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**Via Electronic Mail and U.S. Mail**  
**March 17, 2006**

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

**RE: County of Santa Barbara draft Storm Water Management Plan**  
**Comments of Heal the Ocean**

Dear Mr. Lodge,

Please accept the following comments regarding the December 31, 2005 County of Santa Barbara draft Storm Water Management Plan (SWMP) 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.

As we have reflected in each of our comment letters on municipality SWMPs, it is imperative that the Regional Board recognize the elevated importance of the County of Santa Barbara's program in providing stormwater management leadership for the region. As such, it is crucial that the County's document receive heightened scrutiny, and that it be approved prior to final consideration of programs that purport to rely on County cooperation for permit compliance.

**In our opinion, the County's draft SWMP is seriously flawed and totally inadequate to meet the small MS4 permit requirements. Heal the Ocean requests a public hearing be held by the Central Coast Regional Water Quality Control Board (RWQCB) to consider necessary amendments to the SWMP prior to adoption.**

As noted repeatedly in our past comment letters and communications with Board staff and applicants, Heal the Ocean is very concerned with the lack of coordination between the County and the various cities within the County on implementation and enforcement of the various SWMPs throughout the region. In particular, the abnegation of County responsibility for many 303(d) impaired water bodies - including the Santa Ynez River and the Santa Maria River - is an inexcusable oversight.

The following language, taken from RWQCB Region 9 Tentative Order No. R9-2006-0011 (Municipal MS4 Permit) issued March 10, 2006, is equally relevant in this instance:

Item 6, Attachment No. 3  
July 7, 2006 Meeting  
Santa Barbara County SWMP

Development and urbanization especially threaten environmentally sensitive areas (ESAs), such as water bodies designated as supporting RARE beneficial uses (supporting rare, threatened or endangered species) and CWA 303(d) impaired water bodies. Such areas have a much lower capacity to withstand pollutant shocks than might be acceptable in the general circumstance. In essence, development that is ordinarily insignificant in its impact on the environment may become significant in a particular sensitive environment. Therefore, additional control to reduce pollutants from new and existing development may be necessary for areas adjacent to or discharging directly into an ESA. (Tentative Order No. R9-2006-001, page 5, §C.10; emphasis added).

The very fact that a water body has been listed as "impaired" indicates significant additional efforts will likely be necessary to preclude further degradation of the water body and loss of beneficial uses.

Hence, not only are the City and County SWMPs inadequate for failure to proscribe specific BMPs to address continued pollution discharges into these water, they don't even accurately assess jurisdictional responsibilities for the various segments. Instead, the County baldly asserts that impaired water bodies are not within the County's urbanized area permit jurisdiction and therefore need not be considered as part of the SWMPs. Similarly, the various cities either make the same claim, or rely on the County for implementation of BMPs to address Pollutants of Concern. Pointing fingers and sticking heads in the sand will not stem the flow of pollutants to these critical waters!

Because many of the city SWMPs include no maps, and because the County SWMP only includes a map of roads (instead of waterways), the jurisdictional issues remain entirely confused. As a result, Heal the Ocean has been forced to spend considerable time and resources reviewing each of the individual city SWMPs in the County of Santa Barbara to determine whether responsibility for these impaired water bodies lies with the municipalities (i.e., the city of Santa Maria, Solvang, Buellton, and others) or with the County of Santa Barbara, or both.

Heal the Ocean feels strongly that the only way to correct this serious lack of coordination is for the Regional Board staff to focus on approval of the County SWMP first, especially where the cities purport to rely on county policies and programs for permit compliance - and then consider the city SWMPs in light of the County plan. We reiterate that meaningful coordination can only start when detailed maps are provided in all of the SWMPs to specifically delineate the urbanized incorporated areas within the jurisdiction of each city and the urbanized unincorporated areas within the jurisdiction of the County.

Heal the Ocean has undertaken research into the relationships and prior agreements between the County and various cities for the provision of storm water services. These agreements include formal contracts, including payment of fees, and informal agreements between the agencies for preparation of SWMPs and other services. The County has also entered contracts and received payment for implementation of several of the required MCMs within various cities. Many of the cities developed their SWMPs as co-permittees with the County, and only very recently realized the

co-permittee relationship had been discarded. The necessary consequence of this change in relationship without an attendant change in SWMPs is that many of the cities simply have no way of meeting their SWMP requirements on their own.

Our preliminary research has revealed that the City of Goleta and the City of Solvang engaged in formal contracts with the County to provide storm water services, with at least Goleta understanding that it would be a co-permittee with the County. The City of Goleta has been under the impression the County was going to file a joint NOI with them, and it came as a surprise to city officials when they were told by Heal the Ocean staff this was no longer the case.

The City of Buellton, which has little resources of its own to implement its SWMP, paid the County for preparation of its SWMP, and paid monies to the County on an "informal" contractual basis never approved by the County Board of Supervisors. The Buellton SWMP relies on County services, yet the County SWMP does not indicate any such coordination.

The City of Carpinteria, also recently dropped as co-permittee of the County, has asked the County for a letter in writing of this disengagement. U.S. EPA recommends that cities which must rely on a county for implementation of particular elements of their SWMPs engage in a legally binding agreement for the provision of these services. Heal the Ocean is concerned that the apparent disconnect between Santa Barbara County and the cities indicates a critical lack of coordination in the region such that **none of the SWMPs can be confidently relied upon to meet water quality standards.** In essence, the entire program is on a fast-track to failure.

This, together with a lack of maps and the appalling lack of attention to jurisdictional overlaps, is the chief reason Heal the Ocean is asking that the County SWMP, together with the city SWMPs within the County, be taken back to the drawing board for crucial coordination.

Further illustrating this lack of coordination within Santa Barbara County is the absence of a meaningful stakeholder process despite assertions to the contrary in the Draft SWMP. Because the engagement of the public is an important aspect of SWMP implementation, Heal the Ocean researched the stakeholder process by which the County professes to engage the public and coordinate activities throughout the County permit areas. Upon contacting many of the organizations listed as participants in the bi-monthly stakeholder meetings, it quickly became apparent that many of these organizations rarely, if ever, attend the meetings. Many others have absolutely no interest in clean water issues. One of the participants listed is a church, another is a drug and alcohol rehabilitation center. Others replied that they had been with their organization for over ten years and had never even heard of Project Clean Water stakeholder meetings. The draft SWMP reflects this known lack of participation in that language has been changed to describe meeting participants as "past and present," with previous language regarding the County's commitment to have 10-50 people at these meetings removed.

While these stakeholder meetings should serve a vital role in coordination among the various permitted entities, attendance is at near-zero, and there is nothing in the draft County SWMP that indicates how the County intends to remedy this problem. The draft SWMP indicates no

commitment to conduct stakeholder meetings in north Santa Barbara County. The County draft SWMP states that the City of Santa Maria "is interested" in initiating a stakeholder meeting in the North County, but the Santa Maria SWMP makes no mention of such an arrangement. There is particularly harmful language in the current draft SWMP regarding the initiation of a North County Stakeholder meeting that would result in a decrease in the number of stakeholder meetings in the South County. A "bi-monthly" meeting alternating between North and South County would result in one meeting every four months in each area. Three stakeholder meetings in each area per year are far too few for any kind of meaningful public input or multi-agency coordination.

Given the serious lack of agency coordination between the County and the cities within the County, Heal the Ocean remains concerned by the County's haste to edit its SWMP and push it through the Regional Board approval process. Heal the Ocean communicated this concern to Regional Board staff in November 2005, but we are unaware of any efforts by Regional Board staff to provide preliminary review of the County document prior to posting for public comment. For instance, at the last minute the County changed a map delineating the County SWMP permit area(s), as well as corresponding Notice(s) of Intent (NOI) that some cities within the County thought were being filed on their behalf. Heal the Ocean maintains that there is absolutely no justification for changes made to the County's NOI, and this should have been addressed by Regional Board staff prior to making the document available for public review.

In addition to our primary concerns about lack of coordination and uncommunicated changes in co-permittee status, Heal the Ocean has the following questions:

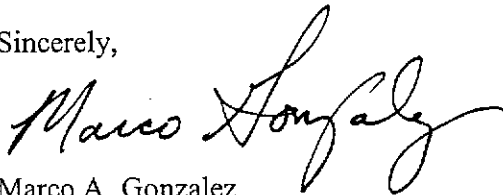
- Why has the community of Mission Hills been deleted from the County's most recent NOI, despite census data placing it clearly within a covered urbanized area?
- Why is the Dec. 31, 2005 permit area map substantially different from previous versions of this map?
- Why has the City of Guadalupe been added to the current SWMP map under the special designation of "incorporated city," and what are the SWMP requirements specific to this incorporated city?
- Why does the draft county SWMP make no mention of the 303(d)-impaired Santa Ynez River, when the Santa Ynez River flows through permit areas?
- How can the County credibly argue it has met MEP and will be protecting water quality standards if there is no water quality monitoring program by which to assess program success?
- How can the County purport to ensure compliance with post-construction best management practice obligations when the SWMP contains no detail regarding basic program elements?

These questions are indicative of rapid, piecemeal and confusing changes now being made to the Santa Barbara County SWMP, and Heal the Ocean insists that these changes carry with them significantly deleterious consequences for the citizens of Santa Barbara County.

Our comments do not outline in any detail the particular sections that are problematic in the draft County SWMP. Past comment letters, the dates of which include, but are not limited to: February 16, 2002, February 14, 2003, September 7, 2004, October 26, 2005, December 6, 2005, and January 3, 2006, are still largely relevant as to SWMP inadequacies, and are therefore hereby incorporated by reference. Because the chief problem with the current document is the fatal complete lack of coordination between jurisdictions, it is impossible for the County to claim, or for the Board to certify, that implementation of the draft SWMP will occur as stated, and that even if it were, no measure of confidence could be alleged that water quality standards would be met. The SWMP, including the processes to create, implement, and enforce it, do not meet the MEP standard.

Heal the Ocean looks forward to the opportunity to present our concerns to the Regional Board at a public hearing. We also request that the Regional Board staff review the concerns in this letter, as well as those of the Santa Barbara Channelkeeper and NRDC, and provide meaningful direction to Santa Barbara County as to how best to facilitate a coordinated storm water management program throughout the entire County.

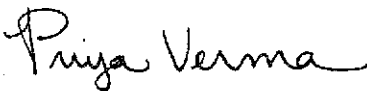
Sincerely,



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