

**STATE OF CALIFORNIA
REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL COAST REGION**

STAFF REPORT FOR REGULAR MEETING OF SEPTEMBER 4-5, 2008

Prepared August 13, 2008

ITEM NUMBER: 8

SUBJECT: Salinas Stormwater Development Standards Approval

SUMMARY

This item continues an item considered by the Central Coast Water Board on July 11, 2008. Salinas has again revised its Stormwater Development Standards (SWDS) to address comments by Water Board staff and the Low Impact Development (LID) Center of Maryland (Attachment 1). The revised SWDS, dated July 25, 2008, lack criteria to adequately prevent erosion and protect stream habitat. Monterey Coastkeeper, submitted comments prepared by Dan Cloak Environmental Consulting. Dan Cloak suggested language changes to improve criteria and other requirements (Attachment 2). Staff proposes the Water Board adopt Resolution No. R3-2008-0068 (Attachment 4). The resolution approves the Salinas SWDS, contingent on Salinas incorporating a list of required revisions (Attachment 5).

BACKGROUND

This item is a continuation of the Salinas SWDS item the Central Coast Water Board considered at its July 11, 2008 meeting in Watsonville. At that meeting, Water Board staff discussed its review of the draft SWDS, comments prepared by the Low Impact Development (LID) Center of Maryland, how Salinas involved the public in development of the SWDS, and the status of future growth in Salinas. The Water Board heard and considered comments by Salinas staff and several interested persons, including environmental organizations and members of the Salinas business community. Water Board staff emphasized the importance of getting the SWDS in place as soon as possible so that large developments will be properly designed and conditioned during Salinas' development review and approval process. The Water Board agreed with staff to delay consideration of SWDS approval until Salinas could revise the document to address LID Center comments and other Water Board feedback. Staff's report and all written comments, as well as the audio of the July 11, 2008 hearing, are available on the Water Board website at:

<http://www.swrcb.ca.gov/centralcoast/Board/Agendas/2008/071108/Item18/Index.htm>

DISCUSSION

Prior to the July 11, 2008 Water Board meeting, staff had requested Salinas begin revising its stormwater development standards to address comments prepared by the LID Center of Maryland. Immediately following the July 11, 2008 Water Board hearing,

staff met with Salinas' City Engineer and his technical consultants to further explain revisions staff requested before it would recommend approval of the SWDS. Staff documented these revisions in a letter dated July 17, 2008 (see **Attachment 1**). In summary, staff directed Salinas to revise the SWDS to 1) address all the LID Center's comments, 2) include measurable and enforceable criteria in Section 1.5, and 3) clearly require a study defining pre-development hydrology. Staff requested Salinas submit further revised SWDS by July 25, 2008, along with a letter indicating where in the standards each revision is made, or alternatively, technical reasons why Salinas did not incorporate a particular required revision. Salinas timely submitted the further revised SWDS (dated July 25, 2008), but did not submit the letter until August 13, 2008 (see **Attachment 3**). This version of the SWDS is too voluminous to include here, but is available on the City's website at:

<http://www.ci.salinas.ca.us/DevPermitSvcs/Engineering.html>

Staff found Salinas had incorporated measureable and enforceable criteria for imperviousness and runoff flow control, but the flow control criteria are based on Salinas' existing flood control standards, not standards necessary to prevent erosion and protect stream habitat.¹ The criteria limit projects to the "pre-project 10-year peak discharge." This criteria is not intended to prevent erosion and protect stream habitat in Salinas' future growth areas. This criteria would not lead an applicant to properly design a development project to maintain natural hydrology. On July 11, 2008, Salinas staff opined that Salinas has a sedimentation problem, not an erosion problem (e.g., the Salinas Reclamation Canal tends to fill with sediment rather than erode), suggesting hydromodification is not a problem in Salinas. In its August 12, 2008 letter, Salinas' City Engineer states, "...hydromodification controls can actually have negative flood control impacts." First, these arguments may not be relevant to Salinas future growth areas, where the watersheds are currently undeveloped and likely susceptible to hydromodification. Second, both excessive sedimentation and erosion are symptoms of hydromodification. Excessive sedimentation in the Salinas Reclamation Canal suggests hydromodification may already be a problem in this watershed and a regional solution may be needed. Lastly, sedimentation is not a lesser problem than erosion. Sedimentation can adversely affect stream habitat, just like erosion. Hydromodification control standards are necessary to maintain a natural flow rate and balance of sediment in stormwater runoff, to prevent both sedimentation and erosion. In response to Salinas' assertion that hydromodification controls can actually have negative flood control impacts, proper hydromodification controls will maintain natural hydrology, not just release a higher volume of runoff over a longer period of time. If natural hydrology is maintained in new development and significant redevelopment areas, flooding potential should not increase.

On August 6, 2008, Monterey Coastkeeper submitted technical comments on the SWDS prepared by Dan Cloak Environmental Consulting (see **Attachment 2**). As background, Mr. Cloak led development of the Contra Costa Guidebook, which is widely regarded as an excellent example of stormwater development standards. More recently, Mr. Cloak was involved in development of hydromodification control standards for San Diego County communities, in response to requirements set forth by the San Diego Water Board. Mr. Cloak suggested revisions to SWDS language that clearly and

¹ The Permit requires the development standards to "control the post-development stormwater runoff discharge rates and velocities to prevent or reduce downstream erosion, and to protect stream habitat." (emphasis added). See Permit Attachment 4, Section III.a.i.8.

concisely address inadequacies of Salinas' proposed criteria. Mr. Cloak also suggests adding explicit language regarding source control best management practices (BMPs) to strengthen the SWDS, consistent with requirements in other California communities subject to Phase I stormwater regulations. Mr. Cloak concludes, "The relatively modest edits proposed in this letter would bring the SWDS closer to the practicable efforts being implemented by some other California Phase I municipal NPDES permittees."

In response to criteria deficiencies and other minor deficiencies, staff prepared a "DRAFT Table of Revisions Required by the Central Coast Water Board to *The City of Salinas Stormwater Development Standards (SWDS) for New Development and Significant Redevelopment Projects, July 25, 2008 Revision*" ("Table of Required Revisions," see **Attachment 5**). The Table of Required Revisions includes all language changes suggested by Dan Cloak, except a source control BMP for vehicle washing is slightly revised to only apply to non-residential areas, and a prohibition of outdoor vehicle maintenance is not included. With these language changes, the SWDS should lead to on-the-ground implementation of LID principles and meet the Water Board's maximum extent practicable standard. Accompanying the Table of Required Revisions is draft Water Board Resolution R3-2008-0068 (**Attachment 4**). This resolution approves the SWDS, contingent on Salinas incorporating all the required revisions. Requiring revisions through adoption of a resolution is the most efficient and effective approach to finalizing the SWDS.

PUBLIC COMMENTS

At its meeting on July 11, 2008, Water Board heard and considered comments by Salinas staff and several interested persons. In an August 5, 2008 email, Water Board staff notified all known interested persons that the Water Board will consider adoption of the revised SWDS at this meeting. Staff requested interested persons submit any additional written comments by August 22, 2008. If staff receives additional written comments, staff will transmit the comments to Water Board members via supplemental sheet a week prior to the September 4 Water Board meeting.

RECOMMENDATION

Staff recommends the Water Board adopt Resolution R3-2008-0068, to approve the Salinas SWDS, contingent on Salinas incorporating all the revisions listed in the Table of Required Revisions. If the Water Board finds additional changes to the SWDS are necessary, the Water Board may simply add to the Table of Required Revisions as needed.

ATTACHMENTS

1. Water Board letter dated July 17, 2008.
2. Comment letter by Monterey Coastkeeper dated August 6, 2008, including technical comments by Dan Cloak Environmental Services
3. Salinas letter dated August 12, 2008
4. Draft Resolution No. R3-2008-0068
5. Draft Table of Required Revisions to SWDS