



NATURAL RESOURCES DEFENSE COUNCIL

March 17, 2006

Via Electronic Mail & Federal Express

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

Re: Santa Barbara County Regional Storm Water Management Program

Dear Mr. Lodge,

On behalf of the Natural Resources Defense Council (NRDC), our more than 100,000 California members, and thousands of members in the Central Coast region, we submit the following comments regarding the draft County of Santa Barbara Storm Water Management Program ("draft Program" or "SWMP"). NRDC thanks you for the opportunity to review and provide comments on the draft Program. Overall, we are greatly disappointed with the draft Program because it fails to meet the federally mandated maximum extent practicable ("MEP") standard as well as other measures required to assure compliance with water quality standards. In many instances, the draft Program fails to contain meaningful commitments to effectively control California's number-one source of coastal pollution—polluted urban storm water runoff.

In accordance with procedures provided under the General Waste Discharge Requirements for Storm Water Discharges from Small Municipal Separate Storm Sewer Systems (General Permit) and by the State Water Resources Control Board (SWRCB) electronic notification, NRDC hereby requests that a public hearing be conducted by the Central Coast Regional Water Quality Control Board ("Regional Board") regarding the adequacy of the draft Program.¹

NRDC has extensively participated in the public processes for several storm water managements programs throughout California, and recently, with great focus on the major Central Coast programs. As directed by this Regional Board, NRDC and the Ocean Conservancy prepared an extensive analysis of the draft Monterey Storm Water

¹ State Water Resources Control Board (SWRCB) Water Quality Order No. 2003-0005 – DWQ, National Pollutant Discharge Elimination System (NPDES) General Permit No. CAS00000X, Waste Discharge Requirements for Storm Water Discharges From Small Municipal Separate Storm Sewer Systems (MS4s) (General Permit) at 5.

Management Program in the attached report, *A Practical Plan for Pollution Prevention: Urban Runoff Solutions for the Monterey Region*. The 80-page report compares the draft Monterey Proposal to what other similarly sized cities throughout California and the nation are doing to protect their waters from storm water pollution.

One central purpose of the report is to demonstrate how the draft Monterey Proposal—like the draft Santa Barbara County SWMP—can be modified so as to meet the Maximum Extent Practicable standard and protect water quality. A comparison to other storm water management plans for similarly-sized municipalities makes this plain. The fact that the many clean water programs are in use in municipalities that are similarly situated demonstrates indisputability that they are practicable. The report also provides a set of standard pollution prevention programs that can and should be used to cure the inadequacies in the draft Program. Additional, commonplace pollution prevention actions that are missing from the draft Program are also detailed in this report. Collectively, the report's "Clean Water, Healthy Economy" program elements provide a practical way forward, and each of them should be adopted in the final Santa Barbara County SWMP.²

As an initial step forward to improving the inadequate draft Program, we recommend revision of the draft Program by utilizing both our report, *A Practical Plan for Pollution Prevention*, and the Model Urban Runoff Program: A How-To-Guide for Developing Urban Runoff Programs for Small Municipalities, compiled by the Cities of Monterey and Santa Cruz, the California Coastal Commission, Monterey Bay National Marine Sanctuary, Association of Monterey Bay Area Governments, Woodward-Clyde Consultants and the Central Coast RWQCB.³ Both of these documents function to set forth the specific types and BMPs and measures that are necessary to meet the MEP standard and protect water quality.

In this connection, we incorporate by reference the comments submitted by Santa Barbara Channelkeeper and Heal the Ocean. While there are many necessary program improvements, we wish here to emphasize three critical points discussed more thoroughly in these letters:

- First, NRDC is concerned with the total lack of coordination among the municipal entities within Santa Barbara County on the development and implementation of the storm water management programs—including responsibility for many 303(d) impaired water bodies. Without this regional coordination, none of the SWMPs can be relied upon to meet water quality standards.

² NRDC reserves the right to submit additional comments and information pending the Regional Board's public hearing and further review of the draft Program.

³ In addition to our report, we have attached to this letter several supporting documents for inclusion in the administrative record.

- Second, the draft Program's post construction runoff control measures are inadequate to satisfy the requirements of the General Permit. In particular, the draft Program repeats an intention to "develop" basic program elements. As a result of these vague provisions, and as previously determined by this Regional Board, the public is unable to review the actual program elements or determine whether they will meet MEP and protect water quality. (See *Environmental Defense Center v. EPA* 344 F.3d 832, 857-858 (9th Cir. 2003) (Ninth Circuit emphasized that a storm water management plan, which "contain[s] the substantive information about how the operator of a small MS4 will reduce discharges to the maximum extent practicable", is an inherent part of the storm water permit)).
- Third, the draft Program contains no provisions for water quality monitoring. By contrast, the Santa Maria storm water management program requires a water quality monitoring program. (See Draft Santa Maria SWMP at Appendix B (Nov. 2005).) Given that Santa Maria, a similarly situated municipality, is conducting monitoring, monitoring must be a basic requirement for all municipalities in the Santa Barbara area—including the County.

In its current form the draft Program does not ensure the efficient reduction of storm water pollution in the County in a manner consistent with the MEP standard, applicable discharge prohibitions, and receiving water limitations. As such, the draft Program cannot be approved in its current form and must be modified to contain specific program elements that meet the requirements of the General Permit and federal law. Hopefully, with additional revisions based on our comments, including NRDC's *A Practical Plan for Pollution Prevention*, as well as those of Santa Barbara Channelkeeper and Heal the Ocean, the County's storm water management program can serve as model for other communities in the region that are currently developing similar programs to address storm water pollution.

Thank you for the opportunity to review and provide comments on the draft Program. Please feel free to contact us if you have any questions.

Sincerely,



David S. Beckman, Senior Attorney
Anjali I. Jaiswal, Staff Attorney

Electronic cc: Roger Briggs, RWQCB, Region 3
Bruce Fujimoto, SWRCB