



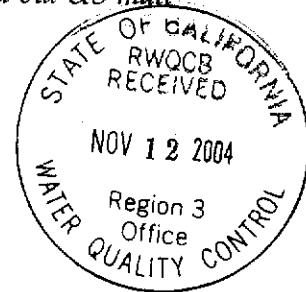
UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL OCEAN SERVICE

Monterey Bay National Marine Sanctuary
299 Foam Street
Monterey, California 93940

November 10, 2004

Sent electronically and via US mail

Roger Briggs
Central Coast Regional Water Quality Control Board
895 Aerovista Place, Suite 101
San Luis Obispo, CA 93401



**SUBJECT: COMMENTS ON WASTE DISCHARGE REQUIREMENTS
AND ISSUANCE OF COVERAGE UNDER WQ ORDER NO.
R3-2004-0135, NPDES PERMIT NO. CA0049981**

Dear Mr. Briggs,

The Monterey Bay National Marine Sanctuary (MBNMS) appreciates the opportunity to review the Waste Discharge Requirements (WDRs) and Storm Water Management Program (SWMP) for the City of Salinas (City). The MBNMS reviewed this program under its authority defined at 15 CFR Sections 922.49 and 922.134 (b), and procedures defined in Section V.E. of the Memorandum of Agreement on water quality protection within the MBNMS (June 1992).

Medium sized municipalities that discharge storm water through municipal storm sewer systems to waters of the United States require a NPDES Permit to regulate storm water discharges, pursuant to Section 122.26(a)(iv) of Title 40 of the Code of Federal Regulations (40 CFR). Permits require the implementation of stormwater management programs rather than establishing numeric effluent standards for stormwater discharges (40 CFR 122.26(d)(2)(iv)). The Permit requires that dischargers establish controls to the maximum extent practicable (MEP) and effectively prohibit non-storm water discharges to the municipal separate storm sewer systems. For five years the City has been operating pursuant to Waste Discharge Requirements Order No. 99-087; National Pollutant Discharge Elimination System (NPDES) Permit No. CA0049981, issued in October 1999.

The MBNMS does seek clarification and consideration of the following recommendations regarding the SWMP and associated Monitoring and Reporting program. The MBNMS would like to see these addressed prior to issuance of the permit per the MOA established between the MBNMS and the RWQCB.

Background

The MBNMS was designated by Congress in 1992 for the purpose of resource protection, research, education, and public use. The MBNMS encompasses over 5,000 square miles of marine waters, and is home to the nation's largest kelp forest, one of its largest underwater canyons, and an enormous diversity of fishes, birds, mammals and other species, twenty-one of which are listed as endangered or threatened. Recognizing this diversity of unique resources, Congress and the National Oceanic and Atmospheric Administration assigned MBNMS managers a mandate of ecosystem protection. Protecting and enhancing water quality is central to meeting this mandate.

The MBNMS faces relatively few water quality concerns from industrial point-sources. Rather, because the MBNMS is adjacent to approximately 300 miles of California's coastline, it is susceptible to impacts from non-point source pollution, including storm water, primarily from urban and agricultural lands. Monitoring within the MBNMS has shown that near shore coastal areas, harbors, lagoons, estuaries and tributaries suffer from a number of problems associated with this runoff including elevated levels of nitrates, sediments, persistent pesticides, metals, bacteria, pathogens, detergents, and oils. These contaminants can have a variety of biological impacts including bioaccumulation, reduced recruitment of anadromous species, algal blooms, mortality due to toxicity, transfer of pathogens to wildlife and humans, and interference with recreational uses of the MBNMS.

In 1996 the MBNMS addressed these concerns by teaming with local cities and counties to address the issue of urban runoff from growing coastal communities through the development of an integrated action plan. Acting on strategies contained in this plan, the MBNMS has provided the City with written correspondence and has commented before Salinas' City Council about the importance of controlling stormwater runoff, and the types of support that the MBNMS can provide to assist the City's efforts.

Storm Water Management Program

Feasibility, Reporting and Compliance

The MBNMS is encouraged by the numerous activities described in the SWMP. However, the MBNMS is concerned that accomplishing them may be difficult given the City's current financial situation. The MBNMS would like clarification on the methods by which the City will report its progress in implementing the SWMP, and account for activities that were not initiated or completed. The MBNMS would also like to see a description of the enforcement mechanism the RWQCB will employ ensure that the activities outlined in the plan are completed.

Construction Site Management

Construction site runoff has the potential to have severe impacts on water quality through the discharge of sediment and hazardous materials. The MBNMS views the requirements within this element, including the development of a tracking system for projects, and the inspection and enforcement schedule, as promising



modifications that should help to ensure that construction site runoff is dealt with appropriately. The MBNMS also welcomes the opportunity to work with the City, as well as adjacent Phase II municipalities, on the development of educational materials and training workshops that address construction site erosion and sediment control.

The list of minimum construction Best Management Practices (BMPs) neglected to list source control through the effective use of erosion control (beyond minimizing bare surfaces). When bare soil is exposed to rainfall, erosion is inevitable, and sediment controls such as sediment logs, storm drain inlet protection, and silt fences are only at-best partially effective. Effective construction site management must include the use of erosion control practices, such as hydroseed and mulch. As such, the MBNMS recommends that erosion control BMPs be listed as minimum BMPs that must be implemented at every site.

Development Standards

The MBNMS is encouraged to see that the City will be incorporating water quality and watershed protection principles into planning procedures. Driven by strategies contained in our Urban Runoff Action Plan, the Sanctuary, along with the Cities of Watsonville and Monterey, the California Coastal Commission, and the Central Coast Regional Water Quality Control Board, recognized the need for the inclusion of water quality principles into planning documents. This group developed the Model Urban Runoff Program (MURP), which is essentially a how-to guide for jurisdictions to address polluted runoff. Following the release of this plan, the MBNMS conducted several workshops, and has recently hosted a regional workshop targeting planners, private developers, and public works staff focused on Phase II, NPDES requirements.

The MBNMS hopes to continue these efforts, and welcomes the opportunity to collaborate with the City to utilize the MURP through workshops or on-site trainings conducted by a contractor to the Sanctuary. The MBNMS also welcomes assistance or collaboration with or in our efforts to develop workshops that address planning and development issues related to water quality.

Municipal Maintenance

For several years the MBNMS has contracted with a firm to provide individualized training workshops for municipal workers. The MBNMS welcomes the opportunity to work with the City in this capacity. Additionally, with an allocation of grant funds, the MBNMS hopes to consult with local jurisdictions affected by recently obtained NPDES requirements to develop training materials such as manuals, videos and the like for municipal operations. The MBNMS hopes to be able to work with the City and the RWQCB in this endeavor to develop materials that will assist the city in fulfilling SWMP requirements as well as improving water quality.

Illicit Discharge Detection and Elimination

Trained volunteers have been enlisted by the Sanctuary Citizens Watershed Monitoring Network (Network) to conduct targeted monitoring in local jurisdictions to track down sources of pollution. This has proven to an effective method of reducing pollution when used in combination with education, outreach, and



enforcement efforts. The MBNMS encourages the City to consult with the network to assist with the illicit discharge detection and elimination program as well as the Monitoring and Reporting Program.

Education and Participation

The MBNMS has developed numerous urban runoff educational programs and products for use by local jurisdictions, including pamphlets, brochures, public service announcements, videos, posters and interactive models - many of these materials are available in bilingual format. As the cost of developing these materials has already been funded, they can be printed as is, modified or distributed for your jurisdiction at significantly lower cost than creating them individually.

The MBNMS may also be able to assist the City with storm a drain stenciling program. Painting storm drains or utilizing markers indicating that they flow directly to rivers or oceans rather than treatment plants, is an educational, interactive tool to engage people of all ages in community involvement for watershed pollution prevention.

Recognizing the growing Latino population in the City, it may want to consider partnerships with the sanctuary's Multicultural Education for Resources Issues Threatening Oceans (MERITO) program. MERITO was developed with the recognition that the Hispanic population of the central California coast is one of the largest and fastest-growing constituencies in the region, but one that is poorly reached by current sanctuary outreach and resource threat reduction programs. Through enhanced knowledge of the sanctuary and its associated watersheds, our diverse citizens will better understand the importance of protecting our resources and their special qualities.

Monitoring and Reporting Program

The data and information that the City will gather through the physical, chemical, and biological monitoring programs will benefit our knowledge of existing conditions and potential impacts from urban runoff. However, the MBNMS has several concerns with the MRP requirements for the SWMP as described in attachment 5.

Prior Sampling Conducted Under Order No. 99-087

The City was required to annually monitor twenty sites during the initial five-year permit period. The MBNMS recommends that the City survey the results from the previous monitoring effort in order to direct the current MRP and SWMP activities. The survey should note the nature of the sampling locations, how many of them flow year round, and if hotspots existed. This information could then be used to implement targeted education, enforcement, and monitoring efforts. If this activity has already been done, the current plan should describe how these results have been incorporated into the SWMP.



Timing of agricultural waiver monitoring

In order to evaluate potential impacts of urban runoff as well as the effectiveness of BMPs, it is imperative that the City determine the quality of water that is entering the city by utilizing background monitoring. This has been addressed by the MRP, but the MBNMS has concerns with the reliance upon the Agricultural Waiver Monitoring for this purpose. The MBNMS would like to know if the agricultural watershed monitoring coincides temporally with that of the MRP so that samples and the results are comparable. Having comparable samples between the Ag waiver and the City's program is important because the Salinas River is not comparable to the Gabilan, Natividad and Alisal Creeks.

Grab versus time-series samples

A single grab sample is not necessarily representative of water quality because of the inherent variability associated with stormwater flow in urban systems. Therefore, the MBNMS suggests that the MRP be modified to include time series samples at each of the background and receiving water sites.

Urban Discharge Sampling Triggers

The MBNMS would like clarification on what the triggers are for sampling of the urban discharge sites. As the MRP reads, sampling of urban discharges will only occur when receiving water samples exceed the background site at the Salinas River. The MBNMS recommends that the MRP should be modified to incorporate sampling of the urban discharge sites during the wet weather monitoring so as to assist with source control as well as illicit discharge detection and elimination.

Dry Weather Urban Discharge Sites

The urban discharge sites should be visually inspected monthly instead of quarterly during the dry weather season. If there is flow, then the dry weather sampling regime should be implemented and not just once annually, but every time there is flow. The plan is not clear if the quarterly visual inspections are just during the dry weather (table 2) or year round (B.3.ii.F). The Network can assist with dry weather sampling by enlisting volunteers for an Urban Watch program in the City. Utilizing these volunteer programs can represent a significant cost savings, and would enable to expand the sampling to dry season and urban discharges.

The identification of dry weather discharges and the elimination of their sources can lead to large water quality improvements. The MBNMS encourages the City to cross-train as many municipal workers as possible, even those not associated with water quality programs, in this effort. More eyes in the field will result in a higher number of discharges identified, and therefore mitigated.

Peak Flow versus Rising Limb of Hydrograph

During the wet weather sampling, the MRP states that samples should target the peak flow of the storm. The first flush of pollutants is concentrated in the rising limb of the hydrograph, prior to the peak discharge. The MBNMS would like clarification on when the wet weather samples will be taken.



Loading

Flow and concentration will be measured during sampling and analysis. However to determine load, the cross-sectional areas will also need to be calculated prior to monitoring events. The MRP is unclear as to whether or not this will happen.

Dry Weather Sampling Parameters

The dry weather sampling protocol should be modified to include Nitrate as N and *E.coli*. Also, in Table 4 conductivity and pH can be in situ, and total zinc should be a grab sample not in situ.

Wet Weather Results and Toxicity Testing

The flow chart indicates that if the wet weather results do not exceed the baseline sample(s), then no further sampling is required that year. Please clarify as to whether this means that if this is the case, the two dry weather toxicity samples will also not be required.

Thank you for the opportunity to comment on the SWMP. The MBNMS supports the City's continued effort to address stormwater and urban runoff, and feels that the SWMP outlines a successful approach. However, the MBNMS seeks clarification on the issues raised in this letter, and welcomes an opportunity to discuss them with City and the RWQCB. To this end, please contact Chris Coburn of my staff at (831) 420-1670.

The MBNMS also respectfully requests that our comments and concerns be fully addressed prior to issuance of this permit per the MOA, and that a signed copy of the final permit be sent to our office upon issuance.

Sincerely,



DR. HOLLY PRICE
ACTING SUPERINTENDENT

