

Via Certified Mail:  
No. 7008 1830 0002 6279 7299  
Return Receipt Requested

Chuck Della Sala  
Mayor  
City of Monterey  
580 Pacific Street  
Monterey, CA 93940

Re: City of Monterey Municipal Separate Storm Sewer System (MS4) Compliance Audit Report

Dear Mr. Della Sala:

Enclosed is the final audit report for the City of Monterey's Storm Water Management Program (SWMP or Program). During the week of September 21, 2009, PG Environmental, LLC, an EPA contractor, and staff from EPA Region 9 (EPA) and the Central Coast Regional Water Quality Control Board (Regional Board) conducted an audit of the City's SWMP to evaluate the compliance with the California NPDES General Permit for Storm Water Discharges from Small MS4s, General Permit CAS000004 (Permit).

The Permit establishes minimum requirements for SWMPs to address the water quality impacts from storm water and non-storm water discharges. The audit included document reviews, interviews with City program managers and staff, as well as field verification inspections. The City's failure to develop, implement, and enforce an effective construction site storm water runoff control program was determined to be the most significant Program deficiency. This finding is emphasized due to the scope of the construction program deficiencies, and as a result of the City's role in providing site plan review and/or construction site inspection services to the communities of Sand City, Del Rey Oaks, and Pacific Grove. Specifically, the audit identified the following deficiencies in the City's construction site storm water runoff control program:

- failure to implement an adequate construction site plan review program incorporating consideration of potential water quality impacts; and
- lack of an effective erosion and sediment control inspection program.

Additionally, through field observations of storm water detention basins, drainage channels, streams and creeks, EPA learned the City has conducted extensive excavation of a natural drainage channel to accommodate storm water flow (i.e. upstream of the Highway 68 detention pond), and stream channel alteration activities to control erosion and minimize the discharge of sediment to the Monterey Bay (i.e. Crandall and Windmere Creeks). These activities may result in increased discharge of sediment to Monterey Bay and may have been conducted in violation of §§ 404 and 401 of the Clean Water Act. EPA requests that the City contact Cameron Johnson of the U.S. Army Corps of Engineers, San Francisco District Office at (415) 503-6773 to determine if these projects, or any future planned efforts, require a § 404 permit and an associated § 401 water quality certification from the Regional Water Quality Control Board.

EPA will follow up separately with the Central Coast Regional Water Quality Control Board on the deficiencies noted above and in the audit report. The final audit report will be posted on EPA's website at <http://www.epa.gov/region09/water/npdes/ms4audits.html>. Your staff may wish to review the case studies that EPA has developed for each of the minimum control measures to help MS4s improve their storm water management programs at <http://cfpub1.epa.gov/npdes/stormwater/casestudies.cfm>.

If you have any questions, please call me at (415) 972-3572 or refer staff to Greg Gholson at (415) 947-4209 or via email at [gholson.greg@epa.gov](mailto:gholson.greg@epa.gov). For legal questions, please contact Jessica Kao, Assistant Regional Counsel, at (415) 972-3922 or by email at [kao.jessica@epa.gov](mailto:kao.jessica@epa.gov).

Sincerely,

Alexis Strauss, Director  
Water Division

Enclosure:  
City of Monterey MS4 Compliance Audit Report

ecc (w/encl):  
David Pendergrass, Mayor, Sand City  
Jerry Edelen, Mayor, Del Rey Oaks  
Carmelita Garcia, Mayor, Pacific Grove  
Roger W. Briggs, Executive Officer, Central Coast RWQCB  
Jennifer Epp, Water Resource Control Engineer, Central Coast RWQCB