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## Central Coast Regional Water Quality Control Board

June 18, 2013

Mr. Gary Petersen  
Public Works Director  
City of Salinas  
200 Lincoln Avenue  
Salinas, CA 93901  
Email: garyp@ci.salinas.ca.us

**VIA ELECTRONIC AND CERTIFIED MAIL**  
Certified Mail No. 7008 1140 0003 4708 6236

Dear Mr. Petersen:

### **CENTRAL COAST WATER BOARD NOTICE OF VIOLATION BASED ON RESULTS OF LIMITED COMPLIANCE AUDIT, CITY OF SALINAS STORM WATER MANAGEMENT PROGRAM, WDID NO. 3 279906001, MONTEREY COUNTY**

On March 14, 2013, Central Coast Regional Water Quality Control Board (Central Coast Water Board) staff conducted a partial compliance audit of the City of Salinas's (Salinas) Municipal Separate Storm Sewer System (MS4) program. Central Coast Water Board staff verbally reviewed with Salinas staff the preliminary findings of the audit and this Notice of Violation (NOV) on March 14, 2013 and May 29, 2013, respectively. This letter formalizes the audit findings and describes the next steps. This letter includes photos related to this audit (Attachment A), and a copy of our previous NOV dated October 24, 2012 (Attachment B).

#### **1. Introduction**

Salinas has been subject to municipal stormwater requirements since 1999 and is currently required to comply with the requirements of Order No. R3-2012-0005 (Permit), adopted on May 3, 2012. Prior to its coverage under Order No. R3-2012-0005, Salinas was subject to Order No. R3-2004-0135.

Central Coast Water Board staff previously conducted audits of the Salinas stormwater program in 2003 and 2011. Central Coast Water Board staff issued a NOV to Salinas on October 24, 2012 (Attachment B) based on the findings of the 2011 audit.

The primary purpose of the 2013 audit was to assess Salinas's status of compliance with the findings of the 2011 audit and subsequent NOV. The 2011 and 2013 audits were conducted 24 months apart and focused on similar program elements. The audits focused on evaluation of Salinas's compliance with the Construction Site Management and Development Standards/Parcel Scale Development program elements. During the 2011 and 2013 audits, Central Coast Water Board staff did not evaluate all components of each program element. Therefore, Salinas should not consider this letter as a comprehensive evaluation of the Permit program elements.

The Permit allows for phased implementation of several Permit requirements. Salinas is not required to fully implement the Construction Site Management requirements specified by the

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JEFFREY S. YOUNG, CHAIR | KENNETH A. HARRIS JR., INTERIM ACTING EXECUTIVE OFFICER

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Permit until the end of Permit Year 2 (May 2, 2014). Per Permit Section D.7, Salinas must implement the requirements of the May 20, 2008 Stormwater Management Plan (including Best Management Practices [BMPs] 4.24 through 4.27 added by the Permittee's City Council on August 16, 2011) until the City's construction site management is modified and implemented in compliance with the Permit.

Most of the Permit's Development Standards/Parcel Scale Development program elements were required to be implemented at the time of the 2013 audit. The deficiencies and alleged violations in this letter refer to the requirement that was in effect at the time of the 2013 audit (either the specific Permit section or the 2008 Stormwater Management Plan).

Section 40 of the Code of Federal Regulation (40 CFR 122.41[i]) provides the authority to conduct the audit. Central Coast Water Board staff reviewed documents, interviewed Salinas staff and visited several sites. Dry weather conditions were experienced during the audit.

The primary representatives involved in the audit were the following:

Salinas Representatives: Walter Grant, Senior Engineer  
Gary Petersen, Director of Public Works  
Robert Russell, City Engineer  
Joseph (Joey) Desante, Building Official  
Ron Cole, Wastewater Manager  
Jesse Rivas, Senior Construction Inspector  
Howard Gustafson, Construction Inspector  
Maria Contreras, Junior Engineer  
Lucila Ayala, Junior Engineer  
Raul Ortega, Junior Engineer  
Deborah Kleffman, Assistant Planner

Central Coast Water Board Representatives: Jennifer Epp  
Julia Dyer

The October 2012 NOV (Attachment B) provides a brief summary of the history of Salinas's stormwater management program compliance. Some of the findings in the 2013 audit were similar to findings identified during the audits conducted in 2011 and 2003. For example, the 2011 and 2003 audits found that Salinas needed to make improvements in the management, coordination, and training aspects of their municipal stormwater program. As described in this letter below, during the 2013 audit, the audit team found Salinas still had not adequately addressed these issues. However, Salinas demonstrated significant progress in several program areas relative to the 2011 audit.

## 2. Program Evaluation Results

Central Coast Water Board staff has grouped the audit findings into the following categories:

- Violations - Areas where Salinas was out of compliance with the Permit requirements;
- Program Deficiencies - Areas where the Salinas program needs improvement to achieve the Maximum Extent Practicable (MEP) standard; and
- Positive Attributes – Components of the Salinas program that indicate Salinas's overall progress in implementing the Program.

Each violation and deficiency is identified with a “comment reference number” shown in a box to the right of the finding for ease of future reference and discussion or response.

## 2.1 Evaluation of Construction Site Management

Central Coast Water Board staff accompanied Salinas inspection staff to two active construction sites and one completed construction site.

### 2.1.1 Private Construction Site Inspection

Jennifer Epp and Julia Dyer (Central Coast Water Board) and Howard Gustafson (Salinas Construction Inspector) visited the Salinas Sports Complex Municipal Stadium at 175 Maryal Drive. This project is a private construction site that was under active construction during the audit and is enrolled in the Construction General Permit (WDID 3 27C364331).

#### **Positive Attributes**

The following positive attributes were observed during the audit:

- The Construction Inspector demonstrated knowledge of appropriate construction site stormwater BMPs and inspection procedures; and
- The Construction Inspector correctly identified BMPs at the site that were not implemented or not functioning correctly (e.g., dirt was tracked out of the construction entrances, and a stockpile had spilled over the top of the adjacent wattle).

See Attachment A for photos of the Salinas Sports Complex Municipal Stadium project site.

### 2.1.2 City of Salinas Construction Site Inspection

The Freight Building Rehabilitation project at 40 Railroad Avenue is a capital improvement project for Salinas. Salinas staff stated that the Freight Building Rehabilitation project was the only capital improvement project with active construction at the time of the audit. Salinas manages construction inspection for capital improvement projects differently than for private construction projects. The Public Works department conducts construction inspection oversight for capital improvement projects. Jennifer Epp and Julia Dyer (Central Coast Water Board) visited this construction site with Jesse Rivas (Salinas Public Works Senior Construction Inspector).

#### **Violation of Permit Section D.7 for failure to implement Stormwater Management Plan Sections 5.5 and 5.6 to effectively require implementation of minimum BMPs at all construction sites.**

At the Freight Building Rehabilitation project, Central Coast Water Board staff observed the following violations:

- Evidence of paint or other similar material having been dumped onto ground;
- Sediment accumulation in the street along the construction project; and
- Construction-related trash not being adequately managed.

See Attachment A for photos of the Freight Building Rehabilitation project site. This violation is an ongoing issue and is similar to a violation observed during the 2011 audit (see comment reference # 1 in Attachment B).

Comment  
Reference  
Numbers

1

**Action:** Salinas must provide construction oversight for capital improvement projects that effectively requires minimum BMP implementation and reduces the discharge of pollutants to the MEP.

**Deficiency: Salinas staff didn't demonstrate the level of knowledge required to inspect capital improvement projects effectively.**

The Salinas Inspector did not demonstrate awareness that he should document and correct the site's deficient BMPs. This deficiency is an ongoing issue and is similar to a deficiency observed during the 2011 audit (see comment reference # 2 in Attachment B). 2

**Action:** Salinas must provide effective training to applicable Salinas staff to ensure construction site inspectors have adequate knowledge of the Salinas stormwater Permit requirements. Construction inspectors must have the skills necessary to effectively oversee construction BMP implementation. Salinas must identify what knowledge is required for each group of employees, determine the knowledge gaps that exist, and implement actions that result in filling the gaps.

**Violation of Permit Section D.7 for failure to implement Stormwater Management Plan Section 5.7 to enforce construction regulations at capital improvement project sites.**

The Salinas Inspector did not demonstrate the willingness to require the contractor to correct the observed deficient BMPs. This violation is an ongoing issue and is similar to a deficiency observed during the 2011 audit (see comment reference # 2 in Attachment B). 3

**Action:** Salinas must enforce the construction requirements at all projects (including capital improvement projects) using a progressively escalating procedure.

### 2.1.3 Post- Construction Site Inspection

Jennifer Epp and Julia Dyer (Central Coast Water Board) visited Goodwill Industries at 1325 N. Main Street with Howard Gustafson (Salinas Construction Inspector) during the program audit. Goodwill Industries is a private site with construction completed in August 2012. The project contained post-construction design elements.

#### **Positive Attributes**

The following positive attributes were observed during the audit:

- The Construction Inspector demonstrated an understanding of the post-construction project elements as well as their required maintenance and function;
- The Construction Inspector stated that there were some initial issues with the functioning of the post-construction elements and that these issues were identified by the inspector and corrected during construction; and
- The post-construction elements appeared to be receiving the required maintenance.

### 2.2 Evaluation of Development Standards

Central Coast Water Board staff reviewed documents and interviewed Salinas staff to assess compliance with the Permit. Following is a summary of the audit findings for this program element.

As part of the Permit compliance review, Central Coast Water Board staff requested the project files for four private projects. The projects were: Haciendas Phase I, Haciendas Phase II, Green Gate, and Goodwill Industries. At the time of the audit, the Haciendas Phase II and Green Gate

projects were currently in the process of obtaining the required Salinas development permits. Construction was complete for the Haciendas Phase I and Goodwill Industries projects. Salinas staff were asked to provide all documentation for the projects demonstrating adherence to the Stormwater Development Standards, including any Engineer's Reports, Stormwater Control Plans (SWCPs), Stormwater Reports, Maintenance Declarations, and any other documentation of how the project complied with the Stormwater Development Standards and Salinas's review process. Salinas staff provided the project files to Central Coast Water Board staff on March 25, 2013.

Central Coast Water Board staff found progress relative to the 2011 audit in Salinas's documentation of the four projects for compliance with the Stormwater Development Standards. Central Coast Water Board staff will continue to review these four project files from a more detailed, technical perspective to determine if Salinas is appropriately applying the Stormwater Development Standards to projects. Central Coast Water Board staff observations of the four project files from a documentation perspective is included in the discussion below.

### **Positive Attributes**

The following positive attributes were observed during the audit:

- Engineering Support staff demonstrated a significant increase in knowledge compared to the 2011 audit. Staff demonstrated detailed knowledge of the Permit requirements including Permit thresholds/triggers, requirements for different size projects, required documentation, and the difference between the requirements of Order No. R3-2004-0135 (previous permit) and the Permit.
- Salinas staff stated that they had obtained the services of a technical resource for review of stormwater control plans.
- Salinas staff stated that they had recently formed a stormwater permit compliance group which has the potential to improve collaboration between Salinas staff members and departments.
- Planning staff demonstrated a significant increase in knowledge compared to the 2011 audit. A planning staff member who interfaces with the public regularly at the counter demonstrated detailed knowledge of the Permit requirements and how to explain the requirements to the public in an effective way. Planning staff stated they had participated in several in-house trainings related to the Permit. Planning staff stated they encourage applicants to contact the engineering department early in the design process.
- The interim Building Official demonstrated knowledge of the Permit requirements.

### **Violation of Permit Section J.2.c for failure to ensure that all development is in compliance with the Stormwater Development Standards.**

Section 1.8 of the Stormwater Development Standards requires Salinas to record post-construction BMP maintenance agreements prior to project finalization or issuance of the Final Building Certificate of Occupancy. Salinas did not have a maintenance agreement for the Goodwill Industries project at the time of the audit, even though construction was completed 7 months prior. This violation is an ongoing issue and is similar to a violation observed during the 2011 audit (see comment reference # 7 in Attachment B).

**Action:** Salinas must ensure post-construction BMP maintenance agreements are recorded prior to project finalization or issuance of the Final Building Certificate of Occupancy.

***Violation of Permit Section J.5 for failure to have an effective information management system in place by August 3, 2012 to manage and document projects subject to the Stormwater Development Standards.***

Permit Section J.5 requires Salinas to develop and maintain an effective information management system to manage and document projects subject to the Stormwater Development Standards. The deadline for Salinas to implement this requirement was August 3<sup>rd</sup>, 2012. During the audit, Salinas provided data from their post-construction information management system used for private construction projects. Salinas staff refer to the private construction project post-construction information management system as PCBMP (Post-Construction Best Management Practice). Salinas staff stated they began entering data into the PCBMP system in late February 2013. Central Coast Water Board staff observed the following during the audit:

- Some applicable private construction projects were missing from the PCBMP system;
- For some projects in the PCBMP system, project information was missing;
- Salinas did not have an information management system in place to manage and document capital improvement projects subject to the Stormwater Development Standards; and
- The review of some project's compliance with the Stormwater Development Standards was not being consistently documented. The review of projects with less than 2,000 square feet of impervious surfaces was not being documented if the Salinas staff member reviewing the project didn't have any comments for the applicant. Salinas staff stated that they had addressed this issue recently.

This violation is an ongoing issue and is similar to a violation observed during the 2011 audit (see comment reference # 13 in Attachment B).

***Action:*** Salinas must ensure an effective information management system is in place to manage and document all projects (both private projects and capital improvement projects) subject to the Stormwater Development Standards.

***Deficiency: A mechanism was not in place to ensure capital improvement projects were checked for compliance with Stormwater Development Standards. In addition, staff managing capital improvement projects didn't demonstrate the level of knowledge required to implement the Stormwater Development Standards effectively.***

Permit Section J.2.c requires Salinas to apply the Stormwater Development Standards requirements all applicable projects, including capital improvement projects. Salinas staff stated Engineering Support staff provides the review for compliance with Stormwater Development Standards; however, capital improvement projects are not tracked by Engineering Support staff for compliance with Stormwater Development Standards. The management and oversight of capital improvement projects occurs through a different Salinas department, the Capital Improvement Engineering & Design department. Salinas staff stated that Capital Improvement Engineering & Design staff would contact Engineering Support staff if project review for compliance with the Stormwater Development Standards was required. However, Capital Improvement Engineering & Design staff did not demonstrate the level of knowledge required to know when to refer a project to Engineering Support staff. Central Coast Water Board observed the following knowledge deficiencies in Capital Improvement Engineering & Design staff:

- Understanding of the requirements of the Permit (e.g., the difference between the State's Construction General Permit and the Salinas Permit);
- Understanding that capital improvement projects are subject to the same Permit requirements as private construction projects; and
- Understanding the difference between the construction requirements and post-construction requirements.

This deficiency is an ongoing issue and is similar to a deficiency observed during the 2011 audit (see comment reference # 14 in Attachment B).

**Action:** Salinas must ensure all projects, both private projects and capital improvement projects are reviewed for compliance with the Stormwater Development Standards. Salinas must have a mechanism in place to track and document the review of capital improvement projects for both applicability of the Stormwater Development Standards and for compliance with the Stormwater Development Standards. Salinas must ensure that Capital Improvement Engineering & Design staff have the knowledge required to implement the Stormwater Development Standards effectively.

## 2.3 Other Observations

### **Positive Attributes**

Leadership at Salinas demonstrated support and commitment to comply with the Permit requirements.

### **Deficiency: The permit posted on the Salinas website was out of date.**

On March 10, 2013, Central Coast Water Board staff found the permit posted on the Salinas website to be R3-2004-013 and not Order No. R3-2012-0005. If the public or Salinas staff views the permit posted on the web, they will not be viewing the most current version.

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**Action:** Salinas must update the permit on the website.

### **Deficiency: Overall program management to ensure comprehensive implementation of the stormwater program and its elements was lacking.**

Salinas demonstrated improved communication and coordination between staff members implementing the components of the stormwater program, however stormwater program management remains an area needing improvement. Salinas does not have a stormwater program manager and instead relies on different departments implementing the various aspects of the program. Central Coast Water Board staff observed inadequate coordination between the Engineering Support department and Capital Improvement Engineering & Design department. Salinas has missed submittal deadlines specified in the Permit and doesn't have a staff member who tracks compliance with all Permit deadlines. This deficiency is an ongoing issue and is similar to a deficiency observed during the 2011 audit (see comment reference # 20 in Attachment B).

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**Action:** Salinas must develop a comprehensive plan for management and oversight of the stormwater program.

## 2.3 Compliance with Permit Deadlines

Salinas has missed some of their required submittal deadlines for specific program elements.

### **Violation of Permit Section J for failure to develop and submit revised Stormwater Development Standards by January 1, 2013.**

Salinas was required by the Permit to submit revised Stormwater Development Standard by January 1, 2013. Salinas submitted an internal working draft (not ready for Central Coast Water

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Board staff review) on February 7, 2013. Salinas submitted a draft for Central Coast Water Board staff review on February 28, 2013.

**Action:** Salinas must track and meet Permit deadlines.

**Violation of Permit Section O.2 for failure to develop and submit a Wasteload Allocation Attainment Plan for Lower Salinas River Watershed Fecal Coliform Total Maximum Daily Load (TMDL).**

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The Wasteload Allocation Attainment Plan for Lower Salinas River Watershed Fecal Coliform TMDL was due on December 20, 2012. Salinas remains behind on this task. Salinas has submitted a plan and schedule to complete the Wasteload Allocation Attainment Plan and currently plans to submit the document by January of 2014.

**Action:** Salinas must develop a Wasteload Allocation Attainment Plan for Lower Salinas River Watershed Fecal Coliform TMDL.

**Violation of Permit Attachment D.7.b for failure to notify Central Coast Water Board Staff upon successful completion of monitoring data upload.**

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Salinas is required to upload monitoring data electronically every quarter and notify Central Coast Water Board staff upon successful data upload. Salinas did not provide notification to Central Coast Water Board staff upon successful data upload for the data due on January 1, 2013.

**Action:** Salinas must notify Central Coast Water Board staff once successful data upload is complete.

### 3. Conclusion

**Salinas must correct program violations and update its program to correct all deficiencies as soon as possible.** Central Coast Water Board staff will continue to assess the progress of Salinas in correcting all program violations and deficiencies. **By August 22, 2013, Salinas must provide a report** (referencing each comment reference number in the margin above) that explains how and when Salinas corrected the violations and deficiencies identified in this letter. Salinas must keep detailed records of actions taken to correct violations and deficiencies, and the results of these actions, to demonstrate that the violations and deficiencies have been corrected.

Central Coast Water Board staff requires Salinas to submit information in response to this letter pursuant to Order No. R3-2012-0005, Attachment I, Section 7.

In accordance with California Water Code section 13385(a), Salinas's violation of the Permit subjects it to civil liability. Pursuant to Water Code section 13385(c), the Central Coast Water Board may impose civil liability for up to \$10,000 per day for each violation. If the Central Coast Water Board elects to refer the matter to the Attorney General, the superior court may impose civil liability for up to \$25,000 per day for each violation (Water Code 13385(b)). Central Coast Water Board staff's recommendations for further enforcement will depend on Salinas's response to this Notice of Violation. The Central Coast Water Board reserves its right to take any enforcement action authorized by law.

Central Coast Water Board staff did not examine all aspects of the Salinas stormwater program implementation. Therefore, Salinas should not consider the positive attributes, violations, and



deficiencies noted in this letter to be a comprehensive evaluation of the Salinas stormwater program. Central Coast Water Board staff may choose to conduct a more complete review of the Salinas stormwater program or an additional audit focusing on different program elements in the future.

Central Coast Water Board staff is available to work with Salinas to achieve a program which complies with Order No. R3-2012-0005 and is increasingly effective at reducing the discharge of pollutants to the maximum extent practicable and protecting water quality.

If you have any questions regarding this letter, please contact **Jennifer Epp** at (805) 594-6181 or at [jepp@waterboards.ca.gov](mailto:jepp@waterboards.ca.gov), or Phillip Hammer at (805) 549-3882.

Sincerely,

# Michael Thomas

Digitally signed by Michael Thomas

DN: cn=Michael Thomas, o=Central Coast Regional Water Quality Control Board, ou=Region 3, email=mthomas@waterboards.ca.gov, c=US

Date: 2013.06.18 11:01:20 -07'00'

Michael J. Thomas  
Assistant Executive Officer

**Attachment A:**

Photos taken of the Salinas Sports Complex Municipal Stadium project and the Freight Building Rehabilitation project by Central Coast Water Board staff on March 14, 2013

**Attachment B:**

Notice of Violation Based on Results of Limited Compliance Audit, City of Salinas, October 24, 2012.

cc:

Jeffrey Weir ([jeffreyw@ci.salinas.ca.us](mailto:jeffreyw@ci.salinas.ca.us))  
Michael Ricker ([mikeri@ci.salinas.ca.us](mailto:mikeri@ci.salinas.ca.us))  
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ECM# 259135

ATTACHMENT A – PHOTOS TAKEN DURING MARCH 14, 2013 AUDIT



Photo 1. Salinas Sports Complex Municipal Stadium



Photo 2. Salinas Sports Complex Municipal Stadium



Photo 3. Salinas Sports Complex Municipal Stadium



Photo 4. Freight Building Rehabilitation project



Photo 5. Freight Building Rehabilitation project



Photo 6. Freight Building Rehabilitation project



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## Central Coast Regional Water Quality Control Board

October 24, 2012

Mr. Gary Petersen  
Public Works Director  
City of Salinas  
200 Lincoln Avenue  
Salinas, CA 93901  
Email: garyp@ci.salinas.ca.us

**VIA ELECTRONIC AND CERTIFIED MAIL**  
Certified Mail No. 7011 0110 0001 2471 6048

### **CENTRAL COAST WATER BOARD NOTICE OF VIOLATION BASED ON RESULTS OF LIMITED COMPLIANCE AUDIT, CITY OF SALINAS STORM WATER MANAGEMENT PROGRAM, WDID NO. 3 279906001, MONTEREY COUNTY**

Dear Mr. Petersen:

On March 7, 2011, Central Coast Regional Water Quality Control Board (Central Coast Water Board) staff conducted a partial compliance audit of the City of Salinas's (Salinas) Municipal Separate Storm Sewer System (MS4) program. On March 7, 2011, Central Coast Water Board staff verbally reviewed with Salinas staff the preliminary findings of the audit. On October 5, 2011, Central Coast Water Board staff held a conference call with Salinas staff to review the audit findings. In addition, a summary of the audit findings were provided to Salinas and the Central Coast Water Board in the Staff Report for the February 2, 2012 Central Coast Water Board meeting (See Attachment B). This letter formalizes the audit findings and describes the next steps.

Salinas staff has stated they have implemented actions to address some of the deficiencies found during the audit. Central Coast Water Board staff recognizes and appreciates the efforts of Salinas to implement corrective action.

#### **1. Introduction**

Through Order No. R3-2004-0135 (Permit), adopted on March 23, 2005, the Central Coast Water Board issued Waste Discharge Requirements under the National Pollutant Discharge Elimination System (NPDES) Permit No. CA0049981 for the City of Salinas Municipal Storm Water Discharges. Order No. R3-2012-0005, adopted on May 3, 2012, revised NPDES Permit No. CA0049981. The deficiencies and alleged violations in this letter relate to Order No. R3-2004-0135, which was in effect at the time of the audit and remains so for the purposes of enforcement. Order No. R3-2012-0005 continues most of the requirements identified in this letter, so in many instances Central Coast Water Board staff refers to the new order as a basis for corrective actions.

The primary purpose of the audit was to assess Salinas's compliance with the requirements of the Permit and Salinas's implementation of applicable program elements to ensure a

comprehensive and effective MS4 program. Specifically, the audit included an evaluation of Salinas's compliance with the following stormwater program elements:

- Construction Site Management; and
- Development Standards/Parcel Scale Development.

Central Coast Water Board staff did not evaluate all components of each of the above stormwater program elements. Therefore, Salinas should not consider this letter as a comprehensive evaluation of the Construction Site Management and Development Standards/Parcel Scale Development program elements.

Section 40 of the Code of Federal Regulation (40 CFR 122.41[i]) provides the authority to conduct the audit. Central Coast Water Board staff reviewed documents, interviewed Salinas staff and visited several sites. Dry weather conditions were experienced during the audit.

The primary representatives involved in the inspection were the following:

Salinas Representatives: Walter Grant, Senior Engineer  
Howard Gustafson, Construction Inspector  
Maria E. Contreras, Junior Engineer  
Lucila Ayala, Junior Engineer  
Dennis Richardson, Deputy Director  
Tom Wiles, Senior Planner  
Tara Hullinger, Acting Planning Manager  
Jeff Weir, Director  
Courtney Grossman, Planning Manager  
Gary Petersen, Interim Director of Public Works  
Robert Russell, Department Director

Central Coast Water Board Representatives: Jennifer Epp  
Tamara Presser

Attachment B (Status of Compliance with Existing Order No. R3-2004-0135 - Attachment 4 of the February 2, 2012 Staff Report) provides a brief summary of the history of Salinas's stormwater management program compliance. Some of the findings in the 2011 audit were similar to findings identified during an audit conducted in 2003. For example, the 2003 audit found that Salinas needed to make improvements in the management, coordination, and training aspects of their municipal stormwater program. As described in this letter below, in 2011, the audit team found Salinas still had not adequately addressed these issues. Management, coordination and training are integral components of an effective stormwater management program.

## **2. Program Evaluation Results**

Central Coast Water Board staff has grouped the audit findings into the following categories:

- Violations - Areas where Salinas was out of compliance with the Permit requirements;
- Program Deficiencies - Areas where the Salinas program needs improvement to achieve the Maximum Extent Practicable (MEP) standard; and
- Positive Attributes – Components of the Salinas program that indicate Salinas's overall progress in implementing the Program.

Each finding is identified with a “comment reference number” shown in a box to the right of the finding for ease of future reference and discussion or response.

Some of the more significant audit findings included:

- Stormwater Program Management – Salinas did not have a stormwater program manager and instead relied on different departments implementing aspects of the program. The departments had inadequate coordination and lacked clearly defined responsibilities for implementation of the stormwater program and its elements.
- Implementing Stormwater Development Standards (SWDS) Requirements – Salinas had approved projects that did not demonstrate meeting the requirements of the SWDS.
- Record Keeping - Salinas was not adequately tracking information needed to document permit compliance.
- Staff Training and Knowledge - Some of the Salinas staff responsible for implementing the requirements of the Salinas SWMP did not understand the requirements of the SWMP.
- Construction Oversight of Capital Improvement Projects - Construction projects for capital improvement projects did not receive adequate construction oversight for stormwater controls.
- Construction Site Plan Review - Salinas had not verified the adequacy of erosion and sediment control BMPs proposed by project applicants.
- Post-Construction BMPs - Salinas did not track all post-construction BMPs that had been installed.

These and other findings are discussed in more detail below.

## **2.1 Evaluation of Construction Site Management**

Central Coast Water Board staff accompanied Salinas inspection staff to five active construction sites and interviewed Salinas staff about construction oversight procedures.

### **2.1.1 Private Construction Site Inspection**

Jennifer Epp (Central Coast Water Board) and Howard Gustafson (Salinas Construction Inspector) visited the following private construction sites during the program evaluation:

- Monte Bella Phases 3 & 4, Owner - Valley Community Homes;
- Monte Bella Phase 4, Owner - Standard Pacific Corporation;
- New Facilities for Taylor Farm at 1275 Hansen St, Owner - Taylor Farms Corp; and
- 576 St George Lane, Owner - Don Chapin.

#### ***Positive Attributes***

The following positive attributes were observed during the audit:

- The Construction Inspector stated that active construction sites are inspected weekly during the rainy season;
- The Construction inspector stated he is aware of (and has used) his ability to “red-tag” a construction site if adequate stormwater BMPs are not utilized; and
- No significant deficiencies were noticed at these sites.

### 2.1.2 City of Salinas Construction Site Inspection

Comment Reference Numbers
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The East Market Street Improvements - Phase 2 project is a capital improvement project for Salinas. This project is enrolled in the Construction General Permit (WDID 3 27C360091). Salinas manages construction inspection differently for capital improvement projects. The Public Works department administers construction inspection oversight for this project. Tamara Presser (Central Coast Water Board) and Mark Cook (Salinas Public Works Construction Inspector) visited this construction site.

#### **Positive Attributes**

Salinas stated the site was inspected daily and a daily report was created for each inspection and submitted to the contractor with their weekly report.

#### **Violation of Order R3-2004-0135 Attachment 4, Section II.a for failure to ensure that minimum requirements (sediment control, retention on-site of construction-related materials and wastes) are effectively implemented at applicable construction sites.**

At the East Market Street project, Central Coast Water Board staff observed the following violations:

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- Sediment accumulation in the street along the construction project;
- Construction-related trash along streets/sidewalks/gutters;

See Attachment A for photos of the East Market Street site.

**Action:** Salinas must provide construction oversight for capital improvement projects that ensures effective BMP implementation and reduces the discharge of pollutants to the MEP.

#### **Deficiency: Salinas staff didn't demonstrate the level of knowledge required to inspect capital improvement projects effectively.**

The following deficiencies were observed during the audit:

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- The Salinas Inspector did not demonstrate awareness that trash and sediment in the street/sidewalks and gutters along the project were items he should document and correct; and
- The Salinas Inspector indicated non-stormwater from non-construction sources (e.g., car washing, sidewalk washing) sometimes reaches the project site and stated that addressing these issues was out of Salinas's jurisdiction.

**Action:** Salinas must provide effective training to applicable Salinas staff to ensure construction site inspectors have adequate knowledge of the Salinas stormwater Permit requirements (see Section K of Order No. R3-2012-0005 for the construction site oversight requirements of the current permit). Construction inspectors must have the skills necessary to effectively oversee construction BMP implementation (e.g., erosion and sediment control, trash control). Salinas must identify what knowledge is required for each group of employees, determine the knowledge gaps that exist, and implement actions that result in filling the gaps.

### 2.1.3 Construction Site Plan Review

Central Coast Water Board Staff reviewed the construction site plan review process with Salinas staff.

#### **Violation of Order R3-2004-0135 Attachment 4, Section II.d for failure to review SWPPPs for compliance with Salinas's ordinances. Violation of Salinas Stormwater Management Plan (SWMP) Section 5 for failure to implement plan review for erosion and sediment control for projects less than one acre in size.**

Salinas staff stated they verify a SWPPP has been completed but they do not verify the adequacy of the specific erosion and sediment control BMPs proposed by the applicant for the particular project. In addition, for smaller projects that have minimum required erosion and sediment BMPs, there wasn't a mechanism to ensure that the minimum BMPs were included as part of the plans.

**Action:** Salinas must implement the following actions:

- Review plans and SWPPPs to verify they contain adequate BMPs for the specific project.
- For smaller projects that are not required to submit a SWPPP, Salinas must verify minimum erosion and sediment BMPs are included as part of project plans.
- Retain documentation of the site plan review conducted for each project (see Section D.5 of Order No. R3-2012-0005 for the record retention requirements of the current permit).

#### 2.1.4 Construction Inspection Records

Salinas provided reports from the permit tracking database software program (CRW Systems – referred to by Salinas staff as “Track-It”) for 1041 Buckhorn Drive (Tresor Apartments), 107/137 Auto Center Circle and 1347 Harkins (Growers Ice).

##### **Positive Attributes**

The following positive attributes were observed during the audit:

- For Growers Ice, the Track-It reports contain records of frequent stormwater related construction site inspections. The records demonstrate times where the construction site was determined to be in compliance as well as times where the site was determined to not be in compliance. The records document instances where the Salinas inspector notified the contractor when the site was not in compliance and that the Salinas inspector followed up to verify the issues were resolved.
- For 107/137 Auto Center Circle, the Track-It reports contain records of frequent stormwater related construction site inspections.

##### **Violation of Order R3-2004-0135 Attachment 4, Section II.e for failure to perform regular construction site inspections and maintaining records of the inspections.**

For Tresor Apartments, the Track-It reports do not contain records of any stormwater related construction site inspections.

**Action:** Salinas must perform stormwater inspections for all construction sites within Salinas jurisdiction per the frequencies specified in the Permit (see Section K of Order No. R3-2012-0005 for the construction site oversight requirements of the current permit), and retain records of the inspections.

#### 2.2 Evaluation of Development Standards

Central Coast Water Board staff reviewed documents and interviewed Salinas staff to assess compliance with the SWDS. Following is a summary of the audit findings for this program element.

As part of the SWDS compliance review, Central Coast Water Board staff reviewed the project files for three private projects identified by Salinas staff as “Priority” as defined by the SWDS. The projects reviewed were: 107/137 Auto Center Circle, Growers Ice, and Tresor Apartments. The review consisted of documents obtained the day of the inspection as well as additional files

provided by Salinas staff. Salinas staff were asked to provide all documentation for the three sites for adherence to the SWDS, including any Engineer's Reports, Stormwater Control Plans (SWCPs), Stormwater Reports, and any other documentation of how the project complied with the SWDS and Salinas's review process.

***Violation of Order R3-2004-0135 Attachment 4, Section III.a.ii for failure to ensure that all development is in compliance with the SWDS.***

The 107/137 Auto Center Circle project was reviewed for its compliance with the SWDS. This project meets the applicability thresholds of SWDS Section 1.4.1 for Priority Projects. This project's plans show the project was constructed with a conventional parking lot design with stormwater flowing through a "Triton" filter insert before leaving the property. Water then flows into an offsite detention basin. The project files did contain some documentation of plan review and comments by Salinas staff relating to the SWDS, however Salinas staff was unable to demonstrate how the development was in compliance with the SWDS. The most significant audit findings for this project were as follows:

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- SWDS Sections 1.4, 1.5, 1.6 and 1.9 describe the requirements for the preliminary/conceptual SWCP and final SWCP to be reviewed and approved by Salinas staff. The SWDS require the preliminary SWCP to be formally reviewed and approved prior to Salinas accepting applications for planning-level permits. The SWDS require a final satisfactory SWCP approved by the City Engineer prior to issuance of building, grading, or land development permits. The project files for 107/137 Auto Center Circle did not contain a SWCP or other documents that comprised the items required to be included in SWCPs. The project files did contain details for the catch basin filter insert.
- The SWDS Executive summary states: "Most manufactured structural treatment control devices do not adequately reduce the pollutants of concern in stormwater discharges and they typically do not reduce the rate and volume of runoff." The Executive Summary further states: manufactured (proprietary) treatment control BMPs are typically not considered to meet the Regional Board's MEP definition. The project uses a manufactured treatment control BMP. The project files do not contain an explanation of how the use of manufactured treatment control BMPs as a sole means of compliance meets MEP for this site.
- SWDS Section 1.5 states that site design planning is required for development approval. The SWDS Executive Summary also refers to Section 2.2 for "...LID planning techniques that are required in the preliminary design phase." Sections 1.5.1 and 2.2 list the type of LID planning techniques that should be used, such as minimization of the amount and direct connection of constructed impervious surfaces, use of grading features that direct runoff from impervious surfaces to pervious surfaces, etc. The project files did not contain any demonstration that LID site planning techniques were used in the project.
- The SWDS Executive Summary states "To be considered LID, landscaping must include depressed areas below the grade of adjacent impervious surface areas that capture, filter and (where feasible) infiltrate urban runoff into underlying soils." The project uses conventional landscaping around the site perimeter and site interior. LID Landscaping Design was not used anywhere on the project site.

**Action:** Salinas must implement the following actions:

- Update the project review process to ensure all projects are designed and constructed in compliance with all applicable requirements of the SWDS.
- Ensure preliminary and final SWCPs compliant with the SWDS are reviewed and approved prior to issuance of building, grading, or sediment control permit. Reviewers must have both the regulatory and technical knowledge to provide SWCP review.



- Ensure projects implement LID to the MEP. Most manufactured (proprietary) treatment control devices do not meet MEP.
- Ensure projects are implementing site design planning.

***Violation of Order R3-2004-0135 Attachment 4, Section III.a.ii for failure to ensure that all development is in compliance with the SWDS.***

The Growers Ice project was reviewed for its compliance with the SWDS. This project meets the applicability thresholds of SWDS Section 1.4.1 for Priority Projects. Based on the information in the project file, the project design could be in compliance with the SWDS requirements but portions of the documentation required by the SWDS to demonstrate compliance were missing. The project plans show the project was constructed with catch basin filter inserts as well as an infiltrator retention facility. The project files contained multiple comments provided by Salinas to the applicant relating to stormwater control. The project files also contained drainage calculations provided by the project applicant and the areas for which each catch basin filter insert would provide runoff treatment. However, Salinas wasn't able to provide a SWCP or other documents containing all the items required by the SWCP. Salinas was also not able to demonstrate they verified how the project met the development standard requirements.

**Action:** Salinas must ensure preliminary and final SWCPs compliant with the SWDS are reviewed and approved prior to issuance of building, grading, or sediment control permit.

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***Violation of Order R3-2004-0135 Attachment 4, Section III.a.ii for failure to ensure that all development is in compliance with the SWDS.***

Section 1.8 of the SWDS requires Salinas to record post-construction BMP maintenance agreements prior to project finalization or issuance of the Final Building Certificate of Occupancy. Central Coast Water Board staff found several projects with post-construction BMPs that had been "finalized" without a maintenance agreement in place. Salinas staff cited inadequate coordination between the different departments as a reason for this.

**Action:** Salinas must ensure post-construction BMP maintenance agreements are recorded prior to project finalization or issuance of the Final Building Certificate of Occupancy.

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***Violation of Order R3-2004-0135 Attachment 4, Section III.a.ii for failure to ensure that all development is in compliance with the SWDS.***

Section 1.6 of the SWDS requires Salinas to review and approve a SWCP for applicable projects prior to issuance of building, grading, or sediment control permit. Salinas staff stated they did not consistently require a SWCP for Priority Projects until the spring of 2010. Salinas staff also stated they lack the technical expertise in-house to review SWCPs.

**Action:** Salinas must ensure preliminary and final SWCPs compliant with the SWDS are reviewed and approved prior to issuance of building, grading, or sediment control permit. Reviewers must have both the regulatory and technical knowledge to provide SWCP review.

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***Violation of Order R3-2004-0135 Attachment 4, Section III.a.ii for failure to ensure that all development is in compliance with the SWDS.***

Section 1.8.2 of the SWDS requires all stormwater management facilities to be inspected twice per year to document maintenance and repair needs and ensure compliance with the SWDS. Owners and operators of the stormwater management facilities are required to keep the records of maintenance and repairs for three years and make them available to the City of Salinas during inspection of the facility. Salinas does not effectively track all post-construction BMPs that have been installed and does not verify the biannual inspections are occurring. Salinas staff stated they rely on their records of Maintenance Agreements to know what post-construction BMPs have been installed. However, Central Coast Water Board staff identified some private

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projects with post-construction BMPs where Salinas did not have a record of a Maintenance Agreement. Salinas staff stated they did not have a method to track installed post-construction BMPs for public projects. Salinas staff stated they do not have a method in place to verify that the required inspections, maintenance and documentation is occurring. Salinas staff stated they inspect post-construction BMPs on a complaint/issue basis only and does not ask property owners for documentation that self-inspections are occurring at least twice per year.

**Action:** Salinas must track all post-construction structural and non-structural BMPs for both public and private sites. Salinas must develop a system to verify maintenance and inspection of post-construction BMPs is occurring. The requirements for post-construction BMP inspection are different in Order No. R3-2012-0005 and Order No. R3-2004-0135. As of June 17, 2013, Salinas must comply with the requirements of Order No. R3-2012-0005.

***Violation of Order R3-2004-0135 Attachment 4, Section III.a.ii for failure to ensure that all development is in compliance with the SWDS.***

Section 2.1.2 of the SWDS states that most manufactured (proprietary) structural treatment control BMPs do not meet the MEP definition. The Executive Summary of the SWDS reiterates this point and states that most manufactured structural treatment control devices do not adequately reduce the pollutants of concern in stormwater discharges and typically do not reduce the rate and volume of runoff. The Executive Summary of the SWDS states that the assumption that manufactured (proprietary) stormwater treatment devices will be adequate for compliance is one of the three most common errors made by applicants for development approval with respect to compliance with the SWDS requirements. Salinas staff stated they may recommend to project applicants that the use of proprietary structural treatment control BMPs as a sole means of SWDS compliance may potentially be a more expensive option. Salinas staff indicated they don't require applicants to use LID structural BMPs as first means of compliance before including manufactured (proprietary) treatment control devices on projects. The choice to use a proprietary device is up to the applicant. Salinas staff is approving projects with manufactured-type BMPs without any justification. This practice does not meet MEP.

**Action:** Salinas must ensure projects implement LID to the MEP. As acknowledged in the SWDS, most manufactured (proprietary) treatment control devices do not meet MEP.

***Violation of Order R3-2004-0135 Attachment 4, Section III.a.ii for failure to ensure that all development is in compliance with the SWDS.***

Section 1.4.1 of the SWDS states that projects not subject to the SWDS must: minimize impervious surfaces and directly-connected impervious surfaces; treat stormwater by incorporating practices that collect, detain and infiltrate runoff; and design efficient landscaping to reduce runoff, irrigation and promote surface infiltration. Salinas does not verify projects are in compliance with Section 1.4.1 of the SWDS.

**Action:** Salinas must verify projects are in compliance with Section 1.4.1 of the SWDS.

***Violation of Order R3-2004-0135 Attachment 4, Section III.a.ii for failure to ensure that all development is in compliance with the SWDS.***

Section 1.5 of the SWDS states that projects are required to do site design planning as the first tier in a three-tiered approach to complying with the SWDS. Salinas staff stated that they do not require projects to demonstrate they have implemented site design planning. Salinas staff incorrectly stated that site design planning wasn't required by the SWDS, but was an optional task that could result in lower costs to the project if implemented.

**Action:** Salinas must ensure projects are implementing site design planning.

***Deficiency: Salinas does not track which projects are subject to the SWDS requirements.***

The following deficiencies were observed during the audit:

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- Salinas does not distinguish in their project tracking system what level (if any) SWDS requirements are triggered by each project. This can impact Salinas's ability to ensure all projects comply with the SWDS. In addition, documentation of compliance with the SWDS is a fundamental component of compliance with the Permit. Salinas staff was unable to comply with Central Coast Water Board staff's repeated request for a list of projects that had been subject to the SWDS. Initial reports provided by Salinas staff in response to this request were generated from the Track-It system and included all projects (everything from residential interior remodel to large commercial development) without distinction of which projects were subject to the SWDS requirements. When Central Coast Water Board staff asked Salinas staff again if they had any listing of projects that triggered SWDS requirements, Salinas staff stated their records of post-construction Maintenance Agreements would provide a listing of projects subject to SWDS requirements. However, Central Coast Water Board staff identified projects that were subject to SWDS requirements that were not contained in Salinas's records of maintenance declarations.
- Salinas's most recent annual report does not demonstrate Salinas has corrected this issue. The September 2011 annual report says "See Attachment A for current developments within the City of Salinas that are implementing LID [Low Impact Development] for this current reporting period." However Appendix A contains a long list of projects, many of which were not subject to the SWDS projects and that did not implement SWDS requirements (e.g., the list includes projects that consisted of residential interior remodels).

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**Action:** Salinas must implement the following actions:

- Identify and track all projects that are subject to the SWDS and the level of requirements triggered by each project.
- In future annual reports provide a listing of projects that have triggered the SWDS requirements including the level of requirements triggered by each project.

**Deficiency: A mechanism was not in place to ensure capital improvement projects were checked for compliance with SWDS.**

Salinas staff stated Engineering Support staff provide the review for compliance with SWDS, however capital improvement projects are not tracked by Engineering Support staff for compliance with SWDS. The oversight of capital improvement projects occurs through a different Salinas department.

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**Action:** Salinas must ensure all projects, both private projects and capital improvement projects are reviewed for compliance with the SWDS.

**Deficiency: Engineering Support staff don't have a streamlined/systematic approach for reviewing project plans to verify compliance with SWDS (e.g., no checklist, directions).**

**Action:** Salinas must implement a systematic approach to ensure all projects comply with the applicable SWDS requirements.

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**Deficiency: Some projects learn about the SWDS requirements too late in the plan review process.**

The following deficiencies were observed during the audit:

- Salinas staff stated that plans are sometimes already 70% complete before learning about SWDS requirements.
- Salinas staff stated that projects without land use entitlements don't go through the full planning process even if they trigger SWDS requirements. For these projects, they may not learn about the SWDS requirements until applying for a building permit.

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For a project to comply with the SWDS requirements (e.g., SWDS Sections 1.5.1 and 2.2), by incorporating LID in the site planning process, the project needs to know about the SWDS requirements before the site is laid out.

**Action:** Salinas must develop additional ways of informing project applicants and potential applicants of the SWDS requirements earlier in the process. This should include ensuring that all Salinas staff that interact with project applicants have the basic knowledge of the SWDS requirements.

**Deficiency: Salinas staff didn't demonstrate the level of knowledge required to implement the SWDS effectively.**

Staff knowledge of the Permit requirements is a crucial element in Permit compliance. The following deficiencies were observed during the audit:

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- Planning staff were not knowledgeable enough about the requirements to provide adequate guidance to applicants. Planning staff stated they rely completely on Engineering Support staff to implement SWDS. Planning staff work with project applicants sooner than Engineering Support staff (during critical points in the project planning phase for designing sites to incorporate LID principles). Planning staff need increased information on the SWDS to make the appropriate referrals.
- All staff, especially Planners, did not demonstrate they have sufficient understanding of what constitutes a LID project. Engineering Support staff referred to projects as LID that only had treatment control and did not incorporate volume control or site design planning.
- Planning and Engineering Support staff did not demonstrate they have sufficient knowledge of the SWDS requirements and often gave responses that conflicted with SWDS requirements. For example, Engineering Support staff were not familiar with the three different requirement tiers in the SWDS (non-Priority Projects, Priority projects, projects with greater than 1 acre of impervious surfaces). Staff didn't know the difference between the requirements for priority and non-priority projects. According to Engineering Support staff, all projects over 5,000 square feet are treated the same. Another example is the response of Engineering Support staff that proprietary devices are just as preferred as other BMPs.
- Engineering Support staff doesn't have clear understanding of what documentation (submitted by applicant) is used to demonstrate compliance with SWDS. Engineering Support staff misused the purposes of the SWCP, Stormwater Management Plan (SWMP), SWPPP, and Stormwater Concept Plan. During the interview, engineering staff demonstrated they didn't understand the correct roles of the various documents. For example, they indicated the SWPPP was the primary document used to identify post construction elements of the site plan design.
- Engineering Support staff were familiar with FEMA flood control requirements, but were not familiar with waterway/riparian setback requirements housed in Salinas's ordinances.
- The SWDS states in Section 1 that the SWDS shall be used in conjunction with the most current version of the California Stormwater Quality Association Stormwater Best Management Practice Handbook for New and Redevelopment (CASQA Handbook). Engineering Support staff was not familiar with the CASQA Handbook.
- Salinas staff stated that staff training is occurring, however as demonstrated in the examples above, the training is not fully effective.
- Different Salinas staff gave different answers to questions about what was required by the Permit and the actions Salinas implements to comply with the Permit. For example, one staff member stated all post construction BMPs installed in Salinas were inspected annually by the construction inspector. The construction inspector however stated that

inspections are performed as needed, based on complaints or the inspector observing an issue.

- Engineering staff stated that planning staff is often the first to be contacted by the public in the early stages of project design and that the planning staff has brochures available if question arise. However, when asked during the audit, planning staff didn't know there were brochures available.

**Action:** Salinas must review and revise their staff training to increase its effectiveness and ensure staff has the level of knowledge required to implement the SWDS effectively. Salinas must identify what types of SWDS knowledge is required for each group of employees, determine the knowledge gaps that exist, and implement actions that result in filling the gaps.

**Deficiency: The East Market Street post-construction BMPs were not functioning properly.**

This project was identified by Salinas staff as "Priority" as defined by the SWDS. The Salinas inspector stated the curb bulb-outs were not functioning properly. Water was not percolating fast enough and standing water was causing plants to die. Salinas stated the contractor is planning to modify the design by either installing an under-drain or installing infiltration columns. This project was either not designed or not installed correctly, or both. Subsequent photos submitted to the Central Coast Water Board by Salinas on December 19, 2011 (Attachment C) show a system that does not appear to be effective. It's not clear if the deficiency is a result of design, construction, or maintenance, or a combination of these factors.

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**Action:** Salinas must verify final design for this project meets the SWDS criteria. Salinas must review the design and construction for this project to determine if there are any lessons learned from this project that can be applied to future projects. If redesign of the project occurred, Salinas must ensure SWDS section 1.7.2 was followed that requires revised "as-built" plans to be included and for an amendment to the SWCP be provided.

### 2.3 Other Observations

**Deficiency: The SWMP posted on the Salinas website is out of date.**

On March 4<sup>th</sup> 2011, Central Coast Water Board staff found the SWMP posted on the Salinas website to be the April 8, 2008 version, however, the most current SWMP was the version dated May 20, 2008. Salinas staff stated they look to the Salinas website to find the current SWMP. In addition, if the public views the SWMP posted on the web, they will not be viewing the most current version.

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**Action:** Salinas must update the SWMP version on the website and educate appropriate Salinas staff on the changes. Salinas must keep the most recent version of the SWMP on its website.

**Deficiency: Clearly defined staff responsibilities for implementation of the stormwater program and its elements were lacking.**

Stormwater Program Management: Salinas did not have a stormwater program manager and instead relied on different departments implementing the various aspects of the program. The departments had inadequate coordination and lacked clearly defined responsibilities for implementation of the stormwater program and its elements.

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**Action:** Salinas must develop a comprehensive plan for management and oversight of the stormwater program.

**Deficiency: Sediment on City streets.**

Sediment tracked onto City streets from agricultural operations was observed. Salinas stated that they lacked the authority to address the issue.

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**Action:** Salinas must implement education for Salinas staff as well as any modifications to legal authority required to address sediment on City streets.

**3. Conclusion**

**Salinas must correct program violations and update its program to correct all deficiencies as soon as possible.** Central Coast Water Board staff will conduct a follow-up audit no sooner than January 1, 2013, to assess the progress of Salinas in correcting all program violations and deficiencies. **By December 15, 2012, Salinas must provide a report** (referencing each comment reference number) that explains how and when Salinas corrected the violations and deficiencies identified in this letter. Salinas must keep detailed records of actions taken to correct violations and deficiencies, and the results of these actions, to demonstrate that the violations and deficiencies have been corrected.

Central Coast Water Board staff requires Salinas to submit information in response to this letter pursuant to Order No. R3-2012-0005, Attachment I, Section 7 and Order No. R3-2004-0135, Section G.6.

Central Coast Water Board staff did not examine all aspects of the Salinas stormwater program implementation. Therefore, Salinas should not consider the positive attributes, violations, and deficiencies noted in this letter to be a comprehensive evaluation of the Salinas stormwater program. Central Coast Water Board staff may choose to conduct a more complete review of the Salinas stormwater program or an additional audit focusing on different program elements in the future.

Central Coast Water Board staff is available to work with Salinas to achieve a program which complies with Order No. R3-2012-0005 and is increasingly effective at reducing the discharge of pollutants to the maximum extent practicable and protecting water quality.

If you have any questions regarding this letter, please contact **Jennifer Epp** at (805) 594-6181 or at [jepp@waterboards.ca.gov](mailto:jepp@waterboards.ca.gov), or Phillip Hammer at (805) 549-3882.

Sincerely,

**Lisa H.  
McCann**

Digitally signed by Lisa H. McCann  
DN: cn=Lisa H. McCann, o=Central  
Coast Water Board,  
ou=Watershed Planning and  
Protection Section,  
email=lmccann@waterboards.ca.  
gov, c=US  
Date: 2012.10.24 14:31:40 -07'00'

for

Michael J. Thomas  
Assistant Executive Officer

Attachment A – Photos taken of the East Market Street project by Central Coast Water Board staff on March 7, 2011

Attachment B – Status Report of Compliance with Order No. R3-2004-0135 (Attachment 4 of the Staff Report for the February 2, 2012 Central Coast Water Board meeting)

Attachment C – Photos of the East Market Street project submitted by Salinas to the Central Coast Water Board on December 19, 2011

cc:

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Signature\Salinas NOV\_final.docx

[ECM# 259135](#)  
[CIWQS Reg Measure 387625](#)

ATTACHMENT A  
EAST MARKET STREET PHOTOS  
TAKEN BY CENTRAL COAST WATER BOARD STAFF  
MARCH 7, 2011



S:\Stormwater\Stormwater Facilities\Monterey Co\Municipal\Salinas\Audits and Inspections\2011  
Audit\Report\ATTACHMENT A Photos\_east market.doc





ATTACHMENT B

STATUS REPORT OF COMPLIANCE WITH ORDER NO. R3-2004-0135

(ATTACHMENT 4 OF THE STAFF REPORT FOR THE  
FEBRUARY 2, 2012 CENTRAL COAST WATER BOARD MEETING)

**Staff Report for Draft Order No. R3-2012-0005  
ATTACHMENT 4**

**STATUS OF COMPLIANCE WITH EXISTING ORDER NO. R3-2004-0135**

**Audits of the City's Stormwater Program**

A program evaluation (audit) of the City's stormwater program was conducted in both July of 2003 and March of 2011. The July 2003 audit evaluated the City's compliance with the City's first permit, Order No. 99-087, and results from the July 2003 audit were used in drafting the City's existing Order No. R3-2004-0135. The March 2011 audit evaluated the City's compliance with existing Order No. R3-2004-0135 and results from the March 2011 audit were used in drafting this Draft Order.

The March 2011 audit was conducted by Central Coast Water Board staff and focused on the Construction Site Management and Development Standard elements of the City's stormwater program. Some of the more significant deficiencies found in the March 2011 audit included:

- Record keeping: The City was not adequately tracking information needed to document permit compliance.
- Training: Some of the City staff responsible for implementing the requirements of the City's Stormwater Management Program (SWMP) did not understand the requirements of the SWMP.
- Sediment on City streets: Sediment was found to be tracked onto City streets from agricultural operations. The City reported that they lacked the authority to address the issue.
- Construction Oversight of Capital Improvement Projects: Construction projects for capital improvement projects were not receiving adequate construction oversight for stormwater controls.
- Construction Site Plan Review: The City was not verifying the adequacy of erosion and sediment control BMPs proposed by project applicants.
- Post-Construction BMPs: The City was not tracking all post-construction BMPs that had been installed.
- Implementing SWDS Requirements: The City had approved projects that did not demonstrate meeting the requirements of the SWDS.
- SWMP: The SWMP version posted on the City website was out of date.
- Stormwater Program Management: The City did not have a stormwater program manager and instead relied on different departments implementing aspects of the program. The departments had inadequate coordination and clearly defined responsibilities for implementation of the stormwater program and its elements was lacking.

The July 2003 audit was conducted by a USEPA contractor, with assistance from Central Coast Water Board staff and evaluated the following program elements: Program Management; Industrial Inspections; Illicit Discharges; Municipal Maintenance; New Development and Construction; Public Education; and Reporting.

The July 2003 audit found that the City needed to make improvement in their managing, coordinating, and training of their municipal stormwater program. Eight years later, the March 2011 audit found the City had still not adequately addressed these issues. The July 2003 audit found the following additional deficiencies to be most significant:

- Industrial Facility Staff Not Aware of Storm Drains: The audit recommended the City require industries to stencil or label drains so facility staff are aware of which drains discharge to the MS4.
- Effectiveness Assessment: The City's program lacked a formalized method or indicators that can used to measure program effectiveness.
- Stormwater Management Plan: The City's Stormwater Management Plan needed to be updated and revised.
- Industrial Inspection Inventory: The City needed to update the industries contained in their inspection inventory.
- Enforcement of Construction and Industrial Sites: The City lacked an effective enforcement and compliance plan for construction and industrial sites.
- Construction BMP Handout: The City needed to revise their construction BMP handout.

Central Coast Water Board staff used the findings of both the July 2003 and March 2011 audits in writing the Draft Order. For example, the information management requirements in the Draft Order are designed to address the City's record keeping deficiencies. Also, the requirements for the City to modify their training program as needed based on an assessment of municipal staff's knowledge of the stormwater development program implementation is designed to address the City's training deficiencies. In addition, Central Coast Water Board staff added requirements to address sediment tracking on streets. Central Coast Water Board staff also considered the City's past violations and the challenges the Central Coast Water Board has had determining compliance with municipal stormwater permits, and conducted through reviews of stormwater program annual reports, inspections and audits.

### **Inspections of Industrial Facilities**

In January of 2010, inspections of five industrial facilities in the City were performed by a USEPA contractor. Deficiencies found during these inspections included the following:

- BMPs were not implemented to prevent the discharge of sediment into the storm drain inlets.
- BMPs were not implemented to prevent stormwater contact with oily machinery, oily equipment, drip pans and fluid stained ground surfaces.
- Adequate BMPs were not implemented to contain concrete waste/wash water.
- Chemicals and waste oil containers were stored without adequate protection to prevent and contain potential spills.
- Wash water was being discharged into the storm drain system.
- BMPs were not implemented to prevent the discharge of building materials, aggregates, and other debris.
- Storm drain inlet BMPs were not adequately inspected and maintained.
- Adequate BMPs were not implemented to prevent storm water contact and the discharge of pollutants from waste products.
- Inadequate Stormwater Pollution Prevention Plans (SWPPPs).

In September of 2007, inspections of ten industrial facilities in the City were performed by a USEPA contractor. Deficiencies found during these inspections included the following:

### **Attachment 4: Status of Compliance with Existing Order No. R3-2004-0135**

- Inadequate Stormwater Pollution Prevention Plans (SWPPPs).
- BMPs were not implemented to prevent sediment, construction debris and other debris from entering the storm drain.
- Hazardous fluids, used fuel filters, hot asphalt buckets, and oil drums/buckets were stored without adequate protection to prevent stormwater contact and contain potential spills.
- BMPs were not implemented to prevent stormwater contact with fluid stained ground surfaces.
- Storm drain inlet BMPs were not adequately installed, inspected, and maintained.
- Sediment was tracked outside of the site.
- Adequate BMPs for equipment wash-out were not being implemented.
- BMPs were not implemented to prevent the discharge of aggregates and other debris.
- Adequate BMPs were not implemented to prevent storm water contact and the discharge of pollutants from waste products.
- Poor housekeeping was observed.
- BMPs were not implemented to prevent fluid leaks in stored dismantled vehicles.

Central Coast Water Board staff used the findings of both the January 2010 and September 2007 industrial inspections in writing the Draft Order. For example, minimum BMPs and inspections required for industrial facilities in the City are designed to address the deficiencies found at industrial sites in the City.

#### **Past Violations and Status Reports Provided to the Central Coast Water Board**

Central Coast Water Board staff issued several Notices of Violations of existing Order No. R3-2004-0135 and provided the Central Coast Water Board with a series of status reports about the violations during 2006 through 2008.

Central Coast Water Board staff issued the City a Notice of Violation in September 2006 for failure to comply with existing Order No. R3-2004-0135 and noted the following violations in a Status Report to the Central Coast Water Board in September 2006:

- Late in submitting draft SWMP and completing final SWMP.
- Late Annual Report; missing Final Work Plan for the upcoming year and missing effectiveness assessment.
- Annual Report and Work Plan vague and short on data.
- Quality Assurance Program Plan for Water Quality Monitoring not completed.
- Failure to perform monitoring during the 2005-2006 rainy season.
- Improvement needed in internal coordination of the Stormwater Management Program.
- Other requirements of existing Order No. R3-2004-0135 not complied with per the required deadlines.
- Central Coast Ambient Monitoring Program (CCAMP) monitoring identified elevated levels of Nitrate, Unionized Ammonia, Fecal Coliform, E. coli and depressed Dissolved Oxygen Levels in the City's Salinas River stormwater outfall.

Central Coast Water Board staff issued a Second Notice of Violation in January 2007 and noted the following violations in a Status Report to the Board in February 2007:

- Final SWMP not complete.
- Failed to submit the required revised Work Plan.
- Quality Assurance Program Plan submitted late and was still in need of revisions.
- Existing, less rigorous monitoring program continued.

#### **Attachment 4: Status of Compliance with Existing Order No. R3-2004-0135**

- Late in submitting their Toxicity Reduction Evaluation report.
- Final Stormwater Development Standards not complete.
- Other items identified in the September 2006 Notice of Violation remained unaddressed.

Central Coast Water Board staff noted the following violations in a Status Report to the Central Coast Water Board in July 2007 and recommended issuing a Cease and Desist Order with a time schedule that would address the need for revised Permit timelines for Stormwater Development Standards adoption, as well as the additional missed document submittal deadlines:

- Slow progress on producing acceptable Stormwater Development Standards, SWMP, and Quality Assurance Program Plan documents.
- Draft Stormwater Development Standards were inadequate.

Central Coast Water Board staff noted the following in a Status Report to the Central Coast Water Board in February 2008:

- Significant progress had been made, but the City continued to have areas needing improvement.
- Draft SWMP complete.
- Stormwater Development Standards not complete.
- Improvement needed in public participation practices.
- Annual reporting for some measurable goals needed revision, and improvements needed in Annual Report formatting and organization.
- Major concerns addressed that were identified in the February 2007 and July 2007 status reports.
- Storm Water Ordinance adopted.
- On-track with fully implementing the water quality monitoring program.

Central Coast Water Board staff used the findings of the 2006 through 2008 Status Reports in writing the Draft Order. For example, the City's compliance history demonstrates the City needs clear and specific requirements. In addition, the delays in SWMP adoption influenced Central Coast Water Board staff's decision to provide a detailed Order instead of requiring approval of the SWMP. Also, the City's history of inadequate internal coordination, training, and reporting led to specific requirements for these program components.

ATTACHMENT C

PHOTOS OF THE EAST MARKET STREET PROJECT

SUBMITTED BY SALINAS TO  
THE CENTRAL COAST WATER BOARD ON DECEMBER 19, 2011



