



The Otter Project

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June 29, 2007

Central Coast Regional Water Quality Control Board
Mr. Jeffrey Young, Chair
895 Aerovista Place, Suite 101
San Luis Obispo, CA 93401-0397

Via email to: ddunaway@waterboards.ca.gov and LOkun@waterboards.ca.gov

Re: City of Salinas Municipal Storm Water, NPDES Permit No. CA0049981

Dear Chair Young, Board Members and Staff,

We are writing to express our concern over the lack of progress on the Salinas Stormwater Management Program. We urge the Board to take enforcement action. The following comments are made on behalf of the Monterey Coastkeeper, a program of The Otter Project.

Dated 11 February 2005, the Central Coast Regional Water Quality Control Board (RWQCB) ordered the City of Salinas to submit a revised Storm Water Management Program (SWMP) within 180 days of permit adoption. Today, two years, four and a half months later, we still do not have an approved SWMP. Clearly separating issues and documents, the RWQCB order gave the Salinas one year to create a Development Standards Plan (DSP).

Salinas has divided compliance into additional components. At this time there appears to be (at least) four pieces in process:

1. Grading "ordinance"
2. Storm water ordinance
3. The original SWMP
4. The original DSP

Grading "Ordinance"

At the City's request, Monterey Coastkeeper met with Carl Niizawa, Deputy City Engineer, on 21 May 2007. At that meeting we were given a draft of the Grading Ordinance entitled "An Ordinance Adopting and Establishing Standards to Control Excavations, Cuts, Fills, Clearing, Grading, Erosion, and Sediment." Soon after my first read of the document I expressed concern to both the City and RWQCB staff that the Ordinance did not contain any grading setback from creeks or riparian corridors. At this



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point the RWQCB staff realized that they were reviewing a different draft from what I had been given. At 4:30 PM on Friday, 15 June, we were notified of yet another version, downgraded to a resolution, on the consent agenda, for the 4 PM, Tuesday 19 June, City Council meeting. Although removed from the consent agenda and discussed, the Resolution was considered, significantly amended, and passed (without re-notice) by the Council. We have very serious concerns with the grading "ordinance" including:

1. At the request of the Future Growth Area contractors, any reference to the Reclamation Canal was removed. The Reclamation Canal is the federally designated waterway draining Carr Lake and the Salinas municipal core.
2. Although there is a building setback, there are no grading, clearing, or fill setbacks in the 'ordinance,' City Code, or City General Plan. The City specifically references COS-17 of the Salinas General Plan; COS-17 states that, "No building or structure shall be developed in the setback area" but does not address grading or fill.
3. The definition of Low Impact Development (LID) states no goal and has no performance standard, but is simply defined as "The LID design orientation is to minimize the site stormwater runoff impact of development by using design techniques..."

The Grading 'Ordinance' (now "Standards") consistently refers to the yet to be developed Stormwater Plan and is a component of SWMP. Attachment 4 of the Order specifically states that "Interested persons shall have 30 days to comment on the revised SWMP prior to RWQCB or Executive Officer approval." We believe the public process has been knowingly and deliberately avoided by the City of Salinas.

Stormwater Ordinance

Also noticed late on Friday 15 June and taken up by the City Council on 19 June was "An Ordinance Amending Chapter 29 of the Salinas City Code Regarding Stormwater Management and Discharge Control." Public comment was limited to two minutes per speaker (for both the Stormwater Ordinance and Grading Standards combined). Although we have yet to review this totally new document in detail, we have many of the same concerns as with the Grading Standards. Again, the definition of LID has no stated performance standards or goal; LID is simply defined as an 'approach.' Because the Stormwater Ordinance refers to the DSP -- which are yet to be developed -- the ordinance is meaningless at this time. The ordinance is scheduled to be adopted by Council on 10 July. The Mayor announced at the 19 June meeting that because intervening City Council meetings have been cancelled, the 10 July agenda will be packed and public comment will be severely limited. Again, we believe the public process is being knowingly and deliberately avoided by the City of Salinas.

The Original SWMP

We believe the SWMP is the core and critical document required by the RWQCB. As previously stated, the City of Salinas was given 180 days to complete their SWMP. Today, years later, we have serial revisions not responding to public comment and seriously weakening intended regulation. As of this writing, Salinas has the January 2007 revision posted on their website. Yet, City staff has commented that they submitted a

