

STATE OF CALIFORNIA
REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL COAST REGION

STAFF REPORT FOR REGULAR MEETING OF SEPTEMBER 7-8, 2006

Prepared on August 9, 2006

ITEM NUMBER: 14

SUBJECT: City of Salinas Phase I Storm Water Permit Status Report

Background

The Water Board issued an updated Phase I Storm Water Permit (Permit) for the City of Salinas (City) in February 2005. The Board approved the original Permit in 1999 and required substantial revisions as a result of numerous EPA directives and court decisions on storm water issues across the State of California. The Central Coast Regional Water Quality Control Board (Central Coast Water Board) has requested a status report of the City's Permit compliance in this first year of 2005 Permit implementation.

The 2005 Permit contained a table (Attachment 6 of the Permit) that listed the critical due dates. A rendition of this table is attached to this report, with an additional column that contains comments on the status of the item. The first-year items are highlighted in the Due Date column for ease of reference. Water Board staff has posted an electronic copy of the City's annual report on our website.

Summary of Compliance

The City had some critical, large tasks that it needed to undertake during the year. Of primary concern, the City

needed a full overhaul of its Storm Water Management Program (now referred to by the City as the "Storm Water Master Plan" or SWMP) which contain the Best Management Practices (BMPs) for City activities, maintenance, storm water education, land use and planning, inspections, illicit and illegal discharge control, and other storm water-protective actions. The City was also required to review and revise storm water and grading ordinances to meet Low Impact Development principles whenever possible, and to revise its storm water monitoring and sampling program. The City has initiated all of these projects, but has not completed a number of them.

The biggest items of concern are discussed below:

1. Storm Water Master Plan (SWMP, formerly called the Storm Water Management Plan) – The City submitted a draft version in July 2006, eleven months after the due date. The City had been providing periodic updates to Central Coast Water Board staff during the SWMP process, and it became clear that the Permit timeline might have been optimistic. Central Coast Water Board staff is disappointed to find

that the City has been unable to provide a Final SWMP. However the City plans to release the SWMP for 30-day public comment in mid-August 2006 (public review is not directly required by the Permit), make revisions if necessary based on comments, and provide a Final document to the City Council for approval and adoption October 17, 2006. Central Coast Water Board staff is currently drafting a comment letter with changes that we would like to see made to the draft SWMP.

2. Annual Report and Work Plan – The City submitted their Annual Report with a Draft Work Plan on October 12, 2005. The Annual Report due date is October 1 of each year. The Annual Report is supposed to include a Final Work Plan for each upcoming year, and an assessment of the effectiveness of the Storm Water Program for the reporting-year. Neither item was included with the 2006 Annual Report. Effectiveness evaluation is a critical component that was identified as lacking during the City's 2003 Storm Water Audit, conducted by Tetra Tech under Central Coast Water Board direction.

The SWMP contains many more details of promised BMPs than the Annual Report discusses about BMPs employed throughout the City. However, the Annual Report was written and submitted in October 2005, and the SWMP was submitted in July 2006 (although this order of events was not our expectation). Additionally, the Annual Report and Work Plan are, in many instances, vague or short on data. For example, the Annual Report discusses street sweeping and drainage facility cleanout but provides no statistics on the actual amount of linear feet or

area or percentage of the total that were cleaned or swept. The Work Plan is too general to determine what exactly the City is doing, or if they have met their goals at the end of the year. The Work Plan should cross-reference the SWMP and the Permit.

Central Coast Water Board staff has informed the City that future Annual Reports and Work Plans must include information on all aspects discussed in the SWMP, and must have adequate detail in both documents to determine exactly what is planned, and what was implemented.

3. Quality Assurance Program Plan, and Water Quality Monitoring – The Quality Assurance Program Plan (QAPP) was required to be completed within the first permit year (by February 2006). The water quality monitoring was required in the first year. The City's consultant released the QAPP to Water Board staff on August 4, 2006, and planned to do the first round of water sampling during the 2006 rainy season. The City abandoned their former water quality monitoring methods during the 2005-2006 rainy season because the former sampling was not successful, and they did not have their new QAPP and sampling strategy ready for the season.

At the time of this report writing, staff had not yet reviewed the new QAPP. However the QAPP was written by the same consultants that wrote and are coordinating the Agriculture Waiver Program Group monitoring plan, therefore staff's experience and expectation is that the monitoring plan should be adequate. The Salinas QAPP includes the same

bioassessment, toxicity, and water quality testing as the Agriculture Waiver Program, with some water quality monitoring additions that better address expected urban runoff potential pollutants.

Areas of Compliance

1. Illegal discharges – Throughout the year, the City and Central Coast Regional Board staff have been in correspondence over several significant illegal discharge incidents. The City has been responsive and followed up on investigating the sources of the discharges. Central Coast Water Board staff believe that the City is showing true concern over the issues, and although the cases are not closed, we anticipate that there will continue to be positive movement toward resolution.
2. Construction Site Investigations – The City continues to inspect all construction sites and requires Storm Water Pollution Prevention Plan submittals for all sites over one acre, and sediment and erosion control BMPs to be implemented and maintained. Site inspections are conducted twice a week for active sites, and twice a month for inactive sites. The City staff issue letters to site owners for violations and to advise owners on timing and methods to prepare for the rainy season.
3. Industrial Site Inspections – The City hires inspectors from the Monterey Regional Water Pollution Control Agency who inspect all of the Industrial sites on the City's list. Central Coast Water Board staff have accompanied several of these inspectors during inspections and found them to conduct thorough, detailed inspections and follow up findings of non-compliance with

adequate levels of enforcement. The City has updated and expanded its Industrial Facility list per Permit requirements and will include the new sites on the upcoming inspection rounds. The City has developed methods to better track new sites needing Storm Water Permit coverage and inspections.

Ordinance and Design Standards Review and Rewrite

The City's Permit requires the City to review their Ordinances that pertain to storm water protection, and their Design Standards. The City has agreed to work cooperatively with Kennedy Jenks Consultants, Inc. (who were hired through a grant from the Central Coast Water Board) to review and revise their Storm Water Ordinance, Grading Ordinance, and Development Design Standards to bring these documents in line with Low Impact Development (LID) principles. Adopted LID-supportive Ordinances and Design Standards will ensure that LID principles are instituted throughout the City. The consultant has taken the following actions:

1. Kennedy Jenks Consultants conducted an introductory, half-day seminar to explain what LID is and why it is necessary. The seminar was held in Salinas, and was attended by City Planning, Engineering, and Maintenance Department staffs, major developers involved in the City's Sphere of Influence annexation, agriculture landowners, academicians, environmentalists, and Central Coast Water Board staff.
2. Kennedy Jenks Consultants is reviewing the City's available data on soils and groundwater to determine areas suitable for LID infiltration techniques. They will release a technical memo with their findings

during the second week of August 2006.

3. Kennedy Jenks Consultants is reviewing the City's Storm Water and Grading Ordinances and Design Standards for LID-compatibility. They will release a technical memo with their findings and suggested revisions during the second week of August 2006.
4. Kennedy Jenks Consulting will present the results of the City Design Standards review in a second workshop on August 10, 2006. The audience will be similar to that of the first workshop.

Compliance concerns and follow-up

Central Coast Water Board staff must assess whether the City has been working productively and diligently to meet the goals set forth in the Permit, or whether the goals would be more quickly achieved if formal enforcement were taken. Central Coast Water Board staff has been in regular, verbal communication with the City management and staff and understands the challenges that the City is facing in bringing their Storm Water Program up to a full level of compliance. Water Board staff anticipated some of the non-compliance issues that relate to the items being attended to by Kennedy Jenks Consultants when we drafted the Kennedy Jenks contract. The City and their consultant are actively addressing these items on a well-defined time schedule (the contract's time schedule) and staff anticipates that the LID-document revisions should be completed on the contract's timeline. Central Coast Water Board staff believe that issuing the highest level of enforcement (Administrative Civil Liability) for the compliance issues may delay the stuttered progress even further. However staff is issuing a strongly worded Notice of Violation that

contains specific items that the City must deliver and dates of delivery. The City is aware that if the items in the Notice of Violation are not met on time, or in a complete manner, that these issues will be referred to the Central Coast Water Board Enforcement Unit for formal enforcement.

Water Chemistry Monitoring Issues

Our CCAMP monitoring discovered storm drain discharges of concern near the Davis Road – Salinas River crossing during February, March, and May 2006 sampling events. The storm drain discharges contained elevated levels of Nitrate, Unionized Ammonia, Fecal Coliform, E. coli and depressed Dissolved Oxygen levels. Central Coast Water Board staff has included this information in the August 2006 Notice of Violation letter to the City. City response will be summarized in a Supplemental Sheet to this Board item.

Recently, the press and public have become more aware of the potential for polluted urban runoff to impact the oceans. One area of concern is that of bacteria contamination, which can result in beach closures, human illnesses, and loss of revenue in beach communities. One measure of a Storm Water Management Plan's effectiveness might be the number of beach closures that ensue after a SWMP is enacted. The City of Salinas is about 10 miles from the ocean, with many other land uses and landowners contributing to the waterways downstream of the City prior to ocean discharge point.

Rather than using the indirect measure of beach closures as a SWMP effectiveness measurement, the City is conducting annual water chemistry, bioassessment, and toxicity testing directly downstream of the City. Water chemistry parameters include: E. coli bacteria, total coliform; fecal coliform; ammonia; nitrate; orthophosphate; total

dissolved solids; copper; oil and grease; zinc and other indicators. This monitoring program should more accurately gauge the effect of the City's runoff on receiving waters than a more indirect indicator, such as beach closures that, since they are so far from the possible pollutant source, might be caused by other inputs.

The City's consultant released the QAPP for their monitoring program to Water Board staff on August 4, 2006, and planned to do the first round of wet weather sampling during the 2006 rainy season. As noted earlier in this report, the City was required to sample during the 2005 -2006 rainy season but failed to do so. The City's consultant completed sampling of adjacent agricultural sites in July 2006. Data from those samples were not yet available at the time this report was written.

Conclusion

Central Coast Water Board staff has found that the City of Salinas' performance during the first year of its second permit term has been halting slow steps forward toward full compliance. The City needs to better cooperate internally in order to provide a smoothly functioning, integrated Storm Water Program that will meet Permit requirements.

We have concluded that the City is progressing slowly ahead in this process, and we are encouraged that the City has agreed to work with outside consultants to revise current practices to embrace Low Impact Development across the City. For these two reasons, staff has chosen to pursue informal enforcement (Notice of Violation), with the provision that we will escalate to a higher level of enforcement if specific goals are not met.

Attachment: Summary Table

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