



California Regional Water Quality Control Board Central Coast Region



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Arnold Schwarzenegger
Governor

September 25, 2009

Clifton Price
Public Works Director
City of Soledad
248 Main Street
P.O. Box 156
Soledad, CA 93960



Dear Mr. Price:

NOTICE OF VIOLATION AND RESULTS OF WATER BOARD REVIEW OF THE CITY OF SOLEDAD STORMWATER MANAGEMENT PROGRAM AND 2007-08 ANNUAL REPORT, CITY OF SOLEDAD, PERMIT YEAR 2007-08, WDID #3 27MS04029

Central Coast Regional Water Quality Control Board (Water Board) staff received the City of Soledad's (City) Stormwater Management Program (SWMP) Annual Report for the 2007-08 permit year on December 19, 2008. Water Board staff recognizes and appreciates the City's efforts to comply with the statewide Phase II Small Municipal Separate Storm Sewer System (MS4) General Permit (General Permit).

Water Board staff finds that the City's SWMP is a comprehensive program showing progress toward compliance with the General Permit. The City implemented most of the Best Management Practices (BMPs) in the SWMP according to measurable goal expectations. However, the City did not implement all BMPs or achieve all measurable goals described in the SWMP. In some cases, the City has failed to implement BMPs and achieve measurable goals several years in a row.

The purpose of this letter is twofold:

1. Clarify the City's status under the General Permit, and provide guidance on the structure of the SWMP, following the City's initial five-year permit period; and
2. Provide an annual performance review of the City's SWMP and annual reporting process per General Permit Finding 21 and assess compliance with General Permit requirements.

Coverage under the General Permit Following the End of the City's Fifth Permit Year

The Water Board approved the City's SWMP and enrolled the City under the General Permit on September 22, 2004. The approved SWMP describes stormwater BMPs designed to reduce pollutants in stormwater to the Maximum Extent Practicable (MEP) and protect water quality. General Permit Section D requires the City to fully implement the SWMP by the expiration of the General Permit, or within five years of enrollment. General Permit Section H.21 states that the General Permit expires five years from the date of adoption, but also states that the General

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Permit continues in force and in effect until a new General Permit is issued or the existing General Permit is rescinded. In other words, the City's General Permit coverage continues unchanged following the end of the City's fifth permit year, and the City's SWMP remains in effect (subject to the General Permit requirement for continual improvement to meet the MEP standard).

However, since the General Permit intends the initial five-year period as a "ramping up" period, the City must revise the SWMP's description of BMPs in the following ways beginning in the 2009-10 permit year:

- Existing BMPs and measurable goals: The City must revise the BMPs and measurable goals already included in the program to indicate that the City implements these BMPs and measurable goals each year on an ongoing basis (instead of including implementation schedules).
- Existing BMPs and measurable goals implemented occasionally: The City must revise the SWMP to clearly indicate BMPs and measurable goals that the City implements less frequently than annually (e.g., a public workshop the City holds every other year). In addition, the City must revise the SWMP to indicate the frequency of these activities and which years the City will perform them.
- New BMPs and measurable goals: To meet the advancing MEP standard, the City must add new BMPs and measurable goals to the SWMP from time to time, or the Water Board will require the City to include new BMPs and measurable goals. When it is appropriate for these BMPs and measurable goals to include an implementation schedule, the City must clearly indicate the implementation schedule of these BMPs and measurable goals and report on progress toward completing the steps in the schedule until the City has fully implemented the BMPs and/or met the measurable goals.

Performance and Compliance Review of the City's SWMP

According to General Permit Sections D and F, the City must implement and improve or modify the SWMP, and report and monitor the status of compliance, the appropriateness and effectiveness of BMPs, the status of measurable goals, the results of information collected, future planned activities, and proposed changes to the SWMP with justification for the changes. According to Finding 21 of the General Permit, the purpose of this annual performance review is to evaluate 1) SWMP effectiveness; 2) the implementation of the SWMP; 3) the status of measurable goals; 4) the effectiveness of BMPs; and 5) improvement opportunities to achieve the MEP standard. With the goal of improving the SWMP document, implementation of the SWMP, and the content of annual reports, Water Board staff provides the following written comments on the 2007-08 Annual Report. Please review this letter closely, as the issues listed below require further action. There are three types of comments:

- **Information** Water Board staff is providing to the City to explain Water Board staff's position on a topic;
- **Violations** of the General Permit which the City must correct;
- **Improvements** to the SWMP which the City must make to meet the MEP standard;

In accordance with General Permit Section G, the Water Board's oversight of the City's compliance with the General Permit also includes taking enforcement action in response to violations. Therefore this letter provides notice of a variety of violations which the City must address. Failure to take corrective actions to comply with this **Notice of Violation** may result in progressively higher levels of Water Board enforcement, including the imposition of civil liability.



This letter includes a reference number in the left margin for each comment that the City should use when responding to comments.

In response to the violations and improvements cited throughout this letter, we require seven forms of correction pursuant to General Permit Section H.9 (Duty to Provide Information). Throughout this letter we have shown the required response in bold text for clarity. An explanation of each level of further action, along with its submittal deadline, is outlined below:

- **Addendum to the 2007-08 Annual Report:** The City must submit the required information to the Water Board along with the 2008-09 annual report by December 6, 2009. This addendum must be signed and certified per General Permit Section H.11 and Section H.12.
- **In the 2008-09 annual report:** The City must submit the required information as part of the 2008-09 annual report by December 6, 2009. The 2008-09 annual report must clearly identify where in the document the City is addressing each of these comments.
- **In future annual reports:** The City must submit the information in all future annual reports, beginning with the 2009-10 annual report.
- **Correction of the violation and demonstration of compliance in the 2008-09 annual report:** The City must make the required changes to its program and report on the changes in its 2008-09 annual report by December 6, 2009.
- **Correction of the violation and demonstration of compliance in the 2009-10 annual report:** The City must make the required changes to its program and report on the changes in its 2009-10 annual report by December 6, 2010.
- **Revision to the SWMP by December 6, 2009:** The City must make the required SWMP modifications, and submit a revised SWMP to the Water Board with the 2008-09 annual report by December 6, 2009.
- **Revision to the SWMP by December 6, 2010:** The City must make the required SWMP modifications, and submit a revised SWMP to the Water Board with the 2009-10 annual report by December 6, 2010.

When submitting revisions to the SWMP, provide a complete revised SWMP document, in electronic format, with proposed deletions in strike-through text and proposed additions in red underlined text.

I. Overall Program

A. Annual Report Format

Improvement

Each MCM section of the 2007-08 Annual Report contains the following subsections: 1) a table indicating BMP implementation and effectiveness; 2) a general summary of the City's activities; 3) a summary of the status of the MCM's measurable goals; 4) a discussion of the appropriateness of the BMPs; 5) a general discussion of the effectiveness of the City's activities; 6) a discussion of proposed modifications to the SWMP; 7) a general discussion of the results of the City's activities; and 8) a second BMP table describing the City's activities during the reporting period and anticipated activities during the 2008-09 permit year. While all of this information is important and valuable, the format creates redundancy and forces the reader to look at all eight subsections to learn about a single BMP.

1 Action: Revise the SWMP by December 6, 2010, to reorganize each MCM section around the individual BMPs. In other words, create a subsection for each BMP that contains the above information only for that BMP. In addition, include a single BMP table providing a "quick reference" for the information related to all of the BMPs in the MCM section.



B. Responsible Parties

Violation of General Permit Section D.4 – Failure to Identify Responsible Parties

General Permit Section D.4 requires the City to identify the person or persons who will implement or coordinate the SWMP, as well as each MCM. In addition, General Permit Section F.1.g requires the City to include, in its annual reports, any change in the person or persons coordinating the SWMP. While the SWMP identifies a City department or position responsible for implementing each BMP, the SWMP does not identify a coordinator for each MCM. Also, while SWMP Section 4-3 identifies the Public Works Director as MCM Task Manager, the SWMP is unclear whether the MCM Task Manager is responsible for coordinating the whole SWMP or just the MCMs involving Public Works Department activities. Furthermore, the 2007-08 Annual Report identifies Clifton Price as the Public Works Director, but Annual Report Section 6.G identifies Sonny Vaughn as the Storm Water Coordinator.

2 **Action:** Provide the required information as an **addendum to the 2007-08 annual report**, and ensure that it is included **in future annual reports**. In addition, **revise the SWMP by December 6, 2009**, to clearly identify the current coordinator of the SWMP as a whole, as well as each MCM.

C. Pollutants of Concern

Improvement

In order to protect water quality and reduce pollutants in stormwater to the MEP, SWMPs must comprehensively target priority pollutants. Priority pollutants, or pollutants of concern (POCs), are those pollutants which are present, or have the potential to be present, in urban stormwater runoff to a degree which threatens to cause nuisance or affect water quality. The SWMP must specifically identify POCs and their known and potential sources in the City's stormwater runoff. In addition, the City must tailor BMPs to target specific POCs and their sources. BMPs must target particular pollutants, and all POCs must be targeted by particular BMPs, to ensure that priority pollutants are reduced in stormwater to the MEP.

3 **Action:** **Revise the SWMP by December 6, 2010**, to achieve the following:

- Identify at least the following as pollutants of concern: sediment, nutrients, herbicides, pesticides, pathogens, petroleum products, oil and grease, and trash.
- Identify at least the following as potential sources of pollutants of concern: pet waste, landscape chemicals, green waste, household and commercial hazardous materials, residential and corporate vehicle maintenance, automobile service businesses, residential and corporate vehicle washing, restaurant wash-off, construction activities, parking lots, illegal dumping, used oil, garbage collection areas, septic systems, and litter.
- Indicate, in tabular form, the BMPs which target each particular POC and potential source, demonstrating that all POCs and potential sources are adequately addressed. The City can find good examples of such a table in the City of Santa Maria's SWMP at Table 2-4, and in the City of San Luis Obispo's SWMP at Table 2.

D. Assessing Program Effectiveness

Improvement

Operators of MS4s must assess the appropriateness and effectiveness of their BMPs annually. This assessment must go beyond measures that assess only completion of tasks, to measures that assess BMP effectiveness at raising awareness, changing behavior, reducing pollutants, improving runoff water quality, and protecting receiving water quality. Since the goal of the SWMP is to reduce pollutants and protect water quality, each BMP must include measures to quantify the BMP's impact on water quality in addition to measures quantifying implementation and progress toward measurable goals.



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Action: Revise the SWMP by December 6, 2010, to include a strategy for assessing program effectiveness. The strategy must include the following components:

1. Assessment of program effectiveness at complying with permit requirements and achieving measurable goals;
2. Assessment of program effectiveness at protecting and restoring water quality and beneficial uses;
3. Identification of quantifiable effectiveness measurements for each BMP, including measurements that link BMP implementation with improvement of water quality and beneficial use conditions;
4. Emphasis on assessment of BMPs specifically targeting primary pollutants of concern.
5. Incorporation of an effectiveness assessment process comparable to that outlined in the California Stormwater Quality Association's (CASQA) *Municipal Stormwater Program Effectiveness Assessment Guide*;
6. Identification of a range of quantifiable effectiveness measures, appropriate to each BMP, that assess effectiveness at achieving regulatory compliance, meeting measurable goals, changing awareness, changing behavior, and reducing pollutant loads, to be used during annual effectiveness assessments. The *Municipal Stormwater Program Effectiveness Assessment Guide* includes useful examples and guidance for assessing effectiveness using these parameters;
7. Identification of quantifiable effectiveness measurements that collectively assess effectiveness in terms of runoff and receiving water quality, to be used during long-term effectiveness assessments (e.g., every three to five years). The *Municipal Stormwater Program Effectiveness Assessment Guide* includes useful examples and guidance for assessing effectiveness using these parameters; and
8. Identification of the steps the City will take to revise the SWMP and optimize BMP effectiveness, when effectiveness assessments identify BMPs or program sub-areas that are ineffective or need improvement.

To the extent these components are already included in the SWMP or are readily available for inclusion, we expect you to keep them in the SWMP or incorporate them, and to use them to assess program effectiveness **in the 2008-09 annual report**. We also expect you to provide effectiveness measurement for each BMP consistent with and related to each BMP's measurable goals (equivalent to CASQA Level 1 assessment, "Validating Actions").

An example of the type of language you should include in the SWMP for such a BMP is as follows:

"The City will develop an effectiveness assessment strategy before the end of the 2009-10 permit year, and will submit the strategy as a revision to the SWMP with the 2009-10 annual report. The City will use the effectiveness assessment strategy to conduct effectiveness assessments included in the annual reports, starting with the 2010-11 annual report. Overall, the strategy will describe the actions the City will take to assess the effectiveness of the SWMP in meeting regulatory requirements and improving water quality and beneficial use conditions. The strategy will specifically 1) identify the measures the City will use to assess effectiveness and improve BMP implementation; 2) identify quantifiable effectiveness measurements for each BMP and for the program as a whole that link BMP implementation with improvement in water quality and beneficial use conditions; and 3) assess BMP implementation in terms of regulatory compliance, changing awareness, changing behavior, reducing



pollutant loads, improving runoff water quality, and protecting receiving water quality.”

E. Proposed Modifications

Violation of General Permit Section D.1 – Failure to Implement BMPs

General Permit Section D.1 states that the SWMP shall be revised to incorporate any new or modified BMPs or measurable goals developed through the City’s annual reporting process, and that the City shall incorporate changes required by or acceptable to the Water Board Executive Officer (EO) into annual revisions of its SWMP. The City proposes several SWMP modifications in the 2007-08 Annual Report. Most of the proposed modifications fall into two categories:

1. Schedule Modifications: Modifications the City wishes to make to the approved implementation schedule because the City was unable to achieve measurable goals according to the schedule; and
2. Practical Modifications: Modifications the City wishes to make because the City has not been able to implement BMPs due to technological or other reasons.

Both categories constitute violations of General Permit Section D.1, and are identified as such throughout this letter.

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Action: Correct these violations and demonstrate compliance in the 2009-10 annual report. The City must correct violations in the first category by implementing the BMPs in question, including all measurable goals. The City must correct violations in the second category by implementing the BMPs or by proposing replacement BMPs that are subsequently approved by the Water Board EO.

F. Modifying the SWMP

Information

The General Permit states that the SWMP may be modified through the initiative of the City or the Water Board EO. We will communicate to you modifications initiated by the Water Board EO through our SWMP annual report review comment letters. This letter contains several such modifications. These modifications are required pursuant to General Permit Section D, and the City must incorporate them into the SWMP as specified in the relevant comment. The City may continue to propose modifications through its SWMP annual reports. Water Board staff will review the City’s proposed modifications and recommend approval or denial of each proposed modification to the Water Board EO. We will then communicate this approval or denial through our SWMP annual report review comment letters. When a modification has been approved or required by the Water Board EO, the City must incorporate the modification into the SWMP as a revision, and submit a complete revised SWMP document, in electronic format, when the City submits the following annual report. The revised SWMP should indicate deletions in strike-through text and proposed additions in red underlined text.

II. Introductory Sections

A. Description of the City’s MS4

Improvement

Section 3-2 of the SWMP contains separate descriptions of the open channels, detention/retention basins, and drainage facilities that make up the City’s MS4. This format is confusing and makes it difficult to determine the ultimate destination of stormwater from various parts of the City. In addition, the following are confusing in Section 3-2:

- The SWMP states that the City’s drainage facilities include three open channels. However, it also states that two of these channels (Bryant Canyon channel and the



Southerly channel) are not in the City's jurisdiction. Later in the section, the SWMP mentions what appears to be a fourth channel (the Caltrans culvert).

- After mentioning the Southerly and Westerly channels as two of the City's open channels, the SWMP does not mention them again or clarify the areas of the City that drain into them.
- The SWMP does not identify the ultimate discharge point of the Caltrans culvert.
- The SWMP states that stormwater runoff in the Westerly channel reaches the City's wastewater treatment plant. The SWMP also states that a 60" diameter storm drain conveys stormwater to the wastewater treatment plant, and thence to a detention pond. It is unclear what happens to stormwater once it reaches the treatment plant, and what role, if any, the treatment plant plays in the City's stormwater system.

6 **Action: Revise the SWMP by December 6, 2010**, to clarify the items listed above and to describe the City's storm drainage system in terms of subwatersheds instead of facility types. This means describing the runoff path for each area of the City from its origin (the area of the City making up the subwatershed) to its destination (collection in a percolation basin or discharge to a water of the U.S. or a water of the State). The City should not consider detention basins (basins with the capacity to discharge stormwater) as stormwater destinations.

B. Goal of the SWMP

Improvement

Section 3-7 of the SWMP states that the City's ultimate goal in developing, implementing, and enforcing the SWMP is to protect water quality standards for the Salinas River by ensuring that the City's stormwater runoff does not contribute to an exceedance of any water quality standard. However, General Permit Section D also requires permittees to reduce discharges of pollutants in stormwater runoff to the MEP as well, whether or not the discharge of pollutants exceeds an established water quality standard.

7 **Action: Revise the SWMP by December 6, 2009**, to state that the City's ultimate goal is to reduce the discharge of pollutants in stormwater runoff to the MEP and to protect water quality.

C. Signing and Striping Program

Improvement

Section 4-3 of the SWMP states that the City will require developers to apply painted signage to storm drain outlets. Water Board staff believes the City means that it will require developers to apply painted signage to storm drain inlets.

8 **Action: Revise the SWMP by December 6, 2009**, if applicable, to state that the City will require developers to apply painted signage to storm drain inlets.

D. Minimum Requirements for MCMs

Improvement

Section 5-2 of the SWMP lists General Permit requirements for each MCM. However, the list omits some of the minimum requirements listed in General Permit Section D.2.

9 **Action: Revise the SWMP by December 6, 2009**, to clarify that the cited requirements are from the General Permit Fact Sheet, and that the General Permit itself contains a more extensive list of minimum requirements for each MCM.

III. MCM #1: Public Education and Outreach

A. BMP 1.1 – Utility Billings, BMP 1.3(b) – Stormwater Videos on Local Cable Channel, and BMP 1.4(a) – Stormwater Advertisements in the *Soledad Bee* Violation of General Permit Section D.1 – Failure to implement BMPs



General Permit Section D.1 requires the City to implement BMPs according to the implementation schedule established in the SWMP. However, the 2007-08 Annual Report indicates that the City did not implement the above-listed BMPs according to the implementation schedule. In fact, the City has failed to implement some of these BMPs for several years in a row. Failure to implement BMPs is a violation of General Permit Section D.1.

10 **Action: Correct these violations and demonstrate compliance in the 2009-10 annual report.**

B. BMP 1.2 – Website, BMP 1.4(b) – Stormwater Advertisements in the *Soledad Times*, BMP 1.5 – Brochures and Fliers, BMP 1.8 – Used Oil Recycling, and BMP 1.10 – Regional Stormwater Information Exchange

Violation of General Permit Section D.1 – Failure to fully implement BMPs

General Permit Section D.1 requires the City to implement BMPs according to the measurable goals established in the SWMP. However, the 2007-08 Annual Report indicates that the City did not achieve all of the measurable goals of the above-listed BMPs. Failure to fully implement BMPs is a violation of General Permit Section D.1. Below is a description of the measurable goals the City did not achieve in the 2007-08 permit year:

1. BMP 1.2 – Website: The City did not achieve the measurable goal of providing updated stormwater information on the City website.
2. BMP 1.4(b) – Stormwater Advertisements in the *Soledad Times*: The City did not achieve the measurable goal of running stormwater advertisements each quarter, due to the discontinuation of the newspaper. The City should have undertaken an equivalent alternative activity.
3. BMP 1.5 – Brochures and Fliers: The City did not achieve the measurable goal of replenishing the supply of stormwater educational brochures and fliers at City Hall and the City Library.
4. BMP 1.8 – Used Oil Recycling: The City did not achieve the measurable goal of keeping a log of residential and commercial customers disposing of used oil at the recycling facility.
5. BMP 1.10 – Regional Stormwater Information Exchange: The City did not achieve the measurable goal of having City staff attend one meeting per quarter.

11 **Action: Correct these violations and demonstrate compliance in the 2009-10 annual report.**

C. BMP 1.5 – Brochures and Fliers, BMP 1.7 – Household Hazardous Waste, and BMP 1.8 – Used Oil Recycling

Violation of General Permit Section F.1.c – Failure to report status of measurable goals

According to General Permit Section F.1.c, annual reports must indicate whether the City achieved measurable goals established in the SWMP. Failure to provide information on the status of measurable goals is a violation of General Permit Section F.1.c. If the reason for the City's failure to provide this information is that the City did not fully implement these BMPs according to the measurable goals established in the SWMP, the City would also be in violation of General Permit Section D.1 (failure to implement BMPs). The 2007-08 Annual Report does not provide adequate information on the following measurable goals:

1. BMP 1.5 – Brochures and Fliers:
 - The SWMP states that the City will distribute fliers at events. However, the Annual Report provides no information on which events City staff attended for the purpose of distributing stormwater educational materials.
 - The SWMP states that the City will develop and display "SCOPE" fliers. However the Annual report provides no information on the development or use of "SCOPE" fliers.



2. BMP 1.7 – Household Hazardous Waste: The SWMP states that the City will advertise at least two locations within the City to which residents may take their household hazardous wastes for proper disposal. However, the Annual Report does not provide information on the scope or content of the City's advertising efforts or state explicitly that two household hazardous waste disposal locations are available to City residents.
3. BMP 1.8 – Used Oil Recycling:
 - The SWMP states that the City will advertise at least one location within the City to which residents may take their used oil to be recycled. However, the Annual Report does not provide information on the scope or content of the City's advertising efforts or state explicitly that one used oil recycling location is available to City residents.
 - The SWMP states that the City will evaluate the effectiveness of its advertising efforts and determine the connection between those efforts and City residents' use of the used oil recycling opportunity. However, the Annual Report does not indicate that the City performed this evaluation or indicate the results of the evaluation.

12 **Action:** Provide this information as an **addendum to the 2007-08 annual report**, and ensure that it is included **in the 2008-09 annual report and in future annual reports**.

D. BMP 1.2 – Website

Violation of General Permit Section F.1.d – Failure to report information collected

The SWMP states that the City will count the number of emails it receives through the City website. However, the 2007-08 Annual Report does not contain any information on the number of emails the City received. Failure to report the results of information collected is a violation of General Permit Section F.1.d.

13 **Action:** Provide this information as an **addendum to the 2007-08 annual report**, and ensure that it is included **in the 2008-09 annual report and in future annual reports**.

E. BMP 1.1 – Utility Billings, BMP 1.3 – Television Public Service Announcements, and BMP 1.5 – Brochures and Fliers

Improvement

The SWMP does not identify measurable goals for all activities and BMPs. General Permit Section D.3 requires permittees to identify measurable goals for all BMPs. Below is a description of the activities which need measurable goals:

1. BMP 1.1 – Utility Billings: The SWMP does not identify a measurable goal for the length, content, and target audience(s) of quarterly stormwater messages.
2. BMP 1.3 – Television Public Service Announcements: The SWMP does not identify a measurable goal for the length, content, and target audience(s) of stormwater text announcements.
3. BMP 1.5 – Brochures and Fliers:
 - The SWMP does not identify a measurable goal for the number of public events City staff will attend each year for the purpose of distributing stormwater educational materials.
 - The SWMP does not identify a measurable goal, or goals, for the scope, content, intended audiences, and targeted pollutants of stormwater educational materials. Water Board staff requires this information to determine whether the City's educational program achieves the MEP standard. Educational materials, as a whole, must target all relevant audiences and address all relevant pollutants of concern and their known and potential sources. Relevant audiences in the City include homeowners, residents, businesses, restaurants, automobile services, the construction industry, industrial facilities, children/students, and Spanish-speaking populations.

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Action: Revise the SWMP by December 6, 2009, to include a measure goal, or goals, for each of these activities.

F. Scope of Educational Program

Violation of General Permit Section D.2 – Failure to fulfill the requirements of the MCM

According to General Permit Section D.2, the SWMP must describe BMPs, and associated measurable goals, that will fulfill the requirements of the six Minimum Control Measures. According to General Permit Section D.2.a, the City is required to implement a public education program to distribute educational materials to the community, or conduct equivalent outreach activities, about the impacts of stormwater discharges on waterbodies and the steps the public can take to reduce pollutants in stormwater runoff. The City has had ongoing difficulty implementing many of the BMPs described in the Public Education and Outreach MCM. As a result, it is unclear that the City's public education program will satisfy the requirement of this MCM. Failure to describe BMPs that will fulfill General Permit requirements is a violation of General Permit Section D.2.

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Action: Correct this violation and document compliance in the 2008-09 annual report. To comply, the City must evaluate the capability of its public education program to satisfy General Permit requirements to the MEP. Where the City's program is inadequate, the City must also select new BMPs and/or measurable goals that will satisfy General Permit requirements for public education and outreach to the MEP. To document compliance, the City must report the results of its evaluation and identify additional BMPs and/or measurable goals the City will implement to achieve compliance with the General Permit. The City's evaluation should include the following elements:

- Review of the audiences targeted by the City's educational BMPs: The City's educational program must target all relevant audiences, including, but not limited to, homeowners, residents, businesses, restaurants, automobile service businesses, the construction industry, industrial facilities, children/students, and Spanish-speaking populations.
- Review of the topics covered by the City's educational BMPs: The City's educational program must cover all relevant activities which have the potential to be significant contributors of pollutants to stormwater, including use and disposal of household and landscaping chemicals, used oil disposal, landscape irrigation, vehicle washing, pet waste management, septic maintenance, green waste disposal, equipment cleaning, waste management, automobile maintenance, parking lot cleaning, and power washing.
- Review of the vehicles the City employs to distribute educational content: The City's educational program must employ communication vehicles which distribute educational materials to the community to the MEP. The City should consider the following possible vehicles: television, radio, newspaper, direct mailings, inspections and/or site visits, making printed materials available, distributing printed materials at events or inspections, classroom education, and workshops.
- Identification of additional BMPs the City will implement: Where the City's current educational program fails to meet General Permit requirements, the City must develop and implement additional BMPs to fill the gaps.

G. BMP 1.6 – Hotline, BMP 1.7 – Household Hazardous Waste, and BMP 1.8 – Used Oil Recycling Improvement

According to General Permit Section D.2.a, the purpose of the Public Education and Outreach program is to educate the community about the impacts of stormwater discharges on



waterbodies and the steps the public can take to reduce pollutants in stormwater runoff. The above-listed BMPs are more properly categorized as Public Involvement/Participation BMPs.

16 **Action: Revise the SWMP by December 6, 2010**, to remove BMPs 1.6, 1.7, and 1.8 from the Public Education and Outreach section of the SWMP and include them in the Public Involvement/Participation section.

H. Community-Based Social Marketing Improvement

The Public Education and Outreach BMPs rely heavily on information campaigns that utilize education and advertising to encourage behavior change. While these efforts can be effective in creating public awareness and in changing attitudes, numerous studies show that behavior change rarely occurs as a result of simply providing information. Community-based social marketing is based upon research in the social sciences that demonstrates that behavior change is most effectively achieved through initiatives delivered at the community level which focus on removing barriers to an activity while simultaneously enhancing the activity's benefits. The Water Board has determined that permittees should assess community-based social marketing strategies, and incorporate them into the SWMP, where appropriate.

17 **Action: Revise the SWMP by December 6, 2010**, to include a BMP to assess community-based social marketing strategies. The BMP must state that the City will complete its assessment and incorporate community-based social marketing strategies, where applicable, by the end of the 2011-12 permit year.

I. Survey Improvement

The City's public education program includes numerous BMPs designed to communicate the impacts of stormwater discharges on waterbodies and the steps the public can take to reduce pollutants in stormwater runoff. The ultimate purpose of these activities is to change public awareness and behavior regarding stormwater issues. However, the SWMP does not include a strategy for assessing the effectiveness of Public Education and Outreach BMPs at changing public awareness and behavior regarding stormwater quality issues.

18 **Action: Revise the SWMP by December 6, 2010**, to include, as a BMP, a strategy, such as a public survey or compliance tracking measure, to assess the effectiveness of the City's public education and outreach program at increasing awareness and changing behavior.

J. BMP 1.10 – Regional Stormwater Information Exchange Improvement

According to General Permit Section D.2.a, the purpose of the Public Education and Outreach program is to educate the community about the impacts of stormwater discharges on waterbodies and the steps the public can take to reduce pollutants in stormwater runoff. However, BMP 1.10 does not provide educational benefit to the public. Therefore this BMP is more properly categorized as a program management BMP.

19 **Action: Revise the SWMP by December 6, 2010**, to remove BMP 1.10 from the Public Education and Outreach section of the SWMP and include it in the SWMP Management section.

IV. MCM #2: Public Involvement/Participation

A. BMP 2.1 – Educational and Volunteer Programs

Violation of General Permit Section F.1.c – Failure to report status of measurable goals

According to General Permit Section F.1.c, annual reports must indicate whether the City achieved measurable goals established in the SWMP. Failure to provide information on the status of measurable goals is a violation of General Permit Section F.1.c. If the reason for the



City's failure to provide this information is that the City did not fully implement these BMPs according to the measurable goals established in the SWMP, the City would also be in violation of General Permit Section D.1 (failure to implement BMPs). The 2007-08 Annual Report does not provide adequate information on the following measurable goals:

- The SWMP states that the City will conduct two classroom education forums per year. However, the Annual Report provides no information on when or where the presentations occurred, which grade levels were targeted, the number of students present, or the content of the presentations.
- The SWMP states that the City will initiate two clean-up days per year. However, the 2007-08 Annual Report provides no information on when the clean-up days occurred, what areas of the City were cleaned, or the number of people involved.

20 *Action:* Provide this information as an **addendum to the 2007-08 annual report**, and ensure that it is included **in the 2008-09 annual report and in future annual reports**.

B. BMP 2.2 – Community Workshops

Violation of General Permit Section F.1.d – Failure to report information collected

The SWMP states that the City will request feedback on stormwater pollution prevention media efforts, volunteer participation, the stormwater information students bring home, and awareness of disposal facilities. However, the 2007-08 Annual Report does not contain a summary of the information the City collected. Failure to report the results of information collected is a violation of General Permit Section F.1.d.

21 *Action:* Provide this information as an **addendum to the 2007-08 annual report**, and ensure that it is included **in the 2008-09 annual report and in future annual reports**.

C. BMP 2.1(a) – Classroom Education

Improvement

It is not clear in the SWMP or in the 2007-08 Annual Report whether the City actively educates students or simply distributes stormwater educational materials to schools. It is also unclear whether the educational forums focus on educating students regarding stormwater-related issues, or on recruiting volunteers to participate in other SWMP activities. Measurable goals are required by General Permit Section D.3.

22 *Action:* **Revise the SWMP by December 6, 2010**, to include a clear measurable goal, or goals, for educating school children in the City. The goal(s) should specify the grade levels the City will target, the topics the presentations will cover, and the frequency of the education.

D. BMP 2.1 – Educational and Volunteer Programs

Improvement

The SWMP combines classroom education, volunteer recruitment, and community clean-ups in a single BMP. This is confusing.

23 *Action:* **Revise the SWMP by December 6, 2010**, to create separate BMPs and measurable goals for each of these activities.

E. BMP 2.1(a) – Classroom Education

Improvement

The City's classroom education activity is more properly categorized as a Public Education and Outreach BMP.

24 *Action:* **Revise the SWMP by December 6, 2010**, to remove this activity, with its measurable goals, from the Public Involvement/Participation section of the SWMP and include it in the Public Education and Outreach section.

F. Plan for making annual reports and Water Board comments available to the public



Improvement

The SWMP does not yet include a plan for making SWMP annual reports available to the public for review or comment. In addition, the SWMP does not yet include a plan for making Water Board SWMP annual report review comments available to the public. Making this information available to the public is essential for compliance with General Permit requirements for public involvement.

25 **Action:** **Revise the SWMP by December 6, 2009**, to include a BMP to make the City's annual reports and Water Board comments available to the public.

G. Interested Parties List***Improvement***

Like many communities, the City has had a difficult time engaging the public in workshops or SWMP activities. As an alternative, an interested parties list for people who want to be notified of SWMP meetings, activities, and/or news can be an effective tool for increasing public participation.

26 **Action:** **Revise the SWMP by December 6, 2010**, to include a BMP creating an interested parties list, including measurable goals for making the list available to the public and for advertising the list.

V. MCM #3: Illicit Discharge Detection and Elimination**A. BMP 3.2 – Outfall Inspections, BMP 3.8 – Watch List for Illicit Connections, BMP 3.9 – Industrial/Business Connections, and BMP 3.10 – Review and Identification of Non-Stormwater Discharges*****Violation of General Permit Section D.1 – Failure to implement BMPs***

The General Permit requires the City to implement BMPs according to the implementation schedule established in the SWMP. However, the 2007-08 Annual Report indicates that the City did not implement the above-listed BMPs according to the implementation schedule. In fact, the City has failed to implement some of these BMPs for several years in a row. Failure to implement BMPs is a violation of General Permit Section D.1.

27 **Action:** **Correct these violations and demonstrate compliance in the 2009-10 annual report.**

B. BMP 3.1 – Storm Drain System Map***Violation of General Permit Section D.1 – Failure to fully implement BMPs***

According to General Permit Section D.2.c(2), the City must develop a map of its MS4 showing the location of all outfalls and the names and locations of all waters of the U.S. that receive discharges from those outfalls. In addition, the SWMP states that the City will indicate the location of outfalls to the Salinas River on the map. However, the City's MS4 map (Figures 3-1 and 3-3) identifies only points of discharge into City storm drainage basins. It appears from the outfall descriptions included in the 2007-08 Annual Report that outfall number five and outfall number six discharge into the Salinas River, but the map does not include this information. In addition, the Salinas River is not indicated on the map at all. Failure to show the location of all outfalls from the City's MS4 to waters of the U.S., and all waters of the U.S. that receive discharges from the City's MS4, is a violation of General Permit Sections D.1 and D.2.c(2).

28 **Action:** **Correct this violation and demonstrate compliance in the 2008-09 annual report.**

**C. BMP 3.7 – Sanitary Sewer System Map, BMP 3.9 – Industrial/Business Outreach
*Improvement***

The SWMP does not identify measurable goals for all activities and BMPs. General Permit Section D.3 requires permittees to identify measurable goals for all BMPs. Below is a description of the activities which need measurable goals:

1. BMP 3.7 – Sanitary Sewer System Map: The SWMP states that the purpose of this BMP is to identify and reduce discharges from any illicit sanitary sewer connections or sewer overflows. However, this purpose is not reflected in a specific measurable goal to inspect for such connections.
2. BMP 3.9 – Industrial/Business Outreach:
 - The SWMP states that the City will monitor 100% of businesses that do not respond to the City's outreach letter. However, the SWMP does not include an adequate description of what the City will actually do to monitor these businesses and industrial facilities and enforce compliance with General Permit requirements.
 - The SWMP states that the City expects businesses and industrial facilities to remove illicit connections from service. However, the SWMP does not include a statement that the City will enforce compliance with the General Permit and ensure that illicit connections are eliminated.

29 **Action: Revise the SWMP by December 6, 2010**, to include a measurable goal, or goals, for each of these activities.

D. Illicit Discharge Elimination Procedures Improvement

The SWMP states that the City will follow-up on reports of illicit discharges, illegal dumping, and spills. However, the SWMP does not include a description of the City's response and clean-up procedures. Water Board staff requires this information in order to determine whether the City's follow-up procedures reduce or eliminate illicit discharges to the MEP. General Permit Section D.2 requires permittees to describe BMPs that will fulfill General Permit requirements.

30 **Action: Revise the SWMP by December 6, 2010**, to include a BMP to develop, if the City does not already have them, procedures for responding to illicit discharges, illegal dumping, and spills. The BMP should include at least the following elements:

- An evaluation of the City's existing response procedures for compliance with General Permit requirements for illicit discharge and non-stormwater discharge detection and elimination;
- A clear statement that the City will modify its procedures, if necessary, to comply with General Permit requirements;
- A description of the objectives the illicit discharge elimination procedures will be designed to achieve, consistent with General Permit requirements;
- Measurable goals for response time and clean-up effectiveness;
- A clear schedule for when the City will complete, adopt, and implement the procedures;
- A statement that the City will implement the procedures; and
- A statement that the City will evaluate the effectiveness of its illicit discharge, illegal dumping, and spill response procedures at eliminating illicit discharges and prohibiting non-stormwater discharges, and modify the procedures as necessary

E. Enforcement Procedures Improvement

According to General Permit Section D.2.c(1), the City must develop, implement, and enforce a program to detect and eliminate illicit discharges into the MS4. However, the SWMP does not describe the procedures the City will use to enforce compliance with the General Permit. General Permit Section D.2 requires permittees to describe BMPs that will fulfill General Permit requirements.

31



Action: Revise the SWMP by December 6, 2010, to include a BMP to develop, if the City does not already have them, authorities and procedures to enforce compliance with General Permit prohibitions against illicit discharges and non-stormwater discharges. The BMP should include at least the following elements:

- An evaluation of the City's existing enforcement authorities and procedures for compliance with General Permit requirements for illicit and non-stormwater discharge detection and elimination;
- A clear statement that the City will modify its procedures, if necessary, to comply with General Permit requirements;
- A description of the objectives the enforcement authorities and procedures will be designed to achieve, consistent with General Permit requirements;
- Specific numeric measurable goals describing escalating enforcement steps, how the City will apply them, and under what circumstances;
- A statement that the City will implement the procedures; and
- A statement that the City will evaluate the effectiveness of the enforcement authorities and procedures at eliminating illicit discharges and prohibiting non-stormwater discharges, and modify them as necessary

F. BMP 3.1 – Storm Drain System Map *Improvement*

The City's use of the term "outfall" to describe points where the City's MS4 discharges into City storm drainage basins is confusing and conflicts with the General Permit's use of the term to describe points where the City's MS4 discharges to a water of the U.S. or to other surface waters which discharge to a water of the U.S.

32 **Action:** Revise the SWMP by December 6, 2009, to limit use of the term "outfall" to points where the City's MS4 discharges to the Salinas River or to other surface waters which discharge to the Salinas River. In this context, the term "surface water" includes open channels. In addition, use a different term to describe points where the City's MS4 discharges into City storm drainage basins, and maintain this language convention in the 2008-09 annual report and in future annual reports.

Improvement

The MS4 map included in the 2007-08 Annual Report is too small to see clearly.

33 **Action:** Include an electronic version of the map that can be viewed at different scales in the 2008-09 annual report and in future annual reports.

Improvement

The MS4 map is an important part of the City's stormwater program and has the potential to help any reader of the SWMP understand and visualize the City's MS4. Therefore the MS4 map should be incorporated into the SWMP document.

34 **Action:** Revise the SWMP by December 6, 2010, to include a current version of the City's MS4 map.

G. Staff Training

Improvement

The SWMP states that City staff will receive hotline calls, respond to complaints about illicit discharges and spills, monitor and track hotspots and businesses, and assess illicit connections. However, the SWMP does not include measures for training City staff to perform these functions effectively.



35 **Action: Revise the SWMP by December 6, 2010**, to include a BMP to develop a training program for City staff in the operations they must perform to implement and enforce the SWMP. The BMP should state that the City will provide annual training to all relevant staff beginning in the 2010-11 permit year. In addition, the BMP should include at least the following elements:

- An evaluation of the City's current training program, for compliance with General Permit requirements;
- A clear statement that the City will modify its current training program, if necessary, to comply with General Permit requirements;
- A description of the objectives the training program will be designed to achieve, consistent with General Permit requirements;
- Specific numeric measurable goals for the scope, content, and frequency of the training, and who will receive it;
- A statement that the City will implement the training program; and
- A statement that the City will evaluate the effectiveness of the new training program at eliminating illicit discharges and prohibiting non-stormwater discharges, and modify it as necessary

H. Inspecting Businesses and Industries

Improvement

The SWMP states that the City will encourage businesses and industrial facilities to report illicit connections, and will monitor businesses and industrial facilities that do not respond. However, the SWMP does not include a plan to conduct ongoing inspections of businesses and industries to determine compliance with General Permit prohibitions against illicit and non-stormwater discharges. Illicit connections are not the only type of illicit discharge. Other types of illicit discharge include equipment wash waters, oil and grease disposal, vehicle fluid leaks, sidewalk and patio wash waters, rainwater contaminated by garbage, commercial vehicle wash waters, and litter. Regular inspections citing these activities can be useful for raising awareness and changing behavior.

36 **Action: Revise the SWMP by December 6, 2010**, to include a BMP to conduct regular inspections of businesses and industrial facilities within the City. The BMP should focus on the types of businesses generally known to have a higher potential for contributing pollutants to stormwater, such as restaurants and automobile services. The BMP should also include specific numeric measurable goals for the objective and scope of the inspections and the number and percentage of businesses the City will inspect each year.

I. BMPs 3.6, 4.1, and 5.4 – Stormwater Ordinance

Improvement

The City adopted a stormwater ordinance in 2005. However, the SWMP does not include a plan for the City to evaluate the effectiveness of its stormwater ordinance and modify it as necessary. Periodic evaluation and modification is necessary for the City's ordinance to comply with the evolving MEP standard.

37 **Action: Revise the SWMP by December 6, 2009**, to include a statement that the City will evaluate its ordinance every three years for compliance with General Permit conditions, the evolving MEP standard, and the City's own evolving construction and post-construction stormwater management standards, and modify the ordinance as necessary. Include an implementation schedule for making revisions if appropriate and include a step and date to notify Water Board staff when the modified ordinance is available for review, providing Water Board staff four weeks for comment.

Improvement



The stormwater ordinance is a fundamental part of the City's SWMP. Water Board staff review ordinances to ensure that they comply with the requirements of the General Permit to the MEP.

Action: Submit an electronic version and a hardcopy version of the City's stormwater ordinance **with the 2008-09 annual report.**

VI. MCM #4: Construction Site Stormwater Runoff Control

A. BMP 4.7 – Procedures for Receiving and Responding to Public Input

Violation of General Permit Section D.1 – Failure to implement BMPs

General Permit Section D.1 requires the City to implement BMPs according to the implementation schedule established in the SWMP. However, the 2007-08 Annual Report indicates that the City did not implement BMP 4.7 according to the implementation schedule. In fact, the City has failed to implement some aspects of this BMP for two years in a row. Failure to implement BMPs is a violation of General Permit Section D.1.

Action: **Correct this violation and demonstrate compliance in the 2009-10 annual report.**

38

B. BMP 4.1 – Regulatory Mechanism, BMP 4.2 – Construction Site BMPs, BMP 4.3 – SWPPP Requirements, BMP 4.4 – Track Construction Sites, BMP 4.5 – Inspections, and BMP 4.6 – Enforcement

Violation of General Permit Section F.1.c – Failure to report status of measurable goals

General Permit Section F.1.c requires that annual reports indicate whether the City achieved measurable goals established in the SWMP. Failure to provide information on the status of measurable goals is a violation of General Permit Section F.1.c. If the reason for the City's failure to provide this information is that the City did not fully implement these BMPs according to the measurable goals established in the SWMP, the City would also be in violation of General Permit Section D.1 (failure to implement BMPs). The 2007-08 Annual Report does not provide adequate information on the status of the following measurable goals:

1. **BMP 4.1 – Regulatory Mechanism:** The SWMP states that the City will develop and implement a fee system to finance staff review of development plans and construction site inspections. However, the City has provided no information on its implementation of this activity in this, or previous, annual reports.
2. **BMP 4.2 – Construction Site BMPs:** The SWMP states that the City will require erosion and sediment controls for all construction projects disturbing one acre or more. The Annual Report states that the City reviewed development plans on a case-by-case basis for compliance with existing City BMPs. However, the Annual Report does not state explicitly that a) all sites equal to or larger than one acre submitted development plans; b) the City conducted plan review for 100% of construction applications; or c) all applications complied with City standards and General Permit requirements prior to City approval.
3. **BMP 4.3 – SWPPP Requirements:** The SWMP states that the City will require SWPPPs as a condition of approval for all construction projects disturbing one acre or more. However, the Annual Report does not state explicitly that a) the City received SWPPPs with 100% of construction applications for projects disturbing one acre or more; b) the City reviewed 100% of SWPPPs for compliance with City standards prior to project approval; or c) 100% of SWPPPs complied with City standards prior to project approval.
4. **BMP 4.4 – Track Construction Sites:** The SWMP states that the City will maintain a log to track construction sites. The Annual Report states that there are new construction projects in the City. However, the Annual Report does not provide the number of new construction sites or state explicitly that the City added 100% of new construction sites to the tracking database.



5. BMP 4.5 – Inspections: The SWMP states that the City will inspect construction sites disturbing one acre or more according to a prioritization system. However, the Annual Report does not state how many inspections City staff performed during the 2007-08 permit year, how often staff inspected the sites, or whether the City inspected 100% of construction sites.
6. BMP 4.6 – Enforcement: The SWMP states that the City will enforce requirements for construction sites disturbing one acre or more. However, the Annual Report does not state that the City enforced compliance at 100% of construction sites in the City.

39

Action: Provide this information **as an addendum to this annual report**, and ensure that it is included **in the 2008-09 annual report and in future annual reports**.

C. BMP 4.5 – Inspections and BMP 4.6 – Enforcement

Violation of General Permit Section F.1.d – Failure to report information collected

General Permit Section F.1.d requires that annual reports include the results of information collected and analyzed. Failure to report the results of information collected is a violation of General Permit Section F.1.d. The 2007-08 Annual Report does not provide the following required information:

1. BMP 4.5 – Inspections: The Annual Report does not state the results of the City's construction site inspections or how many sites are in compliance with City standards and General Permit conditions.
2. BMP 4.6 – Enforcement: The Annual Report states that there were no reports of major violations at construction sites during the 2007-08 permit year. This language suggests that violations occurred which the City considered less than major. However, the Annual Report does not state how many violations occurred, the nature of the violations, the City's enforcement actions, the results of the City's enforcement actions, or whether 100% of sites were in compliance with City standards and General Permit conditions by the end of the 2007-08 permit year

40

Action: Provide this information **as an addendum to this annual report**, and ensure that it is included **in the 2008-09 annual report and in future annual reports**.

D. BMP 4.3 – SWPPP Requirements, BMP 4.5 – Inspections, and BMP 4.6 – Enforcement Improvement

The SWMP does not identify measurable goals for all activities and BMPs. General Permit Section D.3 requires permittees to identify measurable goals for all BMPs. Below is a description of the activities which need measurable goals:

1. BMP 4.3 – SWPPP Requirements: The SWMP states that the City will require developers to submit SWPPPs to the City demonstrating the appropriate controls. The SWMP should state instead that the City will require developers to submit SWPPPs demonstrating erosion, sediment, and construction-related pollution controls that reduce pollutants in stormwater runoff to the MEP.
2. BMP 4.5 – Inspections:
 - The SWMP does not state explicitly that the City will inspect 100% of construction sites disturbing one acre or more.
 - The SWMP does not identify a measurable goal for frequency of inspections.
3. BMP 4.6 – Enforcement: The SWMP does not state explicitly that the City will take enforcement action on 100% of sites found to be in violation of City standards.

41

Action: **Revise the SWMP by December 6, 2010**, to include a measure goal, or goals, for each of these activities.

E. Plan Review Procedures Improvement



General Permit Section D.2.d(4) requires MS4 operators to develop and implement procedures for site plan review which incorporate consideration of potential water quality impacts. However, while the 2007-08 Annual Report states that the City Engineer reviews development plans, the SWMP does not include a plan to develop review procedures ensuring development plans receive comprehensive review in accordance with all City standards and General Permit Requirements. General Permit Section D.2.d(4) requires permittees to implement procedures for site plan review which incorporate consideration of potential water quality impacts.

Action: Revise the SWMP by December 6, 2010, to include a BMP, or BMPs, to accomplish the following:

1. Develop procedures for reviewing development applications and plans. The BMP should include the following elements:
 - The objectives the plan review process will be designed to achieve, consistent with General Permit requirements and the MEP standard;
 - Quantifiable goals to ensure that review procedures achieve desired results;
 - A clear statement that the City will implement the procedures;
 - A clear schedule for when the City will complete, adopt, and implement the new review procedures; and
 - A statement that the City will evaluate the effectiveness of the new plan review procedures and revise them, if necessary.
2. Develop a plan review checklist ensuring that all development plans receive consistent and comprehensive review complying with General Permit requirements. The BMP should include a clear schedule for when the City will complete, adopt, and implement the checklist.

F. BMP 4.1 – Regulatory Mechanism, BMP 4.2 – Construction Site BMPs, BMP 4.3 – SWPPP Requirements, BMP 4.4 – Track Construction Sites, BMP 4.5 – Inspections, and BMP 4.6 – Enforcement

Improvement

The SWMP does not identify requirements, policies, or procedures related to construction sites disturbing less than one acre. In order to comply with the MEP standard and protect water quality, the City must address construction sites disturbing less than one acre.

Action: Revise the SWMP by December 6, 2010, to include specific numeric measurable goals for each of the above-listed BMPs related to construction sites disturbing less than one acre. The MGs should address all of the following issues: application requirements, conditions of approval, tracking policies, inspection policies and procedures, and enforcement policies and procedures.

G. BMP 4.6 – Enforcement

Improvement

The SWMP does not include a definition of “major violation” or describe a difference in enforcement procedures or penalties between major and minor violations.

Action: Revise the SWMP by December 6, 2009, to include a definition of “major violation.” The revision should include a description of enforcement procedures and penalties the City will use for major and minor violations that ensures the City’s program provides construction site stormwater runoff control to the MEP.

H. Inspection Procedures

Improvement



The SWMP does not yet include a plan to develop inspection procedures ensuring construction sites receive comprehensive and regular inspections. Inspection procedures ensure that the City's inspection activities achieve the MEP standard and protect water quality.

45 **Action: Revise the SWMP by December 6, 2010**, to include a BMP, or BMPs, to accomplish the following:

1. Develop procedures for inspecting construction sites for compliance with City and General Permit requirements. The BMP should include the following elements:
 - The objectives the inspection procedures will be designed to achieve, consistent with General Permit requirements and the MEP standard;
 - Quantifiable measurable goals to ensure that inspection procedures achieve desired results;
 - A clear statement that the City will implement the procedures;
 - A clear schedule for when the City will complete, adopt, and implement the new procedures; and
 - A statement that the City will evaluate the effectiveness of the new inspection procedures and revise them, if necessary.
2. Develop a construction site inspection checklist ensuring that all construction sites receive consistent and comprehensive review complying with General Permit requirements. The BMP should include a clear schedule for when the City will complete, adopt, and implement the checklist.

I. Staff Training Improvement

The SWMP does not yet include a plan to train City staff in development plan review, construction site inspection, and enforcement procedures. Training is essential for ensuring that City staff is able to implement the City's SWMP to the MEP.

46 **Action: Revise the SWMP by December 6, 2010**, to include a BMP, or BMPs, to accomplish the following:

1. Train 100% of plan reviewers annually in the development plan review procedures. The BMP should clearly identify the staff that will be trained, and include a statement that the City will regularly evaluate the effectiveness of its training program, and modify it as necessary.
2. Train 100% of construction site inspectors annually in the City's current inspection, documentation, and tracking procedures. The BMP should clearly identify the staff that will be trained, and include a statement that the City will regularly evaluate the effectiveness of its training program, and modify it as necessary.
3. Train 100% of enforcement staff annually in the City's construction site compliance enforcement procedures. The BMP should clearly identify the staff that will be trained, and include a statement that the City will regularly evaluate the effectiveness of its training program, and modify it as necessary.

J. BMP 4.2 – Construction Site BMPs, BMP 4.3 – SWPPP Requirements, BMP 4.4 – Track Construction Sites, BMP 4.5 – Inspections, BMP 4.6 – Enforcement, and BMP 4.7 – Procedures for Receiving and Responding to Public Input

Improvement

The MEP standard is an evolving and advancing standard. However, the SWMP does not yet contain clear statements that the City will evaluate the effectiveness of its BMP standards, SWPPP requirements, development plan review procedures, inspection procedures, construction site tracking procedures, enforcement procedures, and procedures for receiving and responding to public input, and modify them as necessary.



47 **Action:** Revise the SWMP by December 6, 2009, to include clear statements that the City will evaluate the effectiveness of its activities and procedures, and explanations of how the City will evaluate the effectiveness of these activities, and modify them as necessary.

VII. MCM #5: Post-Construction Stormwater Management in New Development and Redevelopment

A. BMP 5.5 – Long-Term Operation and Maintenance of BMPs

Violation of General Permit Section D.1 – Failure to implement BMPs

General Permit Section D.1 requires the City to implement BMPs according to the implementation schedule established in the SWMP. However, the 2007-08 Annual Report indicates that the City did not achieve its measurable goal to monitor post-construction devices installed in City right-of-way during the 2007-08 permit year. Failure to implement BMPs is a violation of General Permit Section D.1.

48 **Action:** Correct this violation and demonstrate compliance in the 2009-10 annual report.

B. BMP 5.1 – Site Design Requirements, BMP 5.2 – Detention Basin Requirement, BMP 5.3 – Post-Construction Stormwater Runoff Strategies and Design Standards, and BMP 5.5 – Long-Term Operation and Maintenance of BMPs

Violation of General Permit Section F.1.c – Failure to report status of measurable goals

General Permit Section F.1.c requires that annual reports indicate whether the City achieved measurable goals established in the SWMP. Failure to provide information on the status of measurable goals is a violation of General Permit Section F.1.c. If the reason for the City's failure to provide this information is that the City did not fully implement these BMPs according to the measurable goals established in the SWMP, the City would also be in violation of General Permit Section D.1 (failure to implement BMPs). The 2007-08 Annual Report does not provide adequate information on the status of the following measurable goals:

1. BMP 5.1 – Site Design Requirements:
 - The SWMP states that the City will limit impervious surface coverage to 40% for all new development and redevelopment. However, the Annual Report does not state explicitly that 100% of construction projects approved and/or completed in the 2007-08 permit year complied with this requirement.
 - The SWMP states that the City will require developers to stencil new storm drain inlets prior to project completion. However, the Annual Report does not state explicitly that 100% of construction projects completed in the 2007-08 permit year complied with this requirement.
2. BMP 5.2 – Detention Basin Requirement: The SWMP states that the City will require all development projects to route 75% of their runoff into detention basins. However, the Annual Report does not state explicitly that 100% of construction projects approved and/or completed in the 2007-08 permit year complied with this requirement.
3. BMP 5.3 – Post-Construction Stormwater Runoff Strategies and Design Standards:
 - The SWMP states that the City will require developers to select post-construction runoff control BMPs from the CASQA BMP manuals and reference materials. However, the Annual Report does not state explicitly that 100% of construction projects approved in the 2007-08 permit year complied with this requirement.
 - The SWMP states that the City will check developer-selected BMPs against the CASQA BMP manuals and reference materials and the City's grading ordinance. However, the Annual Report does not state explicitly that 100% of construction projects approved in the 2007-08 permit year complied with this requirement.



- The SWMP states that the City will apply General Permit Attachment 4 design standards to projects that fall into one of the categories listed in Attachment 4 Section B. However, the Annual Report does not state explicitly that 100% of construction projects approved in the 2007-08 permit year complied with this requirement.
4. BMP 5.5 – Long-Term Operation and Maintenance of BMPs:
- The SWMP states that the City will require reports from developers, homeowners, and City maintenance staff describing inspection and maintenance efforts regarding post-construction stormwater controls, and the operational status of the controls. However, the Annual Report does not state explicitly that the City received reports for 100% of the post-construction stormwater controls throughout the City.
 - The SWMP states that publicly-owned post-construction stormwater control BMPs will be funded through maintenance districts, while privately-owned BMPs will be funded through developer/HOA funds. However, the Annual Report does not state explicitly that funding vehicles are in place and functioning to finance the long-term maintenance of 100% of the post-construction stormwater controls throughout the City.
 - The SWMP states that the City will require inspection of post-construction stormwater BMPs during construction, immediately after construction, and at set times following construction. However, the Annual Report does not state explicitly that 100% of the required inspections occurred during the 2007-08 permit year.
 - The SWMP states that the City will maintain a log of all inspections and enforcement actions. However, the Annual Report does not indicate the number of post-construction stormwater BMPs under construction or recently completed within the City, or state that 100% of these BMPs were inspected and the inspections documented in the log.

49

Action: Provide this information as an addendum to the 2007-08 annual report, and ensure that it is included in the 2008-09 annual report and in future annual reports.

C. BMP 5.5 – Long-Term Operation and Maintenance of BMPs

Violation of General Permit Section F.1.d – Failure to report information collected

General Permit Section F.1.d requires that annual reports include the results of information collected and analyzed. Failure to report the results of information collected is a violation of General Permit Section F.1.d. The 2007-08 Annual Report does not provide the following required information:

- A summary of the results of the City's inspection of post-construction stormwater BMPs during construction and immediately after construction; and
- A summary of the post-construction stormwater BMP long-term maintenance reports the City received, including a summary of the operational status of all post-construction stormwater BMPs in relation to their design specifications and General Permit requirements.

50

Action: Provide this information as an addendum to this annual report, and ensure that it is included in the 2008-09 annual report and in future annual reports.

D. BMP 5.1 – Site Design Requirements, BMP 5.3 – Post-Construction Stormwater Runoff Strategies and Design Standards, and BMP 5.5 – Long-Term Operation and Maintenance of BMPs

Improvement



The SWMP does not identify measurable goals for all activities and BMPs. General Permit Section D.3 requires permittees to identify measurable goals for all BMPs. Below is a description of the activities which need measurable goals:

1. BMP 5.1 – Site Design Requirements: The SWMP does not state explicitly that the City will limit impervious surface coverage to 40% in all new development and redevelopment.
2. BMP 5.3 – Post-Construction Stormwater Runoff Strategies and Design Standards:
 - The SWMP does not state numeric flow rate control, volume control, and water quality treatment targets that post-construction stormwater BMPs must achieve in order to be approved by the City.
 - The SWMP does not state that the City will apply the requirements of this BMP to all new development and redevelopment.
3. BMP 5.5 – Long-Term Operation and Maintenance of BMPs:
 - The SWMP does not specify the “set times” at which post-construction stormwater BMPs must be inspected following construction.
 - The SWMP does not identify minimum standards for the inspection of post-construction stormwater management BMPs following construction.
 - The SWMP does not specify the required content of post-construction stormwater BMP long-term maintenance annual reports to be submitted to the City.
 - The SWMP does not state that City staff will perform long-term operation and maintenance inspections on publicly-owned BMPs.
 - The SWMP does not include a statement that City staff will prepare annual long-term operation and maintenance reports for all publicly-owned BMPs.
 - The SWMP does not include criteria or procedures the City will use to review long-term operation and maintenance annual reports and to take corrective actions when necessary.
 - The SWMP does not state that the City will apply the requirements of this BMP to all new development and redevelopment.
 - The SWMP does not state that the City will ensure the long-term operation and maintenance of post-construction stormwater management BMPs, either through direct maintenance or through enforcement of the City’s requirements and General Permit conditions.

51

Action: Revise the SWMP by December 6, 2010, to include a measurable goal, or goals, for each of these activities. Include an implementation schedule where relevant.

E. Plan Review Procedures

Improvement

While the SWMP describes post-construction stormwater management controls the City will enforce on new development and redevelopment, the SWMP does not include a plan to develop review procedures ensuring that development plans receive comprehensive review. Adequate project plan review procedures are essential for implementing a program for post-construction stormwater management.

52

Action: Revise the SWMP by December 6, 2010, to include a BMP, or BMPs, to accomplish the following:

1. Develop procedures for reviewing applications and plans for all new development and redevelopment. The BMP should include the following elements:
 - The objectives the plan review process will be designed to achieve, consistent with General Permit requirements and the MEP standard;
 - Quantifiable goals to ensure that review procedures achieve desired results;
 - A clear statement that the City will implement the procedures;



- A clear schedule for when the City will complete, adopt, and implement the new review procedures; and
 - A statement that the City will evaluate the effectiveness of the new plan review procedures and revise them, if necessary.
2. Develop a plan review checklist ensuring that all plans for new development and redevelopment receive consistent and comprehensive review. The BMP should include a clear schedule for when the City will complete, adopt, and implement the checklist.

F. Inspection Procedures

Improvement

The SWMP does not yet include a plan to develop a checklist for inspecting post-construction stormwater management BMPs. An inspection checklist ensures that inspection activities achieve the MEP standard.

53

Action: Revise the SWMP by December 6, 2010, to include a BMP, or BMPs, to develop a checklist for inspecting post-construction stormwater management BMPs during, immediately after, and annually following construction. The BMP, or BMPs, should include the following elements:

- The objectives the inspection procedures will be designed to achieve, consistent with General Permit requirements and the MEP standard;
- Quantifiable goals to ensure that inspection procedures achieve desired results;
- A clear statement that the City will implement the procedures;
- A clear schedule for when the City will complete, adopt, and implement the new inspection procedures; and
- A statement that the City will evaluate the effectiveness of the new inspection procedures and revise them, if necessary.

G. BMP 4.6 – Enforcement

Improvement

The SWMP does not include a statement that the City will enforce its long-term operation and maintenance requirements related to private-party inspections and annual reports.

54

Action: Revise the SWMP by December 6, 2009, to include a BMP describing the enforcement procedures the City will use to ensure that private parties responsible for BMPs are in compliance with City requirements.

H. Hydromodification Control Criteria

Improvement

The SWMP does not yet include a plan for developing numeric hydromodification control criteria. The Water Board expects all SWMPs to include BMPs to control the modification of watercourses caused by changes in land use (i.e. “hydromodification controls”) in order to meet the MEP standard. The Water Board’s expectations for hydromodification control were spelled out in two letters (dated February 15, 2008 and July 10, 2008) sent to other Phase II communities in the Central Coast Region. These expectations are summarized briefly below:

- Rainfall surface runoff at pre-development levels;
- Watershed storage of runoff (through infiltration, recharge, base flow, and interflow) at pre-development levels;
- Watercourse geomorphic regimes (including stream bank stability and sediment supply and transport) within natural ranges;
- Optimal riparian and aquatic habitats;
- Protection of riparian areas, wetlands, and their buffer zones; and
- Long-term watershed protection.



The following action, as well as actions numbered 56 through 72 below, may be modified or replaced with other BMPs as appropriate, and approved by the Water Board, if the City chooses to participate in the Joint Effort to Develop Hydromodification Criteria as described and spelled out in a letter dated August 4, 2009, to Phase II communities in the Central Coast Region. The August 4 letter indicates that a subsequent letter will explain how and when an MS4 can demonstrate participation in this option and how and when existing BMPs must be modified or removed from the SWMP, or how and when more applicable BMPs must be amended to the SWMP. Water Board staff anticipates that this second letter will be sent in October, 2009.

55

Action: Revise the SWMP by December 6, 2010, to include a BMP describing how the City will develop long-term hydromodification criteria and control measures as part of a Hydromodification Management Plan. The BMP must state that the City will develop and implement the criteria and control measures by the end of the 2013-14 permit year. The BMP must include the following elements:

1. A statement that the City will base its criteria and measures on a technical assessment of the impacts of development on the City's watersheds that includes the following elements:
 - Hydrograph modification (flow volume, duration, and rate);
 - A wide range of flow events and continuous flow modeling;
 - Effects of imperviousness;
 - Evaluation of downstream affects (stream stability);
 - Riparian and wetland buffer zone requirements; and
 - Water quality impacts.
2. A statement that the assessment will result in:
 - Numeric criteria for runoff rate, duration, and volume control for new development and redevelopment projects;
 - Numeric criteria for stream stability impacts for new development and redevelopment projects;
 - Identification of areas within the City where these criteria must be met;
 - Specific performance and monitoring criteria for installed hydromodification control infrastructure;
 - Riparian buffer zone requirements; and
 - Appropriate hydromodification control measures such as LID concepts, on-site hydrologic and water quality controls, and in-stream controls.
3. Identification of the key steps in the process that the City will use to develop the Hydromodification Management Plan. Examples of steps that the City should consider include:
 - Development of problem statement and objectives;
 - Review of literature and data availability;
 - Characterization of watershed and future development patterns;
 - Determination of assessment methodology;
 - Development of criteria and guidance; and
 - Development of an implementation strategy.

I. Application of Hydromodification Control Criteria Improvement

The SWMP does not specify a method the City will use to determine which projects in the development application pipeline will have to comply with the City's hydromodification control criteria once the City adopts such criteria.



56

Action: Revise the SWMP by December 6, 2010, to include a description of the method the City will use to determine which projects in the development application pipeline will have to comply with the City's hydromodification control criteria once the City adopts such criteria.

J. Interim Hydromodification Control Criteria Improvement

The SWMP does not yet include a BMP to develop interim hydromodification control criteria. Regulated MS4s must adopt interim hydromodification control criteria as a step toward establishing long-term hydromodification criteria. The Water Board EO spelled out the Water Board's expectations for interim hydromodification control in two letters (dated February 15, 2008 and July 10, 2008, respectively) sent to other Phase II communities in the Central Coast Region.

57

Action: Revise the SWMP by December 6, 2010, to include a schedule for developing interim hydromodification criteria using one of the options listed below, including a period of no less than three weeks to allow Water Board staff to review the proposed criteria. The BMP must state that the criteria will be developed and adopted by the end of the 2010-11 permit year.

Option 1

The proposed criteria may include the following types of requirements which provide a high degree of assurance of effective hydromodification control without regard to the nuances of individual watersheds:

- For new development and redevelopment projects, effective impervious area¹ shall be maintained at less than five percent (5%) of total project area.
- For new and redevelopment projects that create and/or replace 5,000 square feet or more of impervious surface, the post-construction runoff hydrographs shall match within one percent (1%) the pre-development² runoff hydrographs, for a range of events with return periods from 1-year to 10-years.
- For projects whose disturbed project area exceeds two acres, preserve the pre-development drainage density (miles of stream length per square mile of watershed) for all drainage areas serving a first order stream³ or larger, and ensure that post-project time of concentration is equal to or greater than pre-project time of concentration.

Option 2

The City may use the following process to develop interim criteria as effective as the above criteria. "As effective as" means the City may use other approaches (including other variables or numeric criteria, different than Option 1 criteria, appropriate for the City's watersheds) to control hydromodification and protect the biological and physical integrity of the City's watersheds. Other acceptable approaches to develop interim criteria that are as effective as Option 1 include:

¹ Effective Impervious Area is that portion of the impervious area that drains directly to a receiving surface waterbody via a hardened storm drain conveyance without first draining to a pervious area. In other words, impervious surfaces tributary to pervious areas are not considered Effective Impervious Area.

² The pre-development condition is defined as the native vegetation and soil conditions that exist prior to human influence (e.g., grazing, agriculture, timber harvesting, or urbanization).

³ A first order stream is defined as a stream with no tributaries.



- A. Adopt and implement hydromodification criteria developed by another local municipality and approved by Board staff, such as the criteria the Water Board adopted for the City of Salinas, as interim criteria;

OR use the following methodology to develop interim criteria:

- B. Include a BMP to develop interim hydromodification criteria. The BMP shall state:

“The City will develop interim flow control and infiltration criteria. The City will develop these interim criteria by the end of the 2010-11 permit year. The City will replace these interim criteria with the final hydromodification control criteria the City must develop by the end of the 2013-14 permit year. For the interim criteria, the City shall:

- Identify a range of runoff flow rates for which post-project runoff flow rates and durations shall not exceed pre-project runoff rates and durations, where the increased discharge rates and durations will result in off-site erosion or other significant adverse impacts to beneficial uses. Pre-project refers to the condition immediately prior to the proposed project. The condition includes, but is not limited to, soil type, vegetation, and amount of impervious surface.
- Establish numeric criteria for development projects to maximize infiltration on-site and approximate natural infiltration levels to the maximum extent practicable and to effectively implement applicable LID strategies.
- Identify the projects, including project type, size, and location, to which the City will apply the interim criteria. The projects to which the City will apply the interim criteria must include all those projects that will cause off-site erosion or other significant adverse impacts to beneficial uses.
- Identify methods to be used by project proponents to demonstrate compliance with the interim discharge rate and duration criteria, potentially including continuous simulation of the entire rainfall record.
- Identify methods to be used by project proponents to demonstrate compliance with the interim infiltration criteria, including analysis of site imperviousness.”

K. Long-Term Watershed Protection Improvement

The SWMP does not yet include a plan for long-term watershed protection. Watershed protection means integration and incorporation of stormwater management control measures that support healthy watersheds into all aspects of land use planning and development. Watershed protection aims to preserve and protect riparian areas, wetlands, and aquatic habitats while a variety of land uses, including urban development, continue in the watershed. The Water Board expects SWMPs to include a strategy for conducting watershed-based planning that yields control measures beyond the site-specific or individual project scales.

Action: Revise the SWMP by December 6, 2010, annual report to include a BMP to develop, by the end of the 2013-14 permit year, a plan for long-term watershed protection. The BMP must include the following elements:

- A statement of desired watershed conditions the City will achieve through its long-term watershed protection measures;
- A statement that the City will characterize the MS4's watersheds and sub-watersheds, including an analysis of current water quality conditions, stream health, land use and development patterns, and pollution/degradation trends;



- A statement that the City will evaluate its water quality protection efforts in relation to desired watershed conditions, including the CEQA checklist, General Plan, water quality protection policies, riparian and wetland area protection policies, land use policies, ordinances, design standards, guidance manuals, development project review procedures, and conditions of approval;
- A statement that the City will integrate stormwater management measures and water quality objectives into all aspects of land use planning and development;
- Specific quantifiable measures the City will use to determine the effectiveness of its water quality protection efforts at achieving desired watershed conditions; and
- A statement that the City will modify its water quality protection efforts, as necessary, to achieve desired watershed conditions.

L. Low Impact Development (LID)

Improvement

The SWMP does not yet include a statement that the City will optimize the use of LID concepts and controls. LID is a planning and design strategy with the goal of maintaining or replicating the pre-development hydrologic regime through the use of design techniques to create a functionally equivalent hydrologic site design. The Water Board has determined that municipalities must optimize the use of LID in new development and redevelopment projects in order to meet the MEP standard.

59

Action: Revise the SWMP by December 6, 2010, to include a BMP describing a strategy to optimize the use of LID land use planning principles, site design principles, and stormwater controls in new development and redevelopment connected to the City's MS4. The BMP should include at least the following elements:

- Specific numeric measurable goals for the use of LID, including criteria for the selection and performance of controls;
- An implementation plan that includes a list of the policies, codes, ordinances, and standards the City will need to revise;
- An implementation schedule; and
- A statement that the City will evaluate the effectiveness of the City's LID policy and modify it, if necessary.

M. Workshops for the Development Community

Improvement

The SWMP does not yet include a plan for building the development community's capacity to propose, design and construct projects which control hydromodification. Successful implementation of hydromodification control requires the participation of the development community.

60

Action: Revise the SWMP by December 6, 2010, to include a BMP to provide informational and training workshops to the development community on the water quality impacts of hydromodification and how to implement the City's numeric criteria for hydromodification control.

N. Staff Training

Improvement

The SWMP does not yet include a plan to train City staff in development plan review, construction site inspection, BMP maintenance, preparing and reviewing BMP operation and maintenance annual reports, or enforcement procedures. Training is essential for ensuring that City staff is able to implement the City's SWMP to the MEP.

61

Action: Revise the SWMP by December 6, 2010, to include a BMP, or BMPs, to accomplish the following:



1. Train 100% of plan reviewers annually in the City's current development plan review procedures. The BMP should clearly identify the staff that will be trained, include specific measurable goals for the content of the training, and include a statement that the City will regularly evaluate the effectiveness of its training program, and modify it as necessary.
2. Train 100% of construction site inspectors annually in the City's current post-construction stormwater BMP inspection, documentation, tracking, and enforcement procedures prior to completion of construction. The BMP should clearly identify the staff that will be trained, include specific measurable goals for the content of the training, and include a statement that the City will regularly evaluate the effectiveness of its training program, and modify it as necessary.
3. Train annually 100% of City staff responsible for maintaining and inspecting City-owned BMPs on an ongoing basis. The BMP should clearly identify the staff that will be trained, include specific measurable goals for the content of the training, and include a statement that the City will regularly evaluate the effectiveness of its training program, and modify it as necessary.
4. Train annually 100% of City staff responsible for preparing BMP operation and maintenance annual reports. The BMP should clearly identify the staff that will be trained, include specific measurable goals for the content of the training, and include a statement that the City will regularly evaluate the effectiveness of its training program, and modify it as necessary.
5. Train annually 100% of City staff responsible for reviewing BMP operation and maintenance annual reports. The BMP should clearly identify the staff that will be trained, include specific measurable goals for the content of the training, and include a statement that the City will regularly evaluate the effectiveness of its training program, and modify it as necessary.
6. Train annually 100% of City staff responsible for enforcing compliance with long-term BMP operation and maintenance policies and objectives. The BMP should clearly identify the staff that will be trained, include specific measurable goals for the content of the training, and include a statement that the City will regularly evaluate the effectiveness of its training program, and modify it as necessary.

O. BMP 5.3 – Post-Construction Stormwater Runoff Strategies and Design Standards and BMP 5.5 – Long-Term Operation and Maintenance of BMPs

Improvement

The MEP standard is an evolving and advancing standard. However, the SWMP does not yet contain clear statements that the City will regularly evaluate the effectiveness of its BMP standards or long-term BMP operations and maintenance program, and modify them as necessary.

Action: Revise the SWMP by December 6, 2009, to include clear statements that the City will evaluate the effectiveness of its activities and procedures, and modify them as necessary.

VIII. MCM #6: Good Housekeeping and Pollution Prevention for Municipal Operations

**A. BMP 6.10 – Staff Survey and BMP 6.11 – Annual Testing for Pollutants of Concern
*Violation of General Permit Section D.1 – Failure to implement BMPs***

General Permit Section D.1 requires the City to implement BMPs according to the implementation schedule established in the SWMP. However, the 2007-08 Annual Report indicates that the City did not implement the above-listed BMPs according to the implementation schedule. In particular, the Annual Report states that the City was unable to achieve its measurable goal for BMP 6.11 due to lack of rainfall. However, the SWMP states that the City



will test debris collected from storm drain inlets, not stormwater runoff. Therefore the amount of rainfall should not affect the City's capacity to implement BMP 6.11. Failure to implement BMPs is a violation of General Permit Section D.1.

63 **Action:** Correct these violations and demonstrate compliance in the 2009-10 annual report.

B. BMP 6.2 – Routine Cleaning of Drainage Inlets and BMP 6.6 – Hazardous Materials Training for City Employees

Violation of General Permit Section D.1 – Failure to fully implement BMPs

General Permit Section D.1 requires the City to implement BMPs according to the measurable goals established in the SWMP. However, the 2007-08 Annual Report indicates that the City did not achieve all of the measurable goals of the above-listed BMPs. Failure to fully implement BMPs is a violation of General Permit Section D.1. Below is a description of the measurable goals the City did not achieve in the 2007-08 permit year:

1. BMP 6.2 – Routine Cleaning of Drainage Inlets: The City did not achieve the measurable goal of cleaning all storm drain inlets prior to the rainy season.
2. BMP 6.6 – Hazardous Materials Training for City Employees: The City did not achieve the measurable goal of training 75% of Public Works Department staff twelve times during the year.

64 **Action:** Correct these violations and demonstrate compliance in the 2009-10 annual report.

C. BMP 6.1 – Street Sweeping, BMP 6.3 – Guidelines for Cleaning Vehicle Parts, BMP 6.4 – Used Oil Disposal, BMP 6.5 – Hazardous Materials Storage, BMP 6.6 – Hazardous Materials Training for City Employees, BMP 6.7 – Employee Training on Stormwater Management and BMPs, BMP 6.8 – Spill Response, and BMP 6.9 – Record-Keeping of Spills, Leaks, and Other Discharges

Violation of General Permit Section F.1.c – Failure to report status of measurable goals

General Permit Section F.1.c requires annual reports to indicate whether the City achieved measurable goals established in the SWMP. Failure to provide information on the status of measurable goals is a violation of General Permit Section F.1.c. If the reason for the City's failure to provide this information is that the City did not fully implement these BMPs according to the MGs established in the SWMP, the City would also be in violation of General Permit Section D.1 (failure to implement BMPs). The 2007-08 Annual Report does not provide adequate information on the status of the following measurable goals:

1. BMP 6.1 – Street Sweeping: The SWMP states that the City will develop a street-sweeping schedule, and sweep City streets according to the schedule. However, the Annual Report does not state explicitly that City achieved the schedule 100% of the time.
2. BMP 6.3 – Guidelines for Cleaning Vehicle Parts:
 - The Annual Report does not state explicitly that 100% of the City's vehicle parts-cleaning activities occurred in the proper location.
 - The Annual Report does not state explicitly that City staff properly collected and disposed of 100% of cleaning fluids.
3. BMP 6.4 – Used Oil Disposal: The Annual Report does not state explicitly that City staff properly disposed of 100% of used oil removed from City vehicles.
4. BMP 6.5 – Hazardous Materials Storage: The Annual Report does not state explicitly that City staff properly stored 100% of the City's hazardous materials.
5. BMP 6.6 – Hazardous Materials Training for City Employees:
 - The Annual Report does not state explicitly that 75% of Public Works Department staff received training at the two training events.



- The Annual Report does not state explicitly that three representatives from each department attended the joint training.
6. BMP 6.7 – Employee Training on Stormwater Management and BMPs:
 - The Annual Report does not state explicitly that at least one Public Works inspector attended formal training on stormwater management.
 - The Annual Report does not state explicitly that 50% of Public Works Department staff received training at the annual event.
 7. BMP 6.8 – Spill Response: The Annual Report does not state explicitly that City staff responded to 100% of spills reported.
 8. BMP 6.9 – Record-Keeping of Spills, Leaks, and Other Discharges: The Annual Report does not state explicitly that City staff documented all spills.

65 **Action:** Provide this information **as an addendum to the 2007-08 annual report**, and ensure that it is included **in the 2008-09 annual report and in future annual reports**.

D. BMP 6.3 – Guidelines for Cleaning Vehicle Parts and BMP 6.4 – Used Oil Disposal Violation of General Permit Section F.1.d – Failure to report information collected

General Permit Section F.1.d requires that annual reports include the results of information collected and analyzed. Failure to report the results of information collected is a violation of General Permit Section F.1.d. The 2007-08 Annual Report does not provide the following required information:

1. BMP 6.3 – Guidelines for Cleaning Vehicle Parts: The Annual Report does not state the number of cleaning fluid basin units replaced.
2. BMP 6.4 – Used Oil Disposal: The Annual Report does not state the number of used oil drums replaced.

66 **Action:** Provide this information **as an addendum to the 2007-08 annual report**, and ensure that it is included **in the 2008-09 annual report and in future annual reports**.

E. BMP 6.2 – Routine Cleaning of Drainage Inlets, BMP 6.3 – Guidelines for Cleaning Vehicle Parts, BMP 6.4 – Used Oil Disposal, BMP 6.5 – Hazardous Materials Storage, and BMP 6.7 – Employee Training on Stormwater Management

Improvement

The SWMP does not identify measurable goals for all activities and BMPs. General Permit Section D.3 requires permittees to identify measurable goals for all BMPs. Below is a description of the activities which need measurable goals:

1. BMP 6.2 – Routine Cleaning of Drainage Inlets: The SWMP states that the City will clean 100% of storm drain inlets each year. However, it is not clear whether cleaning means clearing rubbish from the top of the inlet grate or removing collected sediment and other materials from inside the drop inlet. The measurable goal for this BMP must clarify what the City intends to clean.
2. BMP 6.3 – Guidelines for Cleaning Vehicle Parts:
 - The SWMP mentions training City staff in safety guidelines for cleaning vehicle parts properly, but this activity is not stated as a specific numeric measurable goal.
 - The SWMP does not state explicitly that City staff will clean 100% of vehicle parts properly.
3. BMP 6.4 – Used Oil Disposal:
 - The SWMP mentions training City staff in proper methods for disposing of used oil, but this activity is not stated as a specific numeric measurable goal.
 - The SWMP does not state explicitly that City staff will dispose of 100% of used oil properly.



4. BMP 6.5 – Hazardous Materials Storage: The SWMP mentions training for City staff on storage guidelines, but the SWMP does not state this activity as a specific numeric measurable goal.
5. BMP 6.7 – Employee Training in Stormwater Management: The SWMP states that at least one Public Works inspector will attend formal training in stormwater management and BMPs. However, the SWMP does not establish measurable goals for the type, source, and frequency of the training.

67 **Action:** Revise the SWMP by December 6, 2010, to include a measure goal, or goals, for each of these activities. Include an implementation schedule, where applicable.

F. BMPs for Municipal Operations

Improvement

General Permit section D.2.f(1) requires permittees to develop and implement an operation and maintenance program that includes a training component and has the ultimate goal of preventing or reducing pollutant runoff from municipal operations. While the SWMP describes BMPs for vehicle parts cleaning, used oil disposal, hazardous materials storage, and spill response, it does not address many other municipal operations. The SWMP must describe BMPs designed to prevent or reduce pollutant runoff from all municipal operations.

68 **Action:** Revise the SWMP by December 6, 2010, to include a BMP, or BMPs, to prevent or reduce pollutant runoff from all municipal operations. The BMP, or BMPs, should include the following elements:

- An analysis of all municipal facilities and operations for the potential to generate pollutant runoff, including all municipal facilities and at least the following municipal activities: building construction and maintenance; road, bridge, and storm drain facility construction and maintenance; vehicle maintenance; vehicle washing; garbage and waste management; landscaping practices; irrigation practices; swimming pool draining; and waterline flushing;
- A description of BMPs, with specific numeric measurable goals, that the City will implement for each municipal facility or municipal activity the City determines has the potential for generating pollutant runoff;
- A statement that the City will implement the identified BMPs;
- A statement that City staff will conduct regular inspections of all municipal facilities and municipal activities to ensure that BMPs are implemented and maintained adequately, including measurable goals for the frequency of the inspections; and
- A statement that the City will evaluate the effectiveness of its good housekeeping BMPs, and modify them as necessary.

G. BMP 6.6 – Hazardous Materials Training for City Employees and BMP 6.7 – Employee Training on Stormwater Management and BMPs

Improvement – Modification

The SWMP states that 75% of Public Works staff will attend 12 hazardous materials handling training sessions each year. In the 2007-08 Annual Report the City proposes modifying this measurable goal to twice per year because some employees attend pesticide training not offered by the City. At the same time, the SWMP states that 50% of Public Works staff will attend stormwater management and BMP training once each year. While hazardous materials handling training is important, the effectiveness of the City's stormwater program depends more significantly on the ability of City staff to properly implement stormwater BMPs contained in the SWMP.

69 **Action:** Revise the SWMP by December 6, 2009, to make the following changes:



1. Modify BMP 6.6 (Hazardous Materials Training for City Employees) to state that 100% of relevant Public Works will attend hazardous materials handling training twice per year. "Relevant staff" shall include all employees who work with hazardous materials or who supervise employees who work with hazardous materials. Include a plan for providing "make-up" training for staff that is unable to attend the scheduled training events.
2. Modify BMP 6.7 (Employee Training on Stormwater Management and BMPs) to state that 100% of relevant Public Works staff will attend stormwater management and BMP training twice per year. "Relevant staff" shall include all employees responsible for implementing stormwater BMPs, or who supervise employees responsible for implementing stormwater BMPs. Include a plan for providing "make-up" training for staff that is unable to attend the scheduled training events.

H. BMP 6.10 – Staff Survey

Improvement

According to the SWMP and the 2007-08 Annual Report, the City performs this activity as part of the City's SWMP effectiveness evaluation. Therefore BMP 6.10 is more properly categorized as a SWMP management activity.

Action: Revise the SWMP by December 6, 2010, to remove BMP 6.10 from the Good Housekeeping and Pollution Prevention for Municipal Operations section of the SWMP and include it in the SWMP Management section.

I. Contracts

Improvement

The SWMP does not yet address stormwater management requirements for contractors fulfilling City construction and maintenance contracts. Since these contractors are functionally performing municipal operations, and the City has direct control over the terms of these contracts, the City must require contractors to implement BMPs to prevent or reduce pollutant runoff from all contracted construction and maintenance operations.

Action: Revise the SWMP by December 6, 2010, to include a BMP requiring contractors to implement all relevant BMPs when fulfilling City contracts. The BMP should include the following elements:

- A statement that the City will include language in all City contracts requiring contractors to implement BMPs necessary to prevent or reduce pollutant runoff from contracted operations;
- A statement that the City will inspect work performed by contractors for compliance with General Permit conditions; and
- A statement that the City will enforce compliance with General Permit conditions from all contractors performing work for the City.

J. BMP 6.1 – Street Sweeping, BMP 6.2 – Routine Cleaning of Storm Drain Inlets, BMP 6.3 – Guidelines for Cleaning Vehicle Parts, BMP 6.4 – Used Oil Disposal, BMP 6.5 – Hazardous Materials Storage, BMP 6.6 – Hazardous Materials Training for City Employees, BMP 6.7 – Employee Training on Stormwater Management and BMPs, BMP 6.8 – Spill Response, BMP 6.9 – Record-Keeping of Spills, Leaks, and Other Discharges, BMP 6.10 – Staff Survey, and BMP 6.11 – Annual Testing for Pollutants of Concern

Improvement

The MEP standard is an evolving and advancing standard. However, the SWMP does not yet contain clear statements that the City will regularly evaluate the effectiveness of its Good Housekeeping activities, and modify them as necessary.



IX. Conclusion

Thank you for preparing and submitting the 2007-08 Annual Report. Water Board staff is available to work with you to achieve a program which complies with the General Permit and is increasingly effective at reducing the discharge of pollutants to the MEP and protecting water quality.

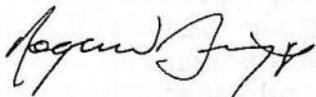
Some of the issues detailed in this letter require the City to **submit additional information**, pursuant to General Permit Section F.1 and H.9. We require this information to determine the City's compliance with the General Permit. The City is responsible for compliance with the General Permit. The 2007-08 Annual Report and the above Water Board staff comments demonstrate evidence supporting the need for this information.

Other issues detailed in this letter require the City to revise the SWMP. We require these revisions pursuant to General Permit Section D⁴ to ensure that the SWMP reduces the discharge of pollutants to the MEP and protects water quality.

The SWMP is an enforceable part of the General Permit. General Permit Section D.1 requires the City to implement the SWMP. The violations cited in this letter indicate that the City has failed to implement the SWMP according to the Water Board-approved schedule. In accordance with California Water Code section 13385(a), the City's violations of the General Permit subject it to civil liability. Pursuant to Water Code section 13385(c), the Water Board may impose civil liability for such violations of up to \$10,000 per day for each violation. If the Water Board elects to refer the matter to the Attorney General, the superior court may impose civil liability of up to \$25,000 per day for each violation (Water Code 13385(b)). General Permit Section H.15 provides further description of penalties for violations of permit conditions. Water Board staff's recommendations for further enforcement will depend on the City's response to this **Notice of Violation**, and the City's compliance with the SWMP and the General Permit based on our review of the 2008-09 and 2009-10 annual reports. The Water Board reserves its right to take any enforcement action allowed by law.

If you have any questions regarding this matter, please call **Jon Rohrbough** at (805) 549-3458 or at jrohrbough@waterboards.ca.gov, or Phil Hammer at (805) 549-3882.

Sincerely,



Roger W. Briggs
Executive Officer

S:\Stormwater\Stormwater Facilities\Monterey Co\Municipal\Soledad\Annual Report 2008\Comments on Soledad 2007-08 AR_09-25-09.final.doc

⁴ "The Permittee shall incorporate changes required by or acceptable to the RWQCB Executive Officer into applicable annual revisions to SWMP and adhere to its implementation."

