Commercial Food Facilities and Operations
  - (1) Eating or drinking establishments, including food markets; and
  - (2) Meat cutting, packing, and processing.
- iii) Commercial Automotive Repair Facilities and Operations
  - (1) Automobile and other vehicle body repair or painting;
  - (2) Automobile repair, maintenance, fueling, or cleaning; and
  - (3) Trucking centers, including repair, maintenance, fueling, or cleaning.
- iv) Retail or Wholesale Gasoline Outlets
- v) Commercial Car Washes
- vi) Livestock operations within the Permit coverage area that discharge into the Permittee's MS4
- vii) Nurseries and greenhouses
- viii) Commercial Retail Centers
  - (1) Shopping malls, strip malls, and shopping centers; and
  - (2) Big box stores and warehouse stores.
- ix) Commercial Mobile Operations
  - (1) Mobile automobile or other vehicle washing, including commercial car washes;
  - (2) Mobile carpet, drape, or furniture cleaning;
  - (3) Mobile tallow services;
  - (4) Mobile sanitary services (e.g., septic and grease trap pumping, portable toilet servicing);
  - (5) Mobile water damage services;
  - (6) Power washing services; and
  - (7) Street and parking lot mobile sweeping services.
- x) Commercial Trash and Garbage Facilities or Operations
  - (1) Refuse haulers, transfer stations, and tallow rendering facilities; and
  - (2) Recycling centers.
- xi) Aviation, Marine, and Equipment Facilities and Operations
  - (1) Airplane repair, maintenance, fueling, or cleaning;
  - (2) Boat repair, maintenance, fueling, or cleaning; and
  - (3) Equipment repair, maintenance, fueling, or cleaning.
- xii) Commercial Construction Facilities or Operations
  - (1) Cement mixing or cutting;
  - (2) Masonry operations;
  - (3) Granite, marble, and tile cutting;
  - (4) Building material retailers and storage; and
  - (5) Painting and coating.
- xiii) Commercial Landscaping and Pest Control Operations
  - (1) Agricultural chemical dealers and fertilizer/pesticides mixing facilities;
  - (2) Botanical or zoological gardens and exhibits;
  - (3) Cemeteries; and
  - (4) Golf courses, parks, and other recreational areas/facilities.
- xiv) Miscellaneous Commercial Facilities or Operations

- (1) Animal and veterinary facilities;
  - (2) Commercial laundries; and
  - (3) Other facilities with a history of un-authorized discharges to the MS4.
- xv) All other commercial and industrial facilities or operations that the Permittee determines may contribute a significant pollutant load to the MS4.
- c) The Permittee shall make an exception to the order contained in Section F.2.b for commercial and industrial facilities and/or operations known or suspected by the Permittee to be a significant potential source of pollutants, and shall include such facilities and/or operations in the Commercial and Industrial Inventory.
  - d) The Permittee shall update the Commercial and Industrial Inventory each year.
  - e) When developing the revised Commercial and Industrial Inventory by the end of Year 2 in accordance with Section F.1.a, Section F.1.b, and Section F.1.c, the Permittee shall acquire the necessary facility and/or operation information from existing knowledge about each facility or operation or through extrapolation of knowledge about similar facilities and/or operations (i.e., the Permittee is not required to conduct an inspection of the facility or operation prior to the revising the inventory). The Permittee may use information gathered during prior inspections of the facility or operation, or during inspection of similar facilities and/or operations. For types of facilities and operations the Permittee has not previously inspected, the Permittee may use information from its own research or from other stormwater programs in conducting the initial Commercial and Industrial Inventory revision.
  - f) The Permittee may propose, for Central Coast Water Board Executive Officer Approval, an alternative methodology of developing the Commercial and Industrial Inventory that is at least equivalent to the procedure identified in this Section.
- 2) Minimum BMPs – By the end of Year 2, the Permittee shall designate and require the effective implementation of minimum BMPs for all facilities and operations included in the Commercial and Industrial Inventory. Minimum BMPs shall be specific to facility or operation types and pollutant-generating activities for the facility or operation type, and shall, at a minimum, include the BMPs listed below, for each facility or operation identified in the commercial and industrial inventory. Each year, the Permittee shall update the minimum BMPs for consistency with trash reduction ordinances.
- a) Implement source control BMPs. Minimize the exposure of manufacturing, processing, and material storage areas (including loading and unloading, storage, disposal, cleaning, maintenance, and fueling operations) to rainfall, stormwater run-on, and stormwater runoff by collectively locating these materials and activities inside, protecting them with storm resistant coverings, diverting run-on and runoff away from the materials and activities, and/or implementing other similarly effective measures.
  - b) ?

**Staff Response to February 22, 2012 Comment City of Salinas – Provision F.2.b**

In the revisions made to the Draft Order on January 10, 2012, the language in Provision F.2.b was deleted, but the subheading for Provision F.2.b was inadvertently not deleted. To correct this error, Central Coast Water Board staff deleted the unused subheading Provision F.2.b and re-lettered Provisions F.2.c through F.2.r.

- c) Locate materials, equipment, and activities so that leaks are contained in containment and diversion systems.
- d) Implement leak and spill prevention procedures and clean up spills and leaks promptly using dry methods (e.g., absorbents) to prevent the discharge of pollutants. Train employees who may cause, detect, or respond to a spill or leak in these procedures and have necessary spill response equipment available.

- e) Use drip pans and absorbents under or around leaky vehicles and equipment, or, where feasible, store leaky vehicles and equipment indoors.
- f) Use spill/overflow protection equipment.
- g) Drain fluids from equipment and vehicles prior to on-site storage or disposal.
- h) Perform all cleaning operations indoors, under covered areas, or in bermed areas that prevent runoff and run-on and capture any overspray.
- i) Direct all wash water and process water drains to a proper collection system and not into the MS4.
- j) Follow good housekeeping practices. Keep clean all exposed areas that are potential sources of pollutants, by regularly implementing BMPs (e.g., sweeping), keeping materials orderly and labeled, and storing materials in appropriate containers.
- k) Conduct maintenance. Regularly inspect, test, maintain, and repair all commercial and industrial equipment and systems to avoid situations that may result in leaks, spills, and other releases of pollutants in urban runoff discharges.
- l) Implement procedures, for notification of appropriate facility personnel, emergency response agencies, and regulatory agencies (e.g., Monterey County Certified Unified Program Agency (CUPA), Environmental Health, and Central Coast Water Board).
- m) Implement erosion and sediment control BMPs. Stabilize exposed areas and contain stormwater runoff using structural and/or nonstructural BMPs to minimize onsite erosion and sedimentation and the resulting discharge of pollutants.
- n) **Eliminate** illicit discharges not authorized by an applicable NPDES permit as specified in Section A.5 (Discharge Prohibitions: Non-Stormwater Discharges). **Proposed Language: Reduce to the MEP. Rationale for Revision: The City cannot ensure the total elimination of illicit discharges. Effectiveness: New language meets the intent of the requirement to address illicit discharges to the MEP.**

**Staff Response to February 22, 2012 Comment City of Salinas – Provision F.2.n**

Under the Clean Water Act, illicit discharges are treated differently than pollutant discharges. Illicit discharge control is not subject to the MEP standard. As required by 40 CFR 122.26, illicit discharges are prohibited by the Draft Order, and therefore the minimum BMPs for facilities and operations include the requirement to eliminate illicit discharges. Central Coast Water Board staff has modified the language in the Draft Order to refer to Attachment B of the Draft Order for the definition of illicit discharge (*All non-stormwater discharges except those authorized under a separate NPDES permit or Section A [Discharge Prohibitions] of the Order. Any discharge that is prohibited under local, state, or federal statutes, ordinances, codes, regulations, or the Discharge Prohibitions Section of this Order*).

- o) Control waste, trash, and debris. Manage waste, trash, and debris so they **cannot be discharged** to the MS4 or receiving waters. **Proposed Language: “are reduced to the MEP “ Rationale for Revision: The implication is that total control can be achieved. Waste, trash and debris in the environment can occur in variety of ways such as careless disposal of litter, windblown debris, or deliberate unauthorized disposal into the MS4 or waterway. Effectiveness: Meets the intent of the requirement.**

**Staff Response to February 22, 2012 Comment City of Salinas – Provision F.2.o**

Central Coast Water Board staff revised Provision F.2.o (now Provision F.2.n) to read “Manage waste, trash, and debris to reduce its discharge in stormwater into the MS4 or receiving waters to the MEP.”

- p) Control dust generation and vehicle tracking of industrial materials. Minimize generation of dust and tracking of raw, final, and waste materials offsite.
- q) Label drains/inlets that convey discharges to the MS4 with a stormwater awareness message (e.g., a label, stencil, marker or pre-cast message such as “drains to the creek”).

- r) Implement any additional BMPs required to effectively reduce pollutants discharged from these operations to the MEP.
- 4) Inspection of Facilities and Operations – The Permittee shall inspect facilities and operations in the Commercial and Industrial Inventory for compliance with this Order.
- a) Beginning in Year 3, the Permittee shall prioritize facilities and operations in the Commercial and Industrial Inventory for inspection each year. The Permittee shall prioritize facilities and operations based on potential threat to water quality and watershed health, accounting for, but not limited to, the following factors:
- i) Type of activity;
  - ii) Materials used;
  - iii) Wastes generated;
  - iv) Pollutant discharge potential;
  - v) Non-stormwater discharges;
  - vi) Proximity to receiving water bodies (e.g., if the facility is adjacent to a receiving water body this should be considered);
  - vii) Sensitivity of receiving water bodies (e.g., if the facility discharges to a 303(d) listed waterbody and the facility has the potential to generate the pollutant the waterbody is listed for, this should be considered);
  - viii) Whether the facility is subject to the General Industrial Permit or an individual NPDES permit;
  - ix) Facility design;
  - x) Total area of the facility or operation, area where industrial or commercial activities occur, and area of the facility or operation exposed to rainfall and runoff;
  - xi) Time since previous inspection;
  - xii) The facility or operation's compliance history; and
  - xiii) Any other relevant factors.
- b) When prioritizing facilities and operations for inspection in Year 3 in accordance with Section F.4.a, the Permittee shall base its prioritization on existing knowledge about each facility or operation or through extrapolation about similar facilities and/or operations (i.e., the Permittee is not required to conduct an inspection of facilities or operations prior to prioritizing the inventory). The Permittee may use information gathered during prior inspections of the facility or operation, or during inspection of similar facilities and/or operations. For types of facilities and operations the Permittee has not inspected previously, the Permittee may use information from its own research or from other stormwater programs to conduct the initial prioritization. *Comment: This implies that inspections are not required in years one and two. Is this correct?*

**Staff Response to February 22, 2012 Comment City of Salinas – Provision F.4.b**  
 Inspections during Year 1 and Year 2 are required to be performed per the City's current inspection requirements. This concept applies to the all of the Draft Order requirements. Per Provision D.7, the City is required to implement each component of each element of the City's May 20, 2008 stormwater management plan until the component is modified and implemented in compliance with the Draft Order.

- c) Inspection Procedures
- i) By the end of Year 2, the Permittee shall develop and implement effective inspection procedures that achieve the following for each inspected operation or facility:
    - (1) For facilities that monitor runoff (e.g., facilities covered by the General Industrial Permit, facilities covered by other NPDES permits), review of facility monitoring data; *Comment: Will Regional Board staff routinely provide an inventory of facilities issued under the States General Industrial Permit or have been issued*



*other NPDES permits by the state. With what frequency will these inventories be updated and forwarded to the City.*

**Staff Response to February 22, 2012 Comment City of Salinas – Provision F.4.c.i.1**

The City can, at any time, obtain a listing of facilities covered by the General Industrial Permit by accessing the publically accessible information in the Storm Water Multiple Application and Report Tracking System (SMARTS), or by requesting Central Coast Water Board staff to run a report of current enrollees.

For other NPDES permits, the City can request this information from Central Coast Water Board staff at any time. Other NPDES permits are not issued very often. If the City requested the information quarterly, that would likely be sufficient to achieve the objective of the Draft Order requirements.

SMARTS can be accessed here:

<https://smarts.waterboards.ca.gov/smarts/faces/SwSmartsLogin.jsp>

- (2) Verification of coverage under the General Industrial Permit (e.g., Waste Discharge Identification [WDID] Number and SWPPP), if applicable.

*Comment: This implies that we must (from c.i. above) “develop effective inspection procedures that” verifies that every facility is covered under the General Industrial Permit. Is this correct? Verification must come from the Regional Boards inventory of facilities enrolled in the General Industrial Permit program in the City of Salinas. Does the inventory include a WDID number and verification that a SWPPP has been submitted to the state? This information resides in the state’s databases. Can we assume that if a facility is not on the list you provide that they are not covered under the General Industrial Permit? Again, Training from Regional Board staff is critical to successfully addressing the various General Industrial Permit provisions that are written into this chapter of the Permit.*

**Staff Response to February 22, 2012 Comment City of Salinas – Provision F.4.c.i.2**

Central Coast Water Board staff and City staff discussed the City’s relationship to the General Industrial Permit on February 27, 2012. The City is not responsible implementing the requirements of the State’s General Industrial Permit. The City is responsible for implementing the City’s commercial and industrial requirements. Similar to the General Construction Permit, there is some overlap in the State’s and the City’s requirements. This overlap is typical nationwide. USEPA has established this overlap due to the significant potential threat industrial sites pose to water quality. The City is required by the Draft Order to verify applicable facilities are enrolled in the General Industrial Permit. Municipalities typically verify enrollment by requiring a facility to provide their Waste Discharge Identification number (WDID) issued by the State Water Board. The City is also required to utilize in their effectiveness assessment, the sampling information collected by facilities that are enrolled in the General Industrial Permit. Utilizing existing water quality sampling data that is already required to be obtained under a different program is a cost effective way for the City gain effectiveness information that can be used to make program adjustments to increase their program’s effectiveness.

After the discussion on February 27, 2012, City staff indicated understanding of the relationship between the two permits (General Industrial Permit and the Draft Order) and that the City no longer has the questions raised in this comment.

- (3) Assessment of BMP selection, implementation, installation, and maintenance in accordance with minimum BMPs designated by the Permittee and with guidance contained in the California Stormwater Quality Association

- Stormwater Best Management Practices Handbook for Industrial and Commercial;<sup>1</sup>
- (4) Assessment of compliance with Permittee stormwater regulations (e.g., municipal codes, ordinances, statutes, standards, specification, permits, contracts);
  - (5) Determination of the Inspection Rating using the methodology described in Attachment G – Inspection Ratings, or an equivalent methodology approved by the Central Coast Water Board Executive Officer;
  - (6) Assessment of additional BMPs that must be required to reduce the discharge of pollutants to the MEP;
  - (7) Visual observations for non-stormwater discharges, potential illicit connections, and potential pollutants in urban runoff discharges;
  - (8) Education on effective stormwater pollution prevention, as conditions warrant; and
  - (9) Identification of required corrective actions and verification that corrective actions have been implemented.
- ii) Inspection Rating – The Permittee shall determine the Inspection Rating for each inspected facility and operation using the methodology described in Attachment G – Inspection Ratings, or an equivalent methodology developed by the Permittee and approved by the Central Coast Regional Water Board Executive Officer.
  - iii) The Permittee shall determine two separate Inspection Ratings for fast food restaurants in accordance with the approved methodology. One Inspection Rating shall be determined related to requirements contained in this Section for Commercial Food Facilities and Operations. The second Inspection Rating shall be determined related to trash and litter control. The Permittee shall document and track both Inspection Ratings determined for each inspected fast food restaurant.
- d) Inspection Frequency
- i) Beginning in Year 3, the Permittee shall inspect a minimum of 20 percent of the facilities and operations included in the Commercial and Industrial Inventory each year. The Permittee shall identify facilities for inspection each year on the basis of the prioritization conducted in accordance with Section F.4.a. When calculating the percentage of facilities or operations inspected, multiple inspections of the same facility, conducted in accordance with Section F.4.d.ii, shall be considered as one facility inspection.
  - ii) Low-Performing Facilities and Operations – The Permittee shall reinspect each Commercial and Industrial Facility and Operation with an Inspection Rating of “E” or lower within thirty days. The Permittee shall calculate the Inspection Rating for each reinspected facility and operation. The Permittee shall continue to reinspect the low-performing facility or operation as necessary, at intervals not to exceed thirty days, until there is a demonstrable improvement in Inspection Rating. The Permittee shall reinspect fast food restaurants when either or both of the Inspection Ratings determined during inspection is “E” or lower. The reinspection shall focus on BMPs related to the Inspection Rating(s) necessitating the reinspection.
- e) The Permittee shall notify the principal stormwater contact of each inspected facility or operation of the results of each inspection, including the compliance level, Inspection Rating(s), any BMPs that were not implemented effectively, any required corrective actions, and any additional required BMPs.

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<sup>1</sup> CASQA. *California Stormwater Quality Association Stormwater Best Management Practice Handbook: Industrial and Commercial*, January 2003. Web. 23 August 2011  
<<http://www.cabmphandbooks.com/documents/Industrial/IndustrialCommercial.pdf>>.

- 5) Facility Monitoring Data Reported under the General Industrial Permit - The Permittee shall obtain, track, and analyze parameter results reported by industrial facilities within the Permit coverage area enrolled under the General Industrial Permit each year. The Permittee shall obtain the data using the Stormwater Multiple Application and Report Tracking System (SMARTS) as well as by requesting from the Central Coast Water Board any additional data submitted by enrollees in the General Industrial Permit. The Permittee shall use this data to assess the effectiveness of the Permittee's BMP designation, education, inspection, and enforcement activities for industrial facilities according to Section P.1.b.iii (Monitoring, Effectiveness Assessment, and Program Improvement: Industrial Facilities).

**Comment:** *This is a state run permitting program. Will state staff provide adequate training to City inspectors and contract inspectors regarding the overall program, the criteria used in determining inclusion into the program, BMP's to be implemented under the program and details of the programs requirements for storm water protection? Also, what is the frequency of submittals and lag time for data entry into (SMARTS) so data can be reviewed prior to inspection? If exceedances of water quality objectives have been reported by a General Industrial Permittee hasn't the state already addressed these issues with the Permittee? How will the City receive information regarding compliance status issues that the State is implementing? Are we to implement enforcement actions against an enrollee who already may be under a compliance order from the state? This could cause a great deal of confusion as to who is implementing the General Permit Program, the State or the City.*

**Staff Response to February 22, 2012 Comment City of Salinas – Provision F.5**

See Staff Response to February 22, 2012 Comment City of Salinas – Provision F.4.c.i.2

After the discussion on February 27, 2012, City staff indicated understanding of the relationship between the two permits (General Industrial Permit and the Draft Order) and that the City no longer has the questions raised in this comment.

- 7) Process to Refer Non-Filers and Noncompliance to Central Coast Water Board
- a) When the Permittee has exhausted its progressive Enforcement Response Plan (Section S.2 [Legal Authority: Enforcement Measures and Tracking]) and cannot bring an operation into compliance with its regulations (e.g., municipal codes, ordinances, statutes) or this Order, or otherwise deems an operation to pose an immediate and significant threat to water quality, the Permittee shall provide oral notification to the Central Coast Water Board within five business days of such determination. Such oral notification shall be followed by written notification within 10 business days of the incident.
  - b) For industrial facilities subject to the requirements of the General Industrial Permit that cannot demonstrate coverage under that permit, the Permittee shall notify the Central Coast Water Board of those non-filers within 10 business days of discovery. **Comment:** *Again, this is a state run permitting program. Will state staff provide adequate training to City inspectors and contract inspectors regarding the overall program, the criteria used in determining inclusion into the program, BMP's to be implemented under the program and details of the programs requirements for storm water protection ?* In making such notifications, the Permittee shall provide, to the Central Coast Water Board, at a minimum, the following information:

**Staff Response to February 22, 2012 Comment City of Salinas – Provision F.7.b**

See Staff Response to February 22, 2012 Comment City of Salinas – Provision F.4.c.i.2. In addition, to determine if a facility should be enrolled in the General Industrial Permit, the City

should compare the facility's Standard Industrial Classification (SIC) code with the list of SIC codes that are required to be enrolled in the General Industrial Permit. This information can be found in Attachment 1 of the General Industrial Permit. After the discussion on February 27, 2012, City staff indicated understanding of the relationship between the two permits (General Industrial Permit and the Draft Order) and that the City no longer has the questions raised in this comment.

The General Industrial Permit can be found here:

[http://www.waterboards.ca.gov/water\\_issues/programs/stormwater/docs/induspmt.pdf](http://www.waterboards.ca.gov/water_issues/programs/stormwater/docs/induspmt.pdf)

- i) Facility name and location including address;
  - ii) Facility contact and owner;
  - iii) Facility SIC code; and
  - iv) Records of communication with the responsible party regarding filing requirements.
- 8) **Enforcement of Commercial and Industrial Facilities and Operations** – The Permittee shall utilize its legal authority to enforce appropriate ordinances, statutes, permits, contracts or other means to control pollutant discharges from all commercial and industrial facilities and operations. ***Comment: Can the City enforce provisions of the States Industrial Stormwater Permit?*** The Permittee shall implement the progressive Enforcement Response Plan and take all necessary follow-up actions (e.g., warnings, notices, escalated enforcement, follow-up) to bring facilities and operations into compliance. The Permittee shall respond to and document all complaints received from municipal staff and third-parties and document any required corrective actions that have been implemented. The Permittee shall utilize the reporting system described in Section H.4 (Illicit Discharge Detection and Elimination: Illicit Discharge Reporting System) to facilitate public complaints of commercial and industrial facilities and operations.

**Staff Response to February 22, 2012 Comment City of Salinas – Provision F.8**

See Staff Response to February 22, 2012 Comment City of Salinas – Provision F.4.c.i.2.

After the discussion on February 27, 2012, City staff indicated understanding of the relationship between the two permits (General Industrial Permit and the Draft Order) and that the City no longer has the questions raised in this comment.

11) Reporting

- a) In the Year 1 Annual Report, the Permittee shall include:
  - i) A description of the information management system(s) developed to track the information required by this Section.
- b) In the Year 2 Annual Report and each subsequent Annual Report, the Permittee shall include:
  - i) The Commercial and Industrial Inventory;
  - ii) A summary of the information management system updates including a description of measures the Permittee implemented to ensure the system is kept up-to-date;
  - iii) A summary of BMPs designated for all facilities and operations on the Commercial and Industrial Inventory; and
  - iv) A summary of the notification procedure used for owners and operators of facilities and operations of the requirements of this Section including the percentage of inventoried facilities and operations that have been provided notice.
  - v) The developed inspection procedures.
- c) In the Year 3 Annual Report and each subsequent Annual Report, the Permittee shall include:

- i) A summary of the Commercial and Industrial Inventory and prioritization updates, including a description of measures the Permittee implemented to ensure the inventory and prioritization are kept up-to-date;
  - ii) Any updates to the BMPs required for each facility and operation;
  - iii) The percentage of newly inventoried facilities and operations that the Permittee has provided notice to of the requirements of this Section;
  - iv) The number of facilities and/or operations inspected each year and the total number of facilities and/or operations included in the Commercial and Industrial Inventory;
  - v) Results of all inspections, including the Inspection Rating;
  - vi) Identification of facilities and operations requiring reinspection within 30 days, and the results of all reinspections conducted; and
  - vii) Verification of notifications to facility and operation owner/operators of inspection results.
- d) In each Annual Report, the Permittee shall include:
- i) Verification that the Permittee has obtained and tracked facility monitoring data reported under the General Industrial Permit and the results of the analysis (including how the Permittee used the data to inform their program); Comment: *Again, will Regional Board Staff provide program information regarding monitoring requirements under the Industrial Permit. When and with what frequency is this data collected and when is the data submitted? What will the state expect as verification?*

**Staff Response to February 22, 2012 Comment City of Salinas – Provision F.11.d.i**

See Staff Response to February 22, 2012 Comment City of Salinas – Provision F.4.c.i.2. Monitoring data is collected by facilities twice a year and is submitted with the annual reports in July of each year. After the discussion on February 27, 2012, City staff indicated understanding of the relationship between the two permits (General Industrial Permit and the Draft Order) and that the City no longer has the questions raised in this comment.

Verification that the City has obtained the data could consist of the City providing a statement in their Annual Report to that effect.

- ii) A summary of any referrals provided to the Central Coast Water Board for non-filers or non-compliance;
- iii) A summary of the implementation of the Enforcement Response Plan including all enforcement actions taken during the reporting period;
- iv) A description of the oversight procedures the Permittee implemented for all activities performed by staff not employed by the Permittee; and
- v) A training report that includes at a minimum:
  - (1) A list of all staff whose job duties are related to implementing the municipal stormwater requirements of this Order, the date(s) training occurred and the topics covered;
  - (2) Results of the annual training assessment and a summary of any implemented revisions to the training; and
  - (3) A description of the Permittee's compliance with the training requirements of this Section.
- vi) A summary of any letters sent to commercial and industrial facility/operation owners/operators pertaining to the requirements of this Order. The summary will include a sample copy of letters.



## J. Parcel-Scale Development (Partial)

- 1) Development Review and Approval Process – The Permittee shall develop and implement effective development plan review and permitting procedures to impose conditions of approval or other enforceable mechanisms to implement the requirements of this Section. The Permittee shall inform applicable project applicants of the requirements of this Section at the pre-application, application or equivalent first meeting with the applicant. **Rationale for Revision:** Applicants sometimes prepare a complete application package for submittal without consulting any City departments and the application meeting is the first the City sees the project. The City encourages applicants to contact the City prior to preparing plans/applications and provides Design Review Committee applicant meeting slots for this purpose each week. Effectiveness: Since whether it is a pre-application or application it is the first the City will see the package the effectiveness remains the same.

### Staff Response to February 22, 2012 Comment City of Salinas – Provision J.1

Central Coast Water Board staff modified the Draft Order to clarify that the City shall inform applicable project applicants of the requirements of Provision J at the pre-application meeting or first meeting with the applicant.

- 2) Stormwater Development Standards
- a) Stormwater Development Standards Structure – Within 18 weeks of adoption of this Order change to “Within 18 weeks of adoption of the findings of the Joint Effort for Hydromodification”, the Permittee shall revise the SWDS to separate the document into two elements, SWDS Requirements and SWDS Guidance. **Rationale for Revision:** The Joint Effort will provide the final guidance for revisions to the SWDS. It does not make sense to have several versions of the SWDS in effect during the period the Joint Effort is been completed. Some projects could be required to follow more stringent requirements than those after the Joint Effort has been completed and final SWDS in accordance with that effort have been approved by CCWB staff. Effectiveness: The current SWDS would remain in effect including the thresholds. The Future Growth Area (FGA) projects will be “priority” projects regardless of the changes and staff will guide those projects through the process regardless of the changes made until the Joint Effort is completed. In fact City staff currently has to guide applicants through all phases for conformance with the SWDS since applicants do not understand and do not want to go through the SWDS and rely on City staff/City consultants to do that for them. We expect this to continue regardless of what revisions are made to the SWDS.

### Staff Response to February 22, 2012 Comment City of Salinas – Provision J.2.a

Central Coast Water Board staff finds that reorganizing the SWDS will improve implementation of the SWDS. The SWDS, under existing Order No. R3-2004-0135, is over 200 pages (page count does not include attachments). The Draft Order requires the City to reorganize its SWDS to improve the effectiveness of the document. Currently, as observed by Central Coast Water Board staff during a focused audit, City staff is not sufficiently applying the SWDS to applicable projects; therefore, Central Coast Water Board staff finds that the City must reorganize its SWDS in order to effectively implement its SWDS. The intention of restructuring the SWDS is to modify the SWDS so the City can effectively apply the standards to applicable projects. See the Fact Sheet for Provision J for further justification about SWDS modification requirements.

Central Coast Water Board staff modified the Draft Order so that the City will not have to restructure the SWDS twice. The modified language requires the City instead to develop an accompanying guidance document for the SWDS in the short term. The guidance document

will identify which sections of the SWDS are requirements and which sections of the SWDS are information for the applicant. The City is required to develop the guidance document by the effective date of the Draft Order (within 45 days of adoption of the Draft Order). Central Coast Water Board staff finds this will achieve the same objective as modifying the actual SWDS within 18 weeks of adoption of the Draft Order. In addition, Central Coast Water Board staff modified the Draft Order to require the City to conduct the restructuring of the SWDS within 21 weeks of Central Coast Water Board's adoption of the numeric criteria for stormwater management identified by the Central Coast Water Board Joint Effort for Hydromodification Control. This schedule modification allows the City to conduct all of the SWDS updates at the same time, including Central Coast Water Board Joint Effort for Hydromodification Control updates and other updates required by the Draft Order.

Central Coast Water Board staff discussed these changes with the City, and City staff indicated that these changes adequately address this comment.

- i) SWDS Requirements – This element shall include the post-construction requirements specified by this Section. Applicability thresholds shall be included in this element. Within 12 months of adoption of this Order, this element shall be subdivided into requirements for Priority Development Projects and requirements for Non-Priority Development Projects
- ii) SWDS Guidance – This element shall include guidance related to SWDS compliance (i.e., guidance for project applicants for how to comply with the SWDS) and compliance verification (i.e., guidance for municipal staff for how to verify new development and redevelopment projects comply with the SWDS).
- b) Maintain Current SWDS – The Permittee shall implement all current requirements for Priority Development Projects contained in the SWDS until revisions required per this Section are completed. The Permittee shall submit SWDS updates required per this Section to the Central Coast Water Board for review 30 *calendar* days prior to due dates prescribed in this Order. If the Central Coast Water Board Executive Officer does not comment on the SWDS updates or issue a modified review and revision schedule within 10 days of receipt of the SWDS updates, the Permittee shall implement SWDS revisions as prescribed in this Section. If at any point during the coverage period of this Order, the Permittee proposes to make other changes to the SWDS, the Permittee shall submit proposed draft SWDS changes in the Permittee's Annual Report. When the Permittee updates the SWDS to include the final flow control and treatment requirements (12 months after adoption of this Order *or in accordance with the schedule of the Joint Effort for Hydromodification, whichever is later (see rationale and effectiveness above)*), the Permittee shall replace the existing applicability thresholds and numeric criteria for stormwater management with the final applicability thresholds and final flow control and treatment requirements per Sections J.4.f (Final Flow Control Requirements) and J.4.g (Final Treatment Requirements).

**Staff Response to February 22, 2012 Comment City of Salinas – Provision J.2.b**

Central Coast Water Board staff does not find that adding the word, 'calendar', will improve clarity. The City provides no justification for this addition.

After discussions with the City, Central Coast Water Board staff modified the deadlines throughout Provision J so that the City would not have to make changes to the SWDS twice. Central Coast Water Board staff changed all the deadlines for the short-term and long-term modifications to the SWDS to align with the Central Coast Water Board Joint Effort for Hydromodification Control.

Central Coast Water Board staff changed all the deadlines for modifications to the SWDS to 21 weeks after Central Coast Water Board's adoption of the numeric criteria for stormwater management identified by Central Coast Water Board Joint Effort for Hydromodification Control. Central Coast Water Board staff plans to recommend the Central Coast Water Board adopt the numeric criteria for stormwater management identified by the Central Coast Water Board Joint Effort for Hydromodification Control at the September 6, 2012 Central Coast Water Board Meeting. The current implementation date for the numeric criteria for stormwater management identified by the Central Coast Water Board Joint Effort for Hydromodification Control is January 30, 2013 (21 weeks after the September 6, 2012 Central Coast Water Board Meeting). This schedule extends by one month, the City's deadline to implement the Central Coast Water Board Joint Effort for Hydromodification Control numeric criteria for stormwater management. The City's Stormwater Management Plan currently requires the City to apply the numeric criteria for stormwater management to all applicable new and redevelopment projects by December 31, 2012.

Central Coast Water Board staff is aware of significant land areas zoned in the City of Salinas for future development. To ensure these future developments maintain and restore watershed processes impacted by stormwater management as necessary to protect water quality and beneficial uses, Central Coast Water Board staff finds that more protective conditions must be applied to the City's future growth area until the SWDS are modified to include the long-term requirements. In response to the City's request to not modify their SWDS twice, Central Coast Water Board modified the Draft Order to require the City to apply all the initial SWDS updates only to projects in the Future Growth Area, without requiring the City to update its SWDS. The initial SWDS updates include all of the SWDS modifications originally required, in the February 2, 2012 version of the Draft Order, to be made within 18 weeks of adoption of the Draft Order. From the effective date of the Draft Order until the City modifies the SWDS pursuant to the Central Coast Water Board Joint Effort for Hydromodification Control schedule, the City is required to utilize the necessary means to require all Future Growth Area projects, captured by Provision J.2.c (Apply SWDS to Projects), to adhere to the requirements that were originally required to be inserted into the SWDS as initial updates. The City is required to do this by the effective date of the Draft Order. The City has stated it has adequate legal authority to apply these requirements in the Future Growth Area, even without updated SWDS.

City staff explained to Central Coast Water Board staff that using the 'deemed complete' milestone in the project review process is not the most appropriate trigger for applying the most current SWDS to applicable projects. Central Coast Water Board staff worked with City staff to make changes to Provision J.2.c (Apply SWDS to Projects) to modify the point in the planning process when the City must require applicable projects to adhere to the version of the SWDS that is most current. The objective in making this modification is to have the most current SWDS apply to as many new projects as practical, by tying the new requirements to the latest point in the planning process where the City can impose new requirements. This modification will apply to all applicable projects whether within Future Growth Areas or not.

The Draft Order requires the City to continue implementing its current SWDS to applicable projects, which will capture projects not located in Future Growth Areas.

Central Coast Water Board staff worked with City staff to make these deadline changes. City staff indicated these changes adequately address the City's comments related to deadlines for SWDS modifications.

- c) Apply SWDS to Projects – The Permittee shall apply the SWDS Requirements element to all applicable projects. The Permittee shall require applicable projects to adhere to the version of the SWDS that is most current at the time the planning application is deemed complete. If, within two years of being deemed complete, a project does not demonstrate progress in the project review process (i.e., applicant submitting supplemental information to the original application, plans, or other documents required for any necessary approvals), the Permittee shall require, to the extent permitted under California law, the applicant to adhere to the most current version of the SWDS when the project moves to the next step in the review and approval process.
- 3) Requirements for Non-Priority Development Projects – The Permittee shall, within 12 months of adoption of this Order, develop and implement an effective program for requiring Non-Priority Development Projects to manage stormwater as described below.
- a) All new development and redevelopment projects creating and/or replacing 2,000 square feet or more of impervious surfaces (excludes roof replacement and solar panel installation projects, repairs to existing structures including pavement and buildings to bring properties into compliance with local codes and ordinances), **Rationale for Revision:** Just as the CCWB wants to encourage solar panel installation the City wants to encourage property owners to bring their properties up to code especially in blighted areas or after acts of god, fires etc. Most home insurance coverage is for replacement whereas adding items in ii below would be considered enhancements. Effectiveness: Provides for replacement in kind so no net effect. and not considered to be a Priority Development Project, shall be considered a Non-Priority Development Project. The Permittee shall exempt projects meeting the infeasibility criteria in Section J.4.h.ii (Alternative Compliance Justification) from the requirements in Section J.3.a.ii. The Permittee shall, within 12 months of adoption of this Order, revise the SWDS to require all Non-Priority Development Projects to include the following:

**Staff Response to February 22, 2012 Comment City of Salinas – Provision J.3.a**

Central Coast Water Board staff finds that if a project is creating and/or replacing 2,000 square feet or more of impervious surface, even for the purpose of bringing the project up to code, it is an appropriate time to incorporate stormwater controls onto the site. When a property owner is updating a site to incorporate conventional building updates (e.g., plumbing, electrical), this provides an opportunity to update the site to better manage stormwater. Central Coast Water Board staff finds stormwater management controls should be given similar weight as other site improvements.

Central Coast Water Board staff discussed this comment with City staff. City staff explained that in some situations when a project is bringing a site into compliance with the City's codes and ordinances, the project applicant may have difficulty achieving the stormwater requirements onsite. Central Coast Water Board staff modified the Draft Order to allow projects, that demonstrate the sole purpose of the project is to bring the project into compliance with the City's codes and ordinances, to utilize offsite compliance alternatives. If project applicants exercise offsite compliance alternatives there will still be a net benefit at the watershed scale. Projects that utilize offsite compliance alternatives are still required to implement applicable source control BMPs. City staff has indicated that this change adequately addresses this comment.

- i) Source control BMPs including each item, where applicable, listed below.
- (1) Storm drain stenciling and signage;
  - (2) Minimize impervious areas;
  - (3) Landscaping that minimizes irrigation and runoff, promotes surface infiltration, and minimizes the use of pesticides and fertilizers;

- (4) Application methods of irrigation water that minimize runoff of excess irrigation water into the storm drain;
  - (5) Appropriate covers, drains, and storage precautions for outdoor material storage areas, loading docks, repair/maintenance bays, and fueling areas;
  - (6) Trash storage areas designed to minimize the exposure of trash storage areas to stormwater runoff by either locating these inside or protecting them with storm resistant coverings; and
  - (7) BMPs (e.g., directing discharge to an onsite vegetated area, plumbing discharge to the sanitary sewer) that prevent and effectively prohibit the following discharges from entering receiving waters or the MS4:
    - (a) Discharges from indoor floor mat/equipment/hood filter wash racks or outdoor wash racks for restaurants;
    - (b) Dumpster drips from trash and food compactor enclosures;
    - (c) Discharges from outdoor wash areas for vehicles, equipment, and accessories;
    - (d) Swimming pool water that has not been de-chlorinated or de-brominated; and
    - (e) Fire sprinkler test water.
- ii) At least two of the items listed below.
- (1) Driveway Design – For the entire driveway area, including the parking area and the drive surface leading to the parking area, achieve at least one of the following:
    - (a) Install permeable surfaces<sup>1</sup>; or
    - (b) Slope impervious surfaces to drain toward permeable areas. The ratio of impervious area to permeable area shall be no less than 2:1.
  - (2) Landscape Feature(s) Design – At least 50 percent of the hardscape (e.g., patio, walkways) on the project, not associated with the driveway area or roof, shall be permeable surfaces.
  - (3) Downspout Routing – Each roof downspout shall be directed to one of the BMPs listed below.
    - (a) Cistern/Rain Barrel – Projects shall direct roof downspouts to rain barrels or cisterns. The stored stormwater can then be used for irrigation or other non-potable uses as permitted by local, State, and Federal regulations.
    - (b) Rain Garden/Planter Box – Projects shall direct roof downspouts to rain gardens or planter boxes that provide retention and treatment of stormwater.
  - (4) Amended Soils – Projects shall amend soils with at least 30 percent compost, to an 18-inch depth, in all areas allotted for landscape requirements. For landscape areas where a geotechnical engineer determines that a soil with 30 percent compost could compromise the structural stability of a structure, other soil mixes are allowed in close proximity to the structure. The compost mix shall comply with compost specifications included in the Model Biofiltration Soil Media Specifications. Add: (5) or if a geotechnical engineer, as evidenced by a document signed and stamped thereby, determines that inclusion of any of (1) through (4) or other LID BMPs are not feasible due to the existing soils conditions and would result in compromising the structural integrity of the site improvements, shall be granted a waiver from compliance. **Rationale for Revision: Mandatory requirements without the input of design professionals for project specific conditions can result in long term damage to site improvements.**

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<sup>1</sup> Permeable surfaces allow rainwater to infiltrate through it. These surfaces include, but are not limited to, pervious concrete, porous asphalt, un-grouted unit pavers, and granular materials.



**Effectiveness: Site conditions would not have been conducive to installation of the BMPs in the first place. Therefore they should not have been installed.**

**Staff Response to February 22, 2012 Comment City of Salinas – Provision J.3.a.ii.4**

Central Coast Water Board staff finds that Non-Priority Development projects should be able to incorporate certain types of stormwater management features, that will not compromise the structural integrity of a structure, if designed and managed appropriately. For example, the applicant could direct the roof downspouts to rain barrels and amend the soils in areas allotted for landscape areas.

The presence of clay soils is not sufficient to justify exemption from the requirements in Provision J.3.a.ii. Provision J.3.a.ii includes BMP options that do not depend on the underlying soil types. The example provided previously of choosing the options to direct the roof downspouts to rain barrels and amending the soils in areas allotted for landscape areas are examples of BMPs that most likely would not be prohibitive because of clayey soils. In addition, project applicants may take advantage of a blanket-wide exemption for clay soils.

Central Coast Water Board staff discussed this comment with City staff. In response to the discussion, Central Coast Water Board staff modified the Draft Order to include an option for the City to propose, for Central Coast Water Board Executive Officer approval, additional stormwater control features that achieve comparable benefits to water quality as the stormwater control features included in Provision J.3.a.ii.1-4. The purpose of this addition is to allow the City to develop additional options for project applicants, if the City finds the current list too limiting. City staff has indicated that this change adequately addresses this comment.

- a) Legal Authority for Long-Term Maintenance of BMPs – The Permittee shall, within 12 months of adoption of this Order, establish the legal authority (e.g., in municipal code or ordinance) to require Non-Priority Development Projects to maintain the installed BMPs in perpetuity. The Permittee may allow Non-Priority Development Project property owners to modify BMPs or install alternate BMPs from the original design, so long as the alternate BMPs meet the requirements for Non-Priority Development Projects.
- b) Guidance for Long-Term Maintenance of BMPs – The Permittee shall, within 12 months of adoption of this Order, develop replace “develop” with “assemble from existing sources” **Rationale for Change: The City should not be responsible for developing methods/guidance for BMP maintenance. This should be taken from existing materials or the BMP has not been thoroughly thought out and should not be included as part of the “toolbox” of useable BMPs. Effectiveness: Existing methods should have been vetted.** guidance for maintenance of the Non-Priority Development Project BMPs, in order to maintain the original designed effectiveness. The Permittee shall provide this education material to Non-Priority Development Project owners prior to final approval/occupancy or transfer of ownership.

**Staff Response to February 22, 2012 Comment City of Salinas – Provision J.3.c**

On February 23, 2012, Central Coast Water Board staff explained to City staff that anytime the City is required to develop guidance, it can use already available information, if applicable. The City does not have to recreate something that already exists. After discussion with Central Coast Water Board staff, City staff withdrew this comment.

- 4) Requirements for Priority Development Projects – The Permittee shall implement each procedure and requirement listed below to effectively require that all new development and redevelopment projects that are considered Priority Development Projects adhere to the applicable requirements and operate and maintain any BMPs constructed pursuant to these requirements.



- a) Initial Priority Development Project Applicability Thresholds – Within 18 weeks of adoption of this Order *(see previous comments regarding tying schedule to the Joint Effort and revise accordingly)*, the Permittee shall revise the SWDS to use the following applicability thresholds to specify that in addition to the Priority Development Project Categories included in the April 13, 2010 version of the SWDS, and any future amendments thereto, the following projects shall also be considered Priority Development Projects.

**Staff Response to February 22, 2012 Comment City of Salinas – Provision J.4.a**

See Staff Response to Comment City of Salinas – Provision J.2.b. City staff has indicated that modifications made by Central Coast Water Board staff adequately address this comment.

- i) All new development and redevelopment projects that create or replace 10,000 square feet or more of impervious surface *not including replacement in kind of existing structures, pavements, or similar site improvements for the purpose of repairs, to similar lines, grades and/or appearance. Rationale for Change: City has provided an example of the costs that could be incurred with the threshold as currently stated. The intent of this requirement was not to discourage maintenance since maintenance was exempted in other sections. Effectiveness: As currently proposed parking lot owners would not have performed maintenance if costs would have been incurred as presently proposed therefor new BMPs would not have been installed anyway therefore there is no change.* The Permittee may remove any project categories and/or thresholds that conflict with this new threshold. Where a portion of a new development project falls into a Priority Development Project Category, such as a parking lot, the entire project footprint is subject to SWDS requirements.

**Staff Response to February 22, 2012 Comment City of Salinas – Provision J.4.a.i**

See Staff Response to Comment City of Salinas – Provision J.4.g.i.1.

Central Coast Water Board staff modified the Draft Order so the revised applicability thresholds included in Provision J.4.a.i only apply to projects in the Future Growth Area. Central Coast Water Board staff anticipates most near-term projects in the Future Growth Area will be new development.

- ii) All projects that are significant redevelopment as defined in the current SWDS.
- b) Stormwater Control Plan (SWCP) – Within 18 weeks of adoption of this Order, the Permittee shall require Priority Development Project applicants to submit a comprehensive SWCP to detail how the applicant will meet applicable stormwater management requirements. The Permittee shall maintain copies of SWCPs, for every project required to adhere to requirements in this Section, in its records. The Permittee shall identify at what point(s) in the plan review process the applicant must submit its conceptual and final SWCP. The Permittee shall develop and implement an effective SWCP review process to verify Priority Development Projects are designed to meet all the applicable requirements in this Section. The Permittee shall maintain documentation to demonstrate the Permittee reviewed each SWCP for inclusion and adequacy of the information identified below.
- i) At a minimum, the Permittee shall require the applicant to include the following components in its SWCP:
- (1) Site Information, including the following:
    - (a) Project and applicant name;
    - (b) Project type (land use);
    - (c) Project description;
    - (d) Project location including address and Assessor's Parcel Number;

- (e) Project size including total project size and impervious area before and after construction (in acres);
- (f) Topographic base map;
- (g) Natural features (e.g., existing wetlands/streams, natural drainage routes, riparian areas);
- (h) Identification of the manner that runoff is conveyed to receiving water (e.g., direct discharge to creek, municipal storm drain);
- (i) Required water body setbacks per Section L (Development Planning and Stormwater Retrofits);
- (j) Existing drainage infrastructure (e.g, pipes, vaults, ditches);
- (k) Depth to average and seasonal high groundwater;
- (l) Soil classification and infiltration rate;
- (m) Pollutants of concern for proposed project per Section J.4.g.ii (Pollutants of Concern); and
- (n) Opportunities and constraints for stormwater control;
- (2) Site Condition Calculations – Calculations based on site conditions 1) prior to the development project, at the point in hydrologic history (i.e., pre-development, pre-project, or somewhere in between) determined by the Permittee based on the current flow control and treatment requirements, and 2) post-development, for:
  - (a) Surface runoff conditions including peak flow rate, volume, velocity, and time of concentration; and
  - (b) Loading of pollutants identified in Section J.4.b.i.1.m.
- (3) Site design, including:
  - (a) Site layout – Documentation to demonstrate project applicant followed methodology, per Section J.4.c (Site Layout), for maximizing LID at the site and explanation for areas of site where LID design principles could not be met and where LID structural BMPs could not be used as the method of compliance for meeting flow control and treatment requirements;
  - (b) Flow Control and Treatment BMPs (both structural and non-structural BMPs) – Design specifications, installation details, BMP placement and sizing, and anticipated BMP effectiveness at managing flow and removing pollutants;
  - (c) Source control BMPs;
  - (d) Areas with amended and/or engineered soils; and
  - (e) Landscaping plan.
- (4) Permitting and code compliance issues; and
- (5) Owner's certification verifying project design meets the applicable SWDS requirements (includes signature of owner or representative appointed by the owner).
- ii) Alternative Compliance – The Permittee shall require all applicants proposing to use alternative compliance, to submit alternative compliance justification per Section J.4.h.ii (Alternative Compliance Justification). If an applicant is using an offsite location to achieve the requirements of this Section, the Permittee shall require the applicant to include all applicable SWCP information required for the onsite measures. If an applicant is paying in-lieu fees to achieve the requirements of this Section, the Permittee shall require the applicant to provide information to demonstrate the applicant will achieve the requirements outlined in Section J.4.h.i.2 (In-Lieu Fee Towards Permittee Retrofit Project).
- c) Site Layout – Within 18 weeks of adoption of this Order, the Permittee shall apply LID design principles to all Priority Development Projects. The Permittee shall require project applicants to follow a process to maximize LID at the site. The Permittee shall use Attachment E - Steps for a Successful LID Design, or an equivalent methodology,

when working with project applicants to meet the SWDS requirements. The Permittee shall update this process, and documents related to the process, to align with the most updated version of the SWDS requirements. The Permittee shall require the applicant to demonstrate compliance with this process in its SWCP. At a minimum, to implement LID design principles, the Permittee shall require Priority Development Projects to:

- i) Conserve natural areas, including existing trees, other vegetation, and soils;
  - ii) Construct streets, driveways, sidewalks, or parking lot aisles to the minimum widths necessary, provided that public safety is not compromised;
  - iii) Minimize the impervious footprint of the project, including:
    - (1) Implementing measures to make development more compact (e.g., site layout characteristics, densities, parking allocation, open space); and
    - (2) Implementing measures to limit directly connected impervious area (e.g., selection of paving materials, use of self-retaining areas).
  - iv) Avoid excess grading and disturbance to soils;
  - v) Concentrate development where soils are least permeable;
  - vi) Minimize soil compaction to landscaped areas;
  - vii) Minimize disturbances to natural drainages (e.g., natural swales, topographic depressions);
  - viii) Disconnect impervious surfaces through distributed pervious areas; and
  - ix) Direct runoff into cisterns or rain barrels for reuse, onto vegetated areas, or through infiltrative surfaces.
- d) Source Control – Within 18 weeks of adoption of this Order, the Permittee shall require Priority Development Projects to implement the following source control BMPs (where applicable) to reduce pollutants in urban runoff:
- i) Storm drain stenciling and signage;
  - ii) Landscaping that minimizes irrigation and runoff, promotes surface infiltration, and minimizes the use of pesticides and fertilizers;
  - iii) Application methods of irrigation water that minimize runoff of excess irrigation water into the storm drain
  - iv) Appropriate covers, drains, and storage precautions for outdoor material storage areas, loading docks, repair/maintenance bays, and fueling areas;
  - v) Trash storage areas designed to minimize the exposure of trash storage areas to stormwater runoff by either locating these inside or protecting them with storm resistant coverings; and
  - vi) BMPs (e.g., directing discharge to an onsite vegetated area, plumbing discharge to the sanitary sewer) that prevent and effectively prohibit the following discharges from entering receiving waters or the MS4:
    - (1) Discharges from indoor floor mat/equipment/hood filter wash racks or outdoor wash racks for restaurants;
    - (2) Dumpster drips from trash and food compactor enclosures;
    - (3) Discharges from outdoor wash areas for vehicles, equipment, and accessories;
    - (4) Swimming pool water that has not been de-chlorinated or de-brominated; and
    - (5) Fire sprinkler test water.
- e) Initial SWDS Modifications for Flow Control and Treatment Requirements –
- i) Uniformly Decentralized Controls – Within 18 weeks of adoption of this Order, the Permittee shall update the SWDS to require Priority Development Project applicants to manage rainfall at the source using uniformly distributed decentralized controls, natural treatment, and volume reduction BMPs (e.g., bioretention, vegetated swales, filter strips) as first means of compliance for meeting the numeric criteria for stormwater management. Where the applicant cannot meet flow control and treatment requirements using uniformly distributed decentralized controls, natural

- treatment, and volume reduction BMPs, because of site constraints or challenges removing certain pollutant types, the Permittee may allow the applicant to use centralized, mechanical, and/or synthetic flow control and treatment BMPs.
- ii) Initial Flow Control Numeric Criteria – Within 18 weeks of adoption of this Order (*revise to link to Joint Effort as stated before*), the Permittee shall revise the April 13, 2010 SWDS Section, ‘1.5.3 Numeric Criteria for Stormwater Management’, item number 3, to incorporate the changes indicated in Attachment J - Modifications to SWDS: Initial Flow Control Criteria.

**Staff Response to February 22, 2012 Comment City of Salinas – Provision J.4.e.ii**

See Staff Response to Comment City of Salinas – Provision J.2.b. City staff has indicated that modifications made by Central Coast Water Board staff adequately address this comment.

- f) Final Flow Control Requirements – Within 12 months of adoption of this Order (*revise to link to Joint Effort as stated before*), the Permittee shall submit to the Central Coast Water Board Executive Officer for approval, revised Priority Development Project applicability thresholds and numeric criteria for stormwater management in the SWDS to require Priority Development Projects to achieve each requirement listed below. The Permittee shall implement its final flow control applicability thresholds and numeric requirements within 12 months of adoption of this Order.

**Staff Response to February 22, 2012 Comment City of Salinas – Provision J.4.f**

See Staff Response to Comment City of Salinas – Provision J.2.b. City staff has indicated that modifications made by Central Coast Water Board staff adequately address this comment.

- i) Applicability Thresholds – The Permittee shall develop applicability criteria consistent with the Central Coast Water Board Joint Effort for Hydromodification Control to designate which project types will be required to adhere to the final flow control requirements. The applicability thresholds shall capture all project types [e.g., nature of development (i.e., new development or redevelopment), land use], sizes, and locations, accounting for cumulative effects of development, which have the potential to alter the primary watershed processes through stormwater management. The Permittee shall amend the Priority Development Project definition in the SWDS to specify that the projects meeting the revised applicability criteria shall adhere to the final flow control requirements.
- ii) Final Flow Control Numeric Requirements – Using methodology developed through the Central Coast Water Board Joint Effort for Hydromodification Control, the Permittee shall derive and apply post-construction numeric criteria for controlling stormwater runoff to maintain, protect and, where necessary, restore beneficial uses of waters affected by stormwater. The Permittee shall ensure the numeric criteria for Priority Development Projects addresses the following desired conditions for primary watershed processes within the Permittee’s watersheds as necessary to protect and restore beneficial uses of water affected by stormwater:
- (1) Surface Runoff – Maintain runoff volume, rate, duration, and surface storage at pre-development levels;<sup>2</sup>
  - (2) Groundwater Recharge and Discharge – Maintain infiltration to support baseflow and interflow to wetlands and surface waters, and deep vertical infiltration to groundwater at pre-development levels;

<sup>2</sup> Numeric criteria shall identify the point in hydrologic history (i.e., pre-development, pre-project, or somewhere in between) for which the applicant shall design its site, consistent with and using the Central Coast Water Board Joint Effort for Hydromodification Control methodology.

- (3) Sediment Processes – Maintain hillslope (rilling, gulying, sheetwash, creep, and other mass movements); riparian (bank erosion); and channel (fluvial transport and deposition) processes within natural ranges;
  - (4) Chemical Processes – Maintain chemical attenuation through sequestration, degradation, and rate of chemical delivery to receiving waters at pre-development levels; and
  - (5) Evapotranspiration – Maintain evapotranspiration volume and rate at pre-development levels.
- iii) Modeling – The Permittee shall require all projects greater than 10,000 square feet of impervious area to use a continuous simulation hydrologic computer model, such as USEPA’s Hydrograph Simulation Program – Fortran (HSPF), to simulate the post-development runoff (including the effect of proposed post-construction BMPs) and runoff at the point in hydrologic history prior to the development per Section J.4.b.i.2 (Site Condition Calculations), to demonstrate compliance with the final flow control requirements. The Permittee shall require the project applicant use a rainfall record of at least 30 years *(if available)* to populate the model.

**Staff Response to February 22, 2012 Comment City of Salinas – Provision J.4.f.iii**

Central Coast Water Board staff modified the Draft Order.

- g) Final Treatment Requirements – Within 12 months of adoption of this Order *(tie to Joint Effort schedule)*, the Permittee shall revise the Priority Development Project applicability thresholds and numeric criteria for stormwater management in the SWDS to require Priority Development Projects to achieve each requirement listed below. The Permittee shall implement its final treatment applicability thresholds and numeric requirements within 12 months of adoption of this Order.

**Staff Response to February 22, 2012 Comment City of Salinas – Provision J.4.g**

See Staff Response to Comment City of Salinas – Provision J.2.b. City staff has indicated that modifications made by Central Coast Water Board staff adequately address this comment.

- i) Applicability Thresholds – The Permittee shall amend the Priority Development Project definition in the SWDS to specify that the categories listed below shall adhere to the Final Treatment Requirements. These categories apply to public or private land that fall under the planning and permitting authority of the Permittee.
- (1) All new development or redevelopment projects that create and/or replace 5,000 square feet or more of impervious and/or turf surface (collectively over the entire project site). *Delete “and/or replace...and/or turf”. Rationale for Revision: Turf is classified as pervious and therefor should not be considered part of the threshold. The net impact of a development should be the basis of determining thresholds, not if redevelopment takes place. If replacement is taken into account then this will make development in green fields more desirable than redevelopment since the cost for clearing an already developed site will make redevelopment parcels more costly than green fields and redevelopment may not take place and no BMPs will be installed. Effectiveness: Leaving the threshold at net still encourages developers of redevelopment sites to provide BMPs since they are required to presently minimize impervious surfaces and direct connections whereas if turf and replacement is included these sites may get no BMPs whatsoever since it will be economically infeasible to redevelop.*

**Staff Response to February 22, 2012 Comment City of Salinas – Provision J.4.g.i.1**

This comment suggests that requirements for projects that “replace” impervious surfaces will deter infill and redevelopment and drive development to greenfields due to increased costs. Central Coast Water Board staff does not agree that this requirement will result in the stated consequence. Central Coast Water Board staff finds the Draft Order does not deter infill and

redevelopment projects for the following reasons: 1) The Draft Order is consistent with the development requirements in other current Phase I municipal stormwater permits in California; 2) The long-term development requirements that the City develops through the Central Coast Water Board Joint Effort for Hydromodification Control will treat infill and redevelopment separate from greenfield development, because these criteria will be based on local landscape characteristics; 3) The Draft Order includes alternative compliance options for smart growth, infill, and redevelopment locations where it can be demonstrated that onsite compliance with the requirements is infeasible; and 4) The Draft Order provides the City with the option to take over the responsibility for funding implementation of alternative compliance options for infill and redevelopment projects if it so chooses.

The City's urban runoff is contributing to water quality impairments. The Draft Order includes stormwater management requirements for new development to protect and maintain watershed processes impacted by stormwater management. These requirements will help prevent the water quality situation within the City from getting worse. However, in order to restore degraded watershed processes impacted by the City's past stormwater management, and to actually improve upon the City's current degraded water quality conditions, it is critical to also require redevelopment projects to implement stormwater controls. Redevelopment projects provide an important opportunity to implement stormwater controls where they currently do not exist. Incorporating stormwater controls into redevelopment projects is an effective and efficient means to attain treatment of runoff from existing urbanized areas.

Other Water Boards around the state agree on the important role redevelopment projects play in improving water quality: Many current Phase I stormwater permits elsewhere in California require projects that replace a specified threshold of impervious surfaces to implement stormwater treatment and flow control measures. The City does not provide evidence that these requirements applied elsewhere in California have pushed redevelopment projects into greenfield areas.

Central Coast Water Board staff acknowledges multiple environmental benefits of infill and redevelopment as compared to greenfield development. Central Coast Water Board staff recognizes the direct nexus to water quality and watershed health from doing such things as focusing development in the urban core, which typically requires less supporting infrastructure (e.g., roads) and redeveloping areas that are already disturbed, instead of creating new impacts and expanding the urban footprint.

The Smart Growth Association, American Rivers, Center for Neighborhood Technology, River Network, and the National Resources Defense Council, asked ECONorthwest to investigate if stormwater regulations that require or encourage LID, applied uniformly to greenfield development and redevelopment, would impact developers' decisions about where and how to build. The study, based on case studies of multiple municipalities, indicated that implementing LID in redevelopment situations tended to be more challenging than on greenfield developments, because LID techniques are usually more site-specific and custom. However, developers were not choosing to invest in greenfield developments over redevelopment because of LID standards. The study indicated that developers' decision-making process for projects incorporates a wide range of economic factors, including various construction costs, current and future market conditions, regulatory incentives and disincentives, and uncertainty and risk. Many developers interviewed for the study described the cost of implementing stormwater controls as minor compared to other economic factors they considered in deciding whether or not to pursue a project, especially in the context of complex redevelopment projects and green building infill projects. The study points out that the demand for green buildings and



sustainable stormwater practices has been increasing in response to the rapid growth in the global green building industry, which will likely play an important role in developers' decisions for how and where to build.<sup>1</sup>

Following discussion with Central Coast Water Board staff, City staff indicated acceptance of the language "and/or replace" in the Draft Order.

Ninety percent of the City's stormwater discharge samples (in all watersheds) have exceeded water quality criteria established for receiving water for orthophosphate.<sup>2</sup> Fertilized turf surfaces commonly contribute to orthophosphate in urban runoff. Therefore, Central Coast Water Board staff finds it is appropriate to require the City to require applicable projects to implement measures to provide treatment of runoff from turf surfaces.

After discussion with Central Coast Water Board staff, City staff indicated they are amenable to the turf applicability threshold triggers except for the situation when turf is replaced on athletic fields. In response to this discussion with City staff, Central Coast Water Board staff modified the Draft Order to indicate that the requirements are only triggered when turf is created, not replaced. Central Coast Water Board staff anticipates that replanting turf surfaces larger than 5,000 square feet is unlikely to regularly occur; therefore, Central Coast Water Board staff does not anticipate this modification will have a significant negative impact on water quality. City staff has indicated that this modification adequately addresses the "and/or turf" portion of this comment.

<sup>1</sup>ECONorthwest. *Managing Stormwater in Redevelopment and Greenfield Development Projects Using Green Infrastructure: Economic Factors that Influence Developers' Decisions*, June 2011.

<sup>2</sup>Orthophosphate criteria is based on the following report, which recommends the criteria to protect against eutrophication: Williamson, R. *The Establishment of Nutrient Objectives, Sources, Impacts, and Best Management Practices for the Pajaro River and Llagas Creek*. San Jose University. February 28, 1994.

- (2) Road Projects – Widening of existing streets or roads with additional traffic lanes including the following:
  - (a) The addition of traffic lanes results in an alteration of more than 50 percent of the impervious surface of an existing street or road, runoff from the entire project, consisting of all existing, new, and/or replaced impervious surfaces, shall be included in the treatment system design.
  - (b) The addition of traffic lanes results in an alteration of less than 50 percent of the impervious surface of an existing street or road, only the runoff from new and/or replaced impervious surface of the project shall be included in the treatment system design. However, if the runoff from the existing traffic lanes and the added traffic lanes cannot be separated, any onsite treatment system shall be designed and sized to treat runoff from the entire street or road. If an offsite treatment system is installed or in-lieu fees paid, the offsite treatment system or in-lieu fees shall address only the runoff from the added traffic lanes.
- (3) Exclusions – The following exclusions apply:
  - (a) Interior remodels;
  - (b) Detached single-family home projects that are not part of a larger plan of development, and create or replace less than 20,000 square feet of new impervious and/or turf surfaces; and
  - (c) Sidewalk, bicycle lane, and trail projects including the following:

- (i) Sidewalks built as part of new streets or roads and built to direct stormwater runoff to adjacent vegetated areas;
  - (ii) Bicycle lanes that are built as part of new streets or roads that direct stormwater runoff to adjacent vegetated areas;
  - (iii) Impervious trails built to direct stormwater runoff to adjacent vegetated areas, or other non-erodible permeable areas, preferably away from creeks or towards the outboard side of levees; and
  - (iv) Sidewalks, bicycle lanes, or trails constructed with permeable surfaces.
- (d) Routine maintenance or repair such as:
- (i) Roof or exterior wall surface replacement; and
  - (ii) Pavement repair including pavement section replacement and/or resurfacing within the existing footprint. (see previous comments)

**Staff Response to February 22, 2012 Comment City of Salinas – Provision J.4.g.i.3.d.ii**

A project replacing portions of its paved surfaces would only trigger the final treatment requirements if the project was replacing 5,000 square feet or more of pavement. Minor pavement section replacement projects would not trigger the requirements.

(4) Redevelopment Conditions –

- (a) Where a redevelopment project in the categories specified above results in an alteration of more than 50 percent of the impervious surface of a previously existing development, except for repair or replacement to existing grade (see previous comments), runoff from the entire project, consisting of all existing, new, and/or replaced impervious surfaces, shall be included in the treatment system design.

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The definition for redevelopment in Attachment B of the Draft Order explains that redevelopment, "...does not include routine maintenance to maintain original line and grade."

- (b) Where a redevelopment project in the categories specified above results in an alteration of less than 50 percent of the impervious surface of a previously existing development, only runoff from the new and/or replaced impervious surface of the project shall be included in the treatment system design.
- ii) Pollutants of Concern – The Permittee shall require each Priority Development Project addressed in Section J.4.g.i (Applicability Thresholds) to:
- (1) Identify the potential pollutants of concern for the proposed project, including, at a minimum:
    - (a) Pollutants for which receiving waters are listed as impaired under CWA section 303(d);
    - (b) Pollutants associated with the land use type of the development; and
    - (c) Pollutants expected to be generated by activities occurring on site.
  - (2) Implement treatment BMPs that target and have a medium or high removal effectiveness for total suspended solids (i.e., sediment) and pollutants of concern in Priority Development Project runoff, as documented in the California Stormwater Quality Association (CASQA) BMP Handbooks, updated versions of the CASQA BMP Handbook, or an equivalent source. The City shall get approval from the Central Coast Water Board Executive Officer for any equivalent source(s) used for BMP designs, prior to approving projects that rely on a source other than the CASQA BMP Handbooks; and
  - (3) For projects discharging directly to CWA section 303(d) listed water bodies for which TMDLs have been approved, implement measures consistent with strategies for pollutant load reductions outlined in the Permittee's Waste Load Allocation Attainment Plan(s) per Section O (TMDL).

- iii) Final Treatment Numeric Requirements – The Permittee shall require each Priority Development Project addressed in Section J.4.g.i (Applicability Thresholds) to manage the total amount of runoff identified in Sections J.4.g.iii.1 or J.4.g.iii.2 for the Priority Project's drainage area, using the below onsite measures in the order listed below. The Permittee shall only permit a project applicant to use the measures included in Section J.4.g.iii.2 (Non-Retention Based Treatment Systems) if the project applicant can demonstrate that LID measures are infeasible per Section J.4.g.iii.3 (Treatment Feasibility Determination).
- (1) LID Systems – Implement harvesting and re-use, infiltration, evapotranspiration, or bioretention BMPs that collectively achieve the hydraulic sizing criteria for LID systems listed below. Bioretention systems shall meet the design specifications in Section J.4.g.iii.2.a.
    - (a) Hydraulic Sizing Criteria for LID Systems – LID systems shall be designed to retain stormwater runoff equal to the volume of runoff generated by the 85<sup>th</sup> percentile 24-hour storm event, based on local rainfall data.
  - (2) Non-Retention Based Treatment Systems – Implement BMPs that (1) meet the requirements in Sections J.4.g.iii.2.a and/or J.4.g.iii.2.b, and (2) collectively achieve at least one of the hydraulic sizing criteria for non-retention based treatment systems provided in Section J.4.g.iii.2.c.
    - (a) Implement treatment BMPs that meet the BMP selection requirements in Section J.4.g.ii.2.
    - (b) Biofiltration – If using a soil layer to cleanse or filter stormwater (e.g., bioretention with underdrain, planter box), the system shall be designed to have a stormwater runoff surface loading rate not exceeding 5 inches/hour and a minimum soil depth of 24 inches. The planting and soil media for biofiltration systems shall be designed to sustain healthy, vigorous plant growth and maximize stormwater runoff retention and pollutant removal. The system shall meet the design specifications for biofiltration systems, as documented in the City of Los Angeles Low Impact Development Handbook<sup>3</sup>, updated versions of the City of Los Angeles Low Impact Development Handbook, or an equivalent source. The City shall get approval from the Central Coast Water Board Executive Officer for any equivalent source(s) used for BMP designs, prior to approving projects that rely on a source other than the City of Los Angeles Low Impact Development Handbook.
      - (i) Model Biofiltration Soil Media Specifications – Within 12 months of adoption of this Order [\(link to Joint Effort schedule per previous comments\)](#), the Permittee shall submit to the Central Coast Water Board a report containing, at a minimum, the below information.

**Staff Response to February 22, 2012 Comment City of Salinas – Provision J.4.g.iii.2.b.i**

See Staff Response to Comment City of Salinas – Provision J.2.b. City staff has indicated that modifications made by Central Coast Water Board staff adequately address this comment.

1. Proposed soil media specifications (including compost specifications) for biofiltration systems;
2. Proposed soil testing methods to verify a long-term infiltration rate of 5 inches/hour;
3. Relevant literature and field data showing the feasibility of the minimum design specifications;

<sup>3</sup> *Development Best Management Practices Handbook: Working Draft of LID Manual – Part B Planning Activities Fourth Edition*. City of Los Angeles, June 2011. Web. 7 December 2011. <<http://www.lastormwater.org/Siteorg/program/LID/lidintro.htm>>.

4. Relevant literature, field, and analytical data showing adequate pollutant removal and compliance with the hydraulic sizing criteria in Section J.4.g.iii.2.c (Hydraulic Sizing Criteria for Non-Retention Based Treatment Systems); and
5. Guidance for the Permittee to apply the minimum specifications in a consistent and appropriate manner. *Add: "The City, however, shall not be required to create and or develop it' own specifications and/or methods and may rely upon already published and or accepted means by reference only." Rationale for Change: If the technology/materials do not already exist the City should not bear the burden of creating them. Effectiveness: Meets the definition of MEP.*

**Staff Response to February 22, 2012 Comment City of Salinas – Provision J.4.g.iii.2.b.i.5**

On February 23, 2012, Central Coast Water Board staff explained to City staff that anytime the City is required to develop guidance, it can use already available information, if applicable. The City doesn't have to recreate something that already exists. The Fact Sheet for Provision J explains, "The Permittee may reference or directly use the Model Bioretention Soil Media Specifications, developed by San Francisco Bay municipalities, pursuant to the San Francisco Bay Regional Water Quality Control Board's requirements, for the Permittee's biotreatment soil media specifications." After discussion with Central Coast Water Board staff, City staff withdrew this comment.

- (ii) Within 12 months of adoption of this Order ([see previous comments, link all schedules to Joint Effort](#)), the Permittee shall effectively require that biofiltration systems installed comply with the biofiltration soil media specifications and soil infiltration testing methods.

**Staff Response to February 22, 2012 Comment City of Salinas – Provision J.4.g.iii.2.b.ii**

See Staff Response to Comment City of Salinas – Provision J.2.b. City staff has indicated that modifications made by Central Coast Water Board staff adequately address this comment.

- (c) Hydraulic Sizing Criteria for Non-Retention Based Treatment Systems –
  - (i) Volume Hydraulic Design Basis – Treatment systems whose primary mode of action depends on volume capacity shall be designed to treat stormwater runoff equal to 1.5 times the volume of runoff generated by the 85<sup>th</sup> percentile 24-hour storm event, based on local rainfall data.
  - (ii) Flow Hydraulic Design Basis – Treatment systems whose primary mode of action depends on flow capacity shall be sized to treat:
    1. The flow of runoff produced by a rain event equal to at least two times the 85th percentile hourly rainfall intensity for the applicable area, based on historical records of hourly rainfall depths; or
    2. The flow of runoff resulting from a rain event equal to at least 0.2 inches per hour intensity.
- (3) Treatment Feasibility Determination – To utilize non-retention based treatment systems for satisfying the final treatment numeric requirements, the Permittee shall require the project applicant to demonstrate that utilization of LID measures would be technically infeasible by submitting a site-specific hydrologic and/or design analysis conducted and endorsed by a registered professional engineer, geologist, architect, and/or landscape architect. The Permittee shall require the applicant to collectively demonstrate the applicant has optimized all LID BMP options for stormwater retention, and then for any portion(s) of the site and/or volume of stormwater remaining, the Permittee may allow the applicant to

address those portions of the site and/or volume using non-retention based treatment systems.

- h) Offsite Compliance Alternative – The Permittee shall require project applicants meet the SWDS using onsite flow control and treatment BMPs. The Permittee shall only permit a project applicant to use offsite compliance alternatives if the project applicant can demonstrate that onsite controls are infeasible per Section J.4.h.ii (Alternative Compliance Justification). A project applicant successfully uses onsite controls when all source control, treatment, and flow control collectively result in the SWDS being met at the project site, in accordance with Section J.4.e.i (Uniformly Decentralized Controls).
- i) Offsite Compliance Alternatives
  - (1) Offsite Flow Control and Treatment Project in the Same Urban Subwatershed - The offsite project shall provide flow control and treatment BMPs to meet the SWDS requirements of the calculated equivalent quantity of both stormwater runoff control and pollutant load reduction and a net environmental benefit. Offsite projects shall be constructed by the end of construction of the development project. If more time is needed to construct the offsite project, for each additional year, up to three years, after the construction of the development project, the offsite project shall provide an additional 10 percent of the calculated equivalent quantity of both stormwater runoff control and pollutant load reduction. Such offsite projects shall be completed within three years of the end of development project construction. The project applicant shall be responsible for the long-term O&M of the offsite project unless the project applicant develops an agreement with the Permittee that the Permittee will take responsibility for the offsite project in perpetuity.
  - (2) In-Lieu Fee Towards Permittee Retrofit Project - The Permittee may develop an in-lieu fee option to fund Permittee retrofit projects. The fee shall go towards a retrofit project that meets the following criteria:
    - (a) Is a candidate project for retrofitting per Section L (Development Planning and Stormwater Retrofits);
    - (b) Is located within the same Urban Subwatershed as the development project being mitigated or in an Urban Subwatershed deemed to have a more critical need for restoration of riparian vegetation and habitat;
    - (c) Provides equal or greater contribution towards desired conditions for watershed processes, per Section J.4.f.ii (Final Flow Control Numeric Requirements), as the portion of the development project being mitigated;
    - (d) Includes a complete implementation schedule and project plan;
    - (e) Is scheduled to commence construction within one year of the construction commencement of the development project being mitigated; and
    - (f) The Permittee accepts responsibility for project completion and long-term maintenance.
- ii) Alternative Compliance Justification – To utilize alternative compliance measures, the Permittee shall require the project applicant to demonstrate that compliance with the applicable requirements of this Section would be technically infeasible by submitting a site-specific hydrologic and/or design analysis conducted and endorsed by a registered professional engineer, geologist, architect, and/or landscape architect. Technical infeasibility may result from the examples listed below. One of these examples alone does not necessarily demonstrate infeasibility for implementing all the requirements of this Section. The Permittee shall require the applicant to collectively demonstrate the applicant has optimized all onsite BMP and site layout options, and then for any portion(s) of the site and/or volume of stormwater remaining, the

Permittee may allow the applicant to address those portions of the site and/or volume using offsite compliance alternatives.

- (1) Brownfield development sites or other locations where pollutant mobilization is a documented concern; and
- (2) Smart growth and infill or redevelopment locations where the density and/ or nature of the project would create significant difficulty for compliance with the onsite flow control and treatment requirements. *Add: (3) A California registered geotechnical engineer and/or geologist provides a signed and stamped letter and/or report that infiltration on site is not feasible due to existing surface soils and/or soil strata which are not conducive to infiltration; infiltration and groundwater recharge is more readily achievable offsite where permeable strata can be accessed either in a regional facility or by constructing facilities which intercept pervious strata; or where alternate facilities which do not include on site infiltration provide more groundwater recharge capabilities; or where concentrating facilities for infiltration and recharge of groundwater results in better biomass of flora and fauna than if provided in on site planters/facilities and achieve the same of better rate of infiltration and groundwater recharge. Rationale for Change: The proposed alternatives do not take into account the suitability of the existing soils to properly function with existing on site LID BMPs. Effectiveness: Site LID BMPs can still be required for filtering/water quality and the ability to infiltrate/recharge groundwater and/or enhancement of the construction/operation of riparian areas maximized over and above what is presently proposed.*

**Staff Response to February 22, 2012 Comment City of Salinas – Provision J.4.h.ii.2**

Central Coast Water Board staff finds that the alternative compliance portion of the Draft Order provides reasonable criteria for determining when a project applies for alternative compliance options. The Central Coast Joint Effort for Hydromodification Control will also provide direction for developing alternative compliance options. Central Coast Water Board staff modified the Draft Order to provide the option for the City to propose, for Central Coast Water Board Executive Officer approval, modifications the alternative compliance options, so long as those modifications are consistent with the Central Coast Water Board Joint Effort for Hydromodification Control.

The final treatment requirements (Provision J.4.g.iii.3) permit the use of non-retention based stormwater management techniques to meet the final treatment criteria if a registered professional engineer, geologist, or landscape architect demonstrates that using retention based stormwater management techniques to manage a portion and/or the entire volume of runoff from the design storm is technically infeasible.

The purpose of Provision J.4.h (Offsite Compliance Alternative) is to allow alternative compliance options for projects where it is infeasible to manage a portion and/or all of the stormwater specified by the treatment and flow control requirements on the site. For example, some types of projects (e.g., infill redevelopment project) might not be as conducive to allotting space to infiltrate stormwater runoff. If the underlying soils on these sites have poor infiltration rates, then it may be challenging, with the space available, to achieve the stormwater control requirements onsite. The presence of clay soils is not sufficient justification, on its own, to trigger the alternative compliance option. However, if a site lacks space because of the project type and has clay soils with poor infiltration capacity, the combination may justify offsite compliance. Providing a blanket-wide exemption for clay soils is not appropriate, because projects with ample space can successfully infiltrate runoff even with clay soils present. In addition, an exemption for all sites with clay soils may not be protective of watershed processes



in all scenarios, since watershed processes are most effectively protected when maintained where they originally occur.

The Central Coast Joint Effort for Hydromodification Control will identify watershed management zones in the City. The watershed management zone designation will inform if infiltration is a watershed process that is necessary to maintain and restore watershed processes within the City. The Central Coast Joint Effort for Hydromodification Control will also identify if infiltration onsite is necessary to maintain and restore watershed processes impacted by stormwater management, or if offsite infiltration will adequately maintain and restore those watershed processes. The Central Coast Joint Effort for Hydromodification Control will inform the appropriateness of utilizing offsite facilities. Because the Central Coast Joint Effort for Hydromodification Control will address where and to what extent infiltration must occur, Central Coast Water Board staff finds it is unnecessary to expand upon the list of examples of projects that may apply for offsite alternative compliance options. The list of examples, and other Draft Order language addressing alternative compliance, provides sufficient parameters to guide alternative compliance implementation in the limited time until the Central Coast Joint Effort for Hydromodification Control is completed.

Centralized stormwater management facilities and decentralized stormwater management facilities may provide different types and magnitudes of environments for plants and animals to inhabit. However, the main purpose of stormwater management features, driven by this Draft Order, is to reduce pollutant loading in stormwater runoff and maintain and restore watershed processes impacted by stormwater management. Stormwater management features often have additional benefits such as increased property value, habitat for fauna, and aesthetic appeal, but those benefits do not override the main purpose of stormwater management features.

Central Coast Water Board staff modified the Draft Order to include an example of a smart growth and infill or redevelopment scenario where offsite stormwater management features, in the near vicinity of the subject project, could perform more effectively than implementing onsite stormwater management features. After discussions with Central Coast Water Board staff about the rationale for not modifying the Draft Order in response to other portions of this comment, City staff indicated that this change is responsive to this comment.

- i) Operation and Maintenance Plans for Flow Control and Treatment BMPs – Within 12 months of adoption of this Order, the Permittee shall revise the SWDS to require all private and public Priority Development Projects that include flow control and treatment BMPs to develop and implement in perpetuity a written O&M Plan that, at a minimum, includes each component listed below. The Permittee may allow the Priority Development Project applicant to include the O&M Plan components in the SWCP in place of developing a separate document. The Permittee shall approve the O&M Plan prior to final approval/occupancy.
  - i) Components Required for All Applicants of Priority Development Projects (Public and Private)
    - (1) Site map identifying all flow control and treatment BMPs requiring long-term maintenance to remain effective
    - (2) Design specifications, including structural design and anticipated BMP effectiveness at managing flow and removing pollutants, for all flow control and treatment BMPs requiring long-term maintenance
    - (3) Maintenance procedures and schedule
    - (4) Self inspection program to verify BMPs continue to function as designed and a strategy for fixing and/or replacing BMPs if inspections identify BMPs not functioning as designed

- ii) Components Required for All Applicants of Private Priority Development Projects (does not apply to Public)
  - (1) Conditions of approval or other legally enforceable agreements or mechanisms that, at a minimum, require at least one of the following from all project owners and their successors in control of the project or successors in fee title:
    - (a) The project owner's signed statement accepting responsibility for the O&M of the installed onsite and/or offsite flow control and treatment BMPs until such responsibility is legally transferred to another entity;
    - (b) Written conditions in the sales or lease agreements or deed for the project that requires the buyer or lessee to assume responsibility for the O&M of the onsite and/or offsite installed flow control and treatment BMPs until such responsibility is legally transferred to another entity;
    - (c) Written text in project deeds, or conditions, covenants and restrictions for multi-unit residential projects that require the homeowners association or, if there is no association, each individual owner to assume responsibility for the O&M of the installed onsite and/or offsite flow control and treatment BMPs until such responsibility is legally transferred to another entity; or
    - (d) Any other legally enforceable agreement or mechanism, such as recordation in the property deed, that assigns the O&M responsibility for the installed onsite and/or offsite flow control and treatment BMPs to the project owner(s) or the Permittee
  - (2) Conditions of approval or other legally enforceable agreements or mechanisms that require the granting of site access to all representatives of the Permittee, local mosquito and vector control agency staff, and Central Coast Water Board staff, for the sole purpose of performing O&M inspections of the installed flow control and treatment BMPs

## L. Development Planning and Stormwater Retrofits (Partial)

- 1) Planning and Building Document Updates – The Permittee shall modify, at a minimum, General Plans, Specific Plans, Zoning, Building Codes, and SWDS to maintain and restore watershed processes impacted by stormwater management to protect water quality and beneficial uses in existing urban areas and in new growth areas within the Permit coverage area.
  - a) Specific Plan Conditions for Future Growth Areas – Within 3 months of adoption of this Order, the Permittee shall require any subsequent Specific Plans or other master planning documents adopted for Future Growth Areas to meet the following minimum requirements:
    - i) The Permittee shall require the distribution, location, extent, and intensity of major components of public and private stormwater drainage facilities proposed to be located within the area covered by the Specific Plan and needed to support the land uses described in the Specific Plan to be selected and/or designed according to LID principles.
      - (1) Site Layout – The Permittee shall require use of Attachment E – UC Davis ‘Steps for a Successful LID Design’, or an equivalent methodology, when working with applicants to select and/or design stormwater drainage facilities in Future Growth Area Specific Plans.
      - (2) LID Principles – The Permittee shall require Future Growth Area Specific Plans to follow LID design principles. The Future Growth Area Specific Plans shall:
        - (a) Conserve natural areas, including existing trees, other vegetation, and soils;
        - (b) Minimize disturbances to natural drainages (e.g., natural swales, topographic depressions);
        - (c) Avoid excess grading and disturbance to soils;
        - (d) Avoid compaction and impervious cover in zones that allow stormwater infiltration;
        - (e) Minimize the impervious footprint of the project;
        - (f) Disconnect impervious surfaces through distributed pervious areas;
        - (g) Specify vehicular zones (e.g., streets, driveways, parking lot aisles) to the minimum widths/areas necessary, provided that public safety is not compromised; and
        - (h) Use green infrastructure for conveying stormwater runoff, in place of conventional curb, gutter, and subgrade enclosed pipe runoff systems, in locations where such use does not conflict with other Permittee development goals and requirements.
      - (3) The Permittee shall require run-off volume calculations used in design of infrastructure (e.g., stormwater conveyance systems, regional flood management facilities) to be based on managing rainfall at the source using distributed decentralized controls that use LID design principles as described in Section L.1.a.i.1 (Site Layout) and L.1.a.i.2 (LID Principles).
      - (4) The Permittee shall review Future Growth Area Specific Plan language and effectively require it to include, at a minimum:
        - (a) Provisions for protecting and/or utilizing groundwater recharge zones;
        - (b) Maintenance agreements or easements for stormwater management-related landscaping features;
        - (c) Reduced parking ratios from existing Permittee standards to take advantage of shared parking opportunities and mixed use;

- (d) Parking allowed in building setbacks; and
  - (e) Reduced parking requirements for any assisted living, low income housing, or other housing units likely to have lower parking demand.
- (5) The Permittee shall review Future Growth Area Specific Plan language and remove: Substitute “include” for “remove”
- (a) Language that stipulates Substitute “allows alternatives to “ for “stipulate” conventional curb, gutter, and subgrade enclosed pipe runoff conveyance as required improvements;
  - (b) Language that may prohibit Substitute “allow” for “prohibit” shared drainage among properties or shared public/private drainage handling and treatment;
  - (c) Language that limits Substitute “allows pervious alternatives to” for “limits” driveway paving material to Substitute “such as” for “to” asphalt, Portland cement, or some other highly impervious material;
  - (d) Language that prohibits Substitute “allows” for “prohibits” flexible building setbacks;
  - (e) Landscaping requirements that limit or prohibit Substitute “promotes” for “limit of prohibit” infiltration, such as Substitute “in lieu of” for “such as” elevated landscaped beds, compaction specifications, or required materials; and
  - (f) Requirements for large Delete “large” rights of way or language that could impede Substitute “promote” for “impede” use of LID techniques in rights of way. **Rationale for Change:** By removing requirements for curb and gutter, storm drains and similar improvements the Draft Permit language would provide developers with reasons why curb and gutter and storm drains would not be required expenses where such improvements should be installed such as arterial streets, areas where infiltration is limited and adjacent improvements need to be protected from subgrade saturation and similar instances or where pedestrian or vehicular safety would be better served by installing these features. **Effectiveness:** BMPs can be installed which function as intended by providing curb cuts in curb and gutter, storm drainage can be transferred to areas which have better infiltration characteristics such as curb bulb outs or other facilities and use of swales allowed and encouraged without removing the requirement that storm drains be installed where the site conditions require them to protect structural subgrade. To do otherwise could handicap the design professionals and the City’s ability to protect existing and proposed improvements. Both have their place.

**Staff Response to February 22, 2012 Comment City of Salinas – Provision L.1.a.i.5**

Central Coast Water Board staff modified the Draft Order to reflect the City’s suggested changes. Central Coast Water Board staff made a few minor edits to the City’s suggested changes in order to improve readability.

- b) Parcel-Scale Development Projects – Within 12 months of adoption of this Order, the Permittee shall complete each action item listed below to revise planning and building requirements for development projects subject to the parcel-scale development requirements in Section J (Parcel-Scale Development).
  - i) The Permittee shall conduct an analysis of all applicable codes, regulations, standards, and/or specifications to identify modifications and/or additions necessary to remove gaps and impediments to effective implementation of parcel-scale development requirements.
  - ii) The Permittee shall modify codes, regulations, standards, and/or specifications as applicable to fill identified gaps and remove identified impediments to effective implementation of parcel-scale development requirements.

- (1) The Permittee shall review and modify planning and building requirement language so that it includes, at a minimum:
  - (a) Provisions for protecting and/or utilizing groundwater recharge zones;
  - (b) Maintenance agreements or easements for stormwater management-related landscaping features;
  - (c) Reduced parking ratios from existing Permittee standards to take advantage of shared parking opportunities and mixed use;
  - (d) Parking allowed in building setbacks; and
  - (e) Reduced parking requirements for any assisted living, low income housing, or other housing units likely to have lower parking demand.
- (2) The Permittee shall review planning and building requirement language and remove: Remove (2) altogether for the reasons specified above.
  - (a) Language that stipulates conventional curb, gutter, and subgrade enclosed pipe runoff conveyance as required improvements;
  - (b) Language that may prohibit shared drainage among properties or shared public/private drainage handling and treatment;
  - (c) Language that limits driveway paving material to asphalt, Portland cement, or some other highly impervious material;
  - (d) Language that prohibits flexible building setbacks;
  - (e) Landscaping requirements that limit or prohibit infiltration, such as elevated landscaped beds, compaction specifications, or required materials; and
  - (f) Requirements for large rights of way or language that could impede use of LID techniques in rights of way.

**Staff Response to February 22, 2012 Comment City of Salinas – Provision L.1.b.ii.2**

Central Coast Water Board staff made modifications to Provision L.1.b.ii.2 to parallel the modifications Central Coast Water Board staff made to Provision L.1.a.i.5. Central Coast Water Board staff explained these changes to City staff during a conference call and City staff indicated that this change adequately addresses this comment.

## M Public Education and Public Involvement (Partial)

### 4) target Audiences

- b) School Children be identified as a target audience for at least one Priority Stormwater Issue. The Permittee shall offer to collaboratively conduct or participate in development and implementation of a plan to educate school children (grades 3-6 are preferred but not required).

COMMENT: The City cannot compel others to collaborate with its programs. Rather, it can offer opportunities to work collaboratively by designing programs than provide a mutually satisfying result. Over the past seven years the City has conducted highly successful collaborative programs with schools and intends to continue its success. That said, state funding for schools is uncertain, and school's ability to continue the collaboration is too.

#### **Staff Response to February 22, 2012 Comment City of Salinas – Provision M.4.b**

The language that was added to the Draft Order on January 10<sup>th</sup> in Provision M.4.b addresses the City's concern that school districts may not collaborate with their program. Provision M.4.b states:

"If the Permittee makes two attempts to offer educational opportunities to each of the K-12 schools in the Permit coverage area and is denied the opportunity by all of the schools, the Permittee shall offer education opportunities to educate school children through other existing programs that serve children (e.g., after school programs, girl/boys scout groups, camps). If the Permittee is also denied the opportunity by the other programs, the Permittee is not required to identify school children as a target audience for any of their Priority Stormwater Issues."

- 9) Public Involvement – The Permittee shall involve the public in the development and implementation of the Stormwater Management Program. At a minimum, the Permittee shall:

- a) By the end of Year 2, the Permittee shall implement a public involvement process public advisory group by. [sic]
- i) Establishing a stand-alone group or utilizing an existing group or process that engages the broad public consists of a balanced representation of all affected parties, including but not limited to: residents, business owners, ethnic and cultural minority communities and environmental organizations in the MS4 area and or affected watershed; and
- ii) Inviting the public advisory group to participate in the planning and implementation of all parts of the Stormwater Management Program.

COMMENT: It is not clear to the City what the intended by the term "Public Advisory Group." In the past the City has engaged a stakeholders group which met with City staff on storm water issues and which provided input into the City's storm water management program. The City has a public involvement process in place—as a requirement of its Storm Water Management Plan—and fully intends to continue this program and to expand its public outreach efforts by conducting at least three public meeting during the calendar year. Interested stakeholders will be informed of these meetings directly and notices of these meetings will also be placed on the City's web site so that others who may be interested can learn of the meetings. The intent of public outreach is to engage the broad public, not in hand-selecting a narrow few representatives.

#### **Staff Response to February 22, 2012 Comment City of Salinas – Provision M.9.a**

Central Coast Water Board staff has modified Provision M.9.a to accommodate a public involvement process instead of a public advisory group. Staff has added specificity in the notification requirements and requires the City to actively seek participation from a broad group of stakeholders.



Based on feedback from the Central Coast Water Board during the February 2, 2012 hearing, Central Coast Water Board staff added Provision M.9.a.v to clarify that public involvement should occur in a setting conducive to public participation. The Fact Sheet for Provision M.9 has been modified to align with the changes in Provision M.9.

The City has provided their support of the revised language in Provision M.9.a.

11) Reporting

b) In year 2-3 Annual report shall include:

i) a description of the pilot project implemented and the techniques used to measureably increase knowledge and change behavior:

COMMENT: Permit section 7) b) Pilot Projects for Education Strategies and Methods states that the City shall implement pilot projects in Years 3, 4 and 5. The City cannot report in Year 2 if the project is not conducted until Year 3.

**Staff Response to February 22, 2012 Comment City of Salinas – Provision M.11.b.i**

Central Coast Water Board staff modified the pilot project implementation reporting to Year 3.

11) b) iv) A description of the public advisory group involvement process established.

COMMENT: See the above comment for 9).

**Staff Response to February 22, 2012 Comment City of Salinas – Provision M.11.b.iv**

See Staff Response to February 22, 2012 Comment City of Salinas – Provision M.9.a. Central Coast Water Board staff modified the reporting requirements contained in Provision M.11 to align with the changes made to Provision M.9.a.

## N. Trash Load Reduction (Partial)

## 2) Trash Reduction BMPs

a) Municipally Owned or Operated Areas – Within 12 months of adoption of this Order, the Permittee shall designate and implement BMPs to control trash and litter from the following sites and sources, at minimum:

- i) Public parks;
- ii) Permittee owned or operated public venues (e.g., the Municipal Stadium); and
- iii) Municipal facilities (as defined in Section E.1 [Municipal Maintenance: Inventory]).

b) Inspection and Cleaning of Surface Drainage Structures

i) Within 12 months of adoption of this Order, the Permittee shall visually inspect all open channels and other surface drainage structures,<sup>1</sup> which are part of the Permittee's MS4 or part of receiving waters within the Permit coverage area that are not owned and operated by MCWRA, for trash and other debris. The Permittee shall also identify and prioritize problem areas, such as those with recurrent illegal dumping, for inspection at least three times per year. This requirement shall not limit the Permittee's performance of Trash Assessments in accordance with Section P.3.b.

ii) Beginning in Year 2, the Permittee shall visually inspect priority problem areas at least three times each year, and all other areas at least once each year.

iii) The Permittee shall remove, within 14 working days, trash and other debris found during visual inspections, except as required in Section P.3.b (Monitoring, Effectiveness Assessment, and Program Improvement: Trash Action Level). The Permittee shall document surface drainage structure maintenance in a log that is to be made available for review by the Central Coast Water Board upon request.

*COMMENT: This sentence appears a better fit with section E Municipal Maintenance. Keeping related subject matter together makes it more likely that readers of the Permit will understand the intent and scope and that required steps will be implemented.*

**Staff Response to February 22, 2012 Comment City of Salinas – Provision N.2.b.iii**

Provision N.2.b of the Draft Order requires the City to inspect and remove trash from surface drainage structures, and to keep a record of this activity. Central Coast Water Board staff recognizes that this activity is similar to activities described in Provision E (Municipal Maintenance) related to maintaining the City's MS4. However, trash load reduction is an emphasis of the Draft Order, and the Draft Order identifies several different types of activities related to trash load reduction. Therefore Central Coast Water Board staff believes that the Draft Order is made clearer overall by keeping trash load reduction requirements in a single section. In addition, the City has flexibility when updating the SWMP and developing staff training manuals to ensure the scope of the Draft Order requirements are clear to all relevant City staff.

c) Source Identification and Abatement

i) By the end of Year 2, the Permittee shall analyze the results of visual monitoring conducted according to Section N. 2 (Inspection and Cleaning of Surface Drainage Structures). For surface drainage structures found to contain significant deposits of trash, the Permittee shall identify potential sources of the trash. The Permittee shall

<sup>1</sup> "Surface drainage structure" means 1) any surface device constructed to convey stormwater that is owned or operated by the Permittee (with the exception of streets, gutters, inlets, catch basins, and outfalls), such as basins, structural BMPs, culverts, trash/debris screens, and pump stations; and 2) any surface feature within the MS4 where trash or debris may collect.

- evaluate the implementation and effectiveness of existing BMPs targeting the identified sources, and identify and implement BMP modifications necessary to abate the identified sources. For modifications requiring more than 12 months to complete, the Permittee shall develop and adhere to a schedule for implementing identified modifications.
- ii) By the end of Year 3, the Permittee shall implement BMP modifications identified according to Section N.2.c (Source Identification and Abatement). For modifications requiring more than 12 months for completion, the Permittee shall adhere to the implementation schedule.
- d) Trash Reduction Ordinance – By the end of Year 3, the Permittee shall have developed, adopted, and be enforcing enforceable mechanisms, such as a trash reduction ordinance, to effectively reduce trash discharges to the Permittee’s MS4 and remove trash and litter loads from the Permittee’s MS4. The ordinance shall address the following sites and sources and types of trash typically generated by these sites and sources, at a minimum:
- i) Commercial retail centers (as defined in Section F.1.b.vi [Commercial and Industrial: Commercial Retail Centers]);
  - ii) Shopping districts;
  - iii) Transportation hubs (e.g., bus stations);
  - iv) Fast food restaurants;
  - v) Private schools and areas surrounding public schools;
  - vi) Garbage and waste handling and storage areas;
  - vii) Loading areas;
  - viii) Illicit dumping; and
  - ix) Littering and litter.
- 3) Trash Reduction Plan
- a) High Priority Trash Areas - By the end of Year 2, the Permittee shall prioritize areas for trash reduction on the basis of their potential for trash discharges to the MS4. The Permittee shall review and update the prioritization each year. The Permittee shall identify High Priority Trash Areas according to the following criteria:
    - i) Land uses listed in Sections N.2.a (Municipally Owned or Operated Areas) and N.2.d (Trash Reduction Ordinance);
    - ii) Visual inspections performed according to Section N.2.b (Inspection and Cleaning of Surface Drainage Structures);
    - iii) Results of potential source analysis conducted according to Section N.2.c (Source Identification and Abatement);
    - iv) Results of trash quantification performed according to Section P.2.b (Monitoring, Effectiveness Assessment, and Program Improvement: Trash Quantification);
    - v) Results of trash assessments conducted according to Section P.3.b (Monitoring, Effectiveness Assessment, and Program Improvement: Trash Action Level);
    - vi) Areas known to be potential sources of trash (e.g., illegal dumping areas); and
    - vii) Results of MS4 cleaning activities, such as catch basin cleaning conducted according to Section E.5.a (Municipal Maintenance: Catch Basins).
  - b) By the end of Year 2, the Permittee shall develop and implement an effective Trash Reduction Plan to significantly reduce trash entering the MS4 and remove trash that has entered the MS4. The Trash Reduction Plan shall focus on the High Priority Trash Areas. The plan shall include an implementation schedule. The Plan shall incorporate Trash Reduction BMPs and establish short-term and long-term objectives for the following activities, at a minimum:
    - i) Trash capture at the stormwater pump station to the Salinas River;

- ii) Trash capture at catch basins and other inlets to the MS4;
  - iii) Trash capture at flood management facilities, including detention basins; and
  - iv) Trash and litter control in municipally-owned and maintained streets and sidewalks in downtown commercial and shopping districts.
- c) The Trash Reduction Plan shall include installation of trash capture devices in accordance with **Section P.3.b.vii**, as applicable.

*COMMENT: We could not find the referenced Section P3.b.vii*

**Staff Response to February 22, 2012 Comment City of Salinas – Provision N.3.c**

Central Coast Water Board staff has confirmed that the version of the Draft Order in the City's possession is the latest version and contains Provision P.3.b.vii, and that City staff is aware of Provision P.3.b.vii.

5) Reporting

- a) In each Annual Report, the Permittee shall include:
- i) Verification that the Permittee implemented all designated BMPs at all sites and sources identified according to Section N.2.a (Municipally Owned or Operated Areas);
  - ii) A summary of visual inspection and abatement activities conducted according to Section N.2.b (Inspection and Cleaning of Surface Drainage Structures), including the following:
    - (1) A list of open channels and other surface drainage structures inspected, including indication of priority problem areas inspected three times each year;
    - (2) Dates of all visual monitoring and inspection events;
    - (3) Verification that the Permittee removed all trash and debris found within 14 working days of each inspection;
    - (4) A summary of the results of visual inspection and cleaning events, including the amount of material removed on an Urban Subwatershed basis; and
    - (5) Identification of areas containing significant deposits of trash.
- b) In the Year 1 Annual Report, the Permittee shall include:
- i) A list of BMPs designated to control trash and litter from sites and sources identified in Section N.2.a (Municipally Owned or Operated Areas);
  - ii) Verification that the Permittee visually inspected all open channels and other surface drainage structures for trash and other debris, and removed all trash and other debris within 14 working days of inspection except as required in Section P.3.b (Monitoring, Effectiveness Assessment, and Program Improvement: Trash Action Level); and
  - iii) Identification of priority problem areas identified according to Section N.2.b (Inspection and Cleaning of Surface Drainage Structures) that the Permittee will visually inspect three times each year.
- c) In the Year 2 Annual Report, the Permittee shall include:
- i) A description of surface drainage structures found to contain significant deposits of trash, a description of the process used to identify potential sources of the trash, and identification of the potential sources;
  - ii) A description of the process used to evaluate the effectiveness of BMPs targeting identified sources, including a list of BMP modifications identified and the schedule b) for implementing the modifications;
  - iii) A description of the Permittee's **enforceable** mechanisms;

*COMMENT: Suggest to change word to "enforcement"*

**Staff Response to February 22, 2012 Comment City of Salinas – Provision N.5.c**

Central Coast Water Board staff has replaced the word “enforceable” with “enforcement” in Provision N.5.c.ii and in Provision N.2.d.

P. Monitoring, Effectiveness Assessment and Program Improvement (Partial)

*This may simply be a communication matter. Our concern is that Section P contains language that is not consistent with our understanding of the City’s authority, or responsibility with regards to the Reclamation Ditch. We are also concerned that if this language remains, that it could be precedent setting in terms of obligating the City to clean-up litter that may be carried onto other non-City owned property.*

**Staff Response to February 22, 2012 Comment City of Salinas – Provision P**

Central Coast Water Board staff understands that the comment refers to requirements in Provision P.3.b.vii that the City must conduct Trash Assessments in the Reclamation Ditch or reduce trash discharges to the Reclamation Ditch by a specified amount. The City is responsible for trash discharged to the Reclamation Ditch through its MS4. The requirements in Provision P.3.b.vii reflect this responsibility rather than holding the City responsible for maintenance of the Reclamation Ditch itself. The Draft Order regulates the City’s MS4 discharges to receiving waters in accordance with federal and State regulations. Consistent with these regulations, the Draft Order requires the City to reduce pollutants in MS4 discharges to the MEP. Trash and litter are pollutants as defined by the Basin Plan. Therefore the Draft Order requires the City to reduce its discharges of trash. The Draft Order is not intended to speak to other obligations the City may have, or may incur, related to clean-up of litter that has been carried onto other non-City owned property.

Following telephone conversation with Central Coast Water Board staff, City staff indicated acceptance of the trash reduction alternative provided 1) the City is not required to work in the Reclamation Ditch, and 2) the trash reduction alternative option allows trash collection as well as trash capture. The City’s first proviso is already addressed in the Draft Order through the establishment of the trash reduction alternative. In addition, Central Coast Water Board staff has modified Draft Order language to include a definition of trash and litter as “improperly discarded waste material,” in accordance with California Government Code Section 68055.1(g); and to state that the City “may use any lawful means for trash and litter removal, including structural and non-structural mechanisms, except that the Permittee shall not count trash and litter collected by means of street sweeping or catch basin cleaning activities toward achievement of the trash and litter removal objective.” Consistent with the definition contained in California Government Code Section 68055.1(g), only removal of “improperly discarded waste material” may be counted toward compliance with the trash load reduction requirement. Trash placed in residential garbage cans and commercial garbage bins and removed as part of regular waste management activities shall not qualify as improperly discarded waste material. However, trash and litter placed in receptacles installed by the Permittee during the term of this Order for the purpose of preventing litter (e.g., trash receptacles on downtown commercial and/or business district sidewalks) may be counted.

## Attachment D - Monitoring and Reporting Program (Partial)

## 5) Receiving Water Monitoring

- a) Within 12 months of adoption of this Order, the Permittee shall initiate Receiving Water Monitoring in accordance with the QAPP/Sampling Plan approved by the Central Coast Water Board Executive Officer. The purpose of Receiving Water Monitoring is to track status and long-term trends (five years or more) in receiving water quality and beneficial uses.
- b) The Permittee shall conduct Receiving Water Monitoring for the Reclamation Ditch. The Permittee shall indentify a monitoring site in a location downstream of urban influences. In identifying monitoring sites, the Permittee shall assess the applicability of existing monitoring sites included in past monitoring by the Permittee or by related monitoring programs (e.g., CCAMP and the Cooperative Monitoring Program for Agriculture) and sampling consistency with past data collection for purposes of trend evaluation. Where doing so would comply with the requirements of this Attachment, the Permittee shall maintain monitoring continuity by using existing monitoring sites, such as CCAMP sampling station 309ALD, for Receiving Water Monitoring. *Comment/Question: The City appreciates the Boards recognition that the City will not be held accountable for exceedences found at the receiving water site 309ALD other than those that can be directly attributable to the City's input. Concerns for use of this receiving water site are as follows:*
- 1. The great majority of water passing this site appears to be from agricultural uses or from source outside the City in the unincorporated County areas.*

**Staff Response to February 22, 2012 Comment City of Salinas – Attachment D.5.b (1)**

Central Coast Water Board staff understands from conversations with City staff that the City's concern is that dry weather monitoring in the Reclamation Ditch will not be cost effective for the City. The City is concerned that required monitoring at the receiving water monitoring site during dry weather will not produce useful information about the City's program commensurate with the expense of the monitoring. Prior to the submittal of this comment, Central Coast Water Board staff had limited the amount of receiving water monitoring the City must conduct by focusing on targeted monitoring designed to identify trends in receiving water quality at a few locations. Trend monitoring, in combination with discharge monitoring and quantifying pollutant load reductions, is an effective means of obtaining useful feedback about the effectiveness of the City's program. Rather than attempting to characterize the City's contribution to water quality conditions, trend monitoring is designed to detect changes in water quality conditions over time, which in turn can be compared with discharge monitoring and pollutant load reductions to determine program effectiveness. This approach, combined with reduced receiving water monitoring during dry weather, results in the Draft Order's trend monitoring being more cost-efficient than the receiving water monitoring program under existing Order No. R3-2004-0135. In addition, trend monitoring conducted in both wet and dry weather will provide information that can be used to distinguish the City's contributions to water quality conditions from those of upstream agricultural lands, since upstream monitoring is also conducted in both dry and wet weather.

Receiving water monitoring is an essential ingredient of a Phase I NPDES stormwater management program. The principal goal of stormwater programs is to protect receiving waters from urban runoff impacts. In accordance with federal and State regulations, the Draft Order contains receiving water limitations to help ensure receiving water protection, and compliance with these limitations can be determined only through receiving water monitoring. The



Reclamation Ditch remains the most reasonable water body for this monitoring, because it receives discharges from the majority of the land area drained by the City's MS4. In addition, the portion of the Permit coverage area that drains to monitoring station 309ALD is roughly the same size as the total acreage of agricultural land draining to monitoring station 309ALD.

While discharges from agricultural lands are cumulatively much larger than discharges from the City during dry weather, toxicity testing is very sensitive, and causes of toxicity in urban runoff can differ from causes of toxicity in agricultural runoff, and can be identified through toxicity identification evaluation. Therefore, high toxicity resulting from the City's discharges, if it occurs, can be detected in the Reclamation Ditch, even during dry weather. Similarly, agricultural runoff and urban runoff can have different pollutant signatures, providing the potential for urban runoff impacts to receiving waters that occur during dry weather to be distinguished from impacts resulting from agricultural runoff.

Central Coast Water Board staff has taken significant steps to reduce the overall cost of the monitoring program, both prior and subsequent to the submittal of this comment. First, Central Coast Water Board staff designed a balanced approach to effectiveness assessment that includes quantifying pollutant loads, discharge monitoring, and receiving water monitoring, to assist the City in obtaining the most useful information in a cost-efficient manner. Prior to the submittal of this comment, and in response to previous comments from the City, Central Coast Water Board staff reduced several monitoring requirements, including the frequency of receiving water trend monitoring from monthly to nine times per year, with the monitoring reduction to occur during dry weather. Finally, Central Coast Water Board staff has made further modifications to the Draft Order, in response to the City's February 22, 2012 comments, to reduce the required frequency of water column toxicity testing and sediment sampling for pyrethroid pesticides and other constituents (see Attachment D, Table D.4 for details).

Note – The City's comments do not include an item 2.

*3. Since this is historically a CCAMP monitoring site will CCAMP monitoring continue? If so, is there any duplication of monitoring that is taking place?*

**Staff Response to February 22, 2012 Comment City of Salinas – Attachment D.5.b (2)**

The Central Coast Ambient Monitoring Program (CCAMP) will continue to conduct cyclical monitoring at site 309ALD. Central Coast Water Board staff has revised Attachment D to provide flexibility for the City to use monitoring data collected by CCAMP when doing so will comply with all other requirements of Attachment D.

*4. The previous 6 years of sampling data collected during this permit term indicates that background sites coming into the City exhibit much of the same toxicity characteristics as the 309ALD site. This consistent impaired condition has been a fundamental cause of the City's inability to determine its water quality influence on receiving water site 309ALD. Our inability to determine the City's influence on the receiving water is sited as a reason for the more stringent requirements of the draft Permit.*

**Staff Response to February 22, 2012 Comment City of Salinas – Attachment D.5.b (3)**

Central Coast Water Board staff recognizes that inputs to the Reclamation Ditch upstream of the City play a significant role in water quality conditions, and that these inputs make it difficult to precisely identify the City's contribution to receiving water quality. However, while toxicity is an important measure, it is not the only parameter indicative of water quality. There is sufficient data to determine that the City is discharging pollutants in its stormwater, and that in at least some cases, these pollutant discharges are increasing water quality problems in receiving waters. As such, receiving water monitoring is necessary and appropriate. In addition, the Draft

Order contains updated requirements over those in existing Order No. R3-2004-0135 in order to address these cases and bring the City's stormwater management program up to the Maximum Extent Practicable (MEP) standard. The effect of the City's implementation of these requirements on receiving water quality must be assessed.

Finding 68 of the Draft Order states that the City has not effectively demonstrated that SWMP activities are protecting water quality and beneficial uses. As the Fact Sheet for Finding 68 explains, this means that the City's effectiveness assessment and monitoring activities have not been able to show whether the City's stormwater management actions are achieving water quality improvements. Finding 70 of the Draft Order states that the City needs more guidance on how to demonstrate protection of water through the use of a wider range of focused effectiveness assessment methodologies (see Finding 70 and the Fact Sheet for Finding 70). To help the City demonstrate the results of its efforts, the Draft Order includes focused effectiveness assessment measures. These measures are designed to provide information about pollutant load reductions and discharge water quality in addition to receiving water quality trends. Together, these measures will enable the City to determine results of its stormwater management actions without first needing to distinguish the City's precise contribution to receiving water quality from the contributions of other dischargers.

*There is concern that this same scenario will occur. It is possible that even though the City's water quality improves at its outfalls, the improvements will not be seen in the receiving waters. In a phone conference Regional Board staff responded to the City's concerns that the City may continue to see a scenario in which it would not be able to determine its impacts on water quality given the consistently impaired condition of waters in the Reclamation Ditch from sources other than the City. Board Staff indicated that over time, with improvements at our outfalls, receiving waters should show improvement. Below are just 2 examples that might occur that would preclude this observation.*

*Examples::*

*a. If copper exists in a ratio of 97 % reclamation ditch and 3 % City, any improvements from Salinas outfalls to receiving waters would not be seen in the receiving waters. If there is a significant ratio in the difference of a sampling constituent from the City outfalls and the Reclamation Ditch, water quality improvements could be masked.*

*b. If water quality at City outfalls improve and water quality in the Reclamation Ditch from agricultural or other sources outside the City worsen then improvements would not be seen in the receiving water.*

#### **Staff Response to February 22, 2012 Comment City of Salinas – Attachment D.5.b (4)**

Central Coast Water Board staff expects that improvements in the City's pollutant load reductions and discharge water quality will result in detectable improvements in receiving water quality. During wet weather events, the City's stormwater discharges provide a significant percentage of the flow in the Reclamation Ditch that passes through the downstream monitoring station. (The portion of the Permit coverage area that drains to the downstream monitoring is roughly the same size as the total acreage of agricultural land that drains to the downstream monitoring station, and the Permit coverage area contains a higher percentage of impervious surfaces.) Therefore significant water quality improvements in the City's stormwater discharges will also be detectable through receiving water monitoring in the Reclamation Ditch during wet weather events. While discharges from agricultural lands are cumulatively much larger than discharges from the City during dry weather, toxicity testing is very sensitive, and causes of toxicity in urban runoff can differ from causes of toxicity in agricultural runoff, and can be identified through toxicity identification evaluation. Therefore high toxicity resulting from the City's discharges, if it occurs, can be detected in the Reclamation Ditch even during dry

weather. Similarly, agricultural runoff and urban runoff can have different pollutant signatures, providing the potential for urban runoff impacts to receiving waters that occur during dry weather to be distinguished from impacts resulting from agricultural runoff.

Central Coast Water Board staff recognizes that some results of the City's stormwater management actions may still be masked by other water quality inputs. However, receiving water monitoring is an essential ingredient of a Phase I NPDES stormwater management program. (See Staff Response to February 22, 2012 Comment City of Salinas – Attachment D.5.b [1].)

Copper is typically an urban, rather than an agricultural, pollutant. It's primary source is automobile use.

**Question:** *Will Ag Waiver continue monitoring of background sites coming into the City (e.g. Gabilan Creek, Natividad Creek and Reclamation Ditch as they are currently doing and at what frequency?*

**Staff Response to February 22, 2012 Comment City of Salinas – Attachment D.5.b (5)**

The Cooperative Monitoring Program for Agriculture (CMPA) conducts sampling at the referenced sites for physical parameters, general chemistry, and nutrients on a monthly basis, including two storm events per year; for water column toxicity, pesticides, metals, and phenolic compounds four times per year; sediment annually; and pyrethroid pesticides in sediment once during the term of the order. The *Monitoring and Reporting Program Order No. R3-2011-0006-01, Conditional Waiver of Waste Discharge Requirements for Discharges from Irrigated Lands* requires continued monitoring at the referenced sites for these constituents and frequencies.

**Question:** *Is the Ag Waiver program required to sample for the same constituents in receiving waters consistent with the City's receiving water requirements? If comparisons of water data taken at ag waiver sites is to be compared to receiving water data, the timing of sampling should be taken at a minimum on the same day and for comparable constituents.*

**Staff Response to February 22, 2012 Comment City of Salinas – Attachment D.5.b (6)**

The CMPA is required to sample for constituents related to agricultural pollutants, while the City is required to sample for constituents related to urban pollutants and conditions relevant to the City of Salinas. There is a high degree of overlap between the two lists of sampled constituents, but the lists are not identical. In particular, the CMPA does not sample for metals (e.g., copper and zinc) or fecal coliform.

Central Coast Water Board staff agrees with the importance of comparing sampling data from monitoring sites upstream of the City with data downstream of the Permit coverage area. Therefore Central Coast Water Board staff has modified Provision P.5 and Attachment D.6 of the Draft Order to include a requirement to compare upstream and downstream sampling data to assess changes in loads of nitrate, orthophosphate, fecal coliform, copper, and zinc between the upstream and downstream points. The modified language requires the City to conduct monitoring at the upstream sites for these constituents, or coordinate with the CMPA to provide data for nitrate and orthophosphate and conduct sampling for fecal coliform, copper, zinc, and flow. The modified language also directs the City to coordinate sampling events in order to obtain time-paired data that can be compared readily.

To balance the increased monitoring cost resulting from adding the Background Receiving Water Monitoring described above, Central Coast Water Board staff also reduced the required

frequency of water column toxicity testing and sediment sampling for pyrethroid pesticides and other constituents (see Attachment D, Table D.4 for details). These changes are consistent with the frequencies required under *Monitoring and Reporting Program Order No. R3-2011-0006-01, Conditional Waiver of Waste Discharge Requirements for Discharges from Irrigated Lands*.

**Question:** *If over time water quality improves at City outfalls but the receiving waters show no improvement or becomes worse, how will the City be held responsible.*

**Staff Response to February 22, 2012 Comment City of Salinas – Attachment D.5.b (7)**

The Draft Order holds the City responsible for an exceedance of a water quality standard in receiving waters only when data indicates that the City's discharges are causing or contributing to the exceedance. In those instances, Central Coast Water Board staff will take into account measurable improvement in stormwater discharge water quality and pollutant load reductions when assessing its follow-up options. Central Coast Water Board staff does not anticipate pursuing enforcement for violations of receiving water quality standards when the City can demonstrate substantial progress towards controlling its contribution. Receiving Water Limitations language contained in the Draft Order states that "discharges from the MS4 that cause or contribute to the violation of water quality standards contained in a Statewide Water Quality Control Plan, the California Toxics Rule, or the Basin Plan are prohibited" (Provision C.1), and "discharges from the MS4 shall not cause or contribute to a condition of pollution, contamination, or nuisance in receiving waters" (Provision C.2). These statements mean that the City is not responsible for violations of receiving water quality standards to which it does not contribute.

**Comment:** *Trend Monitoring at the Receiving Water 309ALD site will be quite costly over the 5 year permit term and will not be shared by other contributors to the flows in this receiving water. Receiving water monitoring in the Reclamation Ditch should be, at a minimum, a joint effort of Monterey County, Ag Waiver and the City of Salinas as contributors to this receiving water. Receiving water monitoring will account for approximately 1/3 of the proposed monitoring program costs. Receiving water monitoring is estimated at \$70,000 annually or \$350,000 over a 5-year term. Total estimated monitoring program cost is \$215,000 annually.*

**Staff Response to February 22, 2012 Comment City of Salinas – Attachment D.5.b (8)**

Central Coast Water Board staff recognizes the benefits of cooperative monitoring programs, and the City has flexibility to pursue a cooperative monitoring approach with other stakeholders. The Monterey Bay National Marine Sanctuary is currently investigating opportunities for a regional monitoring program and Central Coast Water Board staff encourages the City to participate in that effort. In addition, Central Coast Water Board staff finds that water monitoring in the Reclamation Ditch in the vicinity of the City already includes cooperative elements. In particular, CMPA monitoring upstream of the City provides data the City can use to assess the effectiveness of its program, but the City is not required to fund this monitoring except for copper, zinc, and fecal coliform (see Staff Response to February 22, 2012 Comment City of Salinas – Attachment D.5.b [6]). The Draft Order also allows the City to use Central Coast Ambient Monitoring Program (CCAMP) monitoring data to satisfy monitoring requirements, provided the CCAMP data complies with all other Draft Order requirements (see Attachment D.5.f).

Central Coast Water Board staff has reviewed monitoring program cost estimates provided by the City, and believes the City can reduce its monitoring costs through a competitive bid process.