Appendix C

2005 City of Salinas MS4 NPDES Permit

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL COAST REGION
895 Aerovista Place, Suite 101
San Luis Obispo, California 93401-7906

ORDER NO. R3-2004-0135
NPDES PERMIT NO. CA0049981

WASTE DISCHARGE REQUIREMENTS

FOR

CITY OF SALINAS
MUNICIPAL STORM WATER DISCHARGES
Monterey County

FINDINGS

The California Regional Water Quality Control Board, Central Coast Region (hereinafter the Regional Board, or RWQCB), finds that:

1. The City of Salinas (the City, or the Permittee) submitted a Report of Waste Discharge, dated March 31, 2004, to request a renewal of their Waste Discharge Requirements (WDR, see Attachment 1 for list of acronyms used in this Order). The Permittee has been operating pursuant to WDR Order No. 99-087, National Pollutant Discharge Elimination System (NPDES) Permit No. CA0049981 (Waste Discharger Identification No. 3 279906001), issued October 1999. The NPDES permit allows discharge of storm water from municipal separate storm sewer systems (MS4s) within Salinas' jurisdiction. The existing five-year permit was extended until this Order is adopted.

AUTHORITY

2. This Order is based on the federal Clean Water Act, the Porter-Cologne Water Quality Control Act (Division 7 of the Water Code, commencing with Section 13000), applicable state and federal regulations, all applicable provisions of statewide Water Quality Control Plans and Policies adopted by the State Water Resources Control Board, and the Regional Water Quality Control Plan (Basin Plan) adopted by the Regional Board.

3. Salinas is defined as a medium municipality (i.e. those with populations greater than 100,000) in the Code of Federal Regulation (40 CFR 122.26(b)(7)), and operates an MS4. As such, the City must obtain an NPDES municipal storm water permit.

4. The Permit boundary, as shown in Attachment 2 and incorporated herein and made a part of this Order, is the incorporated area of the City and defines the boundary of the City's MS4.

5. The Permittee and other public agencies and private persons, own and operate storm water conveyance systems that service drainage areas within the Permit boundary. The Permittee's storm drain system consists of approximately 122 miles of pipes ranging from 12 to 84 inches in diameter. The storm drain system discharges into the surface water bodies listed in Finding 9, below.

6. There are municipal separate storm sewer systems discharging within the incorporated area of the city that are not owned or operated by the Permittee. The Permittee may lack legal

jurisdiction over storm water discharges into its system from some of the state and county facilities, agricultural land, utilities and special districts. Some of those systems are owned or operated by the California Department of Transportation (Caltrans), and Monterey County. Specifically, Caltrans owns and operates State of California rights-of-way, and Monterey County has jurisdiction over storm water discharges from County owned properties. In addition, Monterey County Water Resources Agency owns and operates the Reclamation Ditch 1665 (also referred to as the Reclamation Canal on some maps, hereinafter referred to as the Reclamation Ditch). To the extent the Permittee lacks jurisdiction, the Regional Board encourages the Permittee to develop agreements with appropriate entities to ensure proper management of storm water discharges; however, the Permittee will not be held responsible for municipal facilities and/or discharges for which it lacks jurisdiction.

7. The Permittee may petition the Regional Board to issue a separate NPDES permit to any discharger of non-storm water into storm drain systems that the Permittee owns or operates.

8. There are portions of the City that are primarily agricultural. It is not the intent of the federal storm water regulations to regulate storm water discharges from agricultural lands. These areas of the City are exempt from the requirements of this Order, but are subject to the requirements of the *Conditional Waiver of Waste Discharge Requirements for Discharges from Irrigated Lands, Order No. R3-2004-0117,* adopted on July 8, 2004.

HYDROLOGIC SETTING AND RECEIVING WATER BODIES

9. The City of Salinas is situated in the northern part of the Salinas Valley in Monterey County, approximately ten miles east of the Pacific Ocean and adjacent to the Salinas River. Four major creeks and several minor tributaries pass through the Salinas area and receive storm water discharges from the City sections northeast and adjacent to Highway 101 (see Attachment 2). Santa Rita Creek collects flow from a very small, northern portion of the city, then flows west to the Espinosa Slough. The three other major creeks, Natividad, Gabilan, and Alisal Creeks, are interconnected. Alisal Creek is renamed the Reclamation Ditch within the City. Natividad and Gabilan Creeks flow through the northeastern portion of the City. Natividad and Gabilan Creeks flow to Carr Lake. Carr Lake is often dry and is utilized for farming, but also functions as a storm water retention basin before flowing to the downstream Reclamation Ditch (former Alisal Creek). The Reclamation Ditch collects flow, via Carr Lake, from Natividad and Gabilan Creeks, as well as other portions of the City. The Reclamation Ditch flows west from the City, paralleling the Alisal Slough and eventually discharges to the Tembladero Slough (Attachment 3). Espinosa and Tembladero Sloughs discharge to the Old Salinas River.

Storm water from the southernmost portion of the City is collected into a storm drain system that flows toward the industrial waste treatment plant. This storm water system terminates at a lift station, which discharges to the main Salinas River channel. The main Salinas River channel, like Espinosa and Tembladero Sloughs, enters into the Old Salinas River channel. The Old Salinas River channel is an estuary that is often separated from the Pacific Ocean by a sand bar. The Old Salinas River discharges into the Pacific Ocean at the downstream end of the Elkhorn Slough and Moro Cojo Slough estuary system near Moss Landing (Attachment 3).

BENEFICIAL USES

10. The Central Coast Water Quality Control Plan (Basin Plan) for the Central Coast Region, dated September 8, 1994, contains water quality objectives and water quality standards (collectively termed water quality objectives) and designates beneficial uses of ground and surface waters in the Central Coast Region. The Basin Plan also incorporates by reference all State Water Resources Control Board (State Board) water quality control plans and policies.

11. The beneficial uses, as listed in the Basin Plan, for receiving waters within and downstream of the permitted area include:

a. Municipal and Domestic Supply
b. Agricultural Supply
c. Ground Water Recharge
d. Water Contact Recreation
e. Non-Contact Water Recreation
f. Wildlife Habitat
g. Cold Fresh Water Habitat
h. Warm Fresh Water Habitat
i. Spawning, Reproduction, and/or Early Development
j. Preservation of Biological Habitats of Special Significance
k. Rare, Threatened, or Endangered Species
l. Estuarine Habitat
m. Migration of Aquatic Organisms
n. Freshwater Replenishment
o. Commercial and Sport Fishing

12. This Order specifies requirements to protect the beneficial uses of the waters of the United States. The intent of this permit is to regulate pollutant discharges, identify and focus on those areas that threaten beneficial uses, and implement Best Management Practices (BMPs) to reduce storm water pollutants to the Maximum Extent Practicable (refer to Finding 16, below) as required in 40 CFR 122.26(d)(2)(iv). Permittees can satisfy the requirements through effective implementation of a Storm Water Management Program (SWMP) (refer to Attachment 4 of this Order) which contains BMPs.

DISCHARGE CHARACTERISTICS

13. Development and urbanization increase pollutant load, volume, and discharge velocity over background levels. During urbanization, natural vegetated pervious ground cover is converted to impervious surfaces such as paved highways, streets, rooftops and parking lots. Natural vegetated soil can both absorb rainwater and remove pollutants, thereby providing an effective natural purification process. In contrast, pavement and concrete can neither absorb water nor remove pollutants, and thus the natural purification characteristics are lost. Urban areas provide pollution sources as the increased density of human population brings proportionately higher levels of urban pollutants and increased impervious surfaces.

14. Urban pollutants of concern that may be contained in storm water include, but are not limited to: certain heavy metals; sediments; pathogens; petroleum hydrocarbons; polycyclic aromatic hydrocarbons (PAHs), trash, and pesticides; herbicides; and nutrients that cause or contribute to the depletion of dissolved oxygen and/or toxic conditions in the receiving water. Excessive flow rates of storm water may cause or contribute to downstream erosion and/or excessive sediment discharge and deposition in stream channels. The quality and quantity of MS4 discharges may vary considerably because of the effects of hydrology, geology, land use, season, and sequence and duration of precipitation events.

15. The increased volume, increased velocity, and discharge duration of storm water runoff from developed areas has the potential to greatly accelerate downstream erosion and impair stream habitat in natural drainages. A higher percentage of impervious area correlates to a greater pollutant loading (see pollutants of concern described above). Significant declines in the biological integrity and physical habitat of streams and other receiving waters have been found to occur with as little as 10 percent conversion from natural to impervious surfaces. When water quality impacts are considered during the planning stages of a project, new development and many redevelopment projects can more efficiently incorporate measures to

protect water quality. Many studies[1] have demonstrated a direct correlation between the degree of imperviousness of an area and the degradation of its receiving waters.

16. **MAXIMUM EXTENT PRACTICABLE (MEP):** MEP is the technology-based standard established by Congress in CWA section 402(p)(3)(B)(iii) that municipal dischargers of storm water must meet. Technology-based standards establish the level of pollutant reductions that dischargers must achieve. MEP is generally a result of emphasizing pollution prevention and source control BMPs as the first lines of defense in combination with structural and treatment methods where appropriate serving as additional lines of defense. The MEP approach is an ever evolving, flexible, and advancing concept, which considers technical and economic feasibility. For purposes of this Permit, the Regional Board will determine compliance with the MEP standard based on the terms of the Permit, including Attachment 4; and State Board decisions or guidance, EPA regulations and guidance and applicable case law defining MEP.

17. **ANTIDEGRADATION:** Conscientious implementation of BMPs that reduce storm water pollutants to the Maximum Extent Practicable will reduce the likelihood that discharges from MS4s will cause or contribute to unreasonable degradation of the quality of receiving waters. The effect of the permit will be an overall improvement of receiving water quality, not degradation. Therefore, this Order is in conformance with SWRCB Resolution No. 68-16 and the federal antidegradation policy described in 40 CFR 131.12.

18. **CEQA:** The issuance of waste discharge requirements for the discharge of urban runoff from MS4s to waters of the United States is exempt from the requirement for preparation of environmental documents under the California Environmental Quality Act (CEQA) (Public Resources Code, Division 13, Chapter 3, § 21000 et seq.) in accordance with the CWC § 13389.

19. **PUBLIC NOTICE:** The Regional Board has notified the all known interested parties and the public of its intent to consider adoption of an order prescribing waste discharge requirements that would serve to renew an NPDES permit for the existing discharge of urban runoff.

20. **PUBLIC HEARING:** The Regional Board has, at a public meeting on February 11, 2005, held a public hearing and heard and considered all comments pertaining to the terms and conditions of this Order.

21. **EFFECTIVE DATE:** This Order serves as a NPDES Permit for discharges of storm water from the Permittee's storm drain system within the Permit boundary, pursuant to Section 402 of the CWA, or amendments thereto, and shall become effective ten days after the date of its adoption provided the U.S. EPA Regional Administrator has no objections.

22. **ATTACHMENTS TO THIS ORDER:** Attachments 1, 2, 3, 4, 5, and 6 are incorporated herein and made a part of this Order. A list of the attachments can be found at the bottom of this Order.

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[1] Impervious Cover as An Urban Stream Indicator and a Watershed Management Tool, Schueler, T. and R. Claytor, In, Effects of Water Development and Management on Aquatic Ecosystems (1995), ASCE, New York; Leopold, L. B., (1973), River Channel Change with Time: An Example, Geological Society of America Bulletin, v. 84, p. 1845-1860; Hammer, T. R., (1972), Stream Channel Enlargement Due to Urbanization: Water Resources Research, v. 8, p. 1530-1540; Booth, D. B., (1991), Urbanization and the Natural Drainage System--Impacts, Solutions and Prognoses: The Northwest Environmental Journal, v. 7, p. 93-118; Klein, R. D., (1979), Urbanization and Stream Quality Impairment: Water Resources Bulletin, v. 15, p. 948-963; May, C. W., Horner, R. R., Karr, J. R., Mar, B. W., and Welch, E. B., (1997), Effects of Urbanization on Small Streams in the Puget Sound Lowland Ecoregion: Watershed Protection Techniques, v. 2, p. 483-494; Morisawa, M. and LaFlure, E. Hydraulic Geometry, Stream Equilibrium and Urbanization In Rhodes, D. P. and Williams, G. P. Adjustments to the Fluvial System p.333-350. (1979); Dubuque, Iowa, Kendall/Hunt. Tenth Annual Geomorphology Symposia Series; and The Importance of Imperviousness: Watershed Protection Techniques, 1(3), Schueler, T. (1994).

THEREFORE, IT IS HEREBY ORDERED that Order No. 99-087 is rescinded, and that the City of Salinas, in order to meet the provisions contained in Division 7 of the California Water Code and regulations adopted thereunder and the provisions of the CWA as amended and regulations and guidelines adopted thereunder, shall comply with the following:

A. DISCHARGE PROHIBITIONS

1. Discharges from MS4s in a manner causing, or threatening to cause, a condition of pollution, contamination, or nuisance (as defined in §13050 of the California Water Code) in waters of the State of California are prohibited.

2. Discharges from MS4s that cause or contribute to the violation of water quality objectives or water quality standards are prohibited.

3. Discharges from MS4s containing pollutants that have not been reduced to the Maximum Extent Practicable (MEP – See Finding 16) are prohibited.

4. The Permittee shall prohibit all types of non-storm water discharges into its MS4 unless such discharges are either authorized by a separate NPDES permit or not prohibited in accordance with this Order.

5. The following categories of non-storm water discharges (copied from 40 CFR 122.26(d)(2)(iv)(B)(1), except as provided by Prohibition 7.b) shall be addressed where such discharges are identified by the municipality as sources of pollutants to waters of the United States:

   a. Diverted stream flows
   b. Rising ground waters
   c. Uncontaminated ground water infiltration [as defined by 40 CFR 35.2005(20)]
   d. Uncontaminated pumped ground water
   e. Foundation drains
   f. Springs
   g. Water from crawl space pumps
   h. Footing drains
   i. Air conditioning condensation
   j. Flows from riparian habitats and wetlands
   k. Water line flushing
   l. Lawn and landscape irrigation from potable water sources
   m. Discharges from potable water sources
   n. Irrigation water
   o. Individual residential car washing
   p. De-chlorinated or debrominated swimming pool water

6. Discharges or flows from fire fighting activities are excluded from the non-storm water discharge-prohibition and need only be addressed where they are identified as significant sources of pollutants to waters of the United States.

7. When a non-storm water discharge category listed above is identified by the Permittee or the Executive Officer as a source of pollutants to waters of the State of California, the Permittee shall either:

   a. Prohibit, via ordinance or other method, the discharge category from entering its MS4; or

   b. Not prohibit the discharge category and implement, or require the responsible party(ies) to implement, BMPs that will reduce pollutants to the MEP; and

   c. Submit the following information to the Regional Board for approval of the Executive Officer within 90 days upon identification of such discharge category:

      i. The non-storm water discharge category listed above that the Permittee elects not to prohibit; and

      ii. The BMPs for each discharge category listed above that the Permittee will implement, or require the responsible party(ies) to implement, to prevent or reduce pollutants to the MEP.

8. The Permittee shall examine all dry weather analytical monitoring results collected in accordance with the Monitoring and Reporting Program required by this Order (Attachment 5) to identify water quality problems that may be the result of any non-storm water discharge, including any non-prohibited discharge category(ies) listed in Discharge Prohibition A.5 of this Order (page 6). Follow-up investigations shall be conducted as necessary to identify and control or prohibit, as described above, any non-storm water discharges that are sources of pollutants. Non-prohibited discharges listed above containing pollutants that cannot be reduced to the MEP by the implementation of BMPs shall be prohibited on a categorical or case-by-case basis.

B. EFFLUENT DISCHARGE LIMITATIONS

1. Numerical and narrative water quality objectives exist for receiving waters in the Central Coast Region[2]. However, due to the variability in storm water quality and quantity and the complexity of urban runoff, the impact of urban storm water runoff discharges on water quality or receiving waters has not been fully determined. Therefore, this Order does not contain numerical effluent limitations for specific constituents. The Permittee's storm water discharges may not, however, cause or contribute to an exceedance of a receiving water quality objective contained in the Basin Plan or other statewide plans or policies. The Code of Federal Regulations (40 CFR 122.26(d)(2)(iv)) requires storm water permittees to implement BMPs to reduce pollutants in storm water discharges to the maximum extent practicable. BMPs are described in the Permittee's SWMP. This Order requires ongoing assessment and annual reporting on the implementation and effectiveness of the BMPs.

C. RECEIVING WATER LIMITATIONS

1. Discharges from MS4s that cause or contribute to the violation of water quality standards (designated beneficial uses and water quality objectives developed to protect beneficial uses) of Receiving Waters are prohibited.

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[2] Water Quality Control Plan, Central Coast Region (Basin Plan), http://www.waterboards.ca.gov/centralcoast/BasinPlan/Index.htm

2. Discharges from the MS4 of storm water, or non-storm water for which a Permittee is responsible, shall not cause or contribute to a condition of nuisance in Receiving Waters.

3. The Permittee shall comply with Discharge Prohibitions A.1 and A.2 and Receiving Water Limitations C.1 and C.2 through timely implementation of control measures and other actions to reduce pollutants in the discharges in accordance with the SWMP and other requirements of this Order, including any modifications. The SWMP shall be designed to achieve compliance with Receiving Water Limitation C.1 and C.2 to the MEP. Due to the unique aspects of managing storm water discharges through storm drain systems (intermittent discharges, difficulties in monitoring, limited physical control over the discharge, etc.), the Permittee will need to evaluate the effectiveness of BMPs during the duration of the permit and determine whether the implemented BMPs are adequately protecting receiving waters. If exceedance(s) of water quality objectives persist notwithstanding implementation of the SWMP and other requirements of this Order, the Permittee shall assure compliance with Discharge Prohibitions A.1 and A.2 and Receiving Water Limitation C.1 and C.2 by complying with the following procedure:

   a. Upon a determination by either the Permittee or Regional Board that discharges are causing or contributing to an exceedance of an applicable water quality standard, the Permittee shall submit a Report of Water Quality Exceedance (Report of Exceedance) to the Regional Board that describes BMPs that are currently being implemented and additional BMPs that will be implemented to prevent or reduce any pollutants that are causing or contributing to the exceedance of water quality standards. The Report of Exceedance shall be incorporated in the next Annual Report unless the Regional Board directs an earlier submittal. The Report of Exceedance shall include proposed revisions to the SWMP and an implementation schedule for new or improved BMPs, if applicable. The Regional Board may require modifications to the Report of Exceedance.

   b. If the Regional Board requires modifications to the Report of Exceedance, the Permittee shall submit any modifications within 30 days of notification.

   c. Within 30 days following approval of the Report of Exceedance by the Regional Board, the Permittee shall revise the SWMP and its monitoring program to incorporate the approved modified BMPs that have been and will be implemented, implementation schedule, and any additional monitoring required.

   d. The Permittee shall implement the revised SWMP and monitoring program in accordance with the approved schedule.

4. So long as the Permittee has complied with the procedures set forth above and are implementing the revised SWMP, the Permittee does not have to repeat the same procedure for continuing or recurring exceedances of the same receiving water limitations unless directed by the Regional Board to develop additional BMPs.

D. PROVISIONS

D.1. General Requirements

a. The Permittee shall:

   i. Comply with the requirements of this Order, including all Attachments, the SWMP, and any Regional Board-approved modifications to these documents;

ii. Coordinate among its internal departments and agencies, as appropriate, to facilitate the implementation of the requirements of this Order and the SWMP in an efficient and cost-effective manner;

iii. Submit an annual report that includes a fiscal analysis of the necessary capital and operation and maintenance expenditures necessary to comply with this Order. Such analysis shall include a description of the source of funds that are proposed to meet the necessary expenditures, including legal restrictions on the use of those funds, and identification of any other resources (including volunteer programs or programs of other agencies). Inability to secure financial or other resources shall not excuse non-compliance with any provision of this Order or any Attachments.

D.2. Storm Water Management Program

a. The Permittee is currently operating within the Storm Water Management Program (SWMP) that was submitted with the original 1999 Storm Water Permit application. The SWMP provides an approach to reduce the discharge of pollutants to the Permittee's storm drain system to the MEP.

b. The Permittee must conduct and document an evaluation of each relevant SWMP element to determine whether storm water pollutants are reduced to MEP. After the evaluation, the Permittee must revise activities, control measures, BMPs, and measurable goals, as necessary to meet MEP.

c. Upon adoption of this Order, the Permittee shall review and modify its SWMP to address the requirements of the Storm Water Management Program Revision Requirements (Attachment 4) of this Order, and submit the revised SWMP within 180 days of permit adoption for approval by the Regional Board or its Executive Officer.

d. Attachment 4 of this Order describes the conditions by which the Permittee will revise the City's current SWMP. This Order requires the Permittee to revise the current SWMP to update and/or include the following major program elements:

i. Construction Site Management Component
ii. Development Standards Component
iii. Commercial/Industrial Facilities Component
iv. Municipal Maintenance Component
v. Illicit Discharge Detection and Elimination Component
vi. Public Education and Participation Component
vii. Program Effectiveness
viii. Legal Authority

D.3. Monitoring

a. This permit requires water quality monitoring which is designed to monitor and assess the implementation and effectiveness of the BMPs described in the SWMP. The Monitoring and Reporting Program is described and included as Attachment 5 of this Order. The monitoring program has been designed to compliment monitoring programs associated with: a) the Central Coast Ambient Monitoring Program (CCAMP); b) the Conditional Waiver of Waste Discharge Requirements for Discharges from Irrigated Lands, Order No. R3-2004-0117, adopted on July 8, 2004; c) Monterey Bay National Marine Sanctuary's "First Flush", "Snapshot Day", and "Urban Watch" programs.

b. This Order requires the full implementation of the Monitoring and Reporting Program.

c. Monitoring data shall be submitted to the Regional Board electronically and in hard copy.

D.4. Annual Report

a. The Permittees shall submit an Annual Report by October 1 of each year. Requirements for the Annual Report are provided in the Salinas Monitoring and Reporting Program, Attachment 5 of this Order.

D.5. Annual Work Plan

a. The Permittee shall submit an Annual Work Plan to the Regional Board by October 1 of each year, commencing in October 2006. (The revised Storm Water Management Plan, required to be submitted six months after adoption of this Order, will replace the 2006 Annual Work Plan). The Annual Work Plan shall provide the Permittee's proposed activities for the upcoming fiscal year beginning July 1 of the current year and ending June 30 the following year. The Permittee will be required to continue the previous year's level of efforts until the current year's Annual Work Plan is finalized. This Provision is intended to ensure that SWMP activities are continuous, while recognizing that there may be delays in finalizing the City's annual budget, thus delaying a final Annual Work Plan.

b. The Annual Work Plan shall provide the Permittee's expected level of effort and the expected performance level necessary to meet each of the major elements in the SWMP.

c. The Annual Work Plan will include proposed modifications to the SWMP if necessary. The Regional Board may require modifications to the Annual Work Plan.

d. The Annual Work Plan shall include all applicable reporting requirements described in the Salinas Monitoring and Reporting Plan, Attachment 5 of this Order.

D.6. Legal Authority

a. The Permittee shall establish, maintain, and enforce adequate legal authority to control pollutant discharges into and from its MS4 through ordinance, statute, permit, contract or similar means, as described under the "Legal Authority" heading in Attachment 4, Storm Water Management Program Revision Requirements.

E. CHANGES TO THIS ORDER

1. This Order may be modified, or alternately, revoked or reissued, prior to the expiration date as follows:

   a. To address changed conditions or new information identified in the required technical reports or other sources deemed significant by the Regional Board;

   b. To incorporate applicable requirements of statewide water quality control plans adopted by the State Board or amendments to the Basin Plan; or

   c. To comply with any applicable requirements, guidelines, or regulations issued or approved under Section 402(p) of the CWA, if the requirement, guideline, or regulation so issued or approved contains different conditions or additional requirements not provided for in this Order. The Order as modified or reissued under this paragraph shall also contain any other requirements of the CWA then applicable.

d. To be consistent with any amendments to the CWA regarding the discharges from municipal separate storm sewer systems.

e. At the request of the permittee, this Order may be modified to revise or amend the Receiving Water Limitations to achieve consistency with State or federal laws or policies adopted subsequent to the date of this Order.

2. The permittee shall comply with the Salinas Monitoring and Reporting Program, Attachment 5 of this Order, and any revisions or modifications thereto as ordered by the Executive Officer. The Executive Officer is authorized to revise the Salinas Monitoring and Reporting Program and also to allow the permittee to participate in regional, statewide, national, or other monitoring programs.

3. Upon approval by the Regional Board's Executive Officer, all plans, reports, and subsequent amendments as required by this Order shall be implemented and shall become an enforceable part of this Order. Prior to approval by the Executive Officer these plans, reports, and amendments shall not be considered as an enforceable part of this Order.

F. EXPIRATION AND REAPPLICATION

1. This Order expires onFebruary 11, 2010. The permittee must file a Report of Waste Discharge in accordance with Title 23, California Code of Regulations, no later than 180 days in advance of such date in application for renewal of waste discharge requirements. The Report of Waste Discharge shall, at a minimum, include the following:

   a. Any revisions to the SWMP including, but not limited to, all the activities the permittee proposes to undertake during the next permit term, goals and objectives of such activities, an evaluation of the need for additional source control and/or structural BMPs, any proposed pilot studies, etc.,

   b. Changes in land use and/or population including map updates,

   c. Any significant changes to the storm drain systems, outfalls, detention or retention basins or dams, and other controls including map updates of the storm drain systems, and

   d. New or revised elements and compliance schedules necessary to comply with the Receiving Water Limitations in this Order.

2. The Permittee may petition the Regional Board Executive Officer to accept the **October 2009 Annual Report as the Permittee's Report of Waste Discharge** application for the subsequent permit term provided the Annual Report contains all of the information required in Section F.1 of this Order (above) and applicable sections of the RWQCB Report of Waste Discharge Form 200.

G. STANDARD PROVISIONS

1. The Regional Board and the Environmental Protection Agency shall be allowed:

   a. entry upon premises where an effluent source is located or where records must be kept under the conditions of this permit;

   b. access to copy any records that must be kept under the conditions of this permit;

c. to inspect any facility, equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit; and,
d. to photograph, sample, and monitor for the purpose of showing permit compliance.

2. After notice and opportunity for a hearing, this order may be terminated for cause, including, but not limited to:
   a. violation of any term or condition contained in this order;
   b. obtaining this order by misrepresentation, or by failure to disclose fully all relevant facts;

3. This permit does not authorize commission of any act causing injury to the property of another, does not convey any property rights of any sort, does not remove liability under Federal, State, or local laws, and does not guarantee a capacity right in receiving waters.

4. Provisions of this permit are severable. If any provision of the permit is found invalid, the remainder of the permit shall not be affected.

5. After notice and opportunity for hearing, this order may be modified or revoked and reissued for cause, including:
   a. Promulgation of a new or revised effluent standard or limitation;
   b. Correction of technical mistakes or mistaken interpretations of law; and,
   c. Other causes set forth under Sub-part D of 40CFR Part 122.

6. The Permittee shall furnish, within a reasonable time, any information the Regional Board may request to determine compliance with this permit or to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit.

7. Any person who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required to be maintained in this permit may, upon conviction, be punished by a fine of not more than $10,000 per violation, or by imprisonment for not more than six months per violation, or both.

8. Any person failing to file a report of waste discharge or other report as required by this permit shall be subject to a civil penalty not to exceed $5,000 per day.

9. Any person who knowingly makes any false statement, representation, or certification of any record or other document submitted or required to be maintained under this permit, including monitoring reports or reports of compliance or noncompliance, may, upon conviction, be punished by a fine of not more than $10,000 per violation, or by imprisonment of not more than six months per violation, or by both.

10. Any person causing violation of this permit shall be subject to a civil penalty not to exceed $15,000 per day of violation. Any person who willfully or negligently causes violation of this permit is subject to a fine of not less than $2,500 nor more than $25,000 per day of violation, and by imprisonment for not more than one year.

H. CERTIFICATION

I, Roger W. Briggs, Executive Officer, do hereby certify the foregoing is a full, true, and correct copy of an Order adopted by the California Regional Water Quality Control Board, Central Coast Region, on February 11, 2005.

Roger W. Briggs
Executive Officer

3-23-05
Date

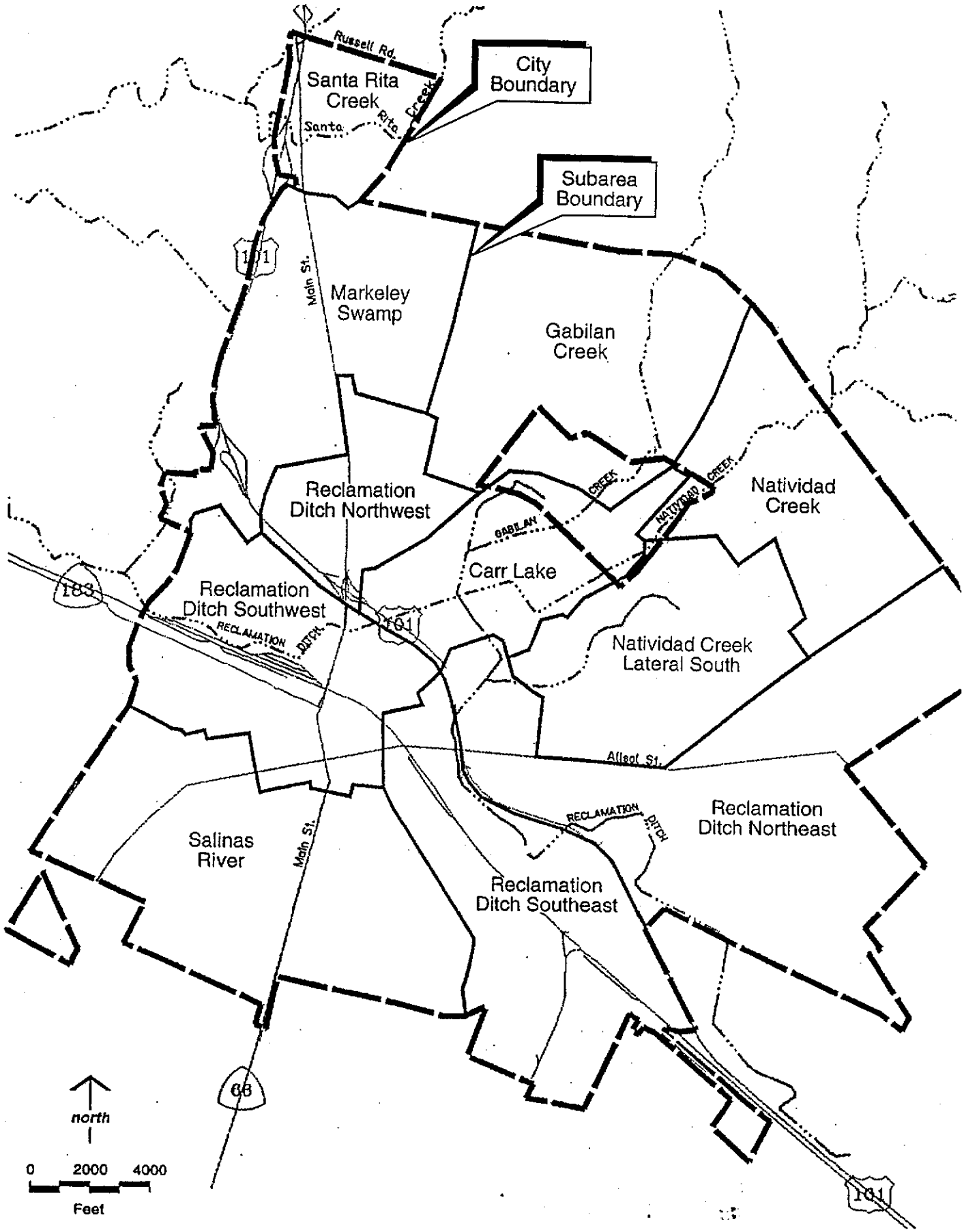
Attachments to Order R3-2004-0135

1 – List of Acronyms
2 – Watersheds Within the City of Salinas
3 – Water Bodies of the Greater Salinas Area
4 – Storm Water Management Program Revision Requirements
5 – Salinas Monitoring and Reporting Program
6 – Due Dates Required by Order No. 2004-0135

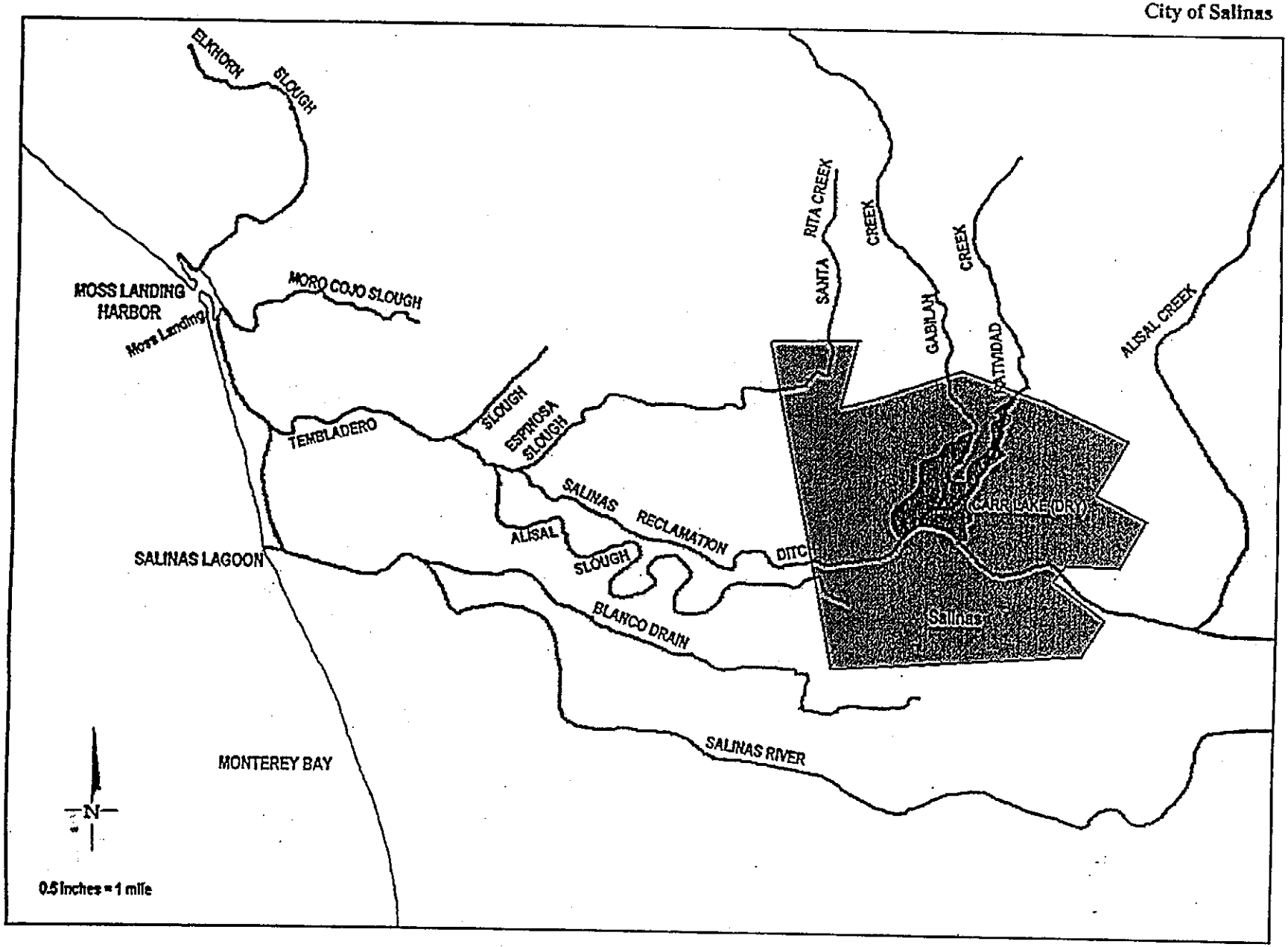
ATTACHMENT 1
List of Acronyms

BMP(s) – Best management practice(s)
CCAMP - Central Coast Ambient Monitoring Program
CFR – Code of Federal Regulations
CWA – Clean Water Act
DSP – Development standards plan
GIS – Geographic information system
MRP – Monitoring and Reporting Program
MS4 – Municipal separate storm sewer system
MEP – Maximum extent practicable[1]
NOI – Notice of intent
NPDES – National pollutant discharge elimination system
RWQCB – Regional Water Quality Control Board
SWMP – Storm water management program
SWPPP – Storm water pollution prevention plan
SWRCB – State Water Resources Control Board
TMDL – Total maximum daily load
USEPA – United States Environmental Protection Agency
WDR – Waste Discharge Requirement

[1] A definition of MEP is included in Finding 17 of this Order.



ATTACHMENT 2 – Watersheds Within City of Salinas
(from Camp Dresser & McKee Inc., Phase III Report for Part 2 NPDES Municipal Storm Water Permit Application, 1998)



ATTACHMENT 3 –Water Bodies of the Greater Salinas Area

Shaded Area Shows Permit Boundary

STATE OF CALIFORNIA
CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL COAST REGION
895 Aerovista Place, Suite 101
San Luis Obispo, CA 93401-7906

ATTACHMENT 4
STORM WATER MANAGEMENT PROGRAM REVISION REQUIREMENTS

ORDER R3-2004-0135
NPDES NO. CA0049981

FOR

THE CITY OF SALINAS
MUNICIPAL STORM WATER DISCHARGES
Monterey County

I. GENERAL

a. This attachment to Order R3-2004-0135 describes the revision requirements for the City of Salinas (the Permittee) Storm Water Management Program (SWMP)). The Permittee shall review and modify its SWMP to address the requirements herein, and submit the revised SWMP within 180 days of permit adoption for approval by the RWQCB or its Executive Officer. Interested persons shall have 30 days to comment on the revised SWMP prior to RWQCB or Executive Officer approval.

b. This attachment requires the Permittee to revise the current SWMP to update and/or include the following major program elements:

i. Construction Site Management Component
ii. Development Standards Component
iii. Commercial/Industrial Facilities Component
iv. Municipal Maintenance Component
v. Illicit Discharge Detection and Elimination Component
vi. Public Education and Participation Component
vii. Program Effectiveness
viii. Legal Authority

c. The Permittee is required to continue implementing the current SWMP during this revision process.

d. The Permittee's Storm Water Pollution Prevention Program may need to be modified, revised, or amended from time to time to respond to a change in conditions and to incorporate more effective approaches to pollutant control. Proposed SWMP revisions will be part of the annual review process and incorporated in the Annual Reports. In addition, the Permittee shall revise the

SWMP to comply with regional or watershed-specific requirements, and/or waste load allocations developed and approved pursuant to the process for the designation and implementation of TMDLs for impaired water bodies. Significant SWMP revisions shall be brought before the Regional Board for approval. Minor SWMP revisions may be approved by the Executive Officer following a 30-day public comment period.

II. Construction Site Management Component

The Permittee shall develop and implement a construction site management program to reduce to the MEP the discharge of pollutants from both private and public construction sites that fall within the City's jurisdiction. Should a site outside of Permitee's regulatory jurisdiction be discovered to be illicitly discharging into the MS4, the Permitee shall notify the RWQCB. The construction site management program shall include the following elements:

a. **Minimum Requirements.** For construction sites one acre or greater, the Permittee shall require construction permittees to submit a State Water Resources Control Board (SWRCB) "WDID number" (Waste Discharge Identification number) as proof of application for coverage pursuant to the SWRCB General Construction Storm Water Permit. Construction permittees must also submit a SWPPP to the City for approval prior to commencing construction. The City shall implement a program to control runoff from applicable construction sites within its jurisdiction. The program shall ensure that the following minimum requirements are effectively implemented at applicable construction sites:

   i) Sediments generated at the project site shall be controlled using adequate source control and/or structural BMPs;

   ii Construction-related materials and wastes shall be retained at the project site to avoid discharge to the MS4 and waters of the state;

   iii) Unauthorized non-storm water runoff shall be contained at the project site; and

   iv) Erosion from slopes and channels shall be controlled by implementing an effective combination of erosion control (source control) and other BMPs as described in the San Francisco Regional Water Quality Control Board's Erosion and Sediment Control Field Manual, the California Stormwater Quality Association's Construction Stormwater BMP Handbook, or equivalent manual.

b. **Inventory of active construction projects.** The Permittee shall develop and implement an effective system to track grading permits and active construction projects. The system shall identify basic site information (e.g. owner, location, contractor, etc.), status (active, complete), size in acres, proximity to natural and man-

made hydrologic features, required inspection frequency, project start and anticipated completion dates. The Permittee shall develop the inventory within one year of permit adoption and update this inventory as new projects within its jurisdiction are initiated or on a monthly basis. Outputs from the system shall be available to Regional Board upon request.

c. **Minimum construction BMPs.** All construction projects shall implement the following BMPs unless the BMP is not practicable. If a BMP is not practicable, a detailed justification shall be included with the approved SWPPP.
   - Stabilized construction entrance
   - Scheduling of grading activities to minimize bare graded areas during the rainy season
   - Downslope sediment controls (e.g., sediment logs)
   - Concrete truck washouts
   - Storm drain inlet protection
   - Protection of slopes and channels
   - Good housekeeping practices (e.g., trash management, proper material storage, etc.).

   The Permittee may designate additional BMPs as minimum BMPs at construction sites. The Permittee shall revise and distribute within 1 year of permit adoption a brochure describing the minimum construction BMPs to be implemented at construction sites. This brochure shall be distributed during the SWPPP review stage and during inspections, if necessary.

d. **Verification of permits and plans.** Prior to issuing a grading or building permit for a construction site one acre or more, the Permittee shall
   i. Require proof that a Notice of Intent (NOI) for coverage under the General Construction Permit has been submitted, if applicable.

   ii. Require submittal of a storm water pollution prevention program (SWPPP) to the Permittee that contains, at a minimum, the following:

      1) A vicinity map showing nearby roadways, the construction site perimeter, and the geographic features and general topography surrounding the site;

      2) A site map showing the construction project in detail, including the existing and planned paved areas and buildings; general topography both before and after construction; drainage patterns across the project area; and anticipated storm water discharge locations (i.e., the receiving water, a conduit to receiving water, and/or drain inlets);

      3) A detailed, site-specific listing of the potential sources of storm water pollution;

4) A description of the type and location of erosion and sediment control BMPs to be employed at the site;

5) The name and telephone number of the qualified person responsible for implementing the SWPPP; and

6) Certification/signature by the landowner or an authorized representative.

iii. Review the SWPPP for compliance with the Permittee's ordinances and this Order.

e. **Inspections.** The Permittee shall inspect all active construction sites within City jurisdiction, a minimum of once a month during the wet season (1 October to 30 April) to ensure compliance with local ordinances and this Order. During the remainder of the year, the Permittee shall inspect all active construction sites a minimum of once every other month. The Permittee shall inspect high priority construction sites a minimum of once a week during the wet season. These inspections shall commence within the first permit year. The Permittee shall establish criteria for high priority sites in the SWMP, which at a minimum shall consider the following factors:

- Project size
- Soil erosion potential
- Proximity to waters of the State and 303(d) listed water bodies
- Previous violations of City of Salinas storm water ordinances.

At a minimum, all projects greater than five acres shall be considered high priority.

The inspections shall include a review of site erosion and sediment controls, BMP implementation plans, and/or SWPPPs. Records of the inspection shall be maintained. The inspectors shall use an inspection checklist, or equivalent, to document site conditions and deficiencies.

f. **Enforcement of construction site management program.** The Permittee shall enforce appropriate ordinances and permits at all construction sites as necessary to maintain compliance with this Order. The Permittee shall develop and implement a written escalating enforcement policy to ensure construction sites are brought into compliance. The Permittee's ordinances or other regulatory mechanisms shall contain sanctions to ensure compliance. Sanctions may include the following or their equivalent: Non-monetary penalties, stop work orders, fines, bonding requirements, and/or permit denials or suspension for non-compliance.

g. **Process to Refer Noncompliance and Non-filers to the Regional Board.** In the advent the Permittee has exhausted their use of sanctions and cannot bring a construction site or construction operator into compliance with their ordinances or

this Order, or otherwise deems the site to pose an immediate and significant threat to water quality, the Permittee shall provide oral notification to the Regional Board within five (5) business days of such determination. Such oral notification shall be followed by written notification within ten (10) business days of the incident.

For construction sites requiring coverage under the General Construction Permit, the Permittee shall refer non-filers (i.e., those projects that cannot demonstrate that they have submitted an NOI or received a WDID number) to the Regional Board within ten (10) business days of discovery. In making such referrals, the Permittee shall include, at a minimum, the following information:

- Project location;
- Developer;
- Estimated project size; and
- Records of communication with the developer regarding filing requirements.

h. **Training.** The Permittee shall provide annual training for employees in targeted positions (whose jobs or activities are engaged in construction activities including construction inspection and plan review staff) regarding the requirements of this Order. This training shall include erosion and sediment control installation and maintenance techniques, inspection procedures, enforcement procedures, and information on the requirements in the General Construction Permit including elements in an effective SWPPP.

III. Development Standards Component

a. The Permittee shall minimize the short and long-term impacts on receiving water quality from new development and significant redevelopment. In order to reduce pollutants in runoff flows from these sources to the MEP, the Permittee shall review and update its existing program, which shall, at a minimum, address the following:

i. The Permittee shall incorporate water quality and watershed protection principles into planning procedures and policies such as: the General Plan or equivalent plans (e.g., Comprehensive, Master, Community, and/or Specific Plans) to direct land use decisions and require implementation of consistent water quality protection measures for all development projects. Such water quality and watershed protection principles and policies shall consider the following:

1. Minimize the amount of impervious surfaces and directly connected impervious surfaces in areas of new development and redevelopment and use on-site infiltration of runoff in areas with appropriate soils where the infiltration of storm water would not pose a potential threat to groundwater quality.

2. Implement pollution prevention methods supplemented by pollutant source controls, and if source controls are not practicable, by treatment controls. Where practical, use strategies that control the sources of pollutants or constituents to minimize the transport of storm water and pollutants offsite and into MS4s.

3. Preserve and, where possible, create or restore areas that provide important water quality benefits, such as riparian corridors, wetlands and buffer zones.

4. Limit disturbances of natural water bodies and natural drainage systems caused by development within Permittee's jurisdictional authority, including roads, highways, and bridges.

5. Require developers to prepare and submit studies analyzing pre- and post-project pollutant loads (including sediment) and flows resulting from projected future development. Require incorporation of structural and non-structural BMPs to mitigate the projected increases in pollutant loads in runoff.

6. Identify, minimize, and regulate development in areas that are particularly susceptible to erosion and sediment loss, or establish development guidance that protects areas from erosion and sediment loss.

7. Implement source and/or treatment controls as necessary to protect downstream receiving water quality from increased pollutant loads in runoff flows from new development and significant redevelopment.

8. Control the post-development peak storm water run-off discharge rates and velocities to prevent or reduce downstream erosion, and to protect stream habitat.

ii. Prior to project approval and issuance of local permits for new development and significant redevelopment, the Permittee shall review the proposed project plan and require measures to ensure that all development is in compliance with the Permittee's storm water ordinances, local permits, and other applicable requirements.

b. **Development Standards Plan**. Within 1 year of permit adoption, the Permittee shall develop and submit for public review and comment and Executive Officer approval, a Development Standards Plan (DSP) that describes measures to reduce pollutant discharges to the MEP from all new development and significant redevelopment projects. Public review and comment will include a 30-day posting to the Regional Board website, with notification to interested parties of the draft's availability. Public comments must be addressed to the satisfaction of all prior to Executive Officer

approval. If comments cannot be satisfactorily addressed informally, then the public may request a hearing before the Regional Board on this issue.

The DSP must be consistent with the applicable portions of State Board Order WQ 2000-11. To ensure consistency with Order WQ 2000-11, the DSP shall provide the following information:

i. A description of existing Development Standards, if any, including project categories, BMP requirements and numeric sizing criteria;

ii. A comparison of existing development standards to the requirements established under State Board Order WQ 2000-11 and/or other applicable directives; and

iii. A description of the proposed modifications to the Development Standards to ensure that, at a minimum, they are consistent with the requirements of State Board Order WQ 2000-11 and this Order.

Within one year of approval of the DSP, the Permittee shall amend, or adopt if needed, its own local Development Standards, including amendment of ordinances as needed.

c. **Review of Plans**. Upon amendment or adoption of local Development Standards, the Permittee shall ensure that all new development and significant redevelopment projects falling under the priority project categories listed below are reviewed and conditioned for compliance with the Development Standards. The local Development Standards shall apply to all priority projects or phases of priority projects that do not have approval by the City Engineer, permit for development or construction, an approved special permit, or an approved tentative map by the adoption date for the local Development Standards. Development Standards shall apply as follows:

i. *Priority Development Project Categories*: Development Standards requirements shall apply to all new development and significant redevelopment projects within the Permittee's jurisdictional authority and falling under the priority project categories listed below. The term "significant redevelopment" is defined as the creation or addition of at least 5,000 square feet of impervious surfaces on an already developed site. Significant redevelopment includes, but is not limited to expansion of a building footprint, or replacement of a structure; replacement of impervious surface that is not part of a routine maintenance activity; and land-disturbing activities related to structural or impervious surfaces. Where significant redevelopment results in an increase of less than 50 percent of the impervious surfaces of a previously existing development, and the existing development was not subject to Development Standards, the BMP design standards discussed below apply only to the addition, and not to the entire development. Priority Development Project Categories are listed below:

1. Home subdivisions with ten housing units or more. This category includes single-family homes, multi-family homes, condominiums, and apartments.

2. Commercial developments. This category is defined as any development on private land that is not for heavy industrial or residential uses where the impervious land area for development is 100,000 square-feet or more. The category includes, but is not limited to hospitals, laboratories and other medical facilities, educational institutions, recreational facilities, commercial nurseries, car wash facilities, mini-malls and other business complexes, shopping malls, hotels, office buildings, public warehouses, and other light industrial facilities.

3. Automotive repair shops. This category is defined as a facility that is categorized by one of the following Standard Industrial Classification (SIC) codes: 5013, 5014, 5541, 7532-7534, or 7536-7539, where the total impervious area for development is 5,000 square feet or more.

4. Restaurants. This category is defined as a facility that sells prepared foods and drinks for consumption, including stationary lunch counters and refreshment stands selling prepared foods and drinks for immediate consumption (SIC code 5812) and has 5,000 or more feet of impervious area.

5. Hillside developments 5,000 square feet or more of impervious area. This category is defined as any development that creates 5,000 square feet of impervious surface in an area with known erosive soil located in an area with natural slopes having a twenty-five percent or greater grade.

6. Parking lots exposed to rainfall that are 5,000 square feet or more, or with 25 or more parking spaces. This category is defined as an uncovered impervious area for the temporary parking or storage of motor vehicles used personally, for business, or for commerce.

7. Street, roads, highways, and freeways. This category includes any paved surface five acres or greater used by automobiles, trucks, motorcycles, and other vehicles.

8. Retail Gasoline Outlets. "Retail Gasoline Outlet" is defined as any facility engaged in selling gasoline with 5,000 square feet or more of impervious surface area.

ii. *BMP Requirements*: The Development Standards Plan shall include a list of recommended source and/or structural treatment control BMPs for all new development and significant redevelopment projects falling under the above

priority project categories or locations. At a minimum, Retail Gasoline Outlets shall be required to use the BMPs listed in the California Storm Water Quality Task Force, March 1997 BMP Guide for Retail Gasoline Outlets.

iii. *Numeric Sizing Criteria*: As a part of the DSP, the Permittee shall review their existing numeric sizing criteria for structural treatment BMPs and ensure that it is comparable to the following numeric sizing criteria:

1. Volume-based BMPs shall be designed to mitigate (infiltrate or treat) either:

   a) The volume of runoff produced from a 24-hour 85th percentile storm event, as determined from the local historical rainfall record; or

   b) The volume of runoff produced by the 85th percentile 24-hour rainfall event, determined as the maximized capture storm water volume for the area, from the formula recommended in Urban Runoff Quality Management, WEF Manual of Practice No. 23/ASCE Manual of Practice No. 87, (1998); or

   c) The volume of annual runoff based on unit basin storage volume, to achieve 80 percent or more volume treatment by the method recommended in the California Stormwater Best Management Practices Handbook – New Development and Redevelopment, (2003).

2. Flow-based BMPs shall be designed to mitigate (infiltrate or treat) either:

   a) The maximum flow rate of runoff produced by the 85th percentile hourly rainfall intensity, as determined from the local historical rainfall record, multiplied by a factor of two; or

   b) The maximum flow rate of runoff, as determined from local historical rainfall records, that achieves approximately the same reduction in pollutant loads and flows as achieved by mitigation of the 85th percentile hourly rainfall intensity multiplied by a factor of two.

iv. *Equivalent Numeric Sizing Criteria*: The Permittee may develop or use any equivalent numeric sizing criteria or performance-based standard for post-construction structural treatment BMPs as part of these requirements. Such equivalent sizing criteria may be authorized for use in place of the above criteria. In the absence of an equivalent numeric sizing criteria, the criteria contained above shall be implemented.

v. *Pollutants and Activities of Concern*: The DSP shall consider pollutants of concern or activities of concern in identifying appropriate BMPs for new

development or significant redevelopment projects. In selecting BMPs, the following shall be considered: (1) the target pollutants; (2) land use and pollutants associated with that land use type; (3) pollutants expected to be present on site at concentrations that would pose potential water quality concerns; and (4) changes in flow rates and volumes resulting from the development project and sensitivity of receiving waters to changes in flow rates and volumes.

vi. *Implementation Process*: The DSP shall describe the process used to implement the Development Standards and all proposed modifications to the process. The process shall also include identification of the roles and responsibilities of various municipal departments in implementing these standards, as well as any other measures necessary for the implementation of these standards.

vii. *Infiltration and Groundwater Protection*: To protect groundwater quality, the Permittee shall apply restrictions to the use of structural BMPs designed to primarily function as infiltration devices (such as infiltration trenches and infiltration basins). Such restrictions shall ensure that the use of such infiltration structural treatment BMPs shall not cause a violation of applicable groundwater quality standards.

viii. *Downstream Erosion*: The DSP shall include any existing criteria or proposed modifications to ensure that discharges from new development and significant redevelopment address the potential for downstream erosion and protect stream habitat. At a minimum, the Permittees' Development Standards process shall consider the need for measures to control peak storm water discharge rates and velocities in order to protect downstream erosion and stream habitat. Storm water discharge volumes and durations should also be considered in the Development Standards.

ix. *Waiver Provision*: The Permittee may provide for a project to be waived from the requirement of implementing structural treatment BMPs if infeasibility can be established as described below.

x. *Conflicts with Local Practices*: The DSP shall include a description of necessary modifications to existing codes and ordinances and an implementation schedule for these modifications.

d. **Regional Storm Water Mitigation Program**: The Permittee may apply to the Regional Board for approval of a regional or sub-regional storm water mitigation program to substitute in part or wholly for Development Standard requirements. Upon review and a determination by the Executive Officer that the proposal is technically valid and appropriate, the Regional Board may consider for approval such a program if its implementation will:

i. Result in equivalent or improved storm water quality;
ii. Protect stream habitat;
iii. Promote cooperative problem solving by diverse interests;
iv. Be fiscally sustainable via secured funding; and
v. Be completed in five years, including the construction and start-up of treatment facilities.

Nothing in this provision shall be construed as to delay the implementation of Development Standard requirements as required by this Order.

e. **Waiver Program**: Anytime during the term of the Order, the Permittee may propose a waiver program that would require any developers receiving waivers to transfer the savings in cost, as determined by the Permittee, to a storm water mitigation fund. Any proposed waiver program shall be subject to the approval of the Executive Officer. The Permittee may consider a waiver for projects where structural treatment BMPs are infeasible. The Permittee shall only grant a waiver when all appropriate structural treatment BMPs have been considered and rejected as infeasible. The Permittee shall notify the Regional Board within one month of each waiver issued and shall include the name of the person granting each waiver. Funds may be used for projects to improve urban runoff quality within the watershed of the waived project. At a minimum, a proposed waiver program shall identify the following:

i. The entity or entities that will manage (i.e., assume full responsibility for) the storm water mitigation fund;

ii. The range and types of acceptable projects for which mitigation funds may be expended;

iii. The entity or entities that will assume full responsibility for each mitigation project, including its successful completion; and

iv. How the dollar amount of fund contributions will be determined and managed.

f. **Maintenance Agreement and Transfer**: The Permittee shall require that all developments subject to Development Standards and site specific plan requirements provide verification of maintenance provisions for post-construction structural and treatment control BMPs. Verification shall include one or more of the following as applicable:

i. The developer's signed statement accepting responsibility for maintenance until the maintenance responsibility is legally transferred to another party; or

ii. Written conditions in the sales or lease agreement that require the recipient to assume responsibility for maintenance; or

iii. Written text in project conditions, covenants and restrictions for residential properties assigning maintenance responsibilities to a home owner's association, or other appropriate group, for maintenance of structural and treatment control BMPs; or

iv. Any other legally enforceable agreement that assigns responsibility for maintenance of structural or treatment control BMPs.

g. **California Environmental Quality Act Document Update**: The Permittee shall incorporate into its CEQA process, within one year of the effective date of this Order, procedures for considering potential storm water quality impacts and providing for appropriate mitigation when preparing and reviewing CEQA documents. The procedures shall require consideration of the following:

i. Potential impact of project construction on storm water runoff;
ii. Potential impact of project post-construction activity on storm water runoff;
iii. Potential for discharge of storm water from material storage areas, vehicle or equipment fueling, vehicle or equipment maintenance (including washing), waste handling, hazardous materials handling or storage, delivery areas or loading docks, or other outdoor work areas;
iv. Potential for discharge of storm water to impair the beneficial uses of the receiving waters or areas that provide water quality benefit;
v. Potential for the discharge of storm water to cause significant harm on the biological integrity of the waterways and water bodies;
vi. Potential for significant changes in the flow velocity or volume of storm water runoff that can cause environmental harm; and
vii. Potential for significant increases in erosion of the project site or surrounding areas.

h. **General Plan Update**: The Permittee shall do the following:

i. Evaluate and amend, revise, or update as necessary, its General Plan to include watershed and storm water quality and quantity management considerations and policies when any of the following General Plan elements are updated or amended: land use, housing, conservation, and open space.

ii. Provide the Regional Board with the draft amendment or revision when a listed General Plan element or the General Plan is noticed for comment in accordance with California Government Code § 65350 et seq.

i. **Targeted Employee Training**: The Permittee shall provide annual training for its employees in targeted positions (whose jobs or activities are engaged in development planning), regarding the requirements of this Order that affect development planning.

j. **Technical Guidance and Information for Developers**

i. The Permittee shall make Development Standards available to developers as they are adopted/approved.

ii. Within one year of adopting Development Standards, the Permittee shall make available in hardcopy and in addition may post on its website, new or amended technical guidance materials to the development community in the Permittee's jurisdiction for the siting and design of storm water quality BMPs. The technical material(s) shall at a minimum include:

1. Source and treatment control BMP design criteria for BMPs acceptable for use in the local area;

2. Peak flow control criteria to control peak discharge rates, velocities and duration in conformance with the numeric sizing criteria selected under C.5.c.iii above;

3. Expected pollutant removal performance ranges for the BMPs (or references to national databases, technical reports and/or scientific literature); and

4. Maintenance considerations.

IV. Commercial/Industrial Facilities Component

The Permittee shall develop and implement a commercial/industrial discharge management program to reduce to the MEP the discharge of pollutants from certain commercial and industrial operations within its jurisdiction. At a minimum, the program shall include:

a. **Identify and inventory all *industrial* facilities and activities**. By the end of the first year of the permit, the Permittee shall develop an inventory of all industrial facilities and activities that discharge to its MS4. The inventory shall include the facility name, address, nature of business or activity, SIC code(s) that best reflect the principal facility product or service, principle storm water contact, and whether statewide General Industrial Permit coverage has been obtained. At a minimum, the inventory shall include:

- Municipal landfills (open and closed)
- Hazardous waste recovery, treatment, storage and disposal facilities
- Facilities subject to Section 313 of the Emergency Planning and Community Right-to-Know Act, 42 U.S.C. 11023
- Facilities subject to the statewide General Industrial Permit

- Industrial facilities tributary to a Clean Water Act Section 303(d) impaired water body, where a facility generates pollutants for which the water body is impaired;
- And any other industrial facility that either the Permittee or the Regional Board determines is contributing a substantial pollutant loading to the MS4.

The inventory shall be updated annually. The update may be accomplished through collection of new information obtained during field activities or though other readily available intra-agency informational databases (e.g., business licenses, pretreatment permits, sanitary sewer hook-up permits).

b. **Identify and inventory all *commercial* facilities and activities.** By the end of the first year of the permit, the Permittee shall develop an inventory of high risk commercial facilities and activities that discharge to its MS4. The inventory shall include the facility name, address, nature of business or activity, SIC code(s) that best reflect the principal facility product or service, and principle contact. At a minimum, the inventory shall include:
   - Restaurants
   - Retail Gasoline Outlets
   - Automotive Repair Facilities
   - Carpet Cleaners
   - Commercial Car Washes
   - Agricultural chemical dealers
   - And any other industrial facility that either the Permittee or the Regional Board determines is contributing a substantial pollutant loading to the MS4.

   The inventory shall be updated by the end of the third year of the new permit term, and annually thereafter. The update may be accomplished through collection of new information obtained during field activities or though other readily available intra-agency informational databases (e.g., business licenses, pretreatment permits, sanitary sewer hook-up permits).

c. **Establishment of minimum BMPs.** The Permittee shall designate a set of minimum BMPs designed to reduce the discharge of pollutants to the MEP. The minimum BMPs shall be industry or activity specific as appropriate. At a minimum, BMPs shall be developed for fuel storage and delivery, vehicle fueling and maintenance, equipment maintenance and washing. The minimum BMPs shall be produced within the second year of the permit.

d. **Requiring BMPs for all commercial/industrial facilities and activities.** The Permittee shall require the implementation of the designated minimum BMPs on all sites within the inventory identified in 3.a above. If particular minimum BMPs are infeasible at a specific site, the Permittee shall require the implementation of other equivalent BMPs. All minimum BMPs shall be required to be implemented at each site within four years of permit adoption. The Permittee shall also implement or

require any additional site specific BMPs as necessary to comply with this permit including BMPs that are more stringent than those required under the General Industrial Permit. The minimum BMPs shall be disseminated to the storm water contact for each industrial or commercial facility by the end of the third permit year and every other year thereafter. The Permittee shall take steps necessary to ensure that minimum BMPs are fully implemented within five years of permit adoption.

e. **Inspecting *industrial* facilities and activities**. The Permittee shall inspect all industrial facilities and activities identified in IV.b to ensure compliance with ordinances and this Order, including a review of BMP implementation plans and/or SWPPPs. All industrial facilities, shall be inspected once each year, commencing in the first permit year. Inspectors shall be trained to readily identify deficiencies, assess potential impacts to receiving waters, and evaluate the appropriateness and effectiveness of deployed BMPs and SWPPPs, if applicable. At a minimum, the inspectors shall ensure compliance with all local ordinances. Inspectors shall use a checklist, or equivalent, and photographs to document the site and BMP conditions. Records of all inspections shall be maintained a minimum of three years.

The Permittee need not inspect facilities that have been inspected by the Regional Board within the past 12 months.

f. **Inspecting *commercial* facilities and activities**. The Permittee shall prioritize a commercial facilities inspection list (taken from commercial facilities identified in II.A.3.b) by the end of the second year of the permit term. Inspection priority shall be based on facility type, location, compliance or compliant history, or other factors. The Permittee shall inspect a minimum of 20% of these facilities each year, commencing in the fourth year of the permit term. Inspectors shall be trained to readily identify deficiencies, assess potential impacts to receiving waters, and evaluate the appropriateness and effectiveness of deployed BMPs and SWPPPs, if applicable. At a minimum, the inspectors shall ensure compliance with all local ordinances. Inspectors shall use a checklist, or equivalent, and photographs to document the site and BMP conditions. Records of all inspections shall be maintained a minimum of three years.

g. **Facilities with no exposure to storm water runoff**. The Permittee may remove facilities from the industrial and commercial inventory if an inspection conducted under Part C.6.e or C.6.f reveals the facility's industrial or commercial processes are meet the requirements for a conditional exclusion for "no exposure" under 40 CFR §122.26(g), other than the requirements to complete, sign and submit a "no exposure" certification. The Permittee may not remove any facility from the industrial and commercial inventory if the Regional Board or State Board has determined that the facility causes, or has a reasonable potential to cause or contribute to, an in-stream excursion above an applicable WATER QUALITY STANDARDS, including beneficial uses.

g. **Enforcement of commercial/industrial discharge management program**. The Permittee shall enforce appropriate ordinances and permits at all commercial and industrial facilities as necessary to maintain compliance with this Order. The Permittee shall develop and implement a written progressive enforcement policy to ensure facilities are brought into compliance. The Permittee's ordinances or other regulatory mechanisms shall contain sanctions to ensure compliance. Sanctions may include the following or their equivalent: Non-monetary penalties, fines, bonding requirements, and/or permit denials or suspension for non-compliance. A copy of the progressive enforcement policy shall be included with the SWMP.

h. **Process to refer non-filers and noncompliance to Regional Board**. In the advent the Permittee has exhausted their use of sanctions and cannot bring a facility or activity compliance with their ordinances or this Order, or otherwise deems the facility or activity to pose an immediate and significant threat to water quality, the Permittee shall provide oral notification to the Regional Board within five (5) business days of such determination. Such oral notification shall be followed by written notification within 10 business days of the incident.

For industrial facilities requiring coverage under the General Industrial Permit, the Permittee shall refer non-filers (i.e., those projects that cannot demonstrate that they have submitted an NOI or received a WDID number) to the Regional Board within ten (10) business days of discovery. In making such referrals, the Permittee shall include, at a minimum, the following information:

- Facility name and location;
- Facility contact;
- Facility SIC code; and
- Records of communication with the facility regarding filing requirements.

i. **Training**. The Permittee shall provide annual training for employees in targeted positions (whose jobs or activities are engaged in industrial or commerical inspections) regarding the requirements of this Order. This training shall include storm water BMP installation and maintenance techniques, good housekeeping measures, inspection procedures, enforcement procedures, and information on the requirements in the General Industrial Permit including elements in an effective SWPPP.

V. Municipal Maintenance Component

Within the second year of the permit, the Permittee shall develop and implement a municipal maintenance program to reduce to the MEP the discharge of pollutants from all Permittee-owned facilities, roads, parking lots, municipal waste facilities, and the storm water collection system. The program shall include:

a. **Storm Water Collection System Inventory and Maintenance Schedules.** The Permittee shall develop a comprehensive inventory and map of all inlets to the MS4 and outlets (or outfalls) to receiving waters. Although not required, the Permittee is encouraged to establish the inventory in a GIS. The inventory shall include the location, type, maintenance requirements and maintenance schedules for:
   i. Each inlet to the MS4.
   ii. Each existing structural treatment control.
   iii. Each outfall to receiving waters.
   iv. The collection system pipes

   The inventory shall be developed and submitted to the Regional Board for review within 2 years of permit adoption.

b. **Ensure the storm drain system is properly operated and maintained.** Maintenance requirements include:

   i. All catch basins, inlets, structural controls and outlets shall be inspected and cleaned as necessary as per the maintenance schedules identified under a.i above, but in no case less than once per year.
   ii. The storm drain "hot spots" (to be defined in the City's Storm Water Management Plan) shall be inspected and cleaned as per the identified maintenance schedules.
   iii. Wastes, debris, and water removed during normal and emergency maintenance activities shall not be placed into the MS4. Decant from vactor trucks shall be discharged to the sanitary sewer or an appropriately designed dewatering facility.
   iv. Include BMPs to minimize infiltration of plastics and other trash into the storm drain system.

c. **Inventory and maintenance of Permittee owned facilities, roads, and parking lots.** The Permittee shall develop a comprehensive inventory and establish maintenance requirements and schedules and for all such areas. The inventory shall be developed within 180 days of permit adoption. This shall include:
   i. The development and implementation of minimum designated BMPs for Permittee-owned vehicle maintenance facilities, material storage facilities, and maintenance yards. The minimum designated BMPs shall be designated and fully implemented within one year of permit adoption.
   ii. The sweeping of all Permittee-owned roads quarterly. Permittee shall develop a maintenance schedule for cleaning trash, sediment, oil and other applicable pollutants from municipally-owned parking lots. The parking lot maintenance schedule shall be submitted with the Storm Water Management Program. Removed material, debris, and decant water shall be disposed of in such a manner as to eliminate the potential for storm water pollution.

d. **BMPs for municipal maintenance activities.** The Permittee shall designate and ensure the implementation of minimum BMPs for all municipal maintenance activities. Examples of such activities include, but are not limited to: paving and road repairs, saw cutting, concrete work, curb and gutter replacement, buried utility repairs and installation, vegetation removal, street and parking lot striping, flood channel cleaning, etc. The BMPs should be combined into a manual, or equivalent, so as to facilitate use by field staff. The minimum designated maintenance and housekeeping BMPs shall be developed and implemented within one year 90 days of permit adoption.

e. **Implement appropriate requirements for pesticide, herbicide, and fertilizer applications.** The Permittee shall implement BMPs to reduce the contribution of pollutants associated with the application, storage and disposal of pesticides, herbicides and fertilizers from municipal areas and activities to the MS4. Municipal areas and activities include, at a minimum, municipal facilities, public right-of-ways, parks, recreational facilities, golf courses, and landscaped areas.

Such BMPs shall include, at a minimum: (1) educational activities, permits, certifications and other measures for municipal applicators; (2) integrated pest management measures that rely on non-chemical solutions; (3) the use of native vegetation; (4) schedules for irrigation and chemical application; and (5) the collection and proper disposal of unused pesticides, herbicides and fertilizers. The minimum designated BMPs shall be developed and implemented within one year of permit adoption. By the fifth year of the permit term, the Permittee will eliminate all use of pesticides listed on the State Water Resources Control Board 303(d) list for the lower Salinas River section.

All Permittee employees or contractors applying restricted use pesticides shall be supervised by certified applicators. All Permittee employees applying non-registered pesticides, herbicides or fertilizers shall receive training on the BMPs annually. All Permittee employees and Permittee contractors shall verify that they have received, understand, and will abide by the Permittee's BMPs for pesticide, herbicide and/or fertilizer application guidelines.

f. **Develop and implement storm water pollution prevention plans.** The Permittee shall develop and implement storm water pollution prevention plans for all municipally-owned facilities within 18 months of permit adoption. At a minimum, SWPPPs shall be developed for facilities involved in vehicle or equipment maintenance, vehicle or equipment fueling, or chemical storage. The Permittee may develop template SWPPPs for facility types (i.e. Vehicle fueling site SWPPP), which may be modified as needed for individual sites. If required, such facilities will apply for coverage under the statewide General Industrial Permit.

g. **Municipal Inspections**. Inspections of all Permittee-owned municipal facilities and activities shall occur on an annual basis. Inspectors shall be trained to readily identify deficiencies and shall also evaluate the appropriateness and effectiveness of deployed BMPs and SWPPPs, if applicable. At a minimum, the inspectors shall ensure compliance with local ordinances and this permit. Inspectors shall use a checklist, or equivalent, and photographs to document site and BMP conditions. Records of all inspections shall be maintained. Inspections shall commence within year 2 of permit adoption.

h. **Annual Review**. The Permittee shall review their municipal maintenance facility inventory, maintenance procedures and schedules, lists of minimum BMPs, and inspection frequencies on an annual basis and revise any item determined to be less than satisfactory in reducing storm water pollution. All revisions shall be implemented within 90 days and reported in the next annual report.

i. **Training**. The Permittees shall provide annual training for employees in targeted positions (whose jobs or activities are engaged in municipal maintenance activities) regarding the requirements of this Order. The training shall include information on maintenance BMPs for typical maintenance activities, maintenance schedules, and record keeping. The training shall also include illicit discharge investigation, remediation and spill response procedures as described in Provision C.8.

VI. Illicit Discharge Detection and Elimination Component

The Permittee shall implement an ongoing program to investigate and remove illicit discharges and improper disposal into the MS4. The Permittee shall prohibit non-storm water discharges to the MS4, other than those authorized under a separate NPDES permit.

Discharges and flows from emergency fire fighting activities need not be addressed by the Permittee's illicit discharge management program unless such discharges and flows are determined by the Permittee, or the Regional Board, as significant source of pollutants to waters of the State.

The Permittee shall develop and implement an illicit discharge management program to reduce to the MEP the unauthorized and illegal discharge of pollutants to the MS4. The program shall include:

a. **Collection System Inventory and Map**. The Permittee shall use the map developed under C.7.a to identify priority areas for illicit discharge screening, including concentrated areas of industrial and commercial facilities. This shall include the mapping of industrial facilities identified in Part C.6.a. If feasible, the map should designate locations where illicit discharges or spills can be contained within the MS4 (e.g., locations where plugs or other diversions could be inserted). The map shall be

of sufficient detail so as to assist the Permittee with tracing illicit discharges. The collection system inventory and map shall be submitted to the Regional Board for review within the third year permit term.

b. **Illicit Discharge Reporting System.** The Permittee shall continue to operate a hotline telephone number to be used for all illicit discharge reporting. The telephone number shall be printed on all education, training, and public participation materials required under Part C.9, and clearly listed in the telephone book and listed as spill reporting or equivalent. The Permittee shall maintain a log of illicit discharge and spill calls. In all cases, individuals designated to answer calls shall be trained in proper emergency and non-emergency procedures.

c. **Illicit Discharge Identification.** The Permittee shall conduct drive-by inspections of the priority areas for illicit discharge screening at least quarterly. Drive-by inspections may be conducted by properly-trained City staff. Records of the drive-by inspections shall be maintained along with information describing all observed or believed discharges, their cause or responsible party, and actions taken to eliminate. In each subsequent year, the Permittee shall review this information determine if specific areas and/or facilities require drive-by inspections at an increased frequency. If so determined, the Permittee shall increase the frequency of inspections at the designated locations. Drive-by inspections shall commence within 180 days of permit adoption.

d. **Dry weather screening.** The Permittee shall develop written procedures for dry weather analytical and field screening monitoring (consistent with 40 CFR part 136), including field observations, monitoring, and analyses to be conducted during the dry season. The dry weather analytical and field monitoring program shall be designed to emphasize frequent, geographically widespread monitoring to detect illicit discharges and illegal connections. At a minimum, the procedures must be based on the following guidelines and criteria:

   i. Collect samples for analysis according to the Monitoring and Reporting Plan, Attachment 5 of Order R3-2004-0135

   ii. Dry weather analytical and field screening monitoring shall be conducted at each identified (Attachment 5) station four times per year during dry weather, including at least once between May 1st and September 30th of each year.

   iii. If flow or ponded runoff is observed at a dry weather analytical monitoring station and there has been at least seventy-two (72) hours of dry weather, make observations and conduct the required field sampling (Attachment 5). Record general information such as time since last rain, quantity of last rain, site descriptions (i.e., conveyance type, dominant watershed land uses), flow estimation (i.e., width of water surface, approximate depth of water, approximate flow velocity, flow rate), and visual observations (i.e., odor, color, clarity,

floatables, deposits/stains, vegetation condition, structural condition, and biology).

v. The Permittee shall develop threshold levels for monitoring results whereby exceedance of the threshold will require follow-up investigations to be conducted to identify the source causing the exceedance.

vi. If the station is dry (no flowing or ponded runoff), the Permittee shall make and record all applicable observations.

e. **Contain, Control and Respond to Spills to the MS4.** The Permittee shall respond to, contain and clean up all sewage and other spills that are discharged into their MS4 from any source (including private laterals and failing sewage systems). Spill response teams shall contain and control entry of spills into the MS4 and contamination of surface water, ground water and soil to the maximum extent practicable. The Permittee shall coordinate spill prevention, containment and response activities throughout all appropriate departments, programs and agencies to ensure maximum water quality protection at all times.

The Permittee shall develop and implement a mechanism whereby they are notified of all sewage spills from private laterals and failing sewage systems that reach the MS4 (gutters, storm drains). The Permittee shall respond to, contain and clean up sewage from any such notification.

f. **Facilitate Disposal of Used Oil and Toxic Materials.** The Permittee shall coordinate with the Salinas Valley Solid Waste Authority (SVSWA) or other designate disposal company, who currently implements program(s) to facilitate the proper management and disposal of all used oil, vehicle fluids, toxic materials, and other household hazardous wastes. The Permittee shall, through its Public Education and Participation Component (described below) include educational activities, public information activities, and establishment of collection sites operated by the Permittee or a private entity. The program(s) shall be implemented within one year of permit adoption.

g. **Enforce the local ordinance to eliminate illicit discharges.** The Permittee shall use the progressive enforcement policy developed under Part C.4.f above with the intent to eliminate all known illicit discharges within the Permittee's jurisdiction, and enforce against all known responsible party(s). The Permittee shall use all appropriate sanctions to ensure compliance including, but not limited to, non-monetary penalties, and fines. The Permittee shall review the existing municipal ordinances and other regulations to ensure proper authority exists to implement the requirements listed in this part. If needed, all revisions must be made and adopted within two (2) years of permit adoption.

VII. Public Education and Participation Component

The Permittee shall implement a Public Outreach Program using any media appropriate to increase the knowledge of target businesses and communities regarding MS4s, impacts of urban runoff on receiving waters, and potential BMP solutions for the target audience. The intended outcome of public outreach is a change in the behavior of targeted groups to reduce pollutant discharges in storm water runoff to the MS4 to the MEP. The Permittee shall incorporate a mechanism for public participation in the implementation of the SWMP (e.g., programs that engage the public in cleaning up creeks, removal of litter in river embankments, and storm drain stenciling). The Public Outreach Program, as presented in the SWMP, shall include at least the following components:

- Advertising;
- Media relations;
- Public service announcements;
- "How To" instructional material distributed in a targeted and activity-related manner;
- Business, community association, and environmental organization tie-ins; and
- Events targeted to specific activities and population subgroups.

To meet the SWMP objectives and requirements of this Order, at a minimum, public outreach shall include the following:

a. **Target Groups.** The Public Outreach Program shall target at least the following groups:

   i. Municipal departments and personnel
   ii. Construction site contractors, developers and landowners
   iii. Industrial owners and operators
   iv. Commercial owners and operators
   v. Residential community, general public, and school children
   vi. Communities and businesses with primary languages other than English
   vii. Quasi-governmental agencies and districts (e.g., educational institutions, water districts, and sanitation districts).

b. **Residential activities.** For residential communities, public outreach shall include the following activities:

   i. Automobile repair and maintenance;
   ii. Automobile washing;
   iii. Home and garden care and product use;
   iv. Disposal of household hazardous waste (e.g., paints and cleaning products);
   v. Disposal of pet waste;
   vi. Disposal of green waste; and

vii. Any other residential source that the Permittee determines may contribute a significant pollutant load to the MS4.

c. **Stenciling and signage**. The Permittee shall install signs and stencil storm drain inlets at selected high use public access points to creeks, channels and other relevant water bodies, particularly areas with a history of dumping problems within two years of permit adoption. Sign and stencil messages shall use language discouraging or prohibiting illegal dumping. Storm water protection postings shall be legible and maintained as necessary during the term of this Order.

d. **Media impressions.** The Permittee shall ensure that a minimum of 525,000 impressions per year are made on the general public about storm water quality issues via print, local TV access, local radio, or other appropriate media. Media outreach will commence in the second permit year.

e. **Classroom education.** The Permittee shall offer educational opportunities to a minimum of 75 percent of all school children in the third through sixth grades every two years on storm water pollution prevention through classroom presentations or other activities. Classroom education will begin the second year of the permit term.

f. **Business outreach.** The Permittee shall continue to implement a business outreach program to educate and inform business owners and operators about storm water regulations and BMPs. Business outreach shall be conducted not less than twice during the five-year term of this Order, with the first outreach contact for appropriate businesses to begin no later than one year after permit adoption.

Businesses targeted for outreach shall include those identified in the Commercial/Industrial Element. At a minimum, the business outreach program shall include (1) educating owners and operators about storm water regulations; (2) distributing and discussing educational materials regarding storm water pollution and BMPs; (3) providing owners and operators with suggestions to facilitate compliance with storm water regulations; and (4) explaining penalties for noncompliance.

g. **Small Construction Outreach**. The Permittee shall conduct outreach to residential and commercial builders with construction sites smaller than one acre. This program shall, at a minimum, educate this group of builders on (1) statutes and regulations prohibiting discharge of sediment and other pollutants from their sites and into MS4s; (2) guidance documents available for selecting and installing BMPs; and (3) penalties for noncompliance.

h. **Public Awareness Survey**. To monitor the effectiveness of the Public Outreach Program in increasing public awareness and changing attitudes about storm water pollution, the Permittee shall conduct public awareness surveys at a minimum

frequency of twice during the five-year term of this Order. Survey results and analysis of program effectiveness shall be presented in the Annual Reports.

The survey shall measure a respondent's knowledge regarding, at a minimum: 1) where storm water goes, 2) level of treatment provided, 3) types of pollutants and their causes, 4) the respondents activities that potentially affect water quality, and 5) practices available to the respondents to reduce pollution. The results of the survey shall be used to measure the effectiveness of the Permittee's SWMP and identify needed revisions and/or additional targeting of education and training.

i. **Annual Meetings**. Annually the Permittee shall conduct a publicly noticed presentation of the information to be included in the Annual Report and to report on the next year's activities.

VIII. Program Effectiveness

The Permittee shall assess the effectiveness of its SWMP in the Annual Reports. The assessment shall address specific direct and indirect measurements that the Permittee will use to track the long-term progress of its SWMP towards achieving improvements in receiving water quality. Direct and indirect measures of effectiveness shall include, but are not limited to, conformance with established performance standards, quantitative monitoring to assess the effectiveness of control measures, measurements or estimates of pollutant load reductions or increases, detailed accounting of SWMP accomplishments including a justification or reason for the level of accomplishment achieved, and funds expended or staff hours used.

At a minimum, the Permittee shall include measures to assess the effectiveness of the overall storm water management program and measures to assess each of the major program areas required in the SWMP.

The Permittee shall include proposed performance and effectiveness measures in the Revised SWMP submitted to the Regional Board for review (180 days after the effective date of this Order).

Annual Reports shall also include a compliance status update that summarizes the Permittee's compliance with the elements in this Order and the elements in the SWMP.

IX. Legal Authority

The Permittee shall include with the first Annual Report, due after the effective date of this Order, a verification that it possesses legal authority that satisfies the criteria listed above. The Permittee shall provide as evidence of authority, a list of all statutes, ordinances, permits, contracts, orders or inter-jurisdictional agreements that they contend demonstrate the adequacy of their legal authority.

a. The Permittee shall establish, maintain, and enforce adequate legal authority to control pollutant discharges into and from its MS4 through ordinance, statute, permit, contract or similar means. This legal authority must, at a minimum, authorize the Permittee to:

(1) Prohibit the contribution of pollutants in discharges of runoff associated with industrial and construction activity to its MS4 and regulate the quality of runoff from industrial and construction sites. This requirement applies both to industrial and construction sites which have coverage under the statewide general industrial or construction storm water permits, as well as to those sites which do not. Grading ordinances shall be upgraded and enforced as necessary to comply with this Order.

(2) Prohibit unauthorized non-storm water discharges, including but not limited to the following:

i. Sanitary sewage overflows except as authorized or in compliance with Waste Discharge Requirements, General Permits or their equivalent that may be established by the Regional Board, the State Board, or USEPA;

ii. Discharges of wash water resulting from the hosing off or cleaning of gas stations, vehicle repair services, or other types of automotive service facilities;

iii. Discharges resulting from the storage, cleaning, repair, or maintenance of any type of equipment, machinery, or facility including, but not limited to, motor vehicles, cement-related equipment, and portable toilet servicing;

iv. Discharges of wash water from mobile operations including, but not limited to, mobile vehicle washing, steam cleaning, power washing, and carpet cleaning;

v. Discharges of wash water from the cleaning of impervious surfaces in municipal, industrial and commercial areas including, but not limited to, parking lots, streets, sidewalks, driveways, patios, plazas, work yards and outdoor eating or drinking areas;

vi. Discharges of runoff from material storage areas containing chemicals, fuels, grease, oil, or other hazardous materials;

vii. Discharges of pool or fountain water containing chlorine, biocides, or other chemicals and discharges of pool or fountain filter backwash water;

viii. Discharges of sediment, pet waste, vegetation clippings, or other landscape or construction-related wastes;

ix. Discharges of food-related wastes (e.g., grease, fish processing, and restaurant kitchen mat and trash bin wash water);

x. Discharge of runoff from washing toxic materials from paved or unpaved areas; and

xi. Discharge of materials such as litter, landscape debris, construction debris, or any state or federally banned pesticides.

(3) Prohibit illicit connections to the MS4;

(4) Prohibit the discharge of spills, dumping, or disposal of materials other than storm water to its MS4;

(5) Use escalating enforcement mechanisms, including monetary fines, to obtain compliance with the Permittees' storm water ordinances, permits, contracts and orders;

(6) Prohibit the contribution of pollutants from one portion of the shared MS4 to another portion of the MS4 through interagency agreements with other local, state and federal agencies such as Caltrans. The RWQCB may assist in developing and negotiating interagency agreements to ensure that proximate MS4 communities are not discharging or allowing the discharge of pollutants into neighboring communities;

(7) Carry out inspections, surveillance, and monitoring necessary to determine compliance and noncompliance with this Order, local ordinances, and permits, including the prohibition of illegal discharges to the MS4. The Permittee must have authority to enter, sample, inspect, review records, and require regular reports and, as needed, relevant operational information from industrial facilities and construction sites discharging into its MS4;

(8) Require the use of BMPs to prevent or reduce the discharge of pollutants to MS4s; and

(9) Require that treatment control BMPs be properly operated and maintained.

STATE OF CALIFORNIA
CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL COAST REGION
895 Aerovista Place, Suite 101
San Luis Obispo, CA 93401-7906

ATTACHMENT 5

MONITORING AND REPORTING PROGRAM REQUIREMENTS

ORDER NO. R3-2004-0135

FOR

THE CITY OF SALINAS
MUNICIPAL STORM WATER DISCHARGES
[Waste Discharge Identification No. 3 279906001]

Monterey County

A. GENERAL

1. This Monitoring and Reporting Program (MRP) is intended to ensure the Permittee (the City of Salinas, or "the City") is in compliance with requirements and provisions contained in Order R3-2004-0135 (hereafter "Order"). Revisions may be made under the authority of the Executive Officer at any time during the permit term, and may include a reduction or increase in the number of parameters to be monitored, the frequency of monitoring, or the number and size of samples collected. Refer to Table 1 for Receiving Water site alternative list.

2. This MRP is issued pursuant to the California Water Code Section 13267 and 13383. Because the Permittee operates facilities that discharge waste subject to storm water regulations, this MRP is necessary to ensure compliance with the Permittee's Order.

3. The Permittee shall not cease or reduce any monitoring required by this MRP unless and until the Regional Water Quality Control Board (Regional Board) or the Regional Board's Executive Officer issues a revised MRP.

4. The permittee shall implement the requirements of this MRP within ten days of the adoption of the Order. Requests for changes to this MRP may be initiated by the Executive Officer or the permittee. Any modifications, revisions, or amendments to the Monitoring Program shall be submitted to the Executive Officer no later than August 1 of each year for review and comment by Regional Board staff, and to

ensure Executive Officer approval of the modified, revised, or amended plan by September 1 of each year for implementation by October 1 of each year.

B. MONITORING PROGRAM

B.1. Purpose

a. The primary objectives of the Monitoring Program include:

- Providing data necessary to assess compliance with this Order;
- Measuring and providing feedback to improve the effectiveness of the Storm Water Management Program (SWMP) and implemented Best Management Practices (BMPs);
- Assessing the physical, chemical, and biological impacts of urban runoff on receiving waters;
- Characterizing urban runoff discharges;
- Identifying sources of pollutants; and
- Assessing the overall health and evaluating long-term trends in receiving water quality.

b. Ultimately, the results of the monitoring requirements outlined below should be used to refine the SWMP to reduce pollutant loadings and protect and enhance the beneficial uses of the receiving waters in the urbanized areas of the City of Salinas.

c. The Salinas monitoring program is designed to be complementary with the following: 1) The Monitoring and Reporting Program requirements for all dischargers enrolled under Conditional Waiver of Waste Discharge Requirements for Discharges from Irrigated Lands, Order No. R3-2004-0117 (Agriculture Waiver Program); 2) the Monterey Bay Marine Sanctuary's "Urban Watch", "First Flush", and "Snapshot Day" sampling programs; and 3) Sampling for EPA Storm Water Phase II pollutants of concern.

d. The permittee is authorized to supplement their monitoring data with other monitoring sources outside the permit boundary, provided the monitoring conditions and sources are similar to those in the permit boundary. The permittee may not use supplemental data in lieu of performing monitoring required by this Monitoring and Reporting Program, but may use supplemental data to explain, confirm or otherwise augment the permittee's own monitoring.

e. To meet a monitoring requirement, the Permittee may support (financially or otherwise) another agency or monitoring program that will conduct the monitoring.

B.2. Monitoring Site Network

a. This MRP includes water quality, water toxicity, and sediment toxicity sampling of background water, receiving water, and urban discharge. Several criteria have been used to identify required monitoring locations. These include 1) Areas that collect runoff from large segments of the City; 2) Sampling sites that are representative of the City's land use types; 3) Storm drains that were identified as "high priority" in Part III of the City's Application for initial Storm Water Permit coverage; 4) Sites that characterize the primary receiving water bodies; 5) Sites that historically have water sampling data (per Central Coast Ambient Monitoring Program (CCAMP)); 6) Sites that complement the Agriculture Waiver sampling program. Sites may be modified or eliminated with Executive Officer approval.

b. Background (upstream) Water Quality site:

   i. Salinas River upstream of the City. Sampling site may be located near the Davis Road crossing, upstream of the outfall (CCAMP site 309DAV). Purpose: To characterize background waters of Salinas River (upstream of City of Salinas discharge);

The Agriculture Waiver Program monitoring is designed to provide additional background data on Gabilan and Natividad Creeks, and the Reclamation Ditch (Alisal Creek), therefore sampling these incoming waters need not be duplicated in this monitoring program. However, if the Agriculture Waiver Program does not, for any reason, take or provide sampling at the three aforementioned sites, then the City of Salinas is responsible for conducting the sampling at these sites. The Gabilan, Natividad, and Reclamation Ditch sampling requirement only applies for years that the Agriculture Waiver Program does not conduct sampling (if this scenario occurs). In order for the Agriculture Waiver Program data to be of greatest use for comparison with City data, water quality samples should be collected on the same day for both programs. Regional Board staff are willing to help with coordination between the two groups.

c. Receiving (downstream) Water Monitoring sites

The purpose of the downstream sites is to characterize the impacts of the Permittee's discharge on each of the receiving water bodies. Receiving Water Monitoring sites include:

i. Salinas River immediately downstream of the City's discharge pipe to the Salinas River, near Davis Road storm drain discharge pipe;
ii. Reclamation Canal (Alisal Creek) CCAMP site 309ALD; and
iii. Alisal Slough at Davis Road.

d. Urban Discharge Sites

Urban discharge sites include storm drain outfalls numbered 7, 19, 32, and 52 on Figure 1.

e. Change in City Limits or Sphere of Influence

If the City limits or Sphere of Influence changes from that described in the Order, then the City must inform the Regional Board at the time that the CEQA study is initiated for this process. Additional monitoring sites may be added at the time of a future annexation by the City if Regional Board staff believe there is potential for significant impacts to receiving waters as a result of the annexation. The Regional Board Executive Officer may approve modifications to the Monitoring and Reporting Plan.

B.3. Monitoring Plan

The Permittee shall implement the Monitoring Program as follows:

a. Conventional Monitoring

i. Tables 1, 2, and 3, and the Sampling Requirements Flow Chart of this Monitoring and Reporting Program contain summaries of information to be collected and reported. The City shall collect and use conventional water quality monitoring data to assess the concentrations, instantaneous loads, and tributary inputs of urban pollutants, to evaluate the pollutants' impact on beneficial uses, to identify pollutant sources, and to assess and improve BMPs. Monitoring data shall be compared to existing numeric and narrative water quality objectives, when applicable. The information required by this paragraph shall be included in the Annual Report.

ii. Background Site, Receiving Water Sites and Urban Discharge Sites

a. Each year, Background, Receiving Water and Urban Discharge sites shall be sampled as described on Tables 1,2, and 3, and the Sampling Requirements Flow Chart. The Monitoring and Sampling Plan is staged, with the intention being to identify overall impacts to receiving waters (if any), to compare urban discharge to background (incoming) water quality, and to provide a method for identifying and eliminating

pollutant sources. The ultimate goal of this monitoring program is to result in source elimination.

b. **Wet season storm sampling** should target the **rising limb of the storm's hydrograph**. Whenever possible, monitoring events shall be conducted on the same day for all sites, starting with upstream sites first, and moving down the watershed. Because of the variable nature of storm water runoff, the Permittee is strongly encouraged to collect and analyze a time-series sample from each background and receiving water site. Ideally the time-series would include three (3) samples gathered from the same location at half hour increments. The three (3) samples may then be combined (composite sample) or analyzed separately. The Permittee may used trained volunteers to assist with sample collecting.

c. Samples shall be analyzed for the constituents listed in Tables 1, 2, and 3. Table 1 includes a "Background Site Alternative list" of sampling parameters, and criteria for implementation of the alternative sampling plan.

d. Because of the inherent difficulty in fully capturing an entire storm event, the Permittee shall report the portion of the storm event "captured" or during which samples were collected. Samples may be collected manually or automatically. Conventional water quality data will be evaluated on a regular basis to determine whether sites have problems, or if improvements are being detected.

e. The Permittee shall collect flow data at the time of sampling for all monitoring stations sampled during a given year. Flow may be estimated using U.S. Environmental Protection Agency (USEPA) methods[1] at sites where flow measurement devices are not in place. The Permittee shall use flow data, combined with cross sectional area of sample site, and pollutant concentrations to calculate pollutant loads (refer to Attachment 4, Section VIII. Program Effectiveness, and Section E.1.7 of this report).

f. Urban Discharge sites shall be visually inspected four times per year during the dry season (typically, but not prescriptively, April 15 through October 15) in order to monitor for non-storm water discharge. If non-storm water discharge is discovered, then all reasonable attempts should be made by field crew to immediately determine the source of the non-storm water discharge. If the source is not one of the exempt non-storm water discharges (refer to Discharge Prohibition A.5 of the Order), then proper protocol should be followed

[1] NPDES Storm Water Sampling Guidance Document, USEPA 833-B-92-001, July 1992

to eliminate the source as soon as possible. Protocol shall include an option of sampling the non-storm water discharge for laboratory analysis, if formal enforcement appears to be a required follow-up measure.

iii. If the Conventional Monitoring program reveals that Receiving Water site or Urban Discharge site discharges exceed: a) water quality objectives; b) CCAMP attention levels; c) Background site water quality measurements; or d) if sampling results exceed sampling ranges typical for the site, then the Permittee shall follow the investigative steps equivalent to those described in the Toxicity Reduction Evaluations, Section B.3.b.iii, below. Should receive water quality values exceed "Background Site Alternative list" (see Table 1, and B.3.a.ii.c, above) sample values, then the Permittee is also required to do additional sampling as described in the "Salinas Permit Sampling Requirements Flow Chart", included with this document.

b. Toxicity Testing and Assessment of Benthic Invertebrates

Toxicity testing and benthic invertebrate assessments shall be used to determine if urban pollutants are impacting beneficial uses. Because of the diversity of potential urban pollutants and the unknown synergistic or additive effects between various chemicals, and because laboratory methods to detect these chemicals are in some cases not readily available, impacts of toxic chemicals will be initially assessed using toxicity testing and bioassessment of benthic invertebrate communities. More detailed characterization, involving additional toxicity testing, chemical analysis, analysis of pesticide application data, and/or toxicity identification evaluations, will be required as necessary in areas where toxicity problems are documented.

i. Toxicity Testing

a. Background and Receiving Water sites shall be sampled for water toxicity once during the first runoff of the wet season (to correspond with rising limb of the runoff hydrograph), one more runoff event, and twice during the dry weather. Toxicity test requirements are listed on Table 3.

b. Background and Receiving Water sites shall be sampled for sediment toxicity as described in Table 3.

ii. Bioassessment

Rapid bioassessment for benthic invertebrate assemblages shall be conducted concurrently with spring sediment sampling at the Receiving water sites. All sampling methodologies shall be consistent with the CCAMP monitoring approach and the Surface Water Ambient Monitoring Program Quality Assurance Program Plan.

iii. Toxicity Reduction Evaluations (TRE)

The Permittee shall analyze samples to evaluate the extent and likely causes of toxicity in Receiving Water site (if found), and to provide information to support identification of practices that eliminate sources of toxicity or remove them to the MEP. Background site toxicity sampling shall be used for comparison to Receiving Water sites. If Receiving Water site sediment or water samples are found to be toxic during the Toxicity testing described above, the Permittee shall conduct a Toxicity Reduction Evaluation (TRE) described as follows:

a. The Permittee shall include all reasonable steps to identify the source(s) of toxicity and discuss appropriate BMPs to eliminate the causes of toxicity. Once the source of toxicity and appropriate BMPs are identified, the Permittee shall submit the TRE to the Executive Officer for approval.

b. At a minimum, the TRE shall include a discussion of the following items:

1. Geographical description of the problem area;
2. The potential sources of pollutant(s) causing toxicity;
3. Permittee's jurisdiction over the pollutant sources;
4. Recommended BMPs to reduce the pollutant(s) causing toxicity;
5. Proposed changes to the SWMP to reduce the pollutant(s) causing toxicity; and
6. Suggested follow-up monitoring to demonstrate that toxicity has been removed.

The Permittee does not need to prepare a TRE if the identified pollutant is already being addressed in the Permittee's SWMP. If this is the case, the toxicity found shall be noted and addressed through on-going implementation of the related pollutant control strategy.

The Permittee shall implement the recommended BMPs and take all reasonable steps necessary to eliminate toxicity.

The Permittee shall report on the development, implementation, and results of any TRE in the Annual Reports, beginning the year following the identification of each pollutant or pollutant class causing toxicity.

In cases of persistent toxicity problems, the Regional Board or its Executive Officer may require a Phase I Toxicity Identification Evaluations (TIE).

C. STANDARD MONITORING PROVISIONS

a. Representative Sampling [40 CFR 122.41(j)(1)]

Samples and measurements taken for the purpose of monitoring shall be representative of the monitored activity.

b. Monitoring information [40 CFR 122.41(j)(3)]. Records of monitoring information shall include:

1. Date, location, and time of sampling or measurements;
2. Individual(s) who performed the sampling or measurements;
3. Date analyses were performed;
4. Individual(s) who performed the analyses;
5. The analytical techniques or methods used; and
6. Results of such analyses.

c. Test Procedures

All sampling, sample preservation, and analyses must be conducted according to test procedures under 40 CFR Part 136, unless other test procedures have been specified in this Order [40 CFR 122.41(j)(4)]. Chain of custody protocol shall be followed.

All chemical, bacteriological, and toxicity analyses performed in order to monitor compliance with this permit shall be by a laboratory certified by the State Department of Health Services for the constituent(s) being analyzed. Bioassay(s) performed in order to monitor compliance with this permit shall be in accord with guidelines approved by the State Water Resources Control Board and the State Department of Fish and Game. If the laboratory used or proposed for use by the discharger is not certified by the California Department of Health Services or, where appropriate, the Department of Fish and Game due to restrictions in the State's laboratory certification program, the discharger shall be considered in compliance with this provision provided: a) A quality assurance program is used at the laboratory, including a manual containing steps followed in this program that is available for inspections by the staff of the Regional Board; and b) Certification is pursued in good faith and obtained as soon as possible after the program is reinstated.

The Monitoring Report shall specify the analytical method used and the method detection limit for each pollutant.

All monitoring instruments and devices used by the discharger to fulfill the prescribed monitoring program shall be properly maintained and calibrated as necessary to ensure their continued accuracy.

d. Monitoring and Records

The Permittee shall retain records of all monitoring information, including all calibration and maintenance of monitoring instrumentation, copies of all reports required by this Order, and records of all data used to complete the Report of Waste Discharge and application for this Order, for a period of at least five (5) years from the date of the sample, measurement, report, or application. This period may be extended by request of the Regional Board or USEPA at any time and shall be extended during the course of any unresolved litigation regarding this discharge. [40 CFR 122.41(j)(2)] [California Water Code §13383(a)]

The CWA provides that any person who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required to be maintained under this Order shall, upon conviction, be punished by a fine of not more than $10,000, or by imprisonment for not more than two years, or both. If a conviction of a person is for a violation committed after a first conviction of such person under this paragraph, punishment is a fine of not more than $20,000 per day of violation, or by both. [40 CFR 122.41(j)(5)]

e. Monitoring Frequency [40 CFR 122.41(1)(4)(ii)]

If the Permittee monitors any pollutant more frequently than required by the permit using test procedures approved under 40 CFR part 136, unless otherwise specified in this Order, the results of this monitoring shall be included in the calculation and reporting of the data submitted in the Annual Report.

f. Averaging Measurements [40 CFR 122.41(1)(4)(iii)]

Calculations for all limitations that require averaging of measurements shall utilize an arithmetic mean unless otherwise specified in this Order.

g. The Executive Officer or the Regional Board, consistent with 40 CFR 122.41, may approve changes to the Monitoring Program, after providing the opportunity for public comment.

D. QUALITY ASSURANCE PROGRAM PLAN (QAPP)

The Permittee shall prepare a Quality Assurance Program Plan within their Storm Water Management Plan, that describes how data will be collected and analyzed to ensure that data is consistent with State and Regional Board monitoring programs and is of high quality. Dischargers shall develop a Quality Assurance Program Plan (QAPP), consistent with the State's Surface Water Ambient Monitoring Program (SWAMP) QAPP and approved by the Regional Board's Quality Assurance Officer. A QAPP template is available through the State Water Resources Control Board's SWAMP website or upon request. All data collection shall be conducted utilizing field techniques consistent with

SWAMP. All laboratory analysis shall be conducted by a laboratory certified by the Department of Health Services. The QAPP will include location of sample site(s), description of analytical and analysis techniques, data quality objectives, and other standard quality assurance information.

E. REPORTING REQUIREMENTS

E.1. Annual Report

The Permittee shall submit, in both electronic and paper formats and no later than **October 1 of each year**, an Annual Report documenting the progress of the Permittee's implementation of the Storm Water Management Program (SWMP) and the requirements of Order R3-2004-0135. The Annual Report shall discuss each Permittee's status of compliance with the Order and the SWMP, including a compilation of deliverables and milestones completed during the previous fiscal year, a discussion of program effectiveness relative to performance standards defined in the SWMP, and a summary and analysis of water quality samples collected by the City, the Agriculture Waiver Program, the Central Coast Ambient Monitoring Program (if applicable sample data is available for the year), and any other pertinent water quality monitoring programs. In each Annual Report, the Permittee may propose pertinent updates, improvements, or revisions to the SWMP, which shall be complied with under this Order unless disapproved by the Executive Officer or acted upon in accordance with this Order.

The Annual Reports shall include:

1. An executive summary discussing the effectiveness of the SWMP to reduce storm water pollution to the maximum extent practicable (MEP) and to achieve compliance with water quality standards in receiving waters;
2. A summary of activities conducted by the Permittee (required by 40 CFR 122.42(c);
3. Identification of BMPs and a discussion of their effectiveness at reducing urban runoff pollutants and flow, where applicable;
4. A map or maps showing all monitoring station locations and descriptions of each location;
5. A summary and analysis of monitoring results from the reporting year, including water quality samples collected by the City, the Agriculture Waiver Program, the Central Coast Ambient Monitoring Program (if applicable sample data is available for the year), and any other pertinent water quality monitoring programs (required by 40 CFR 122.42(c)(4)). Monitoring data shall be submitted to the Regional Board electronically and in hard copy. Electronic data shall be reported according to Regional Board electronic submittal guidelines, which will be available on the Regional Board website by March 1, 2005. Hard copy data reports shall be submitted with the Annual Report on October 1 of each year.

Electronic data shall also be reported by October 1 of each year;

6. Estimates of total pollutant loads attributable to urban runoff, and pollutant load reductions as a result of implementation of the storm water management program, based upon quantitative and/or qualitative data. Identification of water quality improvements or degradation (required by 40 CFR 122.42(c)(7);
7. Any Reports of Water Quality Exceedance prepared pursuant to Receiving Water Limitations described in Order R3-2004-0135 Section C.3.a, or Toxicity Reduction Evaluations prepared pursuant to Section B.3.b.iii of this MRP;
8. An assessment of the effectiveness of storm water controls including BMPs, and management programs and techniques;
9. A report of proposed modifications to the SWMP and/or Monitoring Program. This report shall include reasons for modifications, expected water quality benefits, and a time schedule for implementing modifications (required by 40 CFR 122.42(c)(2,3 and 5);
10. A summary (required by 40 CFR 122.42(c)(6)) describing:
    i. The number and nature of enforcement actions;
    ii. Inspections; and
    iii. Public education programs; and
11. A fiscal and staffing analysis progress report (required by 40 CFR 122.42(c)(3)), to include, at a minimum, the following information:
    i. The Permittee's storm water expenditures for the previous fiscal year;
    ii. The Permittee's storm water budget for the current fiscal year, including sources and any limitations on use of funds;
    iii. An evaluation of the implementation and adequacy of the storm sewer user fee;
    iv. A staffing analysis detailing future additional staff requirements needed to accomplish SWMP activities, along with a timeframe and plan to obtain adequate staffing, if necessary; and
    v. An estimation of the Permittee's budget for the next fiscal year, including sources and any limitations on use of funds.

E.2. Annual Work Plan

a. The Permittee shall submit a proposed Annual Work Plan with the Annual Report each year. The Annual Work Plan will include clearly defined tasks, responsibilities, and schedules for implementation of monitoring activities for the next fiscal year.

b. The Permittee shall include the following in its Annual Work Plan:

i. An annual budget summary applied toward implementing of the Permittee's SWMP. This summary shall identify the storm water budget for the applicable fiscal year using estimated percentages and written explanations, where necessary, for program management, including administrative costs and program Implementation. Where information is available and especially for those tasks

required by this Order, the Permittee shall provide an estimated percent breakdown of expenditures for the various program elements and tasks within these elements.

ii. A description of the source(s) of funds for the above budget, including any legal restrictions on the use of such funds.

F. Certification

The permittee shall be responsible for the submittal of all required information/materials needed to comply with this order in a timely manner. All such submittals shall be signed by a duly authorized representative under penalty of perjury, pursuant to federal regulations at 40 CFR 122.41(k). Each report shall contain the following completed declaration:

> I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility, of a fine and imprisonment for knowing violations.
>
> Executed on the ___ day of _____ , 20_,
>
> at _____.
>
> (Signature)_____ (Title)_____";

The Permittee shall mail the original of each annual report to:

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL COAST REGION
895 AEROVISTA PLACE, SUITE 101
SAN LUIS OBISPO, CA 93401
Attention: Storm Water Program

A copy of each annual report shall also be mailed to:

REGIONAL ADMINISTRATOR
ENVIRONMENTAL PROTECTION AGENCY
REGION 9
75 Hawthorne Street
San Francisco, CA 94105

Attachments to Monitoring and Reporting Program:

Figure 1 – Urban Discharge Sites
Monitoring Tables 1, 2, 3, and 4
Sampling Requirements Flow Chart

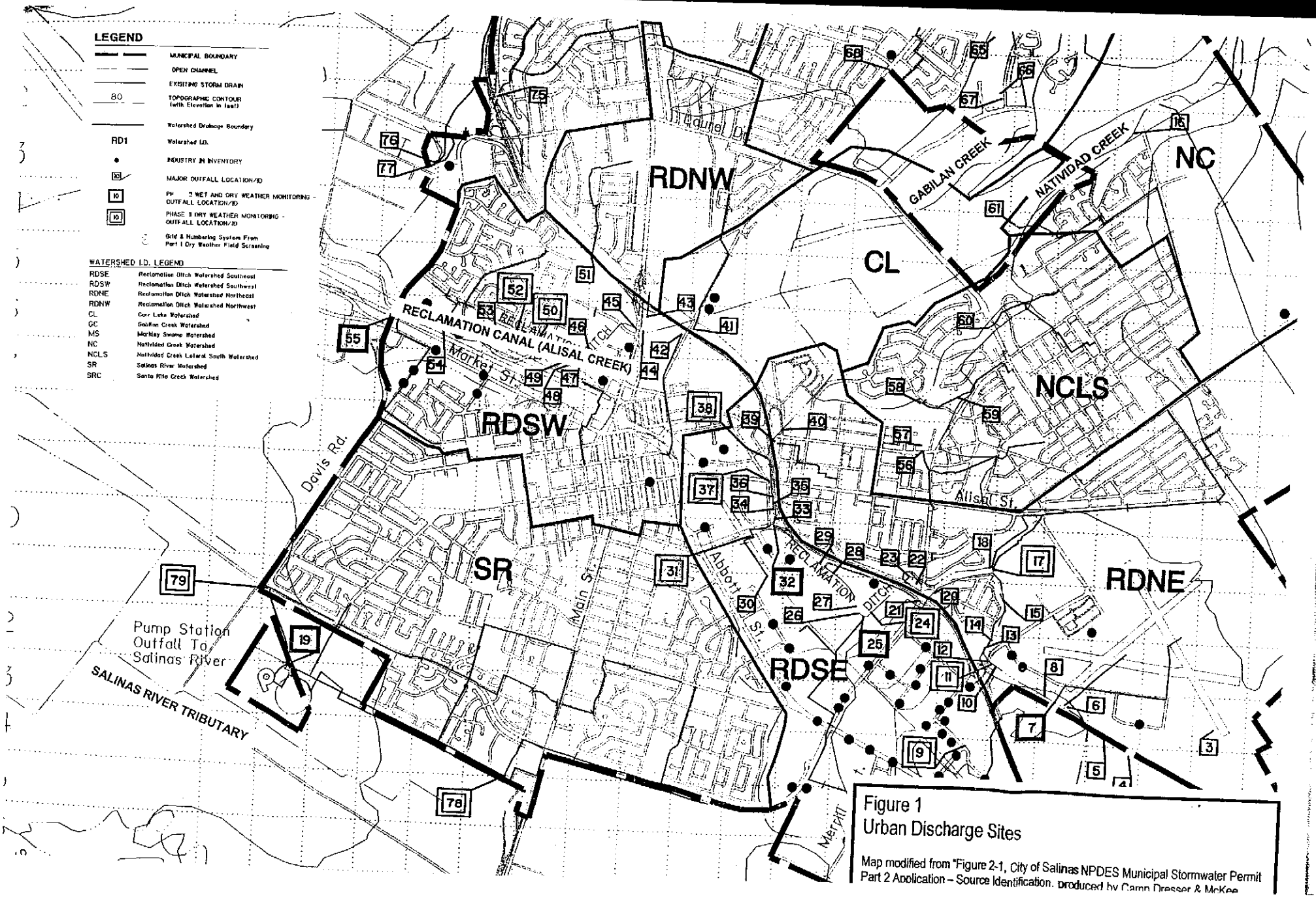


Figure 1
Urban Discharge Sites

Map modified from "Figure 2-1, City of Salinas NPDES Municipal Stormwater Permit Part 2 Application – Source Identification, produced by Camp Dresser & McKee

TABLE 1

Wet Weather Monitoring

Type of Monitoring	*Overall Study Objectives and Data Uses*	*Parameters Analyzed or Measurements Taken*	*Sampling Locations*	*Frequency of Sampling*
In-situ water quality measurements	Analyses of spatial and temporal variations in water quality	• pH • conductivity • turbidity • temperature • Flow • Cross sectional area	1. Background, Receiving Water sites 2. Urban Discharge sites as required (refer to Sampling Req. Flow Chart)	Twice per year, beginning in Permit year 2: 1. First storm water discharge event; and 2. One other time during wet season
Wet Weather – lab samples	• To characterize pollutant discharge from the City of Salinas. • To calculate pollutant loading rates during storm events.	• E. coli bacteria* • Total coliform* • Fecal coliform* • NH3 total • Nitrate as N • Orthophosphate as P • TDS • Total copper* • Total Organic Carbon or Oil&Grease* • Total zinc* • Turbidity	1. Background* and Receiving Water sites 2. Urban Discharge sites as required (refer to Sampling Req. Flow Chart) * If any of the asterisked parameters are non-detect for three consecutive years' samples at Background sites only, then they may be removed from the Background site constituent list.[4]	Twice per year, beginning in Permit year 2: 1. First storm water discharge event; and 2. One other time during wet season
Wet Weather – Background Site Alternative list. (see *note in above-row)	• To characterize background receiving water pollutant loads. • To measure impacts to receiving waters from Permittee's effluent during storm events.	• Flow • NH3 total • Nitrate as N • Orthophosphate as P • TDS • Turbidity (NTUs)	*Background sites – minimum sampling parameters. List must also include any of above-asterisked parameter if they were measurable in any of the three previous, consecutive sample years.	Twice per year, if allowed by conditions listed above (see asterisk): 1. First storm water discharge event; and 2. One other time during wet season

[4] Alterations in the wet weather sampling parameters shall not affect any other sampling component of this MRP.

TABLE 2

Dry Weather Effluent (Non-storm water discharges)

Type of Monitoring	*Overall Study Objectives and Data Uses*	*Parameters Analyzed or Measurements Taken*	*Sampling Locations*	*Frequency of Inspections and Sampling*
Field Sampling (In-situ water quality sampling with test kits or meters)	• To provide field crew with basis of determining source of non-storm water flow. • Field crew will follow up with immediate investigation and discharge elimination or enforcement if necessary. • Discharge samples taken if enforcement may be necessary.	• Ammonia as Nitrogen • conductivity • detergents • e. coli bacteria • Nitrate as N • Orthophosphate as P • pH • total chlorine • trash (visual description of amount/type) • turbidity (measured in NTUs) • flow • temperature	Urban Discharge sites	1. Visual inspections conducted four (4) times during the dry season to determine presence of non-storm water discharges. 2. All reasonable efforts must be taken to identify non-storm water discharges, and eliminate prohibited non-storm water discharges. 3. In-situ water quality sampling to be conducted once per year if required as a result of previous wet season lab results. See "Sampling Requirements Flow Chart" for requirements.
Field Observations		• odor • oil sheen • color		

TABLE 3

Toxicity Studies

Type of Monitoring	*Overall Study Objectives and Data Uses*	*Parameters Analyzed or Measurements Taken*	*Sampling Locations*	*Frequency of Sampling*
Water Toxicity[1]	To determine whether the City of Salinas' storm water discharge is potentially impacting beneficial uses.	*Ceriodaphnia dubia* (U.S. EPA 7-day chronic survival and reproduction test) *Pimephales promelas* (U.S. EPA 7-day chronic survival and growth test) *Selanastrum capricornutum* (U.S.EPA 96-hour survival and growth)	Background and Receiving water sites	Four times per year beginning in Permit year 2: 1. First storm water discharge event (peak discharge event), and one other storm water runoff event; and 2. Two other sampling times during the dry season 3. City may petition RWQCB to reduce frequency and/or locations in Permit years 4 or 5
Sediment toxicity[2]	To determine whether the City of Salinas' storm water discharge is potentially impacting beneficial uses.	Composite sample tested for toxicity to *Hyalella azteca* (10-day survival and growth test)	Background and Receiving water sites	Once during Spring (March 1 – April 30), concurrent sediment and benthic invertebrate sampling, beginning in Permit year 2
Benthic invertebrate assessment[3]	To directly determine trends in living system-beneficial uses downstream of the City.	California Rapid Bioassessent Protocols	Receiving water sites	Once during Spring (March 1 – April 30), concurrent sediment and benthic invertebrate sampling, beginning in Permit year 2

[1] USEPA. 2002. Short-term Methods for Estimating the Chronic Toxicity of Effluents and Receiving Waters to Freshwater Organisms, Fourth Edition. Office of Water, Washington, D.C., EPA-821-R-02-013.

[2] USEPA. 1994. Methods for Measuring the Toxicity and Bioaccumulation of Sediment-Associated Contaminants with Freshwater Invertebrates. Office of Research and Development, Washington, D.C.

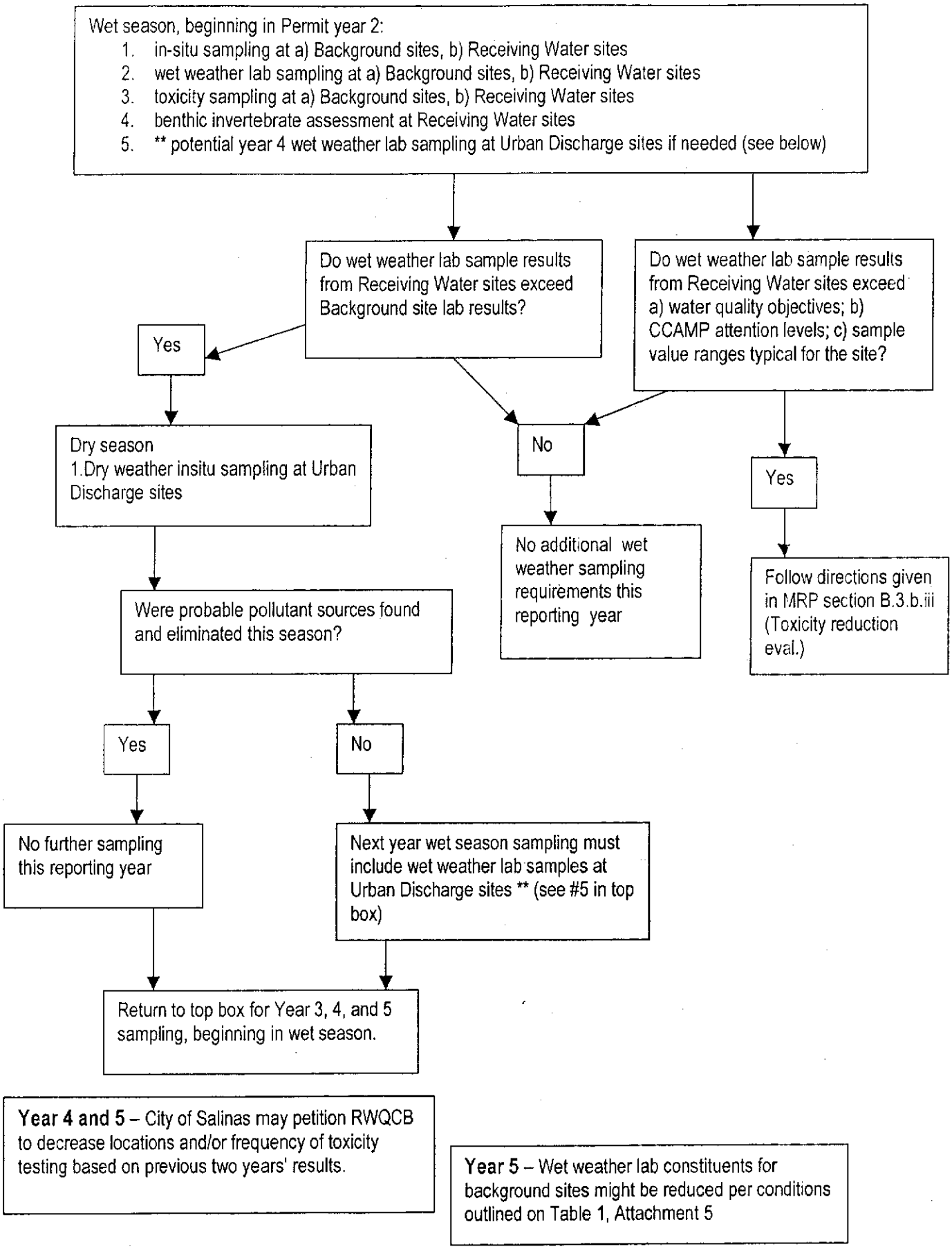
[3] California Aquatic Bioassessment Laboratory, 2003. California Stream Bioassessment Procedure. Water Pollution Control Laboratory, California Department of Fish and Game.

Table 4
Wet Weather Sampling Specifications

Constituent	Units	Sample Type	Reporting Limit
Coliform, fecal	mpn/100 ml	Grab	<20mpn/100ml[5]
Coliform, total	mpn/100 ml	"	<20mpn/100ml[4]
Conductivity	US	In situ	1 uS
Copper, total recoverable	ug/L	"	2
e. coli bacteria	mpn/100 ml	"	<20mpn/100ml[4]
NH3, total (total ammonia)	mg/L	"	0.1 mg/L
Nitrate as N	mg/L	"	0.1 mg/L
Orthophosphate as P	mg/L	"	0.01 mg/L
Petroleum hydrocarbons - Oil and Grease	ug/L	"	5ug/L
Petroleum hydrocarbons - Total Organic Carbon	mg/L	"	1 mg/L
pH	pH Units	In situ	
Temperature	°C	In situ	
Total dissolved solids (TDS)	mg/L	"	10 mg/L
Turbidity	NTUs	"	0.5 NTU
Zinc, total	ug/L	Grab	5ug/L
Flow	CFS		

[5] Minimum level - MDLs must be lower than or equal to the minimum levels. If a particular minimum level is not attainable in accordance with procedures set forth in 40 CFR 136, the lowest quantifiable concentration of the lowest calibration standard analyzed by a specific analytical procedure may be used instead.

Salinas Permit Sampling Requirements Flow Chart



ATTACHMENT 6

Due Dates Required by Order No. 2004-0135 and Attachments to the Order		
Item	**Time elapsed from Permit issuance**	**Other due date**
A. One-time only commitments (to be completed by the date/time shown)		
1. Review and modify SWMP	180 days from permit adoption	
2. Parking/road inventory and maintenance	180 days from permit adoption	
3. Demonstration of adequate legal authority	(10 months)	With first annual report, October 1, 2005; grading ordinance and interagency agreement in year 2
4. Develop a Quality Assurance Program within the Storm Water Management Plan	1st permit year	See Monitoring and Reporting Program, Section D
5. Inventory of active construction projects	1st permit year	
6. Inventory all industrial facilities	1st permit year	
7. Coordinate with SVSWA	1st permit year	
8. Development Standards Plan – new/re-development	1st permit year	
9. Implement storage and maintenance facility BMPs	1st permit year	
10. Minimum BMPs for pesticide, fertilizer, herbicide develop and implement	1st permit year	
11. Construction brochure of BMPs	1st permit year	
12. Develop SWPPPs for municipally-owned facilities	18 months from permit adoption	
13. Minimum BMPs for municipal maintenance develop and implement	2nd permit year	
14. Storm water system inventory	3rd permit year	Include with 4rd year annual report
15. Install signs prohibiting dumping	2nd permit year	
16. Amend or adopt City development standards to match Devel. Stds. Plan	2 years (+, depending on public comment time)	
17. Tech. Guide for development commun.	2 years (+, depending on public comment time)	

construction inspections, chemical application, maintenance facilities		
36. Update municipal facility inventory, maintenance procedures, and BMPs	180 days	Annually
37. Public Awareness Survey		1 times during permit term
38. Annual coordination meeting	3 months after 1st annual report (Jan. 2007)	Annually
C. Potential Time Commitments (conditional requirements)		
39. Refer construction and industrial non-compliance to RWQCB		Orally within five business days. Written notification within 10 business days
40. Refer construction non-filer to RWQCB		Within 10 business days
41. Grab sample of dry weather flow		Incident dependent
42. Respond to spills		Incident dependent
43. Revise local ordinance re: illicit discharges		If needed
44. Mark high visibility storm drains with "no dump"		By Permit year 2
45. Report of Water Quality Exceedances	90 days from discovery	
46. Revise SWMP to reflect RB-approved Report of Water Quality Exceedances changes to BMPs	30 days from RB approval of changes	