



Protecting and Restoring the Santa Barbara Channel and Its Watersheds

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October 12, 2007

Brandon Sanderson
Environmental Scientist
Central Coast Regional Water Quality Control Board
895 Aerovista Place, Suite 101
San Luis Obispo, CA 93401

Re: Santa Barbara County 2006-07 Storm Water Management Program Annual Report

Dear Mr. Sanderson:

Please accept the following comments on the County of Santa Barbara's 2006-07 Storm Water Management Program ("SWMP") Annual Report, which are hereby submitted by Santa Barbara Channelkeeper. Santa Barbara Channelkeeper is a local non-profit organization dedicated to protecting and restoring the Santa Barbara Channel and its watersheds. We have been deeply involved in the formulation of Santa Barbara County's Storm Water Management Program (SBCSWMP) since the process began in 2003, and we have a great deal invested in the program.

As a general comment, Channelkeeper finds that the Annual Report provides a very minimal level of detail regarding implementation of its SWMP such that it makes an evaluation of the County's performance extremely difficult for the public and for the Regional Water Quality Control Board ("RWQCB"). We are also disappointed that the County is proposing to weaken many of its measurable goals, particularly since we found them to be relatively weak to begin with. We were also disappointed at the extremely short time frame (three days) that the County gave us to comment on their Annual Report prior to submitting it to the RWQCB, and at the fact that most of the appendices were not available on the County's website for review within that time-frame. We note that the County made no responses to comments, nor does it appear that any of them were incorporated into the SWMP submitted to the RWQCB. We ask why the County bothered to circulate the document for public comment if it did not intend to take these comments into consideration.

Public Education and Outreach

With regard to the Storm Water Hotline, it is unclear why the Report says the hotline received 257 calls (p.22) but Project Clean Water received only 38 complaints (p.23). If all 257 calls were not complaints, what were they, and were they acted upon? Additionally, it would be instructive to provide additional information regarding the types of complaints received and the County's response to and abatement of pollution incidents that were reported through the hotline.

The County neglected to list any planned FY 07-08 activities for the Incentives for Built-Out Areas BMP.

Public Participation and Involvement

Channelkeeper is disappointed that the County has not met its measurable goal of holding monthly stakeholder meetings in the North and South County (they have in fact held such meetings every four months). We believe this level of frequency is insufficient to maintain active public involvement and input into the County's SWMP implementation process.

The Regular Public Meetings BMP on p.2 of Table 2-3 notes in the Implementation Details column that a separate city stakeholder committee was intended to be established, but no information is provided in the text about whether this committee was in fact established. In addition, we ask whether the 91 persons listed on p.7 as attending the public meetings were 91 distinct individuals or whether individuals who attended several meetings were counted multiple times.

Moreover, as noted above, the measurable goal to provide for stakeholder review of the Annual Report was utterly inadequate given that the public was given a mere three days to comment and that none of the comments submitted were incorporated or addressed. Please direct the County to provide additional time to allow for public comment on future annual reports.

Illicit Discharge Detection and Elimination

With regard to the storm sewer mapping BMP, Measurable Goal ("MG") 3.1.3, How has the storm drain system facility map been maintained? How have the maps proven a very useful tool when tracking down sources of illicit discharges? Provide examples, because a review of illicit discharges followed up on by the County does not indicate their usage.

On the stormwater ordinance, pursuant to the legally binding SWMP, the County was required to adopt and enforce an ordinance to effectively prohibit non-storm water discharges into the storm sewer system, with appropriate enforcement procedures and actions, in Year 1 of its five-year SWMP, which ended on June 30, 2007. The failure of the County to adopt this ordinance by that date constitutes a violation of its SWMP. Very disturbingly, the ordinance that was finally adopted by the County Board of Supervisors on September 25, 2007, after sitting on a shelf in draft form for more than three years, is grossly inadequate. We find that, in several ways, it fails to meet the General Permit's requirement that the ordinance *effectively prohibit* non-stormwater discharges and *require controls to reduce the discharge of pollutants to the maximum extent practicable*.

Santa Barbara Channelkeeper had numerous meetings with County staff over the past year and submitted several comment letters and oral testimony highlighting where and how the ordinance needed to be strengthened, and the Office of the Chief Counsel at the State Water Resources Control Board also submitted a memo in January 2007 recommending several important amendments to the draft ordinance. Unfortunately, County officials opted to ignore the lion's share of these recommendations, and moreover, weakened the ordinance substantially at its final hearing by adding language that strictly limits the County's authority to inspect properties it has cause to believe may be discharging pollutants to waterways or the storm sewer system.

Channelkeeper finds that the County's ordinance does not fulfill the requirements of the General Permit and strongly urges the RWQCB to consider and take action on this matter

when it reviews the County's Annual Report this year, despite the fact that the County failed to enact the ordinance by the end of Year 1.

How many Mutt Mitts to how many (and which) County parks and open spaces does Parks Dept. distribute them?

On spill complaint and response (MG 3.8.6), the documentation of response to complaints is grossly inadequate. For example, in numerous cases the listed "follow-up" action was to distribute educational materials. More appropriate follow-up would be to re-inspect the site at a later date to ensure that the discharges or polluting practices are not continuing. On MG 3.8.7, in numerous cases the County failed to follow up on course of action taken by other agencies to which it referred complaints of discharges as required by this MG. See, for example, refs. #06-041, #06-052, #07-016, #07-019 and #07-031. On MG 3.8.8, when did the meetings with the City of Santa Barbara take place to discuss and compare complaint response protocols? What was the outcome of these meetings, i.e. did County identify areas needing improvement or modification, and if so, what were they and when and how will they be implemented?

Regarding commercial/industrial facility inspections, MG 3.9, is the County authorized to make changes to its SWMP without public or RWQCB approval?

With regard to illicit discharge field investigation and abatement, MG 3.10.5, what procedures are used when conducting creek walks to identify illicit discharges? The report states that "Considering that all the illicit discharges and connections found during creek walks are address (*sp*) this measurable goal results in a significant reduction of load of pollutants from the storm drain system"; this needs to be quantified. Channelkeeper finds it astounding that in the majority of cases, "none" is listed in the discovery column; for example, we conduct monthly monitoring in Atascadero Creek and always finds substantial amounts of trash therein. Please instruct the County to provide details as to what County inspectors look for when conducting creek walks and the procedures they use so the public and the RWQCB can evaluate whether these protocols are adequate for detecting problems. Moreover, this MG states that creek walks are conducted twice annually, yet several creeks listed in the table on page 18 were only inspected once. In addition, the second and third dates listed for Devereux creek walks have not even passed yet. "Lots of trash" is not particularly descriptive, and "held creeks clean up" in the comments column is also not useful in assessing the effectiveness of this BMP.

The SWMP (at page 3-26) states that when problems are identified through creek walks, follow-up inspections are done to ensure abatement of violations. It does not appear that any such follow-up inspections have occurred. On MG 3.10.6, the status cannot be called "implemented" if the County did nothing to convert septic systems.

The Report states that the septic system pumper reports program (MG 3.10.7) has been very effective in identifying and addressing septic system deficiencies, yet no information is provided to back up this claim. How many deficiencies have been identified, where, and how were they addressed?

Channelkeeper provided extensive comments on the business inspection program (MG 3.11.4) and met with County staff with recommendations on how to strengthen the draft program, but it appears that only a few of our many recommendations were incorporated. Finally, the Report omits planned Year 2 activities.

Construction Site Runoff Control

With regard to control of construction related waste, MG 4.3.1, Appendix B does not indicate where Erosion and Sediment Control Plans were required, nor how these plans were monitored to ensure that they adequately controlled erosion and sedimentation.

On conducting two inspections per month during the rainy season (MG 4.4.1), under "effectiveness," the Report states that a list of projects that were inspected twice per month is shown in Table 1, but no Table 1 is provided. On MG 4.4.2, again, Appendix B is not user friendly and does not allow a reader to determine which sites were inspected four times per year, making evaluation of the fulfillment of this MG impossible. Appendix B has several sites that contain an "enforcement" section but none indicate whether this is because BMPs failed or if so, what enforcement action was taken. Some simply state "no progress", which indicates that MG 4.4.3 is NOT being met.

On the inventory of all sites with grading permits under active construction (MG 4.4.6), in light of the comments above and previous comments provided to County staff regarding the inadequacy of this system to "track all aspects of an ongoing project," we thought we recall being told that the County would be revising this system to contain more useful information regarding stormwater and erosion/sediment control measures. Please direct the County to provide an update on this effort.

On staff training, under Planned Year 2 Activities, this section states that during Year 2, training *may be obtained* through IECA webcasts, occur in-house with grading inspectors providing the training to Planning staff, be coordinated with RWQCB or be a combination thereof. The requirement to annually train 100% of grading inspectors is not optional, and therefore "may be obtained" is not adequate. Moreover, this item refers to training grading inspectors, so grading inspectors providing the training to Planning staff is not going to enable the County to meet this MG.

The Planned Year 2 Activities section for the MG to develop workshop material for the construction community (MG 4.8.1) fails to provide any information.

Post Construction Runoff Control

Regarding the BMP to implement design standards, how is it that only 20 out of 233 projects receiving final approval in Year 1 were conditioned for treatment control BMPs? Surely more than this percentage of projects will have water quality impacts and should be conditioned appropriately?

The project evaluations MG (MG 5.4.1) requires the evaluation of 100% of discretionary projects for compliance with water quality measures, yet the Effectiveness assessment indicates that staff are interpreting this to mean that only those projects permitted with treatment control BMPs should be evaluated. ALL discretionary projects should be reviewed for compliance with water quality measures. We cannot comprehend why the County is proposing to modify this section; this seems to indicate that the County intends to neglect addressing water quality issues in its review of development projects, which is clearly unacceptable.

Regarding staff training (MG 5.5.1), please direct the County to provide an assessment of how staff scored on the "pop quiz" following their staff training. Without this it is impossible to evaluate the effectiveness of this MG.

Pollution Prevention and Good Housekeeping for Municipal Operations

On site specific water quality protocols, MGs 6.2.1 and 6.2.2 lists only a subset of the County facilities, departments and field programs surveyed which have water quality impacts. Please instruct the County to confirm that all facilities will develop site specific protocols as required in the SWMP.

On BMP implementation and reporting, MG 6.4.5, since Flood Control's maintenance program has a significant impact on water quality, this SWMP implementation report *must* provide the necessary information regarding their BMP implementation.

On purchasing and contracts, MG 6.5.2, the proposed modification to this MG will be ineffective unless the County requires appropriate BMPs in County contracts; simply identifying contracts and evaluating whether services or contracts may result in discharges is not going to accomplish the MG of requiring contractors to implement BMPs to protect water quality.

With regard to the Integrated Pest Management Plan (MG 6.6.2), this MG was supposed to be reported in terms of reductions in pesticide use *on a departmental basis* but such departmental breakdown was not provided. Moreover, in summarizing the effectiveness of this MG, the report states that it shows an overall reduction of pesticide use when in fact pesticide use rose from 34.463 to 194.765 (the unit unclear is as it is not indicated).

On storm drain maintenance (MG 6.7), the Report fails to provide necessary information regarding the amounts removed from the unit downstream of the South County Transfer Station. Furthermore, if the County conducted any monitoring above and below any of these County-owned facilities to assess their effectiveness, this data should be provided in the report.

The report indicates that streets were swept twice during Year 1, despite the fact that the SWMP states that they will be cleaned 3-4 times per year. As previously stated, Channelkeeper believes this level of street sweeping is grossly inadequate. Moreover, the County must require the contractor to provide information about the amount of garbage collected for each roadway to evaluate and adjust its efforts accordingly.

Thank you for the opportunity to comment on the County's first annual SWMP implementation report, which as outlined above contains several deficiencies. Please do not hesitate to contact me should you have any questions or concerns regarding the above comments.

Sincerely,

A handwritten signature in black ink, appearing to read "K Redmond", is written over a light-colored rectangular background.

Kira Redmond
Executive Director