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Via Electronic Mail and U.S. Mail

Dominic Roques, Engineering Geologist
Donette Dunaway, Engineering Geologist
California Regional Water Quality Control Board
Central Coast Region
895 Aerovista Place, Suite 101
San Luis Obispo, California 93401-7906

Re: Comments to Comments on Salinas Stormwater Management Plan

Dear Ms. Dunaway and Mr. Roques,

Monterey Coastkeeper would like to offer feedback on the comments received and posted for public access regarding the Salinas Stormwater Management Plan (SWMP). Our original comment letter regarding the SWMP stated that we are not satisfied with the plan, which, in addition to being abstruse, lacks many of the features required by Salinas' NPDES permit, such as clear Best Management Practices paired with Implementation Plans and Measurable Goals.

The Regional Water Quality Control Board (RWQCB) has submitted a list of Required Revision for the Salinas SWMP. Our original letter did not take into account these required changes. Our following comments are made with the intention of responding to comments, which include reference to the Required Revisions. We will address the comments submitted by the City of Salinas and the Monterey County Water Resources Agency (MCWRA).

The comments submitted by the City of Salinas directly address the RWQCB's Required Revisions. The Monterey Coastkeeper acknowledges the Board's ongoing efforts in the difficult task of turning the Salinas SWMP into a manageable document. We recognize that the process of procuring an adequate SWMP from the City of Salinas has been long and iterative, with repeated delays and disappointments. The process has understandably worn down the morale of the RWQCB staff, who have had to overcome repeated roadblocks throughout the development of the SWMP. The Monterey Coastkeeper recognizes the need to arrive at an adequate final document that serves the intended purpose of protecting the water quality of the region. In an ongoing effort to impel Salinas into producing an acceptable document, the RWQCB set forth its Required Revisions, which generally address six fundamental problems:



- The lack of an accurate timeframe or any timeframe at all
- The lack of a Best Management Practice where one is needed
- The weakness or inadequacy of BMPs
- The lack of measurable goals to accompany BMPs
- The lack of accessible references and the requirement that all external documents be posted on the web or made available to the public
- Typographical errors or formatting problems that obscure the text

While the gist of these revisions is accurate, it is our belief that they do not go far enough to ensure that the Salinas SWMP will be a usable working document that provides actual guidelines. For example, the Required Revisions requests that due dates are given in actual dates rather than the existing practice of “Year X” which is not bound in any actual time, but does not require the inclusion of activity timelines which set goals for specific measures to be completed by. We agree with the Board that measurable deadlines must be fixed in real time, however we would like to see more stringent requirements as far as timeline measurement is concerned.

Furthermore, the Required Revisions note the lack and/or inadequacy of BMPs and measurable goals. While the Revisions include valid examples of locations where this must be ameliorated, there are more instances within the SWMP of unacceptable BMPs and goals that have not been addressed. The Required Revisions that have been set forth are accurate and should be implemented, but the outcome of this project should be viewed as a small improvement on a flawed document—not a final product. For a more extensive and detailed review of our specific criticisms with the SWMP, please refer to our original Comment Letter, dated 12-03-07.

Despite the flexibility that the Board shows towards Salinas in putting forth its Required Revision, the City still shows no sign of making an actual effort to improve the quality of its SWMP. The comment letter requests that the Board approve the SWMP as the document stands. However, the same inability to identify a timeframe that appears in the SWMP exists in Salinas’ comment letter. For example, in Response 2 of the Comment Letter, which refers to Reference number 2 of the Required Revisions, The City’s response is that the column that appears in the table of BMPs labeled “Year” is an adequate reference to a timeframe. This system however is inherently flawed. The use of ordinal numbers means that the document is not fixed in any particular time. This vagueness is not only confusing to the reader and to the various parties that will have to try to actually implement this document; it is also legally problematic. The Required Revisions explicitly state that BMPs “need to be defined in relation to actual years” that fall within the 5-year permit term. (Required Revisions Ref. no. 2) This is especially relevant given that the SWMP is long over-due, and the permit term is over half complete. Does year one begin upon the permit term or upon the adoption of the SWMP? Such questions can easily be avoided by the use of real time references.

If the Regional Board approves the City of Salinas' June 2007 SWMP without receiving a solid commitment from the City outlining how and when it intends to incorporate the Required Revisions, the Board will essentially be approving the plan as it exists, without any real guarantee that necessary changes will be made. The City of Salinas has proven itself to be incapable of following legally imposed timeframes, let alone voluntary ones. The unwillingness of Salinas to comply with their NPDES permit requirements are exemplified by the Salinas comment letter itself: On some of the Board required changes Salinas states it agrees and will make changes. When? How? With what process for public involvement? Instead of having their City Attorney send a letter two months after the Board suggested changes, couldn't the City have instead submitted a Plan with the requested changes? Haven't they been given this opportunity multiple times before?

For 28 of the 43 "Required Changes" the City of Salinas states: "The SWMP will be revised accordingly". No language or timeline is offered. The City continues to discuss and debate the balance of the changes without making any actual changes.

The City of Salinas also continues to debate the need for public involvement. As noted in their comment letter, on 7 August 2007 the City Council directed City staff to better involve community members in the NPDES stormwater process. Despite this mandate, staff continued to show reluctance towards public involvement. The first public meeting was not convened until October 1, 2007, a two month delay. Although the first meetings were scheduled a month apart, multiple meetings were scheduled in December. Furthermore, the meetings were conducted in such a way that often the public was unable to offer meaningful commentary, due to insufficient access to information. For example, committee members were literally asked to vote on the adequacy of the CASQA Handbook as a basic Design Standard - a document hundreds of pages in length - at the same meeting at which it was first handed out. Although an online link to the Handbook had been distributed three days before the meeting, committee members were given the explicit direction that they did not need to read the document in advance.

In addition to this inconsistency, the drastically condensed December meeting schedule resulted in a disjointed and impossible task for the Stakeholder Committee. While the Stakeholder Committee is certainly a venue for comment, the Salinas comment letter very inaccurately portrays the quality of the approach. The Committee has not been given a complete - or even near complete - document to comment upon. Although the formation of the Committee and public participation on it illustrates the public's willingness to participate in the process of developing an effective plan, the City's reluctance to provide them with the appropriate materials in an appropriate timeframe hinders any benefits that the Committee has to offer. In their comment letter, Salinas repeatedly insists that no further public participation is necessary or desirable, despite the inadequacies that the SWMP contains. Instead of thwarting the Committee's endeavor to participate in the development of a solid SWMP, the City could have embrace the stakeholders' input in an effort to improve the document.

All in all, given that the SWMP is already long overdue and the City has shown no real commitment to making any necessary changes, it would be unwise of the Board to approve this document without any real guarantees of the intent to improve it.

We are equally confounded by the comments submitted by Mr. Bob Meyer on behalf the MCWRA, which are terse and somewhat cryptic. The MCWRA points to an inconsistency in the RWQCB's Required Revisions, noting that the Reclamation Ditch is incorrectly included as a naturally occurring Creek. It is true that the language use here is somewhat unclear. Reclamation Ditch is included in parenthesis following a list of the naturally occurring creeks that make up the watershed, which could suggest that it is included as a natural creek or stream, although the parentheses suggest that the author recognized some difference, but failed to offer clarification.

The comments conclude, "It is requested that any reference to the Reclamation Ditch be removed from the document." (MCWRA Comments Letter, 28 November 2007) First of all, it is unclear which document the MCWRA is requesting any mention of the Reclamation Ditch be removed from. Although the subject of the letter is the Salinas SWMP, he makes reference to the document containing the RWQCB's required revisions as well. It appears however, despite this discrepancy, that Mr. Meyer is suggesting that all reference to the Reclamation Ditch be removed from the Salinas SWMP.

The Reclamation Ditch, as Mr. Meyer states in his letter, empties flood waters from the North central part of Monterey County, including the City of Salinas. A lower portion of Alisal Creek was channelized to create Reclamation Ditch, and the Ditch receives water from most of the City's municipal detention basins (SWMP p. 2-2, 2-10). Seeing as the purpose of the SWMP is to address the improvement of watershed conditions and water quality (as stated explicitly in section 1.1 of the Salinas SWMP), it is necessary that the City be permitted to acknowledge all existing parts of said watershed, particularly Reclamation Ditch, which plays a significant role.

Regardless of which organization operates and maintains a particular piece of the watershed, the Reclamation Ditch is a significant portion of the watershed that Salinas is being legally required to manage. Mr. Meyer's comment letter seems to suggest that the Reclamation Ditch is an object or mechanical piece of infrastructure. We maintain the Reclamation Ditch is a valuable channellized wetland that once drained Carr Lake and the region that is now Salinas - it can't be simply deleted from discussion. Salinas' NPDES permit recognizes that "the Permittee may lack legal jurisdiction over storm water discharges into its system" as some of the systems may be owned or operated by other entities. In the sixth stipulation of authority, the Salinas NPDES Permit states:

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.

No where in the permit does it state that the municipality may not mention a waterway just because they do not have legal jurisdiction over the system. In fact the suggestion that the municipality forge cooperative relationships with the appropriate entities to ensure proper management of storm water discharges suggests just the opposite: under the guidance of the NPDES permit, the city is encouraged to consider it's impact on waterways not under its jurisdiction, and to develop agreements accordingly. This does, of course, require acknowledging that such waterways exist, and including them in the City's SWMP.

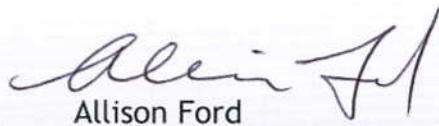
In addition to being a significant part of the watershed that Salinas must manage, as a tributary that drains into the coastal wetlands and Monterey Bay, Reclamation Ditch and the waters that flow into it are designated Waters of the United States, and as such fall under the administration of the Clean Water Act. Furthermore, Reclamation Ditch is listed as an impaired waterway on the federal 303 (d) list, for pollutants including fecal coliform, ammonia, pesticides and priority organics. Low dissolved oxygen is also listed as a stressor. Potential sources listed include agriculture storm runoff, agriculture-irrigation tailwater and urban runoff and storm sewers. The pollution that plagues Reclamation Ditch is precisely what the Salinas SWMP aims to regulate. Given that the ditch is located in Salinas, downstream from Alisal Creek (which is also listed as an impaired Water of the US on the 303(d) list), to exclude it from the Salinas SWMP would be preposterous.

In conclusion, Monterey Coastkeeper feels that there is significant work remaining before the Salinas SWMP is acceptable to accomplish its goal of "improving watershed conditions and water quality" (SWMP p. 1-1). We believe the RWQCB should impose a date to require the City of Salinas to complete its work on the Plan. Unfortunately, we feel the City - for a variety of fiscal, personnel, and motivational reasons - has proven itself unwilling or not up to the task. We ask that the RWQCB impose fines on the City in an amount adequate to provide mediation and consulting to complete and write the Plan.

Sincerely,



Steve Shimek
Monterey Coastkeeper



Allison Ford
Program Associate