

SWMP

Error!

~~Document not~~

Error! Bookmark not defined.
Error! Bookmark not defined., Error!
Bookmark not defined.
Error! Bookmark not defined.

December 16, 2002

Via Facsimile and U.S. Mail: 568-3019
Mr. Rob Almy, Manager
Project Clean Water
Santa Barbara County Water Agency
123 E. Anapamu Street
Santa Barbara, CA 93101

RE: County of Santa Barbara Draft Storm Water Management Program—Preliminary Draft

Dear Mr. Almy:

These comments on the County of Santa Barbara's Preliminary 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

There are several overarching comments that are important to address before discussing the specifics of the SWMP. First, storm water pollution is the biggest water quality problem facing the County. There are many sources of pollution entering the storm drain system, and correspondingly, it is difficult to address many of those sources. Therefore, it is necessary to be creative to modify public behaviors and provide enforcement tools—and begin to move forward on implementing physical changes to the problematic infrastructure itself.

To that end, the SWMP is an extremely important document. It provides the blueprint of how the County will address storm water over the next 5 years. EPA regulations and the General Permit issued by the State Water Resources Control Board for Municipal Separate Storm Sewer Systems ("MS4") provide the framework for the MS4 Program, but the SWMP provides for the local implementation. At a minimum, the SWMP must address the 6 Minimum Control

SWMP Preliminary Draft Comments
December 16, 2002
Page 2

Measures ("MCMs"), but it is also the opportunity to go above and beyond those requirements. As you are aware, there are many environmental groups, individuals, and regulatory agencies that are active on water quality issues in Santa Barbara County, and that are committed to "pushing the envelope" on these issues. Heal the Ocean is one of those groups. Further, when Project Clean Water ("PCW") was formed, there was a stated commitment to go above and beyond legal requirements. Heal the Ocean wants that commitment carried out, and believes that it is imperative that Santa Barbara County live up to its claims of being the "birthplace of the environmental movement."

The comments in this letter are not meant to be financially overwhelming, and put forth what is essential to making the SWMP effective, both in the long-term and the short-term. There may be a conscious decision to leave some things as a "wish list" for future SWMPs, but everything must be on the table vis-à-vis the current document.

Having said that, Heal the Ocean has major concerns about the SWMP's inordinate focus on the Public Education and Outreach MCM. Public Education and Outreach is an important part of the Program, and the County is way ahead of the curve on this. For the past several years, PCW has implemented a comprehensive public education program, and considerable monies have been devoted to television, radio and newspaper ads, pamphlets, and bumper stickers, as well as the construction of an educational center at Arroyo Burro. It is time to comprehensively implement the other MCMs, and to do it in an efficient manner so that storm water pollution is systematically reduced, or even in some cases, eliminated. Heal the Ocean believes that the best way to accomplish this is to shift focus to the implementation of the other MCMs, while maintaining the current level of Public Education and Outreach. This means actively implementing the other MCMs, including "in-the-ground" technologies, on a short- and long-term basis. But the processes for all of those measures must begin in the first five years. We do not want to end up, as some other communities, with lawsuits and acrimony in 10 years because the MCMs have not been implemented. Within 10 years, we want to be in a position of having made significant progress toward cleaning up storm water pollution. As you are aware, some of the municipalities included in Phase I are facing litigation regarding the implementation of various requirements. The best scenario will be for the County to implement a program that is as comprehensive as possible, before litigation even becomes an issue, and so that we will see results in the shortest timeframe possible.

The goals and objectives of PCW directly address the requirements and implementation of the SWMP. Goal 1 is, "Protect the health of the recreational public and the environment." Objectives for that goal are (1) monitor water quality in streams and at beaches, (2) reduce sources of pollution, and (3) restore and enhance riparian zones and wetlands. This goal and its objectives embody what the SWMP is about. Monitoring is an important element of this goal. The SWMP contains no provisions for monitoring. The SWMP also contains no provisions for reducing sources of pollution, other than educating the public, and it contains no short- or long-term plan for restoring or enhancing riparian zones and wetlands. We must incorporate real and measurable goals for the MCMs in order to meet these goals and objectives.

Heal the Ocean would also like to point out that Goal 1, Objective 2, to "reduce sources of pollution," originated in the spirit of reducing bacteria that closes Santa Barbara County

SWMP Preliminary Draft Comments
December 16, 2002
Page 3

beaches – and that to meet the spirit of this Goal Objective, the SWMP must focus on reducing bacteria, which is not the same thing as motor oil and trash, although those pollutants are also harmful to County waterways.

The second Goal of PCW is to “Meet Clean Water Act mandates through compliance with Phase II NPDES Permit requirements and applicable regulations.” The objectives for this goal are stated to be (1) establish a monitoring and reporting program for Best Management Practices (“BMPs”), and (2) evaluate stakeholder recommendations and implement as appropriate. Again, monitoring is an important part of this goal, and compliance will be measured by how storm water pollution is reduced over each 5-year period.

The third PCW Goal, “Foster maximum public involvement and awareness,” is important to the SWMP process, and since this phase is well underway, the SWMP must target specifically the areas of storm water pollution the public cannot do anything about – i.e., infrastructure that now allows storm water to run, without interference, directly into the ocean. This, together with public education, is the only way Santa Barbara County can advance to the cutting edge of environmental compliance.

II. Specific Comments on the SWMP

These comments will track the sections of the SWMP, and where possible will refer to particular pages.

A. Introduction

On page 4, the Introduction describes the strategy of the SWMP, which is implementation of an existing program. While PCW has undertaken tasks that should remain part of the SWMP, the SWMP must be complete and describe tasks to be completed in the next 5 years.

On page 5, it is stated that the SWMP is intended to “reduce the discharge of pollutants to the ‘maximum extent practicable,’ protect water quality, and satisfy the appropriate water quality requirements of the Clean Water Act.” These are good intentions, but to meet them, there must indeed be measurable outcomes that indicate that these intentions are met. “In-the-ground” projects must be implemented – i.e., filters on storm drains, to catch pollutants from the direct flow of storm water to the ocean. Storm water pollution is the biggest problem in meeting the “fishable and swimmable” goals of the Clean Water Act, and there are waterbodies in Santa Barbara County that do not meet these goals, and cannot meet these goals under the terms of the current SWMP. As a result, the SWMP needs to incorporate many more action items with outcome targets to measure them.

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

SWMP Preliminary Draft Comments
December 16, 2002
Page 4

efforts. The Public Education and Outreach component should only require the costs of maintaining the program, as well as educating businesses that are likely to contribute to storm water discharges. Printing brochures or undertaking an ad campaign is not likely to achieve the behavioral changes, and does not address the storm drain infrastructure problem, which no amount of public education is going to change -- these two components must be put together to really reduce storm water pollution. Thus, Heal the Ocean believes that a financially intensive media campaign is not the best use of resources at this time because the SWMP needs to provide a balanced approach to all MCMs, and physical structures and planning efforts must be prioritized in this initial 5-year period. Further, for educational purposes, it would be much more effective for the County to undertake other types of educational methods, such as providing residential and business technical assistance to provide guidance and specific actions for implementation.

As to the Measurable Goals for Public Education and Outreach, it is Heal the Ocean's request that the County not spend funds at this time to quantify its public outreach efforts, or, if it is judged to be necessary, only spend a minimal amount of money on that component. As stated, providing a balance in the implementation of the MCMs is critical in this first five-year period. Education is only one aspect of both PCW goals and the meaning of a useful SWMP. Actual reductions in storm water pollution must be ascertained by establishing a monitoring baseline now, and beginning to tackle storm drain infrastructure problems.

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 probably 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 taking a first crack at various components 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 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.

SWMP Preliminary Draft Comments
December 16, 2002
Page 5

D. Illicit Discharge Detection and Elimination

There are several aspects to this MCM. First, under the storm water regulations and statewide permit, the County must prohibit non-storm water discharges to the storm drain system. An ordinance prohibiting these discharges, which is strictly enforced with fines directed to storm water management programs, must be a top priority for the County. The County claims to require a year just to evaluate local ordinances and "plug any loopholes." This is unacceptable, especially since County Counsel identified a lack of enforceable ordinances over two years ago. In addition, County personnel dispatched to sites of violation have expressed a desire for a mechanism of dealing with violators/violations other than only being able to leave information pamphlets. Heal the Ocean feels that stiff fines will significantly reduce illegal discharges into the storm drain system, which is what the public wants. Therefore, we demand that an ordinance be developed and adopted within the first year of the SWMP. Heal the Ocean notes that the Steering Committee and attorneys that work for the non-profits active in this process can and should expedite this process.

On a related note, updating General Plan and Local Coastal Plan policies is also crucial for controlling illicit discharges. This ordinance and these policies will also provide needed education to the dischargers.

Second, the County must complete its storm sewer mapping. The updates from PCW indicate that the agency has been having difficulty with this process, but mapping the storm drain system is the most crucial step to the complete implementation of the SWMP and the MCMs—and this map should be completed without delay. Such maps are necessary to link the sources of contamination with the specific bodies of water most likely to be affected, and often reveal previously unknown sources of contamination such as cross-connects with the sanitary sewer system. Thousands of Phase I and Phase II cities and counties throughout the country long ago implemented relatively straightforward mapping or GIS technology to begin to form a basis for planning remedial action. If Santa Barbara County does not have this technology, it must obtain it and complete the process, or give it to Heal the Ocean to complete. Heal the Ocean requests that the County complete a map as soon as possible and make it available for public review within six months.

Third, Heal the Ocean requests that the County install filters on the major storm drains in the County (i.e., high density areas and where there are impaired waterbodies). This will provide an immediate reduction in sediment and trash pollution, but will also reduce bacteria discharges in storm water. Bacteria attaches to sediment, and it has been found in UCLA studies (Stenstrom, *et al.*) that roughly 30% of the bacteria load is reduced with currently available filters. By the time the SWMP is adopted, there will also be bacteria filters available that will reduce bacteria in storm water further. Filters will need to be installed and serviced, which is a cost—but current annual estimates of cost for filters and service for Santa Barbara County's most polluted storm drains comes in at only 10% of PCW's average annual budget. The servicing of filters is required after every storm or every other storm and usually takes about 10 minutes. The UCLA study also found that the filters continue to work well after one rainy season.

SWMP Preliminary Draft Comments
December 16, 2002
Page 6

Third, creek walks already conducted by the County should continue, but the County should also perform regular inspections of industrial facilities and other types of facilities that are actual or potential contributors to storm water pollution. These inspections are likely to reveal illicit discharges that must be eliminated by ordinance enforcement.

Fourth, the coordination with sanitary districts is good, but the sanitary district programs are already in place. The County should inform itself about those programs and work with the sanitary districts to eliminate illicit discharges, but resources should not be spent on 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.

In summary, the proposed SWMP does not include goals that are measurable – resulting in a weak and toothless SWMP. To remedy this, Heal the Ocean requests the adoption of an ordinance prohibiting illicit discharges by January 2004, an immediate development of a plan to install filters on known problematic storm drains, the development of a timeframe for General Plan and Local Coastal Plan policy revisions, and the workup of target numbers for inspections of facilities.

E. Construction Site Runoff Control

Construction activities contribute untold amounts of sediment and pollutants to storm water runoff. Sites larger than 1 acre will be regulated by separate general permits. However, the County should take an active role in making sure that these sites do not contribute to storm water pollution. Construction site inspections are a good idea, but the County can do more. The County should prohibit sediment runoff. In fact, this should be done by an ordinance that also requires construction sites that are subject to a General Construction Permit to submit annual reports to the County. In addition, grading activities should be prohibited during the rainy season (November 1 to April 30). Further, penalties should be imposed if developers improperly implement required BMPs such that sediment and other pollutants exit the property or enter waterways on the property.

F. Post-Construction Runoff Control

This section in the SWMP is essentially a recitation of the County's land use permitting process. When new development or redevelopment occurs, the County must require the development to incorporate design measures to minimize storm water pollution like bioswales and the installation of pervious pavement. Heal the Ocean believes that the County should adopt Standard Urban Storm Water Mitigation Plan ("SUSMP") measures for new development and redevelopment. In fact, a SUSMP should be drafted and implemented by Santa Barbara County by ordinance, and should require that new development and redevelopment achieve particular standards for storm water runoff post-construction. An example of a particular measure is that an amount of storm water be treated prior to discharge during rain events such as that in the Los Angeles SUSMP, which requires that the volume of runoff produced from a 0.75-inch storm even be treated or infiltrated prior to discharge. Such a requirement, and others like them, would go a long way to reducing storm water pollution. Whatever standard the County develops, it must be based on the best available science and be quantitative so that compliance can be

SWMP Preliminary Draft Comments
December 16, 2002
Page 7

measured for enforcement purposes. Other SUSMP requirements like inspections, monitoring, and reporting should also be adopted to shift some of that burden away from the County. Evaluation of the implementation of those measures should then be incorporated into the measurable goals of this MCM.

Heal the Ocean is also in favor of developing urban runoff projects like the one described in the Seattle Post-Intelligencer story, enclosed, but only as a long-term measure that can remediate problems created by previous development. A long-term program should be developed, one that will detail how Santa Barbara County can work with property owners and provide incentives within a watershed management plan context.

G. Pollution Prevention and Good Housekeeping for Municipal Operations

Heal the Ocean favors the survey undertaken by the County to evaluate its facilities, and to undertake individual storm water plans for them. BMPs must be clearly stated in those plans. In addition, the County must properly manage all of the properties it owns and manages, including roads and adjacent rights-of-way, parks, etc.

It is Heal the Ocean's understanding that the County has an Integrated Pest Management ("IPM") Program. Herbicide used should be curtailed through the use of those strategies and other strategies described in the SWMP. This is currently lacking.

H. Monitoring

Monitoring is essential to evaluate the implementation of the SWMP and compliance with the General Permit. Heal the Ocean understands the County's concern about limited funds – which is why Heal the Ocean urges the County to implement balanced spending. PCW has already been told by state granting organizations that "in-the-ground" projects are receiving priority over education, which is why Heal the Ocean urges the County to focus on "in-the-ground" projects. This further emphasizes the point that the County needs to implement a SWMP that will assure storm water pollution reduction. It appears that the final General Permit will contain Receiving Water Limits, which is a *de facto* requirement to undertake monitoring. The monitoring program must identify and track the numeric levels of particular pollutants in area waters. Heal the Ocean understands that the County cannot undertake a program to monitor every storm drain in its jurisdiction. Nevertheless, the County can select particular areas that are of the highest concern and sample those. Heal the Ocean believes that the County should prioritize waterbodies listed as impaired under section 303(d) of the Clean Water Act as well areas that have high population density.

SWMP Preliminary Draft Comments
December 16, 2002
Page 8

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

Enclosure

cc: Heal the Ocean
SCWA
Phillip Demery, Public Works Director