

Law Office of

February 14, 2003

Via Facsimile and U.S. Mail: 568-3434

Mr. Rob Almy, Manager
Project Clean Water
Santa Barbara County Water Agency
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RE: County of Santa Barbara Draft Storm Water Management Program--Public Draft

Dear Mr. Almy:

These comments on the County of Santa Barbara's Public Draft of its Storm Water Management Program ("SWMP") are submitted on behalf of Heal the Ocean. Heal the Ocean is active in improving water quality in the Pacific Ocean and local watersheds of Santa Barbara County, and is organized as a non-profit, public benefit corporation under the laws of the State of California and recognized as a section 501(c)(3) charitable organization by the Internal Revenue Service.

I. General Comments

Heal the Ocean commends Project Clean Water ("PCW") for the improvements that have been made to the SWMP. The changes to the Pollution Prevention and Good Housekeeping for Municipal Operations and Standard Urban Stormwater Mitigation Plan ("SUSMP") discussion in the Post-Construction Runoff Control Section are much improved.

However, Heal the Ocean still has major concerns about the SWMP's inordinate focus on the Public Education and Outreach MCM. Heal the Ocean believes that the other aspects of the SWMP warrant the lion's share of financial commitment by PCW over the next five years. Heal the Ocean does not mean to say that public education should be eliminated, just that the financial commitment to it should be to finance what is currently in place. This means actively implementing the other MCMs, including "in-the-ground" technologies, on a short- and long-term basis.

Item 6, Attachment No. 14
July 7, 2006 Meeting
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To the extent that Heal the Ocean's previous comments have not been incorporated into the SWMP, Heal the Ocean hereby incorporates its previous December 16, 2002 comments.

These comments will track the sections of the SWMP, and where possible will refer to particular pages. In addition, these comments will also address the Draft PCW Budget for 2003-2004.

II. Specific Comments on the SWMP

A. Introduction

On page 9, before the "Notice of Intent" heading, the SWMP states, "It may be necessary to expand or better tailor existing BMPs after implementing the minimum control measures described in this SWMP. Such changes would be based on the results of monitoring contained in the annual reports and developed in consultation with stakeholders and the RWQCB." This is the only place in the SWMP that refers to a commitment to monitoring. We understand that PCW does not feel that its budget allowance currently allows for any monitoring to be performed. However, monitoring is crucial to evaluating the progress of the SWMP, and there must be some commitment to it directly included in the SWMP. A further discussion of monitoring is provided below in the Budget discussion.

B. Public Education and Outreach

As stated above, PCW is ahead of the curve on this MCM. Because this part of the Program is up and running, Heal the Ocean requests that more funding be directed to other aspects of the SWMP, especially physical structures to improve storm water quality and planning efforts. The discussion of Major Media Campaigns on page 14 should be put at the bottom of the priority list until the other MCMs have been as effectively implemented as Public Education and Outreach.

On page 12, under "South Coast Watershed Resource Center (WRC)," the description states that the City of Santa Barbara contributes to ongoing operational costs. It is Heal the Ocean's understanding that the City of Santa Barbara is not contributing money for ongoing operational costs of the WRC.

C. Public Participation and Involvement

Public participation and involvement will be crucial to the SWMP. A Steering Committee is a good idea, but the stakeholders group is too large to effectively carry out that task. Heal the Ocean suggests that the Steering Committee be comprised of a subset of the stakeholders group that has an interest in being more actively involved in the implementation of the SWMP. The entire group of stakeholders would then be provided updates and allowed to have input on a quarterly basis. Heal the Ocean envisions the Steering Committee as providing input on the "strategic plan" for the next five years as well as beginning and carrying out a watershed planning process. The Steering Committee could also provide input on particular projects being undertaken by PCW. Part of the strategic planning process should be evaluation

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of the projects currently in conceptual design or construction: (1) the bioswale at Turnpike under construction, (2) the bioswales at Walnut/Rhodes going out to bid in a few weeks, (3) the 4 CDS units under contract that will begin construction in a couple of weeks, (4) the bioswale and porous projects at the Museum of Natural History and Rocky Nook Park that are in conceptual design, and (5) the low flow diversion project at Laguna Channel under conceptual design. It would also be a good idea to get updates from Caltrans on similar projects in the area of the SWMP.

There are no measurable goals to speak of in this section. Those need to be provided. As stated, the goals for the Steering Committee should be (1) planning for the next SWMP, (2) draft watershed planning documents for three watersheds in the first 5 years, (3) evaluation of SWMP projects.

On page 17, the last three sentences in section 2.2.1 are redundant to the discussion on the next page about the ad hoc working groups of the Stakeholders Committee. Page 18 refers to a table of those working groups, but no Table 2-2 is provided. In addition, there should be some discussion of what the status is of those working group recommendations. It would also be helpful to know under what circumstances those groups could be reconstituted.

D. Illicit Discharge Detection and Elimination

The SWMP states that the storm sewer mapping is complete. Heal the Ocean understands that PCW feels the map is as complete as its consultant could make it, and that the Roads Division will complete the map in the next fiscal year. Heal the Ocean still demands that this map be completed within six months.

Heal the Ocean also demands that an ordinance prohibiting non-stormwater discharges be adopted by January of 2004. The ordinance must be strictly enforced with fines directed to storm water management programs.

On page 23, the SWMP states, "The County currently has a number of ordinances prohibiting inappropriate waste disposal, including prohibitions against the unpermitted discharge of liquid waste, and illegal disposal of solid waste. These ordinances also apply to and regulate the prevention of stormwater impairment county-wide through the prohibition, enforcement and abatement remedies that they encompass. Although these ordinances have been sufficient to meet stormwater protection objectives to date, an evaluation of existing County ordinances is part of this SWMP." Heal the Ocean strongly disagrees with this characterization. While stormwater protection objectives for Phase II communities may not have been implemented before now, stormwater protection objectives in general have been much more stringent for a decade. The fact that field staff has only been authorized to provide educational brochures for illicit discharges does not meet any stormwater protection objectives that Heal the Ocean is aware of.

To the extent that funding can be obtained, Heal the Ocean continues to request that the County install filters on the major storm drains in the County (i.e., high density areas and where

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there are impaired waterbodies) to provide an immediate reduction in sediment and trash pollution, but also reduce bacteria discharges in storm water.

Beginning on page 29, there is an extensive discussion of the various programs of the sanitary districts. These programs are already in place, and while the County should inform itself about those programs and work with the sanitary districts to eliminate illicit discharges, resources should not be spent duplicating efforts. It is more efficient to allow the sanitary districts to focus on their programs, and the County should put its resources into its own program. Thus, a more limited discussion is warranted.

E. Construction Site Runoff Control

This discussion has improved. In the discussion regarding the updated Grading Ordinance requirements, it must be noted that while there is some authority given to the Planning and Development Director to enforce these requirements, and provision for appeal, there is little, if any, notice provided to the public to take advantage of the appeal process. This is something that should be corrected as soon as possible.

In addition, under Measurable Goals on page 45, a bullet should be included that states, "Evaluate monitoring results in annual reports and undertake cooperative enforcement with the RWQCB."

F. Post-Construction Runoff Control

The project conditions and design guidelines seem to address Heal the Ocean's previously raised comments. On page 51, there is a discussion of the Flood Control District Standard Conditions of Project Approval requirements for treatment control for rainfall events up to 1.2 inches in volume, or 0.3 inches per hour. Heal the Ocean must be assured that this is a requirement that will be widely implemented, not just geared toward very large projects that do not occur as often. In addition, what is the basis for 1.2 inches? Is a lower threshold scientifically warranted?

Further, Heal the Ocean fails to see the relevance of the Discretionary Permit Review Process section beginning on page 52, except the inspection procedures.

Finally in this section, Heal the Ocean requests that PCW include in the first bulleted Measurable Goal that 100% of P&D permit and review staff receive annual storm water trainings by June 2006.

G. Pollution Prevention and Good Housekeeping for Municipal Operations

Heal the Ocean agrees with the changes made in this section. It is much more complete.

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H. Draft Budget for Fiscal Year 2003-2004

Heal the Ocean understands the format of the Budget for Fiscal Year 2003-2004. On Level 1, Heal the Ocean disagrees that the first item will be required in this fiscal year. The first annual report will be submitted in August of 2004, which is the next fiscal year. In addition, the second item indicates that it will be complete in March of 2003, which is this fiscal year.

On Level 2, as stated previously, Heal the Ocean demands that the public education components of the SWMP be implemented to the extent that it maintains current levels so that more resources may be devoted to the other aspects of the SWMP that have not been fully implemented. In addition, Heal the Ocean suggests a more manageable Steering Committee, and if the County implements that suggestion, some revision may be required to that aspect of the Budget.

On Level 3, mapping of storm drains should be removed from the Budget if the Roads Division will be completing that project. It is crucial to have that map completed as soon as possible. In addition, Heal the Ocean has been involved in discussions regarding the monitoring that is essential to implementation of the SWMP. Heal the Ocean is convinced that the monitoring requirements that have been discussed move forward. Heal the Ocean does not feel that long-term water quality monitoring using benthic macroinvertebrates is a good use of resources. That type of monitoring is not understood by the public, and resources are better spent on monitoring that is understood and source reduction strategies.

Heal the Ocean appreciates this opportunity to comment on the SWMP and looks forward to the implementation of an effective plan to reduce storm water pollution.

Very truly yours,

Vicki Clark

cc: Heal the Ocean
Santa Barbara Channelkeeper