



# CITY OF SALINAS

Public Works Department • 200 Lincoln Avenue • Salinas, California 93901 • (831) 758-7241

February 20, 2012

**Via Electronic Mail and U.S. Mail**

Michael Thomas, Assistant Executive Officer  
Central Coast Regional Water Quality Control Board  
895 Aerovista Place, Suite 101  
San Luis Obispo, California 93401-7906

**Re: City of Salinas Municipal Storm Water Permit CA 0049981;  
Draft Order No. R3-2012-0005**

Dear Mr. Thomas:

The City of Salinas is appreciative of the Central Coast Regional Water Quality Control Board's ("Regional Board") decision to continue the hearing on Draft Order No. R3-2012-0005 ("Draft Permit"). We understand that Regional Board staff has spent significant efforts in crafting this document and appreciate the opportunity to continue the dialogue that has developed between City staff and Regional Board. It is the desire of City staff to use this opportunity to gain greater clarity and understanding about the Draft Permit's provisions, which the City will ultimately be directed to implement.

We fully acknowledge your efforts in accommodating and considering our many requests for information and changes to the Draft Permit. We believe that the attached recommendations, requests, and questions, when answered, will bring the City to a greater acceptance of the increased responsibilities it will be assuming when the final new permit is approved by the Regional Board.

Within the attached document we have highlighted and annotated our comments in each section of the Draft Permit that has relevance. We have combined these sections into a single document with a table of contents and page numbering for ease of reference. With that said, there are some key areas of concern that we believe would be useful to address in this letter.

One of our continuing areas of concern is the Stormwater Development Standards (particularly the hydromodification requirements) that could create an inequity between Phase 1 and Phase 2 permits for cities in our immediate region. Simply stated, if the Phase 2 hydromodification requirements are less stringent than the Phase 1 hydromodification requirements, the differing requirements will make it less expensive and easier for a developer to locate a project in a nearby Phase 2 jurisdiction. That will put the City of Salinas, as a Phase 1 permit city—the only Phase 1 permittee in Region 3—at a competitive disadvantage.<sup>1</sup> It is our understanding that this type of

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<sup>1</sup> The City understands that the City of Santa Maria may also, now, meet the requirements to be considered a Phase 1 jurisdiction.

concern is being addressed in the Joint Effort for Hydromodification process that is currently ongoing. Representatives from the City of Salinas have joined in this process and will continue to support this effort.

The City's specific concern in this regard with the Draft Permit is Section J, Part 2 a) which reads, in part:

***Stormwater Development Standards Structure – Within 18 weeks of adoption of this Order the Permittee shall revise the SWDS to separate the document into two elements, SWDS Requirements and SWDS Guidance.***

In order to ensure equity in these requirements we are requesting that this section be changed to read:

***...Within 18 weeks of adoption of the findings of the Joint Effort for Hydromodification...***

If the purpose of the Joint Effort is to develop a consistent and common set of requirements within the Region, incorporating this change into the final permit will put the City on the same timeline and ultimately in the same position, at least with respect to the hydromodification requirements, as all the other jurisdictions within Region 3. Without this change the City is concerned that its constituents will be subjected to an unpredictable and changing set of requirements. That is, the requirements imposed through the City's final permit will have to be changed when the Joint Effort is completed. Incorporating the City's proposed change to this section would prevent the implementation of a version of standards that will later need to be changed once the Joint Effort is complete. More detail is provided on this point in the attached comments and the City expects that this issue will remain one of significant importance going forward.

City staff have also identified a number of issues associated with our relationships with other entities that continue to cause us concern. Several of these are in Section F, the Commercial and Industrial section of the Draft Permit, where it appears that the City is being required to enforce the conditions of State-issued Industrial NPDES Permits. This is a significant issue, as we interpret these provision to mean that the City must have familiarity with the terms of each state-issued permit and have staff trained to determine if in fact permit holders were in compliance with the conditions of their permits. Additionally, City staff have and will continue to have ongoing concerns about the quality of water entering the City and how the City will be held accountable for outfall. One reason for our concern is the shift in the way monitoring occurs between our current permit and the Draft Permit. We understand that "trend monitoring" in the Reclamation Ditch could provide indicators of our efforts to produce cleaner water; however, we believe there will always be issues with trending as long as so many other property owners have the ability to discharge into the reclamation ditch and would again remind the Regional Board that the Reclamation Ditch is not a City facility.

I believe it is important to remember that in this process we are being asked to make significant changes between past practices and new ones. The City remains committed to this effort, but

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also suggests that steps be taken by Regional Board Staff to support us in those efforts. For example, in the past we have received very little comment on our Annual Reports. Given the level of changes that will need to be documented under the new permit as we go forward, we believe it would be very helpful to receive comments and inputs on an annual basis so that we might make adjustments year to year. We also respectfully request that we receive written results of our last audit so that we might also begin to understand where adjustments and improvements can be made. Finally, we are concerned that our last audit came at the end of a five-year permit period instead of mid-course. It is our sincere intent to remain as compliant as possible with the terms of our permit; we simply believe that providing actionable information throughout the term of the permit will support us in gaining and retaining this compliance.

We look forward to working with your staff over the next few weeks to resolve the issues we have identified so we can get a final permit adopted and in place so that the City can begin implementation.

Regards,

Gary E. Petersen  
Public Works Director

GP/cac

cc: Mayor and City Council  
City Manager  
Assistant City Attorney