



Wednesday, October 26, 2005

Via Electronic Mail and U.S. Mail

Mr. Ryan Lodge  
Central Coast Regional Water Quality Control Board  
895 Aerovista Place, Suite 101  
San Luis Obispo, CA 93401

RE: Santa Barbara County revised draft Storm Water Management Plan; August 9, 2005

Dear Mr. Lodge:

These comments on the Santa Barbara County revised draft Storm Water Management Plan (SWMP) dated August 9, 2005 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.

Heal the Ocean would like to acknowledge the County's work on revising this document, and we would also like to bring attention to several important areas in which the SB County SWMP does not meet the requirements of the MS4 General Permit. Of particular concern, the County has seemingly failed to incorporate several recommendations made by the Regional Water Quality Control Board (RWQCB). We request that the Regional Board take note of the deficiencies in the SWMP, as noted in this letter.

- **Introduction**

1. The RWQCB requested (June 7, 2004 and July 8, 2005) that the County update Table 1 to include all impaired water bodies within the jurisdiction of Santa Barbara County. In the SWMP (page vii and viii) Table 1 remains incomplete. Of particular concern, the two largest impaired rivers in the County – the Santa Maria River and the Santa Ynez River – are not included in Table 1. Several other smaller impaired water bodies that are included on the EPA 303(d) list have also been omitted from Table 1. Heal the Ocean has voiced our concern over these specific omissions to Santa Barbara County staff (Project Clean Water), and they agreed that the Table 1 list had inadvertently omitted these two important 303(d) listed water bodies.
2. The SWMP has been amended to include a section entitled, "Commitment to Implement SWMP and Continue Existing County BMPs" (page xvi). In this section the County states, "...the County will seek to make a reduction in the funding of the storm water management program, in proportion to the unexpected reduction of the County's discretionary funding." Contrary to the title of the section – "Commitment

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to implement” – this statement indicates clearly that the County does not intend to make storm water management a priority in its budget considerations.

- **MCM 1: Public Education and Outreach**

1. Most of the BMP outlined under MCM 1 in the SWMP are programs already in existence. Thus, the County’s budget should already account for these programs.

For all of the new BMPs listed in MCM 1, however, the County indicates it will not implement these new programs without an additional source of funding. One specific example is found in Table 1-1 of the SWMP, which states, “storm drains are marked.” However, the text of the document indicates that only a “majority” of storm drains have been marked, and that the County will continue this effort “as budget allows” (page 1-3). This again indicates the County’s lack of commitment to achieve even basic activities of a SWMP and to make storm water management a priority by allocating funds to implement these important programs.

- **MCM 3: Illicit Discharge and Elimination**

1. The SWMP indicates that “Electronic and hard copy versions of the current storm sewer maps are available in the offices of the County Public Works Department, Water Resources Division” (page 3-3). When Heal the Ocean tried to obtain copies of these maps we were directed to staff at Project Clean Water. We were informed that the electronic copies of the maps were only available in AutoCAD or ArcView, which are computer programs not readily available on most computers. We were, however, able to obtain a set of the storm sewer maps in hard copy for ~\$100 by taking them to be photocopied.

On examining these maps we found that while the major outfalls and storm drains have been identified there is no connection made between the two. As such, it is not possible to tell which outfall is associated with a particular storm drain. In fact, to understand the connection between storm drains and outfalls in a particular area Heal the Ocean has had to hire a mapper to supplement the maps provided by the County. Moreover, the RWQCB (July 7, 2004) notes that the general permit requires Santa Barbara County to develop if not already completed, a storm sewer system map. We assert that the County’s storm system maps are not complete. Thus, in Table 3-4 of the SWMP, the County’s claim that the storm sewer maps are complete is incorrect. Furthermore, the County’s statement “... a map that shows all creeks and streams, all major and most minor outfalls, and the storm sewer facilities that connect above-ground runoff with the aforementioned outfalls” (page 3-3) is also incorrect.

2. The SWMP states, “A re-evaluation of current practices was completed in FY 2003-04 to determine if additional improvements can be made. A draft discharge ordinance has been developed and circulated for public review. It is expected that the ordinance will be adopted prior to April 2005” (page 3-4).

This is contradictory to the SWMP Table 3-4 (page 3-22), which indicates the County must first assess existing ordinances.

Secondly, Table 3-4 (page 3-22) of the SWMP indicates that if the County deems it necessary, it will adopt an ordinance by the end of permit year 1, however the text of the document indicates that this ordinance was scheduled to be adopted in April 2005. The discrepancy between what is stated in the text and what is presented in the tables creates considerable confusion and needs to be corrected. Furthermore, it remains unclear as to whether the County has already developed a comprehensive storm water ordinance to meet all of the MS4 permit requirements.

3. Another concern raised by the RWQCB (July 8, 2005) is whether the County will be able to enforce this MCM when people are found to be in violation. The SWMP states, "Primary enforcement responsibilities may need to be further clarified among the various County Departments and other enforcement entities" (page 3-4). Thus, the County has not demonstrated the ability to effectively implement or enforce a new storm water ordinance.
4. The Regional Board requested (July 7, 2004 and July 8, 2005) that the County outline how it would address the non-storm water discharges, listed in Table 3-1, if such discharges are found to be contaminated. The SWMP states, "The County has not identified any of these discharges to be significant contributors of pollution to the County MS4" (page 3-2).

Even though the County says it has not identified any of these non-storm water discharges to contribute to water pollution, the County is still required to outline provisions for addressing non-storm water discharges if they are found to be contaminated.

In addition, Table 3-1 (page 3-2) is missing several sources of non-storm water discharges including: waterline flushing, uncontaminated groundwater infiltration to separate storm sewers, uncontaminated pumped groundwater, and discharges from potable water sources. The RWQCB comments (July 8, 2005) also requested that the County include language to indicate that the discharges listed in Table 3-1 will likely require a waiver; however, this language is not included in the current SWMP. Another relatively minor problem is that "individual residential car washing" is listed twice in Table 3-1.

- **MCM 4: Construction Site Storm Water Runoff Control**

1. The RWQCB letter (June 7, 2004) indicated that the County was incorrect in asserting that the grading ordinance regulations shall not apply to construction work within easements of the SB flood control and water conservation districts. In the draft SWMP (Sept 10, 2004; page 47) the County had corrected this error.

However (and alarmingly!) in the current (Aug. 9, 2005) SWMP (page 4-11) the County has eliminated the language included in the Sept 10, 2004 draft SWMP, and

reverted to the incorrect assertion that the grading ordinance regulations shall not apply to construction work within easements of the SB flood control and water conservation districts. It is unclear why the County made the initial correction and then reverted back to the incorrect language – especially when the Regional Board requested the correction.

2. An important requirement of MCM 4 is the development of procedures for the recognition and consideration of public inquiries, concerns, and information regarding local construction activities. The County SWMP outlines no such program. This intent of this provision is to encourage the public participation component of the storm water management program, as well as to recognize the crucial role the public can play in identifying instances of noncompliance. Although some form of enforcement action or reply is not required, the County is required to demonstrate acknowledgment and consideration of the information submitted. The EPA indicates that a simple tracking process in which submitted public information, both written and verbal, is recorded and then given to the construction site inspector for possible follow-up, would suffice. The County SWMP needs to be amended to outline such procedures.

• **MCM 5: Post Construction Storm Water Management**

1. The Regional Board previously raised an important concern (June 7, 2004 and July 8, 2005), regarding MCM 5 in the County SWMP as to the inadequacy of current policies in meeting the requirements of Attachment 4. In particular, Attachment 4 (A), "Receiving Water Limitations," remains unaddressed.

Other specific sections of Attachment 4 that are not addressed in the SWMP are:

- o (B) Design Standards
  - i. (2) Design Standards Applicable to all Categories
    1. (b) Peak Storm water Runoff Discharge Rates
    2. (f) Properly Design Outdoor Material Storage Areas
    3. (g) Properly Design Trash Storage Areas
    4. (h) Provide Proof of Ongoing BMP Maintenance.
  - ii. (3) Provisions Applicable to Individual Priority Project Categories
    1. (a) 100,000 square foot Commercial Developments
    2. (b) Restaurants
    3. (d) Automotive Repair Shops
  - iii. (4) Waiver
  - iv. (5) Limitation on the Use of Infiltration BMPs
  - v. (6) Alternative Certification for Storm Water Treatment Mitigation

The fact that the Attachment 4 requirements outlined above have not been included in the SWMP is a clear indication the current draft SWMP does not meet the MS4 permit requirements.

2. An important aspect of MCM 5 is the long-term operation and maintenance of these Minimum Controls. In the SWMP (page 5-4) the County states, "Provisions shall be

made for maintenance of BMPs over the life of the project.” The Regional Board requested (June 7, 2004) that the term, “life of the project” be defined. However, the current draft SWMP has not provided a more specific definition of this term. Thus, it remains unclear as to whether or not the County has an effective program in place to ensure post construction control measures are maintained over time.

Heal the Ocean would like to thank the RWQCB staff for its work on the SB County SWMP, and we appreciate our comments being considered. We feel very strongly that the SB County SWMP requires additional review, we request that until these important corrections are made the Regional Board *not* issue the County of Santa Barbara a storm water permit. We sincerely hope that our comments help to develop a strong and enforceable storm water management plan for SB County.

Please feel free to contact me if you have any questions regarding any of these comments.

Truly Yours,

Priya Verma, Policy Analyst  
HEAL THE OCEAN

cc: Robert Almy, Santa Barbara County Project Clean Water  
Anjali Jaiswal, NRDC  
Marco Gonzalez, Coast Law Group