



January 3, 2006

Mr. Robert Almy, manager  
Santa Barbara County Water Agency  
123 E. Anapamu Street  
Santa Barbara, CA 93101-2058

SENT BY E-MAIL & U.S. POST

**Re: County of Santa Barbara Draft Storm Water Management Program**

Dear Mr. Almy:

These comments on the Santa Barbara County revised draft Storm Water Management Plan (SWMP) are submitted on behalf of Heal the Ocean, a non-profit corporation active in improving water quality in the Pacific Ocean and local watersheds of Santa Barbara County. These comments are in reference to the draft Storm Water Permit (SWMP) REV4, that was hand-delivered to our office on December 15, 2005.

We are not certain that this draft (REV4) is the same draft submitted by your agency to the Regional Water Quality Control Board (Regional Board) on December 30, 2005, in that there have been many revisions of this document without customary time for review. We are requesting that we receive any draft SWMP that has been revised since December 15, 2005.

While Heal the Ocean remains unsatisfied with the County's response to a number of critical issues we have with the County SWMP, this letter focuses on only one serious set of errors in the SWMP – the critical issue of overlapping jurisdictions, wherein the parties – both the County and the cities involved – fail to address in their SWMPs the pollutants of concern listed for the water bodies -- including 303(d) listed water bodies -- that enter and exit their permitted areas.

The County SWMP abnegates responsibility for water bodies in its permitted area, without providing proof that it can do so, and for this reason alone, Heal the Ocean will oppose RWQCB approval of the County SWMP in its present form.

Heal the Ocean asks the County to provide a justification as to why the two largest impaired 303(d) listed rivers in the County – the Santa Maria River and the Santa Ynez River are described in Table 1 as “not in the County's permit area.”

Item 6, Attachment No. 10  
July 7, 2006 Meeting  
Santa Barbara County SWMP

There is no evidence supporting the suggestion that the unincorporated areas, which are under County jurisdiction, are not a source of pollution. If the County wishes to further advance its case in this matter, it must implement a comprehensive chemical monitoring program at the edge of the permit boundaries to show that the water-bodies in question are polluted before they enter their jurisdiction. No such monitoring program has been initiated.

The most serious jurisdictional inconsistency of the County SWMP is found in the discussion of San Miguelito Creek, a major tributary leading into the Santa Ynez River, a 303(d)-listed impaired water body. San Miguelito Creek is listed on Table 1 as being "not in the (County's) permit area," and, thus is in the jurisdiction of the City of Lompoc. However, the City of Lompoc's SWMP states, "The City receives flow from the upstream watersheds of the Santa Ynez River and from San Miguelito Creek, which drains from unincorporated Santa Barbara County lands, south of town... The East-West Channel is maintained by the City of Lompoc, while the Miguelito Creek Channel and its related basin are maintained by the Santa Barbara County Flood Control District... Other sources of sediment that are readily apparent in the Lompoc Valley include... significant erosion in the upper reaches of Miguelito Canyon, within Santa Barbara County's jurisdiction."

Additionally, the introduction of SWMP REV 4 states that the County is responsible for:

*"...implementing the SWMP in state designated unincorporated urbanized areas pursuant to the General Permit (see Figure 1). The Cities of Carpinteria, Santa Barbara, Goleta, Buellton, Solvang, Lompoc, and Santa Maria are responsible for implementing independent SWMPs within their municipal boundaries, but have a close working relationship with the County on topics of overlapping interest, such as public education (see Section 1.0)."*

Heal the Ocean insists that the "topics of overlapping interest" include not only public education – but the topic of reducing pollutants to impaired water bodies that cross overlapping permitted boundaries.

The Santa Maria River is listed in Table 1, of SWMP REV 4, as being "not in the County's permit area" – and thus, it is the responsibility of the City of Santa Maria to address the Pollutants of Concern (POCs) specific to this impaired water body. To assert that the City of Santa Maria is solely responsible for the Santa Maria River means that the County assumes that the only source of pollution to this water-body emanates from the incorporated boundaries within the City.

Again, there is no evidence supporting the suggestion that the unincorporated areas, which are under County jurisdiction, are not a source of pollution.

What's even more alarming is that while the County asserts that that the City of Santa Maria is responsible for the management of the 303(d)-listed Santa Maria River, the City of Santa Maria's SWMP does not outline specific measures to address this impaired water body. A similar situation is observed for the Santa Ynez River, which the County asserts is under the jurisdiction of Buellton, Lompoc and Solvang, yet these SWMPs do not provide specific BMPs that will address the POCs specific to the Santa Ynez River.

The major discrepancies that exist between the Lompoc, Buellton (et al) SWMPs and the County SWMP indicates a gross lack of coordination between the agencies responsible for implementing responsible programs for either storm water management or pollution control to 303(d)-listed water bodies. Heal the Ocean insists that until all of these inconsistencies are remedied the County SWMP

should NOT move forward nor should the SWMPs of the cities whose jurisdiction overlaps the County's.

This letter/our comments on the SWMP REV4 could be quite lengthy, in that recent changes to the document do not adequately address Heal the Ocean's previous concerns, which have been conveyed in our previous written comments.

Our other concerns include Public Education and Public Involvement, two conditions of the General Permit, as follows:

**Public Education.** The County SWMP describes public education as an "overlapping topic of interest" with the various cities (Lompoc, Santa Maria, Buellton, et al), yet the public education and outreach sections in both the County REV4 SWMP and the city SWMPs do not clearly define which BMPs and MCMs the cities will implement and which BMPs and MCMs will be implemented by the County agencies.

**Public Involvement.** There is serious lack of coordination between the various agencies responsible for implementing and enforcing the SWMP throughout Santa Barbara County. The County Project Clean Water "stakeholder" meetings, touted in the SWMP as a chief means of such coordination, are poorly attended if at all. Previous versions of the SWMP committed the County to ensuring 10-50 people would attend these meetings, but these meetings are never attended by this many people and as a result the County in its most recent version of the SWMP has removed this language. The County must provide a measurable goal that aims to increase the attendance at these meetings or provide some other means of effective public involvement or inter-agency coordination.

We are truly concerned about the County's apparent haste to push its SWMP through the approval process. The rapid, piecemeal and confusing changes now being made to the SWMP create significantly deleterious consequences for the citizens of Santa Barbara County. We therefore request that the SWMP process return to a schedule of complete review.

We also ask that the concerns outlined in this letter be subject to immediate attention and resolution.

Very Sincerely Yours,

Hillary Hauser, executive director  
HEAL THE OCEAN

Priya Verma, policy analyst  
HEAL THE OCEAN

cc: Ryan Lodge, Regional Water Quality Control Board  
Marco Gonzalez, Coast Law Group  
Santa Barbara Channelkeeper