



Linda S. Adams
Agency Secretary

California Regional Water Quality Control Board

Central Coast Region



Arnold Schwarzenegger
Governor

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895 Aerovista Place, Suite 101, San Luis Obispo, California 93401-7906
Phone (805) 549-3147 • FAX (805) 543-0397

July 20, 2009

BY ELECTRONIC AND REGULAR MAIL

Sal Morales,
smorales@kingcity.com
Public Works Director
City of King
212 So. Vandenhurst Avenue
King City, CA 93930

Dear Mr. Morales:

NOTICE OF ENROLLMENT – NPDES SMALL MUNICIPAL SEPARATE STORM SEWER SYSTEMS GENERAL PERMIT; KING CITY, MONTEREY COUNTY, WDI # 3 27MS04061

The Central Coast Regional Water Quality Control Board (Water Board) received a Notice of Intent, Storm Water Management Program (SWMP), map, and fee for the King City (City) Municipal Separate Storm Sewer System (MS4). These items are required to enroll in the National Pollutant Discharge Elimination System General Permit for the Discharge of Storm Water from Small Municipal Separate Storm Sewer Systems, Order No. 2003-0005-DWQ (General Permit).

Water Board staff reviewed the City's SWMP and found it, combined with a number of specific revisions described in Attachment 1, to be in compliance with the General Permit and to meet the maximum extent practicable (MEP) standard set forth in the General Permit. The City's SWMP was available to the public for a 60-day comment period, and we received comments from stakeholders. The comment letters are contained in Attachment 2, Water Board staff responses to these comments are contained in Attachment 3.

The Monterey Coastkeeper initially requested a hearing on March 30, 2009. After working with King City staff and Water Board staff, the Monterey Coastkeeper withdrew its request for a hearing for the Water Board to consider approval of the SWMP and enrollment of the City under the General Permit on May 21, 2009 (see Attachment 2). In light of the withdrawal, the General Permit states that if no hearing is requested, the Regional Water Board Executive Officer will notify the regulated MS4 that it has obtained permit coverage only after Water Board staff has reviewed the SWMP and has determined that the SWMP meets the MEP standard established in the General Permit.

I am hereby approving King City's SWMP with the following condition:

California Environmental Protection Agency



Recycled Paper

Pursuant to Water Code Section 13383, King City is required to amend the SWMP no later than **September 21, 2009**, to include all the changes shown in the "Final Table of Required Revisions," Attachment 1 to this letter. Per Water Code Section 13385, failure to make these revisions may subject King City to Administrative Civil Liability for up to \$10,000 for each day of violation. King City must provide a copy of the revised SWMP to the Water Board no later than **September 21, 2009**.

As of the date of this letter, stormwater discharges from the City are authorized by the General Permit. The City is required to implement the SWMP and comply with the General Permit. The City's first annual reporting period ends July 20, 2010. The City's first annual report is due to the Water Board on October 20, 2010 (90-days after the reporting period ends).

Thank you for your cooperation and efforts to enroll King City under the General Permit. If you have questions regarding this matter, please contact **David Innis** at **(805) 549-3150**, or **dbinnis@waterboards.ca.gov**, or Phil Hammer at (805) 549-3882, or **phammer@waterboards.ca.gov**.

Sincerely,


Roger W. Briggs
Executive Officer

Attachment 1: Final Table of Required Revisions
Attachment 2: Comment Letters Received during 60-day Public Comment Period
Attachment 3: Response to Comments

cc: (by electronic mail)

Amanda Wilson: awilson@hannabrunetti.com
Octavio Hurtado: ohurtado@hannabrunetti.com
Allison Ford: Allison@otterproject.org
Steve Shimek: exec@otterproject.org

S:\Stormwater\Stormwater Facilities\Monterey Co\Municipal\King City\Final Draft SWMP 29Jan09\KingCity EO Approval\King City SWMP Approval with Attachment 1 Final.doc

**FINAL TABLE of REQUIRED REVISIONS
King City November 2008 Draft Storm Water Management Program**

Acronyms/Abbreviations:

- BMP - Best Management Practice
- CalTrans - California Department of Transportation
- CASQA - California Stormwater Quality Association
- City - King City
- General Permit - Phase II Small Municipal Separate Storm Sewer Systems General Permit
- Hydromod - Hydrological Modification
- IDDE - Illicit Discharge Detection and Elimination
- LID - Low Impact Development
- MCM - Minimum Control Measure
- MG - Measurable Goal
- SWMP - Storm Water Management Program

Item Number	SWMP Section	Subject	Problem	Required Revisions
1	Measurable Goals for all six Minimum Control Measures (MCMs)	The General Permit requires the SWMP include measurable goals (MGs), which mean quantitative goals that set benchmarks for the City.	The City does a good job of identifying ways to track its progress by including a column of program effectiveness measurements in the Appendix A tables of BMPs. However, in the current draft SWMP, many of the City's indicators of success lack quantities against which the City can measure its success.	City must review all BMPs and, where appropriate, provide quantitative measures the City will use to track performance during the 5-year permit cycle. The City must use these measures to gauge the effectiveness of its BMPs and MGs according to Effectiveness Assessments described on page 1 (bottom paragraph) and BMP EA-1 (Section 4.0, page 11).
2	BMPs and Measurable Goals for all six Minimum Control Measures, notably IDDE and Construction	Text and language presented in tables	BMP descriptions presented in Appendix A tables do not always reflect or cover the requirements and actions described in the text.	The City must revise language in Appendix A, to express the content provided in the text. Examples are: 1) On page 24 BMP IDDE-1.iii says the City will "Eliminate all identified IDDE." However, this is not directly expressed in Appendix Table MCM 3 (page MCM 3-1). The City must indicate in Table MCM 3 it will

Item Number	SWMP Section	Subject	Problem	Required Revisions
				<p>investigate, track, and follow up all IDDE complaints as indicated in Section IDDE-1 iii.</p> <p>2) Construction Ordinance language in BMP CS-1 (page 31) says the City will "review existing ordinances and determine revisions necessary." The City also says it will review the Model Ordinance "as a template for the ordinance," which indicates the City may develop a new ordinance. For clarity, we require the City add an initial sentence that reiterates the City's commitments to revise existing ordinances or create new ordinances that address construction site runoff, associated inspections, and enforcement procedures (as described on page 31 below Title 12 Chapter 12.16) and in Table MCM 4 for BMP CS-1.</p>
3	MCM 1, PEO-6: Storm Water Information Exchange Participation	BMP Selection Community-based Social Marketing	<p>The Public Education and Outreach BMPs rely heavily on information campaigns that utilize education and advertising to encourage behavior change. While these efforts can be effective in creating public awareness and in changing attitudes, numerous studies show that behavior change rarely occurs as a result of simply providing information.</p> <p>One particularly promising approach to public education is community-based social marketing. Community-based social marketing is based upon research in the social sciences that demonstrates that behavior change is most effectively</p>	<p>Include a BMP that states the City will assess community-based social marketing strategies and incorporate them into your program where appropriate.</p> <p>An example from the City of San Luis Obispo's SWMP on social marketing may be appropriate:</p> <p>PE 18: Investigate and implement Social Marketing approach to stormwater education to engage the public more actively in improving stormwater quality.</p> <ul style="list-style-type: none"> Investigate social marketing concepts as they relate to stormwater and compile examples of other agency social marketing activities (Y-1).

Item Number	SWMP Section	Subject	Problem	Required Revisions
			<p>achieved through initiatives delivered at the community level which focus on removing barriers to an activity while simultaneously enhancing the activity's benefits. More information on community-based social marketing is available at: http://www.cbsm.com/. The techniques of community-based social marketing should be considered when developing and implementing your public education and outreach program.</p>	<ul style="list-style-type: none"> • Develop list of potential social marketing educational opportunities and select and implement one as a pilot program (Y-2). • Evaluate success of pilot program. Convert traditional educational methods to social marketing concept if pilot is successful in changing behavior (Y 3-5).
4	MCM 3, BMP IDDE-5	Illicit Discharge Identification, Response and Tracking Procedures Measurable Goals	<p>Pages 27 and 28 indicate the City will develop five components of its IDDE program. However, Table MCM 4 shows only two of those components (e.g., develop plans, and implement and track inspections).</p>	<p>City must revise Table MCM 4 to specify all MGs associated with IDDE-5, including: business inspections, a dry weather field screening program, and investigation of priority locations within the City. As required in Item Number 1, the City must include appropriate progress and effectiveness assessment measures for each MG.</p>
5	MCM 4, BMP CS-1	Revisions to Existing Ordinances Measurable Goals	<p>Water Board staff commented, "BMP timeline should include an opportunity to review ordinance effectiveness and potential need for changes during Years 2-5 after adoption." The City made changes, but the titles and durations are different between page 31 and Appendix A. The City renamed CS-1 "Revisions to Existing Ordinances Measurable Goals" for Years 1, 2, 3, & 5. but page MCM 4-1, in Appendix A shows CS-1: "Additions to Existing Ordinances" with durations of only Years 1 & 2.</p>	<p>Change language and durations in Appendix Table A to match main text.</p>

Item Number	SWMP Section	Subject	Problem	Required Revisions
6	Construction Site Storm Water Runoff Control Minimum Control Measure 4	Construction Site inspections, BMP CS-3	The City indicates on pages 32 and 33, "inspections for SWPPP BMPs will be conducted for priority construction sites disturbing one acre or more..." and sets the Measurable Goal (#3) of inspecting "no less than 75% of active construction sites disturbing an acre or more" annually. Currently, the City has only six active construction sites disturbing an acre or more and in the past three years only seven other projects met this priority site definition. The City has resources to inspect more sites than currently in active construction.	The City must modify BMP CS-3 to indicate it will inspect all priority construction sites within City staff's capacity. The City must indicate staff will inspect at least 25 sites annually and an additional percentage above that minimum.
7	Construction Site Storm Water Runoff Control Minimum Control Measures 4 and 5	Required BMPs for Construction Sites	The City states that it will develop a list of recommended BMPs, which will be made available in a brochure in Year 3. While flexibility is desirable, the SWMP should state the City will require a minimum set of criteria for storm water pollution prevention early in the programs development.	The SWMP indicates the City's development staff typically work one-on-one with builders and developers when discussing project plans. City planners review the Municipal Code appropriate for each project including controls for stormwater discharges from project sites. Information that the City plans to develop into a brochure will specify standard erosion and sedimentation controls. These should emphasize structural and non-structural controls, control of the sources of erosion, providing an effective combination of erosion and sediment control BMPs as recommended in CASQA and CalTrans manuals, site housekeeping and material management, post-construction practices, inspections, and corrective measures. As the program starts, we recommend the City provide a minimum list of examples such as non-structural (scheduling, protect existing

Item Number	SWMP Section	Subject	Problem	Required Revisions
				vegetation), and structural (fiber rolls, silt fencing, erosion control blankets, hydromulch, inlet protection, slope grading, dust control, stabilized construction entrances, gravel bag check dams) BMPs. Such lists are readily available from existing Central Coast MS4 SWMPs, CASQA, or CalTrans manuals. Additionally, the Central Coast LID Center is preparing a list of basic BMPs for post-construction to address LID and Hydromodification criteria. The City must to add a statement saying they will provide these flyers with standard BMPs when builders visit the planning department. As the SWMP matures, in accordance with BMPs CS 5 and ND 2, the City can develop more refined information in a brochure.
8	MCM 5, BMP ND-1	General Plan Land Use Policies Measurable Goal	The City indicates it will: 1. develop new land use policies, and 2. amend the City's General plan to provide new policies to protect stormwater quality. However, the MG provides no quantitative measures.	Indicate what is measurable in MG ND-1. Examples may be: • number of new amendments, or • rising awareness or behavioral changes
9	MCM 5, BMP ND-5	Plan Review, Inspection & Tracking for Development Projects Measurable Goals	The BMP consists of five MG components in the text on page 39. These are not completely addressed in Table MCM 5. This includes a mis-matched MG that does not match MGs for MCM 5 (i.e., BMP PPI-3 "Storm Water Program Activities List..." in Appendix A, page MCM 5-2). The requirements to provide most MGs for BMP ND 5 by Year 2 are not correctly indicated in Table MCM 5.	Correct and revise Table MCM 5 for BMP ND-5 to more closely match text descriptions of the BMP and MGs on page 39. These should include reference to: 1. Development plan review procedures and the BMP tracking database. 2. Training all inspection staff. 3. Effectiveness Assessment of submitted plans in compliance with design standards. 4. Inspections of new development and

Item Number	SWMP Section	Subject	Problem	Required Revisions
				<p>redevelopment sites for post-construction controls at frequencies comparable to construction site inspections (see item 3 above).</p> <p>5. Evaluation of the tracking system by City's plan review and inspection staff.</p> <p>6. Revise Table MCM 5 to show correct timing of MGs.</p>
10	MCM 6, BMP PP-2	Storm Water Pollution Prevention for City Activities Measurable Goals	On page 43, the SWMP requires the "City to review and survey department activities and implemented BMPs to assess capacity of each to meet future storm water objectives as a department." This BMP states "new or improved BMPs, if any, will be researched, implemented and inspected and reported each year as necessary (year 3-5)." However, this MG is not presented in Appendix A Table MCM 6 for BMP PP-2.	The City must revise Table MCM 6 to include this activity to conduct departmental reviews of BMPs in years 3-5. As required in Item Number 1, the City must include appropriate progress and effectiveness assessment measures for each MG.
11	Appendix A, MCM 4	BMP CS-4	Table MCM 4 labels one Construction Site BMP as PPI-3.	The City must revise Table MCM 4 to show the correct MG associated with BMP CS-4 for receipt and consideration of public concern for storm water quality.
12	NA	Miscellaneous	Typographical changes; suggestions noted in brackets.	<p>Revise as follows:</p> <ul style="list-style-type: none"> • page 33 - remove reference to Appendix C • pages 26-27 - If any of the [authorized] non-storm water discharges; and • Currently the City has no documentation that any of the above listed non-storm water discharges show a serious [threat] to water [quality].

Item Number	SWMP Section	Subject	Problem	Required Revisions
13	2.3 Watershed & Drainage Basin	Pollutants of Concern	On page 8 the text is unclear and the City made inadvertent references to toxaphene and San Lorenzo River. Also, the City failed to include pathogens as one of the pollutants of concern listed for San Lorenzo Creek.	<p>Make the following revisions:</p> <p>The Salinas River and one of its tributaries, San Lorenzo <u>[Creek]</u>, are listed in the Clean Water Act's 303(d) list (2006) of impaired water bodies. The portion of the Salinas River near King City is listed for <u>[pesticides and salts] (salinity/ total dissolved solids (TDS)/ chlorides)</u>. San Lorenzo Creek is listed for <u>[pathogens based on indicator bacteria]</u>. Impaired water bodies are those waters that do not fully support designated beneficial uses. Both the Salinas River and San Lorenzo Creek are scheduled for development and implementation of Total Maximum Daily Load (TMDL) requirements, which requires identification of pollutant sources and reduction of loading to restore the beneficial uses of impaired water bodies. Pollutant sources are recognized to come from several sources. For example:</p> <ul style="list-style-type: none"> • Salinas River, potential sources of pesticides and salinity/TDS/chlorides are recognized from agricultural and non-point sources. • San Lorenzo Creek, potential sources of pathogens are recognized from urban runoff and storm sewers/ septic disposal, natural sources, and agriculture. <p>Additionally, construction and development are likely sources for sedimentation/ siltation discharges. The focus of this SWMP will be siltation, sedimentation <u>[and bacteria]</u>, since urban runoff from King City would affect these pollutants.</p>



475 Washington St. Suite A
Monterey, CA 93940
(831)646-8837

Mr. Roger Briggs
Executive Director
Regional Water Quality Control Board
Central Coast Region
895 Aerovista Place, Suite 101
San Luis Obispo, CA 93401
Sent via electronic mail

March 30, 2009

Re: Comments on the King City SWMP draft, dated January 2009

Dear Mr. Briggs,

As you know, the Monterey Coastkeeper is concerned about the enrollment of Stormwater Management Plans (SWMP) throughout our region. Please consider the following comments in regards to the King City SWMP, which is scheduled for enrollment in the following cycle.

We have two main concerns with the King City SWMP: failure to adequately seek out, process and respond to public comments and concerns and secondly a lack of measurable goals in certain key areas. In addition to this, we will make several comments about specific parts of the plan in which we feel modifications are necessary.

Given the fact that we do not know what other public comments will address, or how the Board staff will respond to any of the comments received, we would like to request a hearing for the King City SWMP. If Board staff's response to our comments is acceptable to us, we will drop this request. Please consider the following concerns that we have after reviewing the January 2009 draft of the King City SWMP:

I. Failure to adequately respond to public concerns

The Monterey Coastkeeper expressed interest in reviewing the King City SWMP in mid 2008, when the Regional Board set forth its accelerated enrollment schedule. We identified King City as relevant to the water quality of Monterey Bay, and sent an early letter stating our intent to participate in the public process, to which we received no response. Although we

eventually managed to seek out and speak with the responsible party, for the most part our intent to participate was ignored. No effort was made to hear our concerns with the SWMP during its formation, let alone address them.

We feel strongly about the need to involve the public in the process of enrolling SWMPs. We are grateful that the Regional Board upholds a high standard for public participation, and hope that the Board will require the City to do the same for future modifications to the plan. We request that the plan include language committing the City to maintaining a list of interested parties who will be contacted about meetings, events, or publications related to the Stormwater program in a timely fashion. We would like to be on that list.

It is important that public comment and input is solicited at a point in the process when it can be considered and incorporated into the program. Requesting public comment after a plan has been approved suggests that the City does not actually intend to put the comments it has received to good use. We request that language be included in BMP PPI-1 committing the City to scheduling public meetings or comment periods with sufficient time to allow for comments to be considered, incorporated or given due response.

II. Lack of measurable goals

The City does a good job of identifying ways to track its progress by including a column of program effectiveness measurements in the Appendix A table of BMPs. However, the Permit requires that the SWMP include measurable goals, which has been translated to mean quantitative goals that set benchmarks for the City. In the current draft, the City has identified indicators of success. We request that the Board ensure that the extra step is taken to assign quantities against which the City can measure its success. For example, in the Public Education and Outreach MCM, the City identifies website hits as a way to track the progress of BMP PEO-1. We would like to see a goal set for how many hits the City will achieve to illustrate the impact that City expects this BMP to have. This number could easily be estimated based on the number of hits that the City's current web page receives, and could serve to illustrate whether or not a storm water web page is reaching the desired number of people. The same goes for setting a numeric goal for other forms of outreach, such as a number of brochures distributed, the number of restaurants that will be visited for storm water outreach, etc.

This standard should apply throughout the entire SWMP. In the case where the quantitative goal depends on some event outside of the City's control (for example number of illicit discharge reports that will be responded to), a percentage serves nicely. For example, in the case of responding to illicit discharge reports, the City should aim to respond to 100% within a reasonable, identified timeframe.

III. Specific concerns: the following is a list of changes we would like to see made to the SWMP before approval.

- Illicit Discharge Detection and Elimination: There is no clear language that states the City's intent to ensure that 100% of illicit connections or discharges are eliminated. We would like this clarified.
- Stormwater ordinance for construction: The plan does not state clearly that a stormwater ordinance will be developed; rather the current language suggests that the requirement will be fulfilled by modifying an existing ordinance on flood damage prevention. (p.31) We want explicit language committing the City to passing an ordinance that specifically commits the City to mitigating storm water pollution.
- Construction Site inspections: The language on page 32 reads "Inspections for SWPPP BMPs will be conducted for priority construction sites disturbing one acre or more..." The following BMP sets the goal of inspecting 75% of construction sites disturbing an acre or more annually. We believe that all construction sites disturbing one acre or more should be considered priority and inspected, and request that the Board require inspection of 100% of active construction sites disturbing one acre or more.
- The City does not commit to a list of required BMPs for construction, but states that it will develop a list of recommended BMPs, which will be made available in a brochure. While flexibility is desirable, the SWMP should commit to maintaining a minimum required set of criteria for storm water water pollution prevention.
- The City's commitment to LID is unclear; there is no real timetable for implementation of LID standards. We appreciate the inclusion of the required language in regards to the implementation of interim hydromodification standards, but would like clarification as to the timeline of incorporating LID standards into the planning process. The SWMP commits to distributing brochures with LID BMP manuals by year three. The Monterey Coastkeeper believes that LID should be included in the development of hydromodification standards, which the City has committed to developing by year one. We request that the City act sooner to publicize LID BMPs to developers, particularly in the interim period when no actual standards have been institutionalized. Recommended BMPs should be available by year one, with finalized standards implemented in year 2.
- Municipal Operations states that the City will assess its actions and update them to comply with permit requirements. It commits the City to little else. We would like to see the SWMP address some of the areas this MCM should address more thoroughly; especially Integrated Pest Management, which is apparently not in effect. A discussion of the particular local concerns that affect water quality would help identify areas where City practices are in need of improvement. At the least, the Monterey Coastkeeper would like to see the SWMP address pest management beyond a single, blanket application of Roundup once a year.

Overall, the King City SWMP is not bad. It is concise but to the point, and with some key changes, could be an acceptable document. Given the area's rapid growth in past years, and potential for future growth, we are most concerned to see that LID and hydromodification standards are firmly set in place. Unchecked development in King City will have huge ramifications for the environmental health of the

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Monterey Bay and the entire region. For this reason, we request that ensure that the City is held to a high standard in this particularly key area of storm water management.

Thank you for considering our comments. I am, as always, available for questions or concerns.

Sincerely,

A handwritten signature in black ink, appearing to read "Allison Ford". The signature is fluid and cursive, with the first name "Allison" written in a larger, more prominent script than the last name "Ford".

Allison Ford

Program Manager

CC (by electronic mail):

Sal Morales, Public Works Director, City of King

Octavio Hurtado

ATTACHMENT 2
5/21/09



475 Washington St. Suite A
Monterey, CA 93940
T/ (831) 646-8839
F/ (831) 646-8843

To Roger Briggs, Executive Director, c/o Dave Innis
Regional Water Quality Control Board
Central Coast Region
895 Aerovista Place, Suite 101
San Luis Obispo, CA 93401
Sent via electronic mail

Re: King City Stormwater Management Plan

Dear Mr. Briggs,

In a letter dated March 30, 2009 I requested a hearing before the Board regarding the King City Stormwater Management Plan (SWMP). The basis for this request was a list of concerns over the City's SWMP and the level of commitment it reflected.

Since that time Board staff member Dave Innis has been working with us and the City to address our concerns. We have managed to agree upon acceptable language that includes a clear timeline for developing interim hydromodification standards within one permit year, and long term standards within the five year permit term, as well as clearer, quantitative measurable goals.

With staff's assurance that this will be included in the finalized King City SWMP, we hereby relinquish our request for a Board hearing on the King City SWMP.

I appreciate your staff's willingness to consider our input and find common ground. It is our belief that these discussions lead to stronger, more dynamic plans that we hope translates into better pollution prevention and control.

Sincerely,

Allison Ford
Program Manager
The Monterey Coastkeeper

5/13/09

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May 13, 2009

David Innis
Regional Water Quality Control Board,
Region 3
895 Aero Vista Place, Suite 101
San Luis Obispo, CA 93401

Re: Response to Water Board and Monterey Coastkeeper Comments to Water Board on King City SWMP

Dear Mr. Innis,

As you know, The City of King's staff has spent numerous hours preparing the SWMP so that City can produce a document that meets the requirements of the NPDES Phase II permit, addresses the specific water quality issues for the City and, more importantly, creates a program that can be integrated and accepted by residence of the City of King.

The City has received and carefully reviewed the summary of your meeting with the Monterey Coastkeeper on our Storm Water Management Program document. Below is our response to the Coastkeeper's comments.

1. The City has not started any of the programs in the SWMP, including PPI-1 (stake holder email list). Once the SWMP is accepted by the Water Board we will start a list and add the Coast Keeper's email to our list.
2. The City will add numbers to the measurable goals to help track progress where appropriate. Examples below:
 - a. PEO-1 web pages -15 hits 1st year with 10% increase a year after
 - b. PEO-3 Mailings – 25% of business a year until complete
 - c. PEO-4 stencil SD – add 25 SD inspected per year
 - d. PEO-5 hotline – 5 calls a year, respond to 100% of calls
 - e. etc
3.
 - a. The City of King's intent is to prevent illicit discharges that affect water quality as the SWMP states on page 24 "implement a new ordinance or multiple ordinances to ensure that regulations clearly define and prohibit illicit discharges to the storm sewer system" We will update the tables to ensure the tables clearly reflect the text.
 - b. We will revise the SWMP so that it states on page 31 "The City will revise existing or create new ordinances that address site runoff and associated



inspection and enforcement procedures through reference to the Uniform Building Code. Revisions to the ordinance will ensure effective and appropriate use of available erosion and sediment controls; establish legal responsibility and accountability to prevent impacts to storm water quality and progressive penalties for non-compliance. Changes to the municipal code will provide a legal framework for construction site storm water discharge enforcement.” Though the City might not create a new ordinance, the revised ordinance will have the same out come, to reduce erosion and sediment through education and enforcement.

c. Every construction site disturbing one acre or more is required to obtain NPDES construction permit. The NPDES construction permit requires each developer/contractor/owner to self certify that they are meeting the requirement of the permit and SWPPP. With its limited resources, the City will commit to inspect 100% up to 25 sites annually for erosion control and SWPPP compliance. The City inspection will be in addition to the self certification required by the NPDES permit and any storm water hotline discharge reports.

d. Each construction site is unique; therefore the best suited BMP's for each project are site specific. It is up to the project's designer to choose which BMPs will work best for each individual project. Since there isn't a one size fits all BMP SWMP (and current City policy) requires erosion control plans for all construction site to be submitted for review by City Staff to ensure they meet the City's ordinances. The City will commit to compiling a flyer summarizing the Construction Storm Water Program including general requirements. The City currently request erosion control plan of every construction project in the City which is then reviewed and approved.

e. The City currently works with each developer through one on one meetings to help them navigate the development projects. The City will inform each applicant of LID measures available verbally until a list is made available. The City understands the Low Impact Development Center is to issue a LID list with in this year. The City will distribute that list to developers once created.

f. City only sprays pesticides on an as-needed basis. The City does not misuse or apply a “blanket application” of any pesticides, does not apply prior to irrigating and does not apply near storm drain inlets. To reduce the amount of pesticides used the City has implemented a disking program and mowing program as alternative means to weed control.



KING CITY

We appreciate Monterey Coastkeeper's comments and are confident that this letter will help ease some of their concerns. If you have further questions, please contact me.

Sincerely,

A handwritten signature in black ink, appearing to read 'M. Powers', with a long, sweeping underline.

Michael Powers
City Manager

Cc: Sal Morales, Public Works
Octavio Hurtado, Hanna & Brunetti
Amanda Wilson, Hanna & Brunetti

**ATTACHMENT 3
CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL COAST REGION**

**Response to Comments
King City Stormwater Management Program – January 2009**

Introduction

This document includes the Central Coast Regional Water Quality Control Board (Water Board) staff responses to the comments received during the Water Board's 60-day public comment period (January 30 – March 30, 2009) for the King City (City) Stormwater Management Program (SWMP). Water Board staff received comments and a request for hearing from the Monterey Coastkeeper on March 30, 2009. The City indicated they will revise the SWMP on May 13, 2009 based on Monterey Coastkeeper comments. On May 21, 2009, the Monterey Coastkeeper withdrew its request for hearing after review of the revisions to which the City agreed and consultation with Water Board staff.

Comments from Monterey Coastkeeper

Comment 1: As you know, the Monterey Coastkeeper is concerned about the enrollment of Stormwater Management Plans (SWMP) throughout our region. Please consider the following comments in regards to the King City SWMP, which is scheduled for enrollment in the following cycle. We have two main concerns with the King City SWMP: failure to adequately seek out, process and respond to public comments and concerns and secondly a lack of measurable goals in certain key areas. In addition to this, we will make several comments about specific parts of the plan in which we feel modifications are necessary.

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I. Failure to adequately respond to public concerns: The Monterey Coastkeeper expressed interest in reviewing the King City SWMP in mid 2008, when the Regional Board set forth its accelerated enrollment schedule. We identified King City as relevant to the water quality of Monterey Bay, and sent an early letter stating our intent to participate in the public process, to which we received no response. Although we eventually managed to seek out and speak with the responsible party, for the most part our intent to participate was ignored. No effort was made to hear our concerns with the SWMP during its formation, let alone address them.

We feel strongly about the need to involve the public in the process of enrolling SWMPs. We are grateful that the Regional Board upholds a high standard for public participation, and hope that the Board will require the City to do the same for future modifications to the plan. We request that the plan include language committing the City will maintain a list of interested parties who will be contacted about meetings, events, or publications related to the Stormwater program in a timely fashion. We would like to be on that list.

It is important that public comment and input is solicited at a point in the process when it can be considered and incorporated into the program. Requesting public comment after a plan has

been approved suggests that the City does not actually intend to put the comments it has received to good use. We request that language be included in BMP PPI-1 committing the City will schedule public meetings or comment periods with sufficient time to allow for comments to be considered, incorporated or given due response.

Staff Response 1: City staff presented the draft SWMP to the City Council on December 9, 2008 before submitting it to the Water Board for public comment. To inform stakeholders of the presentation to the City Council, the City followed normal public notification process, which included posting the agenda outside the City Council Chambers on the bulletin board, posting it in City Hall, and delivering it to the City Library on Thursday December 4, 2008. The agenda was also posted on the City's website and the City notified the Water Board. Unfortunately, this announcement did not reach all stakeholders, including the Monterey Coastkeeper. In the future, once the SWMP is approved, the City will start a list and add the Coastkeeper email address to the list per BMP PPI-1 (stakeholder email list).

Comment 2: II. Lack of measurable goals: The City does a good job of identifying ways to track its progress by including a column of program effectiveness measurements in the Appendix A table of BMPs. However, the Permit requires that the SWMP include measurable goals, which has been translated to mean quantitative goals that set benchmarks for the City. In the current draft, the City has identified indicators of success. We request that the Board ensure that the extra step is taken to assign quantities against which the City can measure its success. For example, in the Public Education and Outreach MCM, the City identifies website hits as a way to track the progress of BMP PEO-1. We would like to see a goal set for how many hits the City will achieve to illustrate the impact that City expects this BMP to have. This number could easily be estimated based on the number of hits that the City's current web page receives, and could serve to illustrate whether or not a storm water web page is reaching the desired number of people. The same goes for setting a numeric goal for other forms of outreach, such as a number of brochures distributed the number of restaurants that will be visited for storm water outreach, etc.

This standard should apply throughout the entire SWMP. In the case where the quantitative goal depends on some event outside of the City's control (for example number of illicit discharge reports that will be responded to), a percentage serves nicely. For example, in the case of responding to illicit discharge reports, the City should aim to respond to 100% within a reasonable, identified timeframe.

Staff Response 2: Staff agrees, therefore we added required revision Item Number 1 (see Attachment 1). The City will revise several and add quantitative measures to the measurable goals to help track progress of its BMPs and MGs (see the City's response in their letter of May 13, 2009 in Attachment 2). The City provided examples, such as:

- PEO-1 Web Page–15 hits in the first year with a 10% increase each following year
- PEO-3 Mailings–25% of businesses a year until complete
- PEO-4 Stencil Storm Drains–stencil and inspect 25 storm drains annually
- PEO-5 Hotline–Respond to 100% of all calls

In addition, the City will evaluate the effectiveness of each BMP and MG as required in BMP EA-1.

Comment 3: III. Specific concerns: the following is a list of changes we would like to see made to the SWMP before approval.

Illicit Discharge Detection and Elimination: There is no clear language that states the City's intent to ensure that 100% of illicit connections or discharges are eliminated. We would like this clarified.

Staff Response 3: Staff agrees, therefore we added required revision Item Number 2 (see Attachment 1). The revision requires the City to modify BMP IDDE-1 to better communicate the City's intent to prevent illicit discharges that affect water quality. The City expressed its intent on page 24 "implement a new ordinance or multiple ordinances to ensure that regulations clearly define and prohibit illicit discharges to the storm sewer system." In collaboration with Water Board staff, the City agreed to update all tables in Appendix A to ensure they clearly reflect the text (see City's May 13, 2009 letter in Attachment 2).

Comment 4: Stormwater ordinance for construction: The plan does not state clearly that a stormwater ordinance will be developed; rather the current language suggests that the requirement will be fulfilled by modifying an existing ordinance on flood damage prevention (p.31). We want explicit language committing the City to passing an ordinance that specifically commits the City to mitigating storm water pollution.

Staff Response 4: Staff agrees, therefore we added required revision Item Number 2, so that the City must modify BMP CS-4. Our communication with City staff reached an agreement to revise the SWMP to state on page 31 "the City will revise existing or create new ordinances that address site runoff and associated inspection and enforcement procedures through reference to the Uniform Building Code. Revisions to the ordinance will ensure effective and appropriate use of available erosion and sediment controls; establish legal responsibility and accountability to prevent impacts to stormwater quality, and progressive penalties for non-compliance. Changes to the municipal code will provide a legal framework for construction site stormwater discharge enforcement" (see the City's May 13, 2009 letter in Attachment 2). The City indicates they may not create a new ordinance, but a revised ordinance will have the same outcome to reduce erosion and sedimentation through education and enforcement.

Comment 5: Construction Site inspections: The language on page 32 reads "Inspections for SWPPP BMPs will be conducted for priority construction sites disturbing one acre or more..." The following BMP sets the goal of inspecting 75% of construction sites disturbing an acre or more annually. We believe that all construction sites disturbing one acre or more should be considered priority and inspected, and request that the Board require inspection of 100% of active construction sites disturbing one acre or more.

Staff Response 5: Staff agrees, therefore we added required revision Item Number 6, requiring the City must modify BMP CS-3. The City also agreed stating "every construction site disturbing one acre or more is required to obtain a NPDES construction permit. The NPDES construction permit requires each developer/contractor/owner to self-certify that they are meeting the requirements of the General Permit and Storm Water Pollution Prevention Plan (SWPPP). The City will inspect 100% of sites annually up to 25 sites annually for erosion control and SWPPP compliance. The City inspection will be in addition to the self certification required by the NPDES permit and any stormwater hotline discharge reports" (see the City's May 13, 2009 letter in Attachment 2).

Comment 6: The City does not commit to a list of required BMPs for construction, but states that it will develop a list of recommended BMPs, which will be made available in a brochure. While flexibility is desirable, the SWMP should commit to maintaining a minimum required set of criteria for storm water pollution prevention.

Staff Response 6: Staff agrees, therefore we added required revision Item Number 7, so that the City must modify BMPs CS-5 and ND-2. The City indicates "each construction site is unique; therefore the best suited BMPs for each project are site specific. It is up to the project's designer to choose which BMPs are appropriate for each individual project. Since there isn't a "one size fits all" BMP, the City's SWMP (and current City policy) requires erosion and sedimentation control plans for all construction sites to be submitted for review by City Staff to ensure they meet the City's ordinances. The City will compile a flyer summarizing the Construction Storm Water Program including general requirements. The City currently requests erosion control plans of every construction project in the City which is reviewed before approval" (see the City's May 13, 2009 letter in Attachment 2).

Comment 7: The City's commitment to LID is unclear; there is no real timetable for implementation of LID standards. We appreciate the inclusion of the required language in regards to the implementation of interim hydromodification standards, but would like clarification as to the timeline of incorporating LID standards into the planning process. The SWMP commits to distributing brochures with LID BMP manuals by year three. The Monterey Coastkeeper believes that LID should be included in the development of hydromodification standards, which the City has committed to developing by year one. We request that the City act sooner to publicize LID BMPs to developers, particularly in the interim period when no actual standards have been institutionalized. Recommended BMPs should be available by year one, with finalized standards implemented in year 2.

Staff Response 7: Staff agrees, therefore we added required revision Item Number 7, so that the City must modify BMP ND-2. The City currently works with each developer and builder through one-on-one meetings to help them navigate the development projects. In conjunction with the Water Board and Central Coast LID Center, the City will offer a list of basic LID measures available for each applicant. Please refer to the comment above that directs the City to provide construction and post-construction BMP information at the start of the City's program.

Comment 8: Municipal Operations states that the City will assess its actions and update them to comply with permit requirements. It commits the City to little else. We would like to see the SWMP address some of the areas this MCM should address more thoroughly; especially Integrated Pest Management, which is apparently not in effect. A discussion of the particular local concerns that affect water quality would help identify areas where City practices are in need of improvement. At the least, the Monterey Coastkeeper would like to see the SWMP address pest management beyond a single, blanket application of Roundup once a year.

Staff Response 8: The City sprays pesticides only on an as-needed basis. The City indicates staff do not misuse or apply "blanket applications" of any pesticides, do not apply chemical prior to irrigating or predicted rainfall, and do not apply pesticides or herbicides near storm drain inlets. The City has reduced pesticide spraying by implementing a disking program and mowing programs as an alternative means to weed control. The City will implement less pesticide application and safer use as expressed in several BMP and MGs, such as:

- PEO-3 Brochures on proper handling, use, and disposal of pesticides.
- PEO-7 School demonstrations will include proper use and disposal of pesticides.
- IDDE-1 Illicit Discharge Prohibitions and Enforcement Authority is aimed to reduce Pollutants of Concern including pesticides because the Salinas River is impaired according to the 2006 Clean Water Act Section 303(d) listing for pesticides from Agriculture and Non Point sources.

Comment 9: Overall, the King City SWMP is not bad. It is concise but to the point, and with some key changes, could be an acceptable document. Given the area's rapid growth in past years, and potential for future growth, we are most concerned to see that LID and hydromodification standards are firmly set in place. Unchecked development in King City will have huge ramifications for the environmental health of the Monterey Bay and the entire region. For this reason, we request that ensure that the City is held to a high standard in this particularly key area of storm water management.

Staff Response 9: Please review BMPs CS-2 and CS-5 and ND-2 through ND-5, Items 6 and 7 in Table of Required Responses, and our responses to the Coastkeepers' Comments 6 and 7.

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