



August 22, 2008

Dominic Roques
Regional Water Quality Control Board
895 Aerovista Place, Suite 101
San Luis Obispo, CA 93401

RE: Phase II MS4 Storm Water Management Plan – City of Lompoc

Dear Dominic Roques:

The Home Builders Association appreciates the opportunity to comment on the City of Lompoc Storm Water Management Plan published on your web site, with public comment due by August 22, 2008.

As you know, time limits for the Aug. 1 meeting between the HBA, many local municipalities, and the Water Board staff precluded discussion on many of the issues raised in this letter and the letter we presented at that meeting. The Home Builders Association believes that there are sufficient issues and concerns raised by this process to warrant a public hearing on Lompoc's plan before the Water Board.

Please accept the following comments on behalf of the Home Builders Association.

1. **Time to complete Interim Hydromodification Management Plan ("HMP")**. We believe that it would be prudent that the City of Lompoc be allowed two (2) years to complete the plan, rather than the one (1) year proposed by the Regional Water Quality Control Board (the "Water Board"). Several Central Coast cities have expressed concern to us regarding the HMP one (1) year deadline. In addition, our members experience in Southern California has indicated that a one-year time limit is not realistically achievable.

It is important that the HMP be well researched, carefully studied, practical, and reflect site characteristics such that future liability issues are minimized to the greatest extent possible. We do not want a HMP created in a "hurried" manner to meet an artificially restrictive deadline. Most Central Coast jurisdictions have small staffs, thereby lacking the human and financial resources to realistically comply with the one (1) year deadline. In such cases, complying with the one year deadline could result in a one-size-fits-all approach which is not the desired result.

2. **SWMP Post-Construction Application Cut-Off Point**. The most appropriate approach to implementing hydro modification/LID methods is at the beginning of the project design phase. The later in the process that the post-construction storm water methods are attempted to be applied to a project, the greater the cost and timing burdens that are placed on the jurisdiction and the project and the least likely that an efficient, less expensive, and effective solution will be achieved.

A Tentative Subdivision Map cut-off point for the application of the new standards, as proposed by the Water Board is much too late in the design process. A better approach for cut-off is to use the "deemed complete" point in the project entitlement process. Projects that have not been "deemed complete" would be best able to implement the more desirable LID solutions without unnecessary hardship on the applicant or jurisdiction. A project application that has been accepted by a jurisdiction ("deemed complete") as ready for processing and a public hearing should not have to be re-designed to meet the new standards. By that time, both the applicant and jurisdiction have expended significant time and funds on the project. During the transition process, projects should be encouraged to voluntarily use LID methods during their pre-application stage.

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We propose that projects whose application has been "deemed complete" by the City of Lompoc be exempt from the new post construction standards, but would be encouraged to comply with the regulations on a voluntary basis. Obviously, all projects in later stages of the entitlement, design, or construction process would be exempt from the application of the regulations as well.

The term "deemed complete" comes from the Permit Streamlining Act. It requires public agencies (including charter cities like Santa Barbara and San Luis Obispo) to follow standardized time limits and procedures for specified types of land use decisions. The act applies to development projects that need adjudicatory approvals such as tentative maps, conditional use permits, and variances. It does not apply to legislative acts, like general plan amendments and rezonings (or development agreements or specific plans), or to ministerial acts, like lot line adjustments, building permits, or certificates of compliance.

Public agencies must establish one or more lists specifying the information an applicant must submit for a development project to be deemed complete. For instance, San Luis Obispo requires an application to include a vicinity map, statement on zoning, site development, description of any common areas and open space, CC&Rs, setbacks, drainage, faulting, slope analysis, technical reports like biological, cultural, noise, traffic, soils, engineering geology, and noise, archaeological recourse inventory, endangered species survey, preliminary title report, school site, environmental assessment, and an affordable housing plan. Some of these studies and reports will not be needed for each application, but it is obvious that getting a project to be "deemed complete" takes extensive work. In addition, once the agency receives the application (with fees), the agency has 30 days to either deem the application complete or notify the applicant what needs to be done to be deemed complete. If the city does not respond within 30 days, the application is deemed complete.

Once the application is deemed complete, then the environmental review process begins. Once that environmental document is approved, the city or county has 60 days if the environmental document is a negative declaration or 180 days if the project required an EIR to approve or deny the project. Cities and counties generally approve the environmental document at the same hearing as they approve/deny the project

3. **Project Phase-In Period Clarification.** Although it is not necessarily spelled out in the current plan, it should be clarified that the application of the new post-construction regulations to projects in the entitlement process would begin at the adoption of the City's Interim HMP (proposed at two (2) years in item 1 above) and would be applied to all projects that have not been "deemed complete" (item 2 above) at that time.
4. **Incorporating assessments from project geotechnical and soils consultants.** All sites throughout the Central Coast do not have the same soils/site conditions. Specific site conditions may preclude applying the new standards due to low infiltration capability of soils or the potential for damage to other infrastructure. Applying the standards in those conditions can result in a public safety hazard.

We recommend that the city's storm water plan include a communitywide analysis by a geotechnical engineer to determine which areas within the boundary are suitable for infiltration and at what rate.

We also suggest that the city's storm water plan emphasize that it will rely on the applicant's geotechnical/soils consultant's analysis as part of the decision-making in determining when and where infiltration/low impact development BMP's are practical, how much is achievable, and what other best management practices should be used when infiltration is not usable.

5. **Normal maintenance of existing infrastructure by public agencies, project developers, and home owners associations be exempted from the new standards.** When maintaining existing infrastructure, existing site conditions may preclude applying the new standards. For example, when resurfacing an existing roadway that has no "extra" land available, it will not be possible to provide additional land for filtration purposes.

We propose that normal maintenance of existing infrastructure by public agencies, project developers, and home owners associations be exempt from the new standards.

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6. **The "pre-development" definition is critical.** How pre-development is defined is critical as the baseline for determining the increase in storm water volumes and rates for new development on a site. Defining pre-development as the original natural condition, regardless of current usage, would make many urban infill, smart growth projects infeasible. The Water Board's approach seems counter productive to the current sustainability and new urbanism planning concepts.

We believe pre-development should be defined as the immediate pre-project condition.

7. **Economic balance:** As previously mentioned, most Central Coast municipalities have small staffs and very limited financial resources. We urge the Central Coast Regional Water Quality Control Board to allow local governments to use housing affordability, their General Plan goals promoting new urbanism (smart growth), market-place economics, local municipal economics, and local public acceptance as factors in determining what are the best methods to implement the MS4 Storm Water Management Plans.
8. **Storm water management plans and HMP's should include stakeholder involvement:** Each storm water management plan should state that the city or county will involve stakeholders, including the HBA in the development of the community's HMP and criteria.
9. **Countywide Technical Advisory Committee:** The RWQCB should encourage and assist the various jurisdictions of each county in the formation of a Technical Advisory Committee to provide advice on the preparation of the HMP's. In some counties, there may already be a format for such collaboration, but in others there may be none. In those cases where there is not a collaboration vehicle, we urge that the RWQCB take the proactive approach of helping organize such a group. The County of San Diego is successfully using such an approach.

The technical committee can help provide guidance and share information in various technical specialties. The result should be HMP's that are feasible, practical, and usable, and achieve the intended objectives of the MS4 permit.

As you know, time limits for the Aug. 1 meeting between the HBA, many local municipalities, and the Water Board staff precluded discussion on many of the issues raised in this letter and the letter we presented at that meeting. The Home Builders Association believes that there are sufficient issues and concerns raised by this process to warrant a public hearing on Lompoc's plan before the Water Board.

We appreciate your consideration of our comments.

Sincerely yours,

Jerry Bunin
Government Affairs Director
Home Builders Association

cc: Stacy Lawson, Lompoc Senior Environmental Coordinator

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Thursday August 21, 2008

Via Electronic Mail

Mr. Brandon Sanderson
Central Coast Regional Water Quality Control Board
895 Aerovista Place, Suite 101
San Luis Obispo, CA 93401-7906

Dear Mr. Sanderson:

On behalf of Heal the Ocean, please accept the following comments on the City of Lompoc's draft Storm Water Management Program (SWMP) dated September 2008. Generally, we are pleased with the response of the City to the requests made by the Regional Water Quality Control Board in its August 12, 2008 letter. HTO concurs with the comments and points made in the Table of Required Revisions outlined in that letter, and we are therefore limiting our comments to issues not addressed in that letter, but which we believe require additional attention.

General Comment

The City of Lompoc SWMP needs to describe efforts to coordinate with the County of Santa Barbara to address storm water runoff from Vandenberg Village and Mission Hills. While Heal the Ocean (HTO) understands these areas are not within the City's jurisdiction and are managed by the County of Santa Barbara, these communities border Lompoc and the Santa Ynez River – a 303(d) listed impaired water body. Due to the 303(d) listing, the City must recognize in its SWMP the potential need to revise the requirements of its SWMP when a TMDL is developed for the Santa Ynez River.

HTO suggests that the City provide a description of all outside agencies, including the County of Santa Barbara Flood Control, which will be involved in the implementation of the City of Lompoc SWMP.

Heal the Ocean encourages the City to facilitate greater stakeholder participation during the five-year permit period. We suggest the development of an interested-parties e-mail list that can be used

to encourage public participation in the review of subsequent SWMP annual reports and ordinance adoption. Interested stakeholders may be identified during community events and meetings.

Because the SWMP will form the basis for the City of Lompoc's action over the next five years, the MEP standard should be more fully explained. The following text is copied from the State Water Resources Control Board's Phase II Small MS4 General Permit Questions and Answers Document:

The MEP standard involves applying best management practices (BMPs) that are effective in reducing the discharge of pollutants in storm water runoff. In discussing the MEP standard, the State Board has said the following: "There must be a serious attempt to comply, and practical solutions may not be lightly rejected. If, from the list of BMPs, a permittee chooses only a few of the least expensive methods, it is likely that MEP has not been met. On the other hand, if a permittee employs all applicable BMPs except those where it can show that they are not technically feasible in the locality, or whose cost would exceed any benefit to be derived, it would have met the standard. MEP requires permittees to choose effective BMPs, and to reject applicable BMPs only where other effective BMPs will serve the same purpose, the BMPs would not be technically feasible, or the cost would be prohibitive." (Order No. WQ 2000-11, at p.20.) MEP is the result of the cumulative effect of implementing, continuously evaluating, and making corresponding changes to a variety of technically and economically feasible BMPs that ensures the most appropriate controls are implemented in the most effective manner. This process of implementing, evaluating, revising, or adding new BMPs is commonly referred to as the iterative approach (see question 4). For Small MS4s, EPA has stated that pollutant reductions to the MEP will be realized by implementing BMPs through the six minimum measures described in the permit. (64 Federal Register 68753.)

http://www.waterboards.ca.gov/water_issues/programs/stormwater/smallms4faq.shtml

Business and Industry Inspection Program

Section 1.1.14 of the Lompoc SWMP indicates that the City-owned Industrial facilities will be reviewed, and industrial storm water permits revised, to address storm water pollution, but this section does not specify when this review will be complete. HTO recommends including into the SWMP a Measurable Goal (MG) specifying when the review will be complete.

The City's abnegation of responsibility for addressing separately permitted facilities is disconcerting. It is the City's responsibility to ensure applicable industrial facilities are registered and in compliance with the State's general industrial permit. Therefore, a component of this BMP should include a cross reference of Standard Industrial Classification (SIC) codes between the City's business license database and those within its jurisdiction that have filed Notices of Intent (NOIs). Inspection and enforcement of non-filers should be a priority.

The SWMP indicates the City will only inspect the commercial and industrial uses that contribute to the City's Wastewater Reclamation Plant. It is unclear whether this program of inspecting commercial and industrial facilities will cover all facilities. The city must ensure that all commercial and industrial uses within the City's permit jurisdiction will be inspected on a periodic basis. The SWMP must indicate how often inspections will be conducted and the percentage of commercial

and industrial facilities inspected per year. The SWMP should also describe how the City's Wastewater Resources Protection Technician will be trained to identify violations.

Landfill Drainage

Given the delays in completing and approving the SWMP the City must now be required to take aggressive steps towards implementing the provisions outlined in the SWMP. There is absolutely no reason why it should take 3 years to prepare a plan to address potential storm water pollution posed by the City's landfill. The City must commit to prepare a plan to modify the City's landfill detention basin during Year 1. And if the basin is found to be a source of pollution, the City must commit to correcting this problem as soon as it is detected.

Agricultural Tailwater

Heal the Ocean asks that the City of Lompoc develop a concrete plan of action to better understand and address pollutants from agricultural tailwater as it commingles with agricultural runoff.

Intra-agency Coordination

Intra-agency coordination is a critical component for ensuring that the many City departments responsible for implementing the SWMP are kept informed on the effectiveness of the program and any changes that may need to be made to improve the effectiveness of the SWMP. The City of Lompoc's draft SWMP describes only two Program Development meetings with affected City departments during the five-year permit period, and this is not frequent enough to be effective. HTO requests that the City hold more frequent formal intra-agency meetings. In this case, we suggest quarterly meetings as a more appropriate Measurable Goal.

Public Outreach

The BMP for public outreach lacks sufficient detail. The City should explain specifically how it will advertise the availability of the storm water presentations as described in section 2.3.4 of the draft SWMP. Heal the Ocean recommends the City commit to more than simply "offering" presentations and instead commit to presenting/attending five public events each year. In addition, the City could advertise the availability of additional presentations on request. HTO also suggests more emphasis on organizing events targeted to the city's Hispanic population. In addition, the City should provide a more detailed description of the specific target audiences that will be reached through public education efforts, and provide a description of how public education efforts will be tailored to reach each specific target audience.

Storm Water Hotline

The City must commit to providing a storm water hotline that is available 24 hours per day. It must also respond to all calls coming into the hotline within 24 hours, even on weekends, holidays and after business hours. The SWMP should describe these measures and also describe the process the

City will use to follow up on hotline calls referred to other departments. HTO recommends that the City develop a Storm Water Hotline tracking system that is integrated into a greater enforcement database so that response times, actions, success rate, and the like can be measured.

Non-Storm Water Discharges

The list of Exempt Non-Storm Water Discharges on page 35 of the draft SWMP is incomplete. To complete the list the following must be added: discharges from potable water sources, air conditioning condensation, and flows from riparian habitats and wetlands.

Illicit Discharge and Detection Evaluation of Surface and Subsurface Storm Drain System

Heal the Ocean supports the City's efforts to inspect the surface and subsurface components of its storm drain system. However, the SWMP identifies this activity as taking place in Year 3 of the permit. This is patently unacceptable, and is likely the largest deficiency of the SWMP. The City must commit to begin surveying the storm drain system in Year 1, as well as indicate when the survey of the entire system will be complete. In addition, the SWMP needs clearer language as to whether this survey is a onetime event or an ongoing activity.

Miguelito Creek Cleanup

Based on the description of the "mucky mess" trash problem in Miguelito Creek, the City should commit to clean up the trash at the end of the creek during Year 1. The City should also commit to inspect this area and clean up the trash on a regular basis. Annual inspections before the rainy season should be required.

The County of Santa Barbara Annual Routine Maintenance Plan (2008-09) indicates that on an annual basis Miguelito Channel is cleared of garbage and other debris with a loader. An application of herbicide is made to sterilize expansion joints and dirt above the concrete channel where weeds are either burned or sprayed for fire control. The County of Santa Barbara's Flood Control Map of Miguelito Channel is provided as an appendix to this letter. Since Flood Control's maintenance program has a significant impact on water quality, the City of Lompoc SWMP must describe BMP implementation for this Annual Routine Maintenance Plan activity

Construction Site SWPPP and Waste Disposal Inspections

The proposed inspection schedule of construction sites – once between June and September and once per month between October and May – is patently unacceptable. This inspection schedule is particularly sparse given that the City recognizes its development potential, per the City's own language in its SWMP introduction. This introduction indicates there are only five parcels over an acre in size that can be developed. This language needs clarification regarding other areas of the City where properties over an acre have the potential for development or re-development. The city must also commit to more frequent inspections of construction sites over an acre. Heal the Ocean

recommends weekly inspections between June and September and daily inspections between October and May.

Heal the Ocean appreciates this opportunity to comment on the City of Lompoc SWMP.

Sincerely,

A handwritten signature in cursive script that reads "Priya Verma".

Priya Verma, policy analyst

A handwritten signature in cursive script that reads "Hillary Hauser".

Hillary Hauser, executive director

cc: Dominic Roques, Central Coast Regional Water Quality Control Board
Stacy Lawson, city of Lompoc
Kira Redmond, Santa Barbara Channelkeeper



Protecting and Restoring the Santa Barbara Channel and Its Watersheds

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August 22, 2008

Mr. Brandon Sanderson
Central Coast Regional Water Quality Control Board
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San Luis Obispo, CA 93401-7906

Re: City of Lompoc Storm Water Management Plan

Dear Mr. Sanderson:

Please accept the following comments on the City of Lompoc's Draft Storm Water Management Plan for September 2008-September 2013 (SWMP), which are hereby submitted by Santa Barbara Channelkeeper. Channelkeeper is a non-profit organization dedicated to protecting and restoring the Santa Barbara Channel and its watersheds, and for the past five years we have been reviewing and commenting on the draft SWMPs of municipalities throughout Santa Barbara County with the goal of ensuring that they will meet the requirements of California's General Permit for Storm Water Discharges from Small Municipal Storm Sewer Systems (MS4s) (hereafter "General Permit") and will be effective in protecting water quality and reducing the discharge of pollutants to the Maximum Extent Practicable (MEP).

Unfortunately, Channelkeeper finds that Lompoc's SWMP falls short of meeting the General Permit's requirements in numerous respects. We strongly recommend that the Central Coast Regional Water Quality Control Board (RWQCB) require substantial improvements to Lompoc's SWMP before approving it, along the lines we outline below.

General Comments

The General Permit requires municipalities to assess the appropriateness and effectiveness of the Best Management Practices (BMPs) identified in the SWMP in terms of achieving the requirements of the General Permit and the Measurable Goals (MGs) laid out in the SWMP, as well as in reducing pollutants of concern and improving water quality and beneficial uses. Unfortunately, Lompoc's SWMP fails to include provisions for such assessment, which will impede the ability to evaluate and improve the SWMP over time. Channelkeeper urges the RWQCB to require the addition of effectiveness assessment BMPs in the SWMP.

Additionally, Channelkeeper finds that the SWMP lacks adequate specificity in many of the BMPs it proposes to implement, and that many of the MGs are not in fact measurable and as such will not enable the City, the public nor the RWQCB to evaluate the effectiveness of individual control measures and the SWMP as a whole. MGs are described in the Phase II Rule as BMP design

objectives or goals that quantify the progress of program implementation and the performance of BMPs. They are objective markers or milestones that will be used to track the progress and effectiveness of BMPs in reducing pollutants to the MEP. At a minimum, MGs should contain descriptions of actions that will be taken to implement each BMP, what is anticipated to be achieved by each goal, and the frequency and dates for such actions to be taken.¹ According to the General Permit, MGs should be quantitative and measure progress through the development, implementation and evaluation of each BMP and should enable measurement of the BMPs' effectiveness in reducing pollutants over the life of the permit. We provide specific recommendations for how to improve several of the proposed MGs in the comments on particular BMPs below.

Finally, Lompoc's SWMP only identifies sediment, oil and grease, and trash and floatables as pollutants of concern, but there are several other pollutants of concern that are common to all municipalities which Lompoc's SWMP must also address, including bacteria, nutrients, heavy metals, pesticides and herbicides, and petroleum hydrocarbons.

Public Involvement and Participation

Channelkeeper notes that the City's SWMP presents very little opportunity for public involvement in stormwater management. We strongly urge that BMPs be added to create a citizen stormwater stakeholder group that meets regularly and to provide opportunities for citizens to participate in regular creek or beach clean-ups or volunteer water quality monitoring efforts.

Interagency Coordination: Staff should attend 100% of the quarterly Santa Barbara County intergovernmental committee meetings annually, not just 2/3 or 75% of the meetings.

Public Meetings: The City must not only hold public meetings on the SWMP and any associated ordinances, but it must also solicit public comments on the drafts of these documents, provide sufficient time for response, and commit to incorporating the public's comments as appropriate into revised versions of these documents prior to their finalization. Moreover, the City must also commit to conducting public meetings each year to explain the City's progress in implementing the SWMP and to present and solicit public comment on its draft annual SWMP implementation reports and should incorporate comments it receives from the public into the annual reports before submitting them to the RWQCB. Finally, the City must also include MGs on how it intends to announce these public meetings to ensure meaningful participation.

Presentations: The City must include a MG on how it plans to advertise the availability of presentations so that local groups will know the opportunity exists and take advantage of it.

Public Meetings: This BMP is impermissibly vague. The SWMP must better explain and provide greater detail on how the City intends to provide assistance (and what type of assistance) in interpretation of and compliance with NPDES permit regulations to the public.

Public Education and Outreach

Distribute Educational Materials to the Public: This BMP lacks adequate detail and quantifiable MGs. For example, the City should add MGs to regularly update its website (i.e. quarterly) with relevant stormwater pollution prevention information, as well as announcements for public

¹ U.S. EPA, National Pollutant Discharge Elimination System, "Measurable Goals Guidance for Phase II Small MS4s," <http://cfpub.epa.gov/npdes/stormwater/measurablegoals/index.cfm>.

meetings and opportunities for public comment on the SWMP, draft ordinances and annual SWMP implementation reports, and to publish newsletters a certain number of times per year to reach a certain number of residents.

Storm Water Hotline: This BMP again lacks critical MGs; the City must respond to all calls to the hotline within 24 hours, and develop a database that records the number of calls as well as the time, location and precise nature of illicit discharges reported and the City's actions to investigate and eliminate the discharges. The City should also establish MGs for how it intends to make people aware that the hotline exists.

Educational Programs for School Children: The City needs to provide more detailed information and better MGs for the pollution prevention education program it intends to provide, including what types of materials it will use, what target age groups and demographics it aims to reach, what percentage of the school age population will be reached, and what types of evaluation it aims to utilize to assess the effectiveness of the education program.

Pollution Prevention Week: The City must include a MG describing how it will advertise Pollution Prevention Week activities to the public to ensure active public participation.

Business and Industrial Informational Consultations and Informal Inspections: Educating local businesses about stormwater pollution prevention and the requirements of the SWMP and the General Permit is one of the most important BMPs the City must implement. Therefore, the City should commit to formulating and implementing a targeted business education and outreach program that includes the distribution of targeted industry-specific brochures coupled with site visits to businesses in high risk sectors (such as automotive and restaurant establishments) where City staff can physically point out specific polluting practices and sources and demonstrate best practices in the actual settings where they are most likely to occur. The City should begin by creating an inventory of all businesses in the City and then prioritizing them (low, medium or high priority) based on whether they are potential sources of pollutants of concern and/or their potential to discharge pollutants to the MS4. The City should then create a schedule for conducting inspections of those that are assigned a high and medium priority. Moreover, these two BMPs as currently drafted provide insufficient information as to how the City aims to advertise the availability of informational consultations and site-specific evaluations (i.e. mailing a letter to all registered businesses in the City), and how the City will ensure that other businesses beyond those that contribute wastewater to the City's Wastewater Reclamation Plant are educated and inspected (i.e. developing a systematic business inventory and inspection schedule and program). Finally, the current MG for the informal inspections – the number of businesses and industries inspected versus the number inspected for potential stormwater contamination – makes no sense and needs to be clarified or improved.

Illicit Discharge Detection and Elimination

The purpose of this Minimum Control Measure (MCM) as described on page 34 does not quite align with the General Permit's requirements, and we recommend that it be replaced with the General Permit language, as follows:

1. Develop, implement, and enforce a program to detect and eliminate illicit discharges (as defined at 40 CFR §122.26(b)(2)) into the MS4;

2. Develop a storm sewer system map, showing the location of all outfalls and the names and locations of all waters of the U.S. that receive discharges from those outfalls;
3. Effectively prohibit, through ordinance or other regulatory mechanism, non-storm water discharges into the MS4 and implement appropriate enforcement procedures and actions;
4. Develop and implement a plan to detect and address non-storm water discharges, including illegal dumping, to the system that are not authorized by a separate NPDES permit;
5. Inform public employees, businesses, and the general public of the hazards that are generally associated with illegal discharges and improper disposal of waste; and
6. Address non-storm water discharges or flows (i.e., authorized non-storm water discharges) where they are identified as significant contributors of pollutants to the MS4.

Exempt Non-Stormwater Discharges: The City needs to include BMPs and associated MGs describing how it intends to evaluate these non-stormwater discharges to determine whether or not they contribute a significant source of pollutants or pose a threat to water quality standards. It is unclear that visual inspections will enable the City to make this determination; it is likely that the City will need to conduct water quality sampling on which to base its evaluation.

Stormwater Ordinance: The ordinance must include appropriate enforcement procedures and actions.

Stormwater Hotline: Again, the City must include MGs outlining how it will advertise the hotline to the public; committing to respond to all calls within 24 hours; creating and maintaining a database of the number of calls, the location and precise nature of illicit discharges reported and the City's actions to investigate and eliminate the discharges; and evaluating the database to help target its illicit discharge detection and elimination (IDDE) program.

Evaluate Surface Components of Storm Drain System for Illicit Discharge and Connection: City surveys should begin in Year 1 rather than waiting until Year 3 of the permit term, and the City should create a systematic plan for these surveys such that they focus first on priority areas or areas where there have been past pollution problems or particular sources that have a likelihood of contributing pollutants to the MS4. Again, a database similar to the one described under the stormwater hotline BMP should be developed and utilized to target future inspection efforts.

Provide Information to the Public Regarding Illicit Stormwater Discharges: This BMP needs clear MGs to describe how this information will be distributed and to ensure that 100% of businesses and public employees and a large percentage of the public is reached with this information.

Municipal Operations Control Program

The purpose of this MCM as described on page 42 again does not align with the General Permit's requirements; we recommend that it be replaced with the General Permit language, as follows:

1. Develop and implement an operation and maintenance program that includes a training component and has the ultimate goal of preventing or reducing pollutant runoff from municipal operations; and
2. Using training materials that are available from U.S. EPA, the State, or other organizations, the program must include employee training to prevent and reduce storm water pollution from activities such as park and open space maintenance, fleet building maintenance, new construction and land disturbances, and storm water system maintenance.

Channelkeeper is concerned that the City does not consider the City's wastewater treatment plant, airport, landfill and corporate yard to be covered under the SWMP since they have their own separate industrial stormwater permits. It is not sufficient to say that any requirements of the MS4 permit that differ from the Industrial Permit will be "identified and addressed" in the individual facilities' Storm Water Pollution Prevention Plans pursuant to the Industrial Permit. All municipal facilities, including those covered under the Industrial Stormwater Permit, must comply with the City's SWMP (see City of Santa Barbara's SWMP, which includes separate sections on the Santa Barbara Airport and Waterfront).

Channelkeeper also recommends that the City conduct an audit of all municipal facilities to assess their operations and potential sources of pollution to the MS4, and require those facilities with a greater potential to create or release pollutants to develop and implement site-specific written water quality protocols. These facilities should then be inspected annually and required to report on their progress in meeting the objectives of their protocols, including BMPs implemented and their effectiveness.

Street Sweeping and Storm Drain Cleaning: The MGs for these BMPs should track the amount and type of material collected through street sweeping and storm drain cleaning.

Citywide BMPs: The City states that it has developed "sample" BMPs to prevent stormwater pollution in City operations, but if these are just sample BMPs, how will municipal staff know which they must comply with and which are just examples? This section (on page 42) also states that the BMPs will be tested for effectiveness, yet no detail or MGs are provided for how this will be done and how the results of such testing will be used. The effectiveness assessment for this BMP as articulated in Table 5 (the percentage of departments that obtained stormwater educational information) is inappropriate; a more instructive indicator would be the number and type of BMPs implemented and their effectiveness in reducing pollutant runoff from their operations into the MS4.

Training: Trainees should be tested in order to evaluate the efficacy of the training. The City should include a MG to ensure that 100% of municipal staff attend the training each year.

Finally, the City lacks a BMP to ensure that its contracts with outside service providers whose work for the City may impact water quality explicitly require implementation of pollution prevention BMPs and compliance with the SWMP. This BMP should be added, as should associated MGs to evaluate contractor compliance with these requirements, take enforcement action where necessary, and achieve 100% compliance by contractors.

Construction Site Runoff Control

The purpose of this MCM as described on page 46 does not align with the General Permit's requirements, and Channelkeeper recommends that it be replaced with the General Permit language, as follows:

1. An ordinance or other regulatory mechanism to require erosion and sediment controls, as well as sanctions, or other effective mechanisms to ensure compliance;
2. Requirements for construction site operators to implement appropriate erosion and sediment control BMPs;

3. Requirements for construction site operators to control waste such as discarded building materials, concrete truck washout, chemicals, litter, and sanitary waste at the construction site that may cause adverse impacts to water quality;
4. Procedures for site plan review which incorporate consideration of potential water quality impacts;
5. Procedures for receipt and consideration of information submitted by the public; and
6. Procedures for site inspection and enforcement of control measures.

Grading Ordinance: The General Permit mandates that the City develop and enforce an ordinance or other regulatory mechanism to require erosion and sediment controls, as well as sanctions or other effective mechanisms to ensure compliance. From the perfunctory description provided it does not appear that Lompoc's proposed Grading Ordinance will contain the necessary requirements to control erosion and sediment control and other construction-related waste nor to develop and follow specific procedures for site plan review and site inspections.

Construction Site Inspections: Channelkeeper strongly recommends that the City commit to developing and implementing a comprehensive construction site tracking database that records basic site information, including the precise location, owner, contractor, size in acres, proximity to natural and man-made hydrologic features, project start and anticipated completion dates, required inspection frequency and items to be inspected at each inspection, and results of all inspections. The tracking system should also document complaints or reports submitted by the public, all violations and associated enforcement actions taken, and any follow-up inspections to ensure correction. In addition, a BMP and associated MGs must be added to ensure that construction site inspectors receive adequate training every year in proper installation and maintenance of erosion and sediment controls and measures to control other construction-related waste, the Municipal and Construction General Permit requirements, and the grading ordinance inspection and enforcement provisions.

Public Complaints: The City must articulate how it intends to inform the public about construction site requirements and the availability of a hotline to report complaints about water quality impacts from construction sites.

New Development/Redevelopment Control Program

Once again, the section outlining the purpose of this MCM is inaccurate and should be aligned with those spelled out in the General Permit, as follows:

1. Develop, implement, and enforce a program to address storm water runoff from new development and redevelopment projects that disturb greater than or equal to one acre, including projects less than one acre that are part of a larger common plan of development or sale, that discharge into the MS4 by ensuring that controls are in place that would prevent or minimize water quality impacts;
2. Develop and implement strategies, which include a combination of structural and/or non-structural BMPs appropriate for the community;
3. Use an ordinance or other regulatory mechanism to address post-construction runoff from new development and redevelopment projects; and
4. Ensure adequate long-term operation and maintenance of BMPs.

Unfortunately, Lompoc's SWMP fails to satisfy several of these requirements as well as many of those outlined in the RWQCB's February 15, 2008 Notification to Traditional Small MS4s for

Enrolling under the State's General Permit, including a program to address stormwater runoff from new development and redevelopment that ensures controls are in place to prevent water quality impacts; an ordinance or other regulatory mechanism requiring the implementation of post-construction runoff controls; means of ensuring adequate long-term operation and maintenance of BMPs; a schedule for development and adoption of control standards for hydromodification; and a strategy to develop watershed-based hydromodification management plans to provide long-term watershed protection. BMPs and associated MGs must be added to Lompoc's SWMP to satisfy these requirements.

The post-construction requirements cursorily described on page 53 do not provide sufficient information to assure that new development and redevelopment projects will be appropriately reviewed and conditioned to ensure they do not impair water quality. It is vitally important that the City specify BMPs and control measures that development projects must implement to protect water quality in the early stages of design. As such, Channelkeeper recommends that BMPs and MGs be added to develop and apply CEQA guidelines for water quality, standard conditions of project approval, and interpretive guidelines or policy guidance to help planners and developers understand and apply those conditions appropriately. A BMP should also be added assuring that planners receive thorough annual training in the SWMP's construction and post-construction requirements and the necessary and appropriate conditions to be applied to projects that have the potential to impact water quality. In addition, the SWMP must make it clear that final BMPs must be selected, sized and sited before CEQA review can be completed. Also necessary is the utilization of a standard condition of approval to ensure water quality protection after construction and details as to how this is applied and verified, including a BMP to conduct or require by contract regular post-construction stormwater control inspections to ensure proper long-term operation and maintenance of BMPs.

New Development and Redevelopment Hydromodification Requirements: The Effective Impervious Area standard limit of 25% far exceeds the 5% required by the RWQCB in its February 15, 2008 Notification letter and must be revised accordingly. The City's SWMP also inappropriately omits the RWQCB's new requirement for projects that disturb more than two acres to preserve the pre-construction drainage density for all drainage areas serving a first order stream or larger, and to ensure that post-project time of concentration is equal or greater than pre-project time of concentration.

Thank you for the opportunity to provide comments on the City of Lompoc's SWMP. Please do not hesitate to contact me should you have any questions regarding the above comments.

Sincerely,



Kira Redmond
Executive Director

Cc: Stacy Lawson, City of Lompoc
Hillary Hauser, Heal the Ocean