



Linda S. Adams
Agency Secretary

California Regional Water Quality Control Board

Central Coast Region



Arnold Schwarzenegger
Governor

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April 3, 2009

Steven Wagner, Community Services Director
City of Goleta
130 Cremona Drive, Suite B
Goleta, CA 93117

Dear Mr. Wagner

NOTICE OF ENROLLMENT – NPDES SMALL MUNICIPAL SEPARATE STORM SEWER SYSTEMS GENERAL PERMIT; CITY OF GOLETA, SANTA BARBARA COUNTY, WDID # 3 42MS03022

The Central Coast Regional Water Quality Control Board (Water Board) received a Notice of Intent, Storm Water Management Plan (SWMP), map, and fee for the City of Goleta's (City's) Municipal Separate Storm Sewer System (MS4). These items are required to enroll in the National Pollutant Discharge Elimination System General Permit for the Discharge of Storm Water from Small Municipal Separate Storm Sewer Systems, Order No. 2003-0005-DWQ (General Permit).

Water Board staff reviewed the City's SWMP and found it, combined with a number of specific revisions described in Attachment 1, to meet the maximum extent practicable (MEP) standard established in the General Permit. The City's SWMP was available to the public for a 60-day comment period, and we received comments from stakeholders. The comments are contained in Attachment 2. Water Board staff responses to these comments are contained in Attachment 3.

I am hereby approving the City's SWMP with the following condition:
Pursuant to Water Code Section 13383, the City of Goleta is required to amend the SWMP no later than **June 2, 2009**, to include all the changes shown in the "Final Table of Required Revisions," Attachment 1 to this letter. Per Water Code Section 13385, failure to make these revisions may subject the City of Goleta to Administrative Civil Liability for up to \$10,000 for each day of violation. The City of Goleta must provide a copy of the revised SWMP to the Water Board no later than **June 5, 2009**.

As of April 3, 2009, discharges from the City's MS4 are authorized by the General Permit. The City is required to implement the SWMP and comply with the General Permit. The City's first annual reporting period ends April 30, 2010. The City's first annual report is due to the Water Board on August 1, 2010 (approximately 90 days after the reporting period).

As part of the revised SWMP, the City is required to develop interim hydromodification control criteria using one of the options identified in the "Final Table of Required Revisions," as well as a Hydromodification Management Plan. I agree it is appropriate for the City to consider and

California Environmental Protection Agency



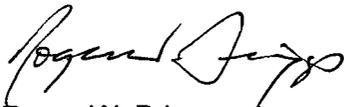
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include exemptions to the interim hydromodification control criteria and the Hydromodification Management Plan for certain new development and redevelopment projects, where an assessment of downstream channel conditions and proposed hydrology indicates the increased stormwater discharge rates and durations resulting from development will not result in off-site erosion or other significant adverse impacts to beneficial uses. We will consider the examples of exemptions you've previously provided when we review your proposed interim hydromodification control criteria in one year.

Also, I will notify the City of Goleta and other interested persons of the acceptability of the City's proposed interim hydromodification criteria for new development and redevelopment projects. The Central Coast Water Board shall provide interested persons the opportunity for comment and a hearing before the Water Board, if any party is aggrieved by the staff's determination, prior to Water Board action being final.

Thank you for your cooperation and efforts to get the City of Goleta enrolled under the General Permit. If you have questions regarding this matter, please contact **Brandon Sanderson** at (805) 549-3868, or bsanderson@waterboards.ca.gov or Matt Thompson at (805) 549-3159 or mthompson@waterboards.ca.gov.

Sincerely,



Roger W. Briggs
Executive Officer

cc: (by electronic mail)
Kimberly Nilsson, City of Goleta
Kira Redmond, Santa Barbara Channelkeeper
Hilary Hauser, Heal the Ocean

Enclosures:

- Attachment 1: Final Table of Required Revisions
- Attachment 2: Comment Letters Received during 60-day Public Comment Period
- Attachment 3: Response to Comments

S:\Shared\Stormwater\Stormwater Facilities\Santa Barbara Co\Municipal\City of Goleta\June 2008 SWMP\Final SWMP Approval, April 2009\FINAL Notice of Enrollment and Table of Req Rev to Goleta June 08 SWMP, April 2009.doc



FINAL TABLE of REQUIRED REVISIONS
Goleta SWMP April 2009 – April 2014

Acronyms:

- BMP - Best Management Practice
- CASQA - California Stormwater Quality Association
- CEQA - California Environmental Quality Act
- IDDE - Illicit Discharge Detection and Elimination
- MG - Measurable Goal
- SWMP - Storm Water Management Plan
- SWPPP - Storm Water Pollution Prevention Plan
- TMDL - Total Maximum Daily Load
- POCs - Pollutants of Concern

* Denotes addition of Required Revision since last review

Item Number	SWMP Section	Subject	Problem	Required Revisions
1	All	TMDLs	TMDLs are currently being developed for bacteria in Goleta Slough and the Pacific Ocean at Goleta Beach, to which the City discharges. The City may be required to demonstrate that it is reducing pathogen loading. The SWMP does not recognize the current development of TMDLs.	Add language to the SWMP that recognizes these impairments, and state that the City will prioritize these issues to the extent that potential storm water pollutant sources are within the City's jurisdiction. The SWMP must also acknowledge that adoption of TMDL requirements may require revisions of the City's SWMP.
2	All	Effectiveness Assessment	The City's BMPs and/or MGs do not always have adequate measures of effectiveness to assess the appropriateness and effectiveness of individual BMPs and the SWMP as a whole. Effectiveness assessment discussions in the SWMP are often excluded or do not provide appropriate detail to be evaluated effectively.	The City must adequately address effectiveness assessment in its SWMP by including the following components to establish measurements of effectiveness. This includes the development of MGs with interim milestones and implementation frequency where appropriate. 1. Assessment of program effectiveness in terms of achieving permit requirements and MGs.

Item Number	SWMP Section	Subject	Problem	Required Revisions
			<p>The City MGs often do not provide adequate measures of success in the implementation of associated BMPs. For further assistance please see EPA's "Measurable Goals Guidance" at: http://cfpub1.epa.gov/npdes/stormwater/measurablegoals/index.cfm</p> <p>and Annual Report Guidance at: http://www.waterboards.ca.gov/water_issues/programs/stormwater/docs/sm_ms_4_arg.doc</p>	<ol style="list-style-type: none"> 2. Assessment of program effectiveness in terms of protecting and restoring water quality and beneficial uses. 3. Identification of quantifiable effectiveness measurements for each BMP, including measurements that link BMP implementation with improvement of water quality and beneficial use conditions. 4. Emphasis on assessment of BMPs specifically targeting primary POCs. 5. Incorporation of the effectiveness assessment process similar to that outlined in CASQA's <i>Municipal Stormwater Program Effectiveness Assessment Guide</i> (www.casqa.org). 6. Identification of the steps that will be taken to revise the SWMP and optimize BMP effectiveness, when effectiveness assessments identify BMPs or programs that are ineffective or can be improved.
3	4.0 Public Education	BMP Development	<p>This section does not identify link between BMP development/implementation and primary POCs. For example outreach should focus on proper handling of trash (especially plastic debris), pet waste management, septic system maintenance, fertilizer use, hydromodification, automotive activities, etc.</p>	<p>Revise BMPs PEO 1, 2, and 4 to emphasize primary POCs in education and outreach materials and efforts.</p>
4	4.0	BMP Selection	The Public Education and Outreach	Include a BMP that commits to assessing

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	Public Education	Community-based Social Marketing	<p>BMPs rely heavily on information campaigns that utilize education and advertising to encourage behavior change. While these efforts can be effective in creating public awareness and in changing attitudes, numerous studies show that behavior change rarely occurs as a result of simply providing information.</p> <p>One particularly promising approach to public education is community-based social marketing. Community-based social marketing is based upon research in the social sciences that demonstrates that behavior change is most effectively achieved through initiatives delivered at the community level which focus on removing barriers to an activity while simultaneously enhancing the activities benefits. More information on community-based social marketing is available at: http://www.cbsm.com/. The techniques of community-based social marketing should be considered when developing and implementing your public education and outreach program.</p>	community-based social marketing strategies, and incorporating them into your program where appropriate.
5	4.0 BMP-PEO 3	Green Business Program	BMP lacks commitment to ensure certified businesses continue to meet environmental criteria.	Revise MG to 1) include periodic inspections, and 2) determine the appropriate frequency of inspections.
6	4.0	K-6 Education	The BMP is unclear regarding annual	Revise BMP to state, "educate 25% of school

Item Number	SWMP Section	Subject	Problem	Required Revisions
	BMP-PEO 4		requirement.	children (K-6) annually (Year 1-5 or 2-5)."
7* Additional info added	4.0 BMP-PEO 6	Stormwater Hotline	<p>The description of tracking calls lacks detail.</p> <p>The City does not ensure discharges are responded to and prioritized appropriately on a daily basis including weekends.</p>	<p>Revise MG to include tracking of location, nature and time of day of incidents reported.</p> <p>The MG must be revised to address an appropriate response to discharges on weekends. Responses should be prioritized based on severity of the discharge.</p>
8*	5.0 Public Involvement	Public Involvement in Storm Water Ordinance(s)	The SWMP lacks a clear commitment on the part of the City to involve the public in review and commenting on draft ordinances.	<p>Add a BMP equivalent to the following: The City will solicit public comments on draft ordinances, provide sufficient time for the public to comment, and respond to comments by incorporating revisions to draft ordinances as appropriate.</p>
9	6.0 IDDE	BMP Development	This section does not identify link between BMP development/implementation and target POCs.	Revise BMPs to identify links to target POCs (e.g., pathogens, nutrients, trash, copper, and sediment).
10	6.1 IDDE	Non-Storm Water Discharges Exempt under General Permit	This section does not provide adequate detail (no BMPs or MGs included) for the City's proposed evaluation of exempt non-storm water discharges, to determine if they have the potential to be significant sources of pollutants.	Add BMPs and MGs, including a schedule for the evaluation of non-stormwater discharges identified as exempt under the General Permit. (See City of Santa Barbara's SWMP pg. 47.)
11	BMP # IDDE-2	Storm Water Ordinance	This BMP lacks detail on the ordinance approval process. The SWMP states that development and approval of an ordinance will be complete within year 1. The City must have a general sense	Revise the BMP to include detail on the development and adoption of the ordinance, including a tentative schedule that includes at least one widely advertised public meeting to solicit input on the content of the ordinance

Item Number	SWMP Section	Subject	Problem	Required Revisions
			of the development and approval process.	before it is presented to the City Council.
12	6.0 IDDE	Enforcement	Procedures for enforcement must be included with greater detail in the SWMP.	Include a description of potential enforcement procedures for an escalating enforcement strategy.
13	BMP# IDDE-2	Storm Water Ordinance	The scope of the ordinance is not described.	Revise the BMP to indicate that pet wastes (including horse waste) restrictions are included in the ordinance.
14	BMP # IDDE-4	IDDE Monitoring	The BMP lacks detail and specificity. The SWMP states the City monitors industrial areas near water bodies it has identified having potential for illicit discharges (p. 31). However, the BMP for monitoring does not include this monitoring.	Revise the BMP to indicate how current monitoring is integrated into the City's stormwater monitoring and state when and how often industrial areas near water bodies will be monitored.
15	BMP# IDDE-4	Complaint Investigation	The BMP lacks detail regarding identification and investigation procedures.	Revise the BMP to include detailed procedures for complaint investigation and response. Detail must include tracking of the time, location, and nature of complaint calls along with total numbers and outcomes.
16	BMP# IDDE-4	Complaint Investigation Follow-up	The BMP lacks detail regarding identification and investigation follow-up procedures.	Revise the BMP to indicate that field inspection documentation will include follow-up (re-inspection) on observed and abated discharges to ensure discharges have been eliminated.
17	BMP# IDDE-4	Field Investigations	The BMP lacks detail about investigation procedures.	Revise the BMP to provide detail on field investigation procedures, including the number of field personnel assigned to

Item Number	SWMP Section	Subject	Problem	Required Revisions
				inspections, what areas they will target, when and how often inspections will be conducted, and how they will be conducted (e.g., drive by, on foot).
18	6.0 IDDE	Effectiveness measurement	Many of the MGs do not provide for effectiveness measurement of the IDDE program and BMPs as required in the annual report.	See above general statement on Effectiveness Measurement. Add effectiveness assessment in the SWMP when appropriate. For example, the City could provide response cards to complainants that describe the City's resolution of their complaint, direct call number for continued discharge, and program evaluation survey. This can be used as effectiveness measurement for many of the BMPs in the IDDE program.
19	6.0 IDDE	IDDE Training	The SWMP lacks training for municipal staff. The City does not commit to making the detection and elimination of illicit discharges a priority.	Include a BMP to train City staff (especially field staff) on IDDE requirements, inspection, and enforcement procedures.
20	6.0 IDDE	Hazardous Spill Response	Hazardous Spill Response is not addressed in the SWMP.	Add a BMP to review and update the hazardous spill response program and training to address potential discharges to the MS4.
21* Additional info added	7.0 CSRC	Inadequate MCM Details for Construction Runoff Controls	The current scope of this Minimum Control Measure is limited.	Revise the SWMP to acknowledge that the City is required to establish construction site controls for sites less than an acre that are part of a larger common plan of development. Add BMPs demonstrating that the City will

Item Number	SWMP Section	Subject	Problem	Required Revisions
				<p>comply with General Permit requirements to: (1) develop procedures for site plan review, (2) develop 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, and (3) develop procedures for receipt and consideration of information submitted by the public</p>
22*	7.0 CSRC	Construction site operator education & training	The City does not clearly articulate how it will educate construction site personnel about stormwater pollution prevention.	<p>In addition to pre-construction meetings, include a BMP that discusses how the City will educate and train construction personnel on projects within the City's jurisdiction, on the proper implementation of stormwater runoff controls (e.g., City sponsored trainings, fact sheets). Include information on proper site planning, minimization of soil movement, capturing sediment, and good housekeeping.</p>
23*	BMP # CSRC-1	Grading Ordinance	The BMP does not include appropriate MGs	<p>Include a MG committing the City to review and update the existing ordinance in year 1.</p>
24	BMP # CSRC-1	Construction Site Enforcement and Inspections	The MGs do not provide information to evaluate effectiveness of review procedures, inspections, and City follow-up actions based on inspections (e.g., enforcement).	<p>Revise MGs to track site information, including: owner, contractor, start and completion dates, size in acres, inspection dates, findings from inspections, complaints received and City's response to inform effectiveness of review, inspection and follow-up procedures.</p> <p>Include a review of the existing grading</p>

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				ordinance in year one as a MG.
25	BMP # CSRC-2	Staff Training	The frequency of training is not indicated.	Revise the BMP to include frequency of staff training (e.g., all staff will receive 4 hours of training per year).
26	BMP # CSRC-2	Staff Training	The scope of training is not indicated.	Revise the BMP to state the City will train staff on proper installation, operation and maintenance of construction site BMPs, inspection methods and enforcement strategies.
27* Additional info added	BMP# PCRC-1	Policy Updates	This BMP lacks detail concerning policy development and updates. The City lists many programs and resources (e.g., CEQA Guidelines & Checklist, interpretive and implementation guidelines, conditions of approval, mitigation measures) that will be used under this BMP, some of which the City states will be developed or updated.	<p>Add individual BMPs or MGs within this BMP to state when updates and revisions to cited guidelines, conditions, and measures will occur; explain revision procedures.</p> <p>The City must apply standard conditions of approval to all projects.</p> <p>Educate applicant on need for stormwater control during all requested planner consult meetings and Development Review Committee meetings.</p> <p>The City must implement interpretive and implementation guidelines and include them in application packages.</p>
28	BMP# PCRC-4	Project Design Approval	The City's review process for new and re-development projects as described lacks adequate detail to know whether the process could allow project environmental analysis to conclude	Modify the section in the BMP that describes the City's development project review/approval process for completeness and to be consistent with the following, or add a BMP equivalent to the following: The

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			without evaluation of specific stormwater management BMPs proposed.	<p>City will insure that applications are only deemed complete if they identify the types of post-construction BMPs to be implemented and their locations.</p> <p>In addition, identify in the SWMP the particular stage(s) in the City's development project review/approval process that will be used to apply all specific hydromodification control/LID criteria and standards to development projects.</p>
29	8.0 PCRC BMP# PCRC-1	Inspection Procedures & Enforcement	This BMP lacks specificity regarding inspection protocol and tracking system.	Add or revise the BMP to indicate when and how often inspections will occur to ensure correct BMP installation, maintenance, and functionality. Include measures to ensure that inspectors are informed of conditions, measures, and control BMPs they must track.
30	8.0 PCRC	Enforcement	The BMP does not have a description of penalty provisions for non-compliance of standards or conditions of approval.	Add a BMP identifying specific procedures, enforcement and range of penalties for non-compliance.
31	8.0 PCRC	Long-term Maintenance Agreements	Statements are vague and ambiguous and do not commit to long-term maintenance.	Add a BMP indicating that the City must require a signed maintenance agreement stating that: 1) maintenance will be performed in perpetuity, and 2) new owners must be notified of maintenance requirements.
32	BMP # PCRC-2	Enforcement of Hydromodification Control Standards	Enforcement tracking for the Hydromodification Control Standards is not specified.	Add a BMP equivalent to the following: The City will track enforcement of post-construction storm water controls required

Item Number	SWMP Section	Subject	Problem	Required Revisions
				as conditions of approval, in Years 2 and 3.
33* Additional info added	BMP # PCRC-2	Hydromodification Control/Low Impact Development	The Draft hydromodification control standards included as Appendix G are not supported by technical findings. Any proposed control standards, including numeric criteria for volume and rate control, will require a review by Water Board staff based on technical findings to determine the standards' adequacy. The City has 12 months from the date of their enrollment under the General Permit to develop and adopt interim hydromodification control standards with Water Board approval. Inclusion of the draft standards in the SWMP is not appropriate at this time.	Remove Appendix G, or mark it "DRAFT, Not approved by Water Board." Add a BMP stating the following or equivalent: Within one year of enrollment under the General Permit, the City will have adequate development review and permitting procedures to impose conditions of approval, or other enforceable mechanisms, to implement quantifiable measures (numeric criteria) for hydromodification control on projects whose applications are deemed complete after the first anniversary of enrollment under the General Permit.
34	BMP # PCRC-2	Interim Hydromodification Criteria	The BMP does not include a schedule or approach to develop criteria. The City's October 31, 2008 comment letter included a proposal to implement the design standards of General Permit Attachment 4 instead of preparing interim hydromodification control criteria within one year of SWMP approval. The design standards of General Permit Attachment 4 require stormwater runoff	Modify the SWMP to include the development of interim hydromodification criteria using one of the options listed below: Option 1: The proposed criteria may include the following types of requirements which provide a high degree of assurance of effective hydromodification control without regard to the nuances of individual

Item Number	SWMP Section	Subject	Problem	Required Revisions
			<p>peak control and treatment only. The design standards do not control hydromodification, therefore cannot be considered interim hydromodification control criteria.</p>	<p>watersheds:</p> <ol style="list-style-type: none"> 1. For new and re-development projects, Effective Impervious Area¹ shall be maintained at less than five percent (5%) of total project area. 2. For new and redevelopment projects that create and/or replace 5,000 square feet or more of impervious surface, the post-construction runoff hydrographs shall match within one percent (1%) the pre-construction² runoff hydrographs, for a range of events with return periods from 1-year to 10-years. 3. For projects whose disturbed project area exceeds two acres, preserve the pre-construction drainage density (miles of stream length per square mile of watershed) for all drainage areas serving a first order stream³ or larger, and ensure that post-project time of concentration is equal or greater than pre-project time of concentration. <p>Other acceptable approaches to develop interim criteria that are as effective as Option 1 include:</p>

¹ Effective Impervious Area is that portion of the impervious area that drains directly to a receiving surface waterbody via a hardened storm drain conveyance without first draining to a pervious area. In other words, impervious surfaces tributary to pervious areas are not considered Effective Impervious Area.

1. ² Pre-construction condition is defined as undeveloped soil type and vegetation.

2. ³ A first order stream is defined as a stream with no tributaries.

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				<p>Option 2: Adopt and implement hydromodification criteria developed by another local municipality and approved by the Water Board, such as the criteria the Water Board adopted for the City of Salinas, as interim criteria.</p> <p>OR</p> <p>Option 3: The City shall:</p> <ol style="list-style-type: none"> 1. Identify a range of runoff flow rates for which post-project runoff flow rates and durations shall not exceed pre-development runoff rates and durations, where the increased discharge rates and durations will result in off-site erosion or other significant adverse impacts to beneficial uses. Pre-development refers to the soil type, vegetation and amount of impervious surface existing on the site prior to the proposed development or redevelopment project. 2. Establish numeric criteria for development projects to maximize infiltration on-site and approximate natural infiltration levels to the maximum extent practicable and to effectively implement applicable low-impact

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				<p>development strategies.</p> <p>3. Identify the projects, including project type, size and location, to which the City will apply the interim criteria. The projects to which the City will apply the interim criteria will include all those projects that will cause off-site erosion or other significant adverse impacts to beneficial uses.</p> <p>4. Identify methods to be used by project proponents to demonstrate compliance with the interim discharge rate and duration criteria, including continuous simulation of the entire rainfall record.</p> <p>5. Identify methods to be used by project proponents to demonstrate compliance with the interim infiltration criteria, including analysis of site imperviousness.</p>
35	8.2.2 PCRC	Hydromodification Management Plan	The description of the process to develop the City's Hydromodification Management Plan lacks required objectives.	<p>Add a BMP stating how and when the City will develop hydromodification criteria and control measures based on an assessment of the impacts of urbanization on the watershed and that determines the effectiveness of the proposed control measures. An adequate technical assessment would consider the following:</p> <ul style="list-style-type: none"> • Hydrograph modification (volume, duration, and rate); • A wide range of flow events (e.g., 1- to

Item Number	SWMP Section	Subject	Problem	Required Revisions
				<p>10-year return period) and/or continuous flow modeling;</p> <ul style="list-style-type: none"> • Limits on imperviousness; • Evaluation of downstream affects (stream stability); • Estimate buffer zone requirements; and • Estimate water quality impacts. <p>The assessment should result in:</p> <ul style="list-style-type: none"> • Numeric criteria for runoff rate and volume control for development and redevelopment projects; • Numeric criteria for stream stability impacts for development and redevelopment projects; • Identification of areas within the City where these criteria must be met; • Specific performance and monitoring criteria for installed hydromodification control infrastructure; • Riparian buffer zone requirements; and • Appropriate hydromodification controls measures such as LID concepts, on-site hydrologic and water quality controls, in-stream controls, and/or regional facilities to meet future development conditions.
36*	BMP # PCRC-3	Staff Training	BMP lacks methods to determine effectiveness.	Include a MG that will evaluate effectiveness of trainings (e.g., post-training tests).
37	8.0 PCRC	Long-Term Watershed Protection	The City must commit to providing long-term watershed protection. The City has provided examples of its efforts of watershed protection through land use	Include a BMP stating how and when the City will 1) develop quantifiable measures that indicate how the City's watershed protection efforts achieve desired watershed

Item Number	SWMP Section	Subject	Problem	Required Revisions
			policies, plans, ordinances, guidance manuals, and BMPs. However, the City must provide more detail and evidence that these will achieve desired watershed conditions.	conditions, 2) evaluate the existing watershed protection efforts (the referenced land use policies, plans, ordinances, guidance manuals, and BMPs), and 3) adapt or change the existing efforts if necessary.
38	9.0 PPGH	Inadequate MCM Details	The Pollution Prevention and Good Housekeeping for Municipal Operations (PPGH) control measure lacks detail and specificity. (See City of Santa Barbara and Santa Maria SWMPs for example of expected content.)	Revise the SWMP to provide greater discussion of program elements for effective evaluation and approval. Discussion must address who, what, where, why, how, and when statements.
39	9.0 PPGH	MS4 Maintenance Operations	The BMP lacks a description of maintenance activities and procedures implemented to prevent pollutant discharges to the MS4.	Include a BMP to develop a schedule for maintenance of City facilities (e.g., public roads, bridges, sidewalks, and building facades) to prevent pollutants from entering MS4. Identify procedures for proper removal of collected waste.
40	9.0 PPGH	Hazardous Spill Response	This is not addressed.	Revise the BMP to say City commits to update hazardous spill response and training to address potential discharges to the MS4 (if necessary).
41	BMP # PPGH-3	Facility Surveys	This BMP does not clearly indicate whether all City facilities will be surveyed.	1) Revise or add a BMP or MG to indicate the City will evaluate all of its facilities for potential to discharge to storm drains. 2) Develop a comprehensive inventory of facilities, including all corporation yards and public facilities (i.e., golf courses, parks, etc.).
42	BMP # PPGH-3	Facility Surveys	The BMP does not indicate what and how many City facilities will be	Revise the MG to indicate inspection frequency.

Item Number	SWMP Section	Subject	Problem	Required Revisions
			inspected annually.	
43*	BMP # PPGH-4	Purchasing & Contracts	The BMP does not include MGs to ensure contractors comply with the SWMP.	Include a MG to revise standard contract language to include specific binding language requiring compliance with the City's SWMP and implementation of BMPs to protect water quality.
44* Additional info added	BMP # PPGH-4	Contract Enforcement	This BMP lacks clarification and detail about how contracts containing storm water pollution prevention specifications will be tracked and enforced.	<p>Revise the BMP to add procedures for evaluating compliance and enforcement if contracts are violated.</p> <p>Revise MG to include tracking compliance of contractors. The City must attempt not to hire contractors that have not met stormwater control requirements.</p>
45*	BMP # PPGH-6	Mutt-Mitt Program	The BMP lacks clear measures of effectiveness.	Revise MG to including tracking the number of Mutt-Mitts consumed annually.



Protecting and Restoring the Santa Barbara Channel and Its Watersheds

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August 12, 2008

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

Re: City of Goleta Storm Water Management Plan

Dear Mr. Roques:

Please accept the following comments on the City of Goleta's June 2008 Draft Storm Water Management Plan (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) and will be effective in protecting water quality and reducing the discharge of pollutants to the Maximum Extent Practicable (MEP).

Channelkeeper finds that the City of Goleta has made good progress in revising its SWMP, and we commend the City's efforts to solicit and incorporate public comments into the final draft submitted to the Central Coast Regional Water Quality Control Board (RWQCB), and to produce detailed responses to public comments it received on its May 2008 draft. We find that the SWMP is greatly improved over previous drafts. We do, however, have a few recommendations that we urge the RWQCB to require prior to approving Goleta's SWMP.

Public Education and Outreach

Business Based Education Program: Channelkeeper applauds the City's commitment to develop and implement a Business Based Education Program and to conduct routine site visits to all businesses in the City. To aid in implementing this program, we recommend that the City utilize inspection checklists and reporting forms for different types of businesses (i.e. food service establishments, automotive shops and gas stations, nurseries), such as those appended to the Monterey Regional SWMP. We also recommend establishing a training program for City inspectors so they are well-versed in what industry-specific problems and BMPs to look for when conducting their inspections.

Green Business Program: We recommend that this BMP be revised to commit the City to conducting annual inspections of certified businesses to ensure that they continue to meet the



environmental criteria before their green certification is renewed.

Educational Programs for School Children: Channelkeeper recommends that the City document the specific demographics of the children they reach with their educational programs, and that they aim to reach 25% of school children in each year of the permit term, rather than just in Years 2 and 4 as laid out in the Measurable Goal.

Stormwater Hotline: We urge the City to document not only the number of calls received but also their nature, location and time of day in order to track patterns of problems as well as repeat offenders. The Measurable Goal of responding to community calls within 24 hours should also include weekends as well as a commitment to take appropriate enforcement action where needed.

Illicit Discharge Detection and Elimination

Non-Storm Water Discharges: Channelkeeper appreciates the City's commitment to develop practices for reviewing, testing and evaluating non-stormwater discharges to determine whether they are significant sources of pollutants and to develop BMPs to remediate those that are, and we recommend that this be included as a Measurable Goal in the SWMP.

Education and Outreach: We recommend that the City detail how it proposes to distribute its educational materials to ensure that they reach the appropriate audiences.

Identification and Elimination of Illicit Discharge Sources: With regard to spill complaint and response, the City should develop a tracking system that records the time, location and nature of illicit discharges detected in addition to their number and final outcome. In addition, Channelkeeper urges the City to be more systematic in its development of a Field Investigation and Abatement program, for instance by focusing on high-priority areas with known pollution problems and likely sources of illicit discharges and establishing a scheduled frequency for conducting field investigations. Finally, a Measurable Goal should be added to conduct follow-up inspections and take enforcement action when necessary to ensure the elimination of 100% of illicit discharges identified.

Construction Site Runoff Control

Goleta's SWMP fails to note that the City is obligated to reduce stormwater discharges from construction activity disturbing less than one acre if part of a larger common plan of development or sale that would disturb one acre or more. The SWMP also fails to clearly articulate how the City will meet the requirements for construction site operators to control construction-related waste, nor what procedures will be implemented for site plan review and for receipt and consideration of information submitted by the public. These requirements need to be addressed in the City's final SWMP.

Another important BMP is also missing from this MCM: educating construction site operators and workers about stormwater pollution prevention through the distribution of brochures, BMP fact sheets and City-sponsored trainings. These efforts should include detailed information about the proper installation and maintenance of appropriate erosion and sediment control BMPs, as well as references to recognized BMP manuals widely applied by the construction community.¹

¹ For example, California Department of Transportation, *Storm Water Quality Handbook: Construction Site Best Management Practices Manual*; California Regional Water Quality Control Board San Francisco Region, *Erosion Santa Barbara Channelkeeper's Comments on City of Goleta's May 2008 Storm Water Management Program*

Grading Ordinance: Channelkeeper supports the City's commitment to review and update the existing Grading Ordinance as appropriate and urges that this be included as a Measurable Goal.

Construction Site Enforcement, Inspections: This BMP lacks sufficient detail about the "standard City procedures" used to address non-compliance. Additionally, Channelkeeper urges the City to develop and utilize a more sophisticated system for tracking construction sites and inspections and enforcement, including basic site information (i.e. owner, address, contractor, etc.), status (active/complete), project start and anticipated completion dates, size in acres, proximity to natural and man-made hydrologic features, required inspection frequency, details of inspection findings, complaints or reports submitted by the public, any history of non-compliance, enforcement actions taken, and follow-up inspections to ensure correction.

Staff Training: In addition to training in currently applicable regulations and compliance standards, relevant staff must be trained in the proper installation, operation and maintenance of construction site BMPs, appropriate inspection techniques and enforcement strategies. This should be included in the BMP.

Post Construction Runoff Control

Watershed/Wetland Protection Policies: It is vitally important that development projects specify BMPs and control measures to protect water quality in the early stages of design. As such, Channelkeeper recommends that pre-application meetings be made mandatory rather than voluntary for moderately complex and complex projects, and that the City *does* implement interpretive and implementation guidelines to assist planners in the interpretation of its water quality policies as soon as possible. The latter should be included as a Measurable Goal, as should the efforts outlined under "Standard Conditions of Approval/Mitigation Measures" (developing and adopting a new list of standard conditions of approval) and under "CEQA Review" (updating the initial study checklist form; developing new CEQA guidelines for surface and stormwater quality; and developing new mitigation measures and standard conditions that include water quality BMPs). The SWMP should also make it clear that final BMPs must be selected, sized and sited in order for CEQA review to be completed, rather than later during the land use clearance and permit compliance process.

Hydromodification Management Plan: While Channelkeeper appreciates the City's proactive effort to lay out a strategy to develop a watershed-based hydromodification management plan and to present draft hydromodification control standards, we find that the strategy and standards do not conform to the requirements laid out in the RWQCB's February 15, 2008 Notification letter. We concur that this section needs to be modified in line with the required changes laid out in the RWQCB's August 5, 2008 Table of Required Revisions.

Staff Training: The training of permitting and review staff to properly condition projects to protect water quality is a vitally important BMP. Channelkeeper therefore recommends that methods be implemented (such as post-training tests) to evaluate the effectiveness of the trainings.

Monitor Discretionary Projects: The General Permit requires the City to ensure long-term operation and maintenance of BMPs. The current version of the SWMP omits an important BMP

and Sediment Control Field Manual; and California Stormwater Quality Task Force, California Storm Water Best Management Practices Handbooks: Construction Activity; Industrial/Commercial Activity; and Municipal Activity.

Santa Barbara Channelkeeper's Comments on City of Goleta's May 2008 Storm Water Management Program

that was included in the previous draft – to monitor discretionary projects for compliance with water quality measures and to take appropriate enforcement action where necessary. We strongly urge that this BMP be included in the final SWMP, along with appropriate Measurable Goals stating the frequency and protocols for inspection to ensure that all long-term BMPs remain functional.

Pollution Prevention/Good Housekeeping for Municipal Operations

Evaluation of City Facilities and Appropriate BMPs: Channelkeeper supports the City's goal to assess all City facilities and services to determine their potential impacts on stormwater quality and to implement appropriate BMPs, but we recommend that a MG be added to conduct annual inspections or audits of all City facilities and services to ensure that the BMPs are being implemented, and report on the results of these audits in its annual SWMP implementation reports to the RWQCB.

Purchasing and Contracts: An explicit Year 1 Measurable Goal should be added to revise standard City contract templates to include specific and binding language requiring contractors to comply with the City's SWMP and implement all necessary BMPs to protect water quality. The SWMP must also explain how the City intends to evaluate contractor compliance. Finally, the Measurable Goal of reporting the number of violations should also include a commitment to track the compliance of particular contractors and to not rehire contractors who have violated the stormwater pollution prevention provisions of their contracts in the future.

Mutt Mitt Program: We recommend that the City document the number of Mutt Mitts used each year.

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

Sincerely,



Kira Redmond
Executive Director



Home Builders Association

OF THE CENTRAL COAST

creating quality housing and communities

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 Goleta
Dear Dominic Roques:

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

We propose that projects whose application has been “deemed complete” by the City of Goleta 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

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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 resource 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.

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.

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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.

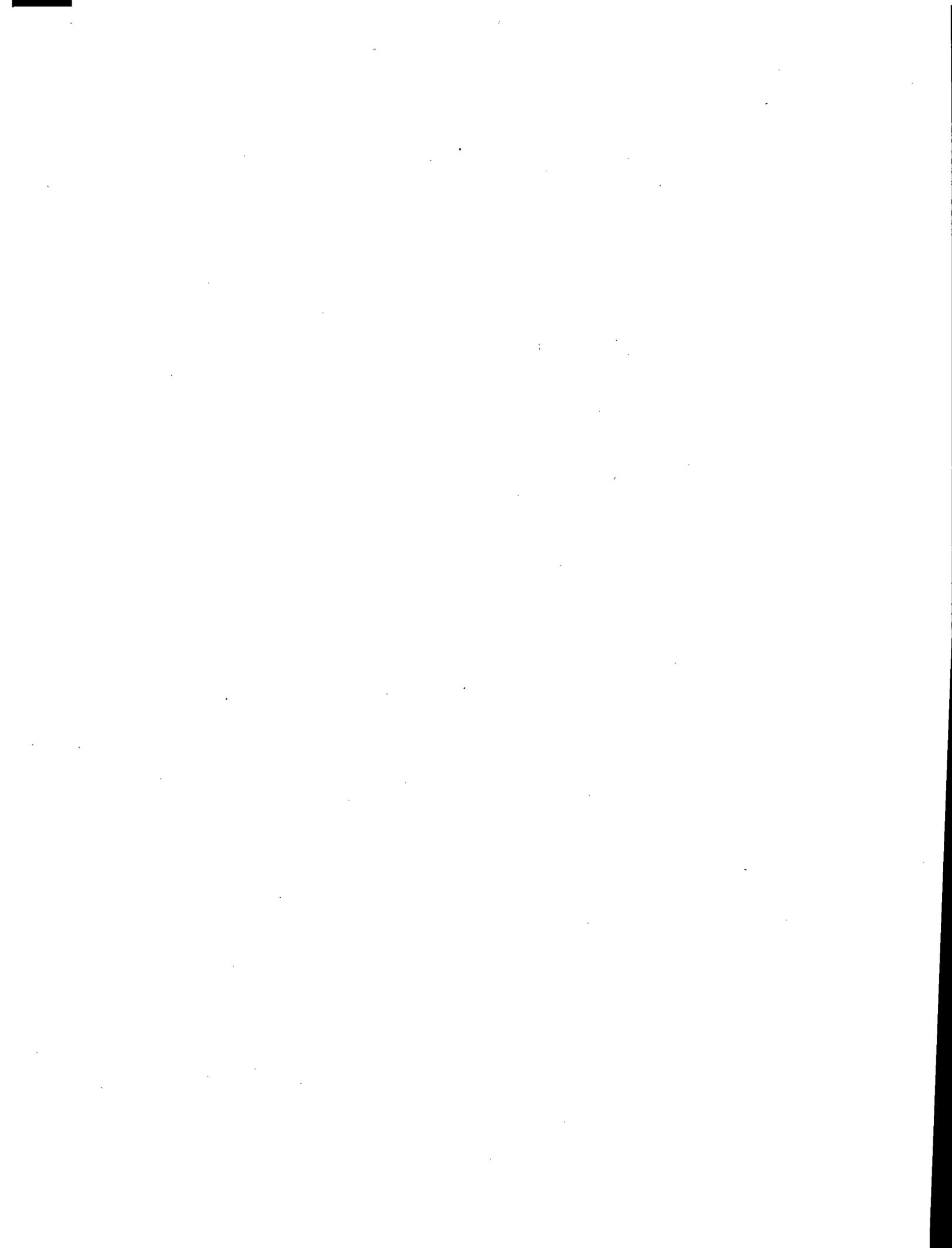
The technical committee can help provide guidance and share information in various technical specialties. The result should be HMP's that are feasible, practical, and usable, and achieve the intended objectives of the MS4 permit.

Sincerely yours,

Jerry Bunin
Government Affairs Director
Home Builders Association

cc:
Steve Chase, Goleta Director of Planning and Environmental Services
Steve Wagner, Goleta Director of Community Services
Kimberly Nilsson, Goleta Storm Water Project Manager

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October 31, 2008

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

CITY COUNCIL
Michael T. Bennett
Mayor

Roger S. Aceves
Mayor Pro Tempore

Jean W. Blois
Councilmember

Eric Onnen
Councilmember

Jonny Wallis
Councilmember

CITY MANAGER
Daniel Singer

RE: Response to Draft Required Revisions Table and Public Comment Letters on City of Goleta's June 2008 Draft SWMP

Dear Mr. Sanderson,

On behalf of the City of Goleta, I am pleased to submit our response to your letter dated August 5, 2008 titled "Water Board Staff Comments on City of Goleta June 2008 Draft Storm Water Management Plan". Thank you for allowing us additional time to address the voluminous comments that were included in the draft table of required revisions as well as the various public comment letters. Attached to this submittal letter are our responses to the draft required revisions table as well as our responses to the comment letter from Santa Barbara Channelkeeper dated August 12, 2008 and the comment letter from the Home Builders Association dated August 22, 2008.

Based up our review of the draft required revision table and comment letters submitted, we believe that a vast majority of the issues and concerns raised can be addresses through revisions to the SWMP text and/or BMPs/MGs as appropriate. We expect that incorporation of these revisions will result in an improved SWMP for the City of Goleta.

Out of the thirty-five (35) items listed in the draft required revisions table, the City concurs with thirty four (34). Revisions to the draft SWMP are being incorporated as necessary to address these items.

However, with respect to revision item # 27 the City does not concur. This requires the adoption of interim hydromodification criteria. It is our understanding that item #27 will be modified based on the Board's recent approval of the City of Lompoc's SWMP at the October 17, 2008 hearing.

The City supports the development and implementation of appropriate hydromodification criteria but only as tailored to address local conditions. The City remain willing to invest significant time and resources to develop and implement a hydromodification plan in a collaborative manner with other participating agencies and interested parties. The hydromodification plan will provide the necessary framework of engineering analysis to determine appropriate hydromodification criteria based on local conditions.

Attachment 4 of the Small MS4 Permit sets forth specific design standards that include hydromodification criteria. The Small MS4 Permit requires certain MS4s to adopt an ordinance (or other document) to ensure the implementation of the specified design standards or a functionally equivalent program that is acceptable to the RWQCB.

The interim hydromodification criteria referenced in the February 15, 2008 letter far exceed the requirements specified in Attachment 4 of the Small MS4 Permit. Requiring the City to adopt interim hydromodification criteria that are "as effective as" the interim criteria referenced in the February 15, 2008 letter exceeds the authority granted to the Board by the Small MS4 Permit.

Although the Small MS4 Permit does not require the City to adopt interim hydromodification criteria, we are willing to adopt design standards included in Attachment 4 of the Small MS4 Permit or other functionally equivalent program acceptable to the RWQCB in year one and implement the design standards until appropriate, area specific hydromodification criteria are determined as part of the hydromodification plan.

The City desires to work with you and other RWQCB staff as necessary to reach a consensus on this remaining issue so we can obtain permit coverage. As such we request your consideration of our proposal described above and included in the attached table.

If, after consideration of our responses, we are unable to reach a consensus on this issue we respectfully request that the City of Goleta not be enrolled prior to being afforded our right to present this issue to the Board at a future public hearing.

If you have any questions regarding this letter, our responses to the draft table of required revisions or our responses to the comment letters please contact Kimberly Nilsson of my staff at 805-961-7565.

Sincerely,



Steve Wagner
Community Services Director

cc: Dan Singer, City Manager
Tim Giles, City Attorney
Mayor and City Council

**ATTACHMENT 3
CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL COAST REGION**

**Response to Comments
City of Goleta Storm Water Management Plan June 2008**

Introduction

This document includes Water Board staff responses to the comments received during the Water Board's 60-day public comment period (June 23 – August 22, 2008) for the City of Goleta's Storm Water Management Plan (SWMP) and Water Board staff's Draft Table of Required Changes. We received comments from the following organizations:

- August 12, 2008: Santa Barbara ChannelKeeper
- August 22, 2008: Home Builders Association of the Central Coast
- October 31, 2008: City of Goleta *(late submittal allowed due to limited time provided for response to Water Boards draft Required Revisions)*

Comments from Santa Barbara Channelkeeper, August 12, 2008

Comment: Please accept the following comments on the City of Goleta's June 2008 Draft Storm Water Management Plan (SWMP), which are hereby submitted by Santa Barbara Channelkeeper. Channelkeeper finds that the City of Goleta has made good progress in revising its SWMP, and we commend the City's efforts to solicit and incorporate public comments into the final draft submitted to the Central Coast Regional Water Quality Control Board (RWQCB), and to produce detailed responses to public comments it received on its May 2008 draft. We find that the SWMP is greatly improved over previous drafts. We do, however, have a few recommendations that we urge the RWQCB to require prior to approving Goleta's SWMP.

Comment: Public Education and Outreach

Business Based Education Program: To aid in implementing this program, we recommend that the City utilize inspection checklists and reporting forms for different types of businesses (i.e. food service establishments, automotive shops and gas stations, nurseries), such as those appended to the Monterey Regional SWMP. We also recommend establishing a training program for City inspectors so they are well-versed in what industry-specific problems and BMPs to look for when conducting their inspections.

Response: **Water Board staff agrees that utilizing inspection checklists and reporting forms for different types of businesses will aid in implementing this program. Water Board staff encourages the City to improve this BMP/MG by utilizing such checklists and reporting forms, but is not recommending any changes as a condition of SWMP approval. Water Board staff will evaluate progress and effectiveness during review of each Annual Report.**

Regarding the development of a staff training program, Water Board staff agrees and has included Required Revision No. 19, which requires the City to include a BMP to train City staff under the IDDE MCM requiring.

Comment: Green Business Program: We recommend that this BMP be revised to commit the City to conducting annual inspections of certified businesses to ensure that they continue to meet the environmental criteria before their green certification is renewed.

Response: Staff agrees certified businesses should be inspected, but not annually. Staff added Required Revision No. 5, which requires the City to conduct periodic inspections and determine the appropriate frequency of inspections .

Comment: Educational Programs for School Children: Channelkeeper recommends that the City document the specific demographics of the children they reach with their educational programs, and that they aim to reach 25% of school children in each year of the permit term, rather than just in Years 2 and 4 as laid out in the Measurable Goal.

Response: Water Board staff agrees that documenting student demographics can improve the effectiveness of the City's outreach and encourages the City to do so. However, staff is not recommending any changes as a condition of SWMP approval. Staff will evaluate progress and effectiveness during review of each Annual Report.

Staff agrees that the MG and implementation year are inconsistent and must be clarified to state, "educate 25% of school children (K-6) annually (years 1-5 or 2-5)." Required Revision No. 6 addresses this.

Comment: Stormwater Hotline: We urge the City to document not only the number of calls received but also their nature, location and time of day in order to track patterns of problems as well as repeat offenders. The Measurable Goal of responding to community calls within 24 hours should also include weekends as well as a commitment to take appropriate enforcement action where needed.

Response: Water Board staff agrees. Required Revisions 7 and 15 address this.

Comment: Illicit Discharge Detection and Elimination

Non-Storm Water Discharges: Channelkeeper appreciates the City's commitment to develop practices for reviewing, testing and evaluating non-stormwater discharges to determine whether they are significant sources of pollutants and to develop BMPs to remediate those that are, and we recommend that this be included as a Measurable Goal in the SWMP.

Response: Staff agrees. Required Revision No. 10 requires the City to add BMPs and MGs regarding evaluation of non-stormwater discharges. The City of Santa Barbara SWMP is a good example.

Comment: Education and Outreach: We recommend that the City detail how it proposes to distribute its educational materials to ensure that they reach the appropriate audiences.

Response: The City includes its distribution procedures in the PEO section of the SWMP (pg. 19). Educational materials will be distributed based on the nature of the target audience, whether through general outreach, or explicit enforcement. Water Board staff finds this to be an acceptable approach for this particular BMP.

Comment: Identification and Elimination of Illicit Discharge Sources: With regard to spill complaint and response, the City should develop a tracking system that records the time, location and nature of illicit discharges detected in addition to their number and final outcome. In addition, Channelkeeper urges the City to be more systematic in its development of a Field Investigation and Abatement program, for instance by focusing on high-priority areas with known pollution problems and likely sources of illicit discharges and establishing a scheduled frequency for conducting field investigations. Finally, a Measurable Goal should be added to conduct follow-up inspections and take enforcement action when necessary to ensure the elimination of 100% of illicit discharges identified.

Response: Staff agrees. Staff added Required Revisions No. 7, 15, 16, and 17 requiring the City to provide revisions. Nonetheless, the City has addressed the comment regarding prioritization of field investigation and abatement efforts in the SWMP Section 6.2.4 (pg. 31) and BMP IDDE 4 (pg. 36).

Comment: Construction Site Runoff Control

Goleta's SWMP fails to note that the City is obligated to reduce stormwater discharges from construction activity disturbing less than one acre if part of a larger common plan of development or sale that would disturb one acre or more. The SWMP also fails to clearly articulate how the City will meet the requirements for construction site operators to control construction-related waste, nor what procedures will be implemented for site plan review and for receipt and consideration of information submitted by the public. These requirements need to be addressed in the City's final SWMP.

Response: Staff agrees. Required Revision No. 21 requires the City to include all sites that are part of a larger common plan of development in its runoff controls.

Comment: Another important BMP is also missing from this MCM: educating construction site operators and workers about stormwater pollution prevention through the distribution of brochures, BMP fact sheets and City-sponsored trainings. These efforts should include detailed information about the proper installation and maintenance of appropriate erosion and sediment control BMPs, as well as references to recognized BMP manuals widely applied by the construction community.

Response: Staff agrees. Required Revision No. 22 requires the City to include a BMP that discusses how the City will educate and train construction personnel.

Comment: Grading Ordinance: Channelkeeper supports the City's commitment to review and update the existing Grading Ordinance as appropriate and urges that this be included as a Measurable Goal.

Response: Staff agrees. Required Revision No. 23 requiring the City to Include a MG committing the City to review and update the existing ordinance in year 1.

Comment: Construction Site Enforcement, Inspections: This BMP lacks sufficient detail about the "standard City procedures" used to address non-compliance. Additionally, Channelkeeper urges the City to develop and utilize a more sophisticated system for tracking construction sites and inspections and enforcement, including basic site information (i.e. owner, address, contractor, etc.), status (active/complete), project start and anticipated completion dates, size in acres, proximity to natural and man-made hydrologic features, required inspection frequency, details of inspection findings, complaints or reports submitted by the public, any history of non-compliance, enforcement actions taken, and follow-up inspections to ensure correction.

Response: Staff agrees. Required Revision No. 24 requires the City to track site information to inform effectiveness of review, inspection and follow-up procedures.

Comment: Staff Training: In addition to training in currently applicable regulations and compliance standards, relevant staff must be trained in the proper installation, operation and maintenance of construction site BMPs, appropriate inspection techniques and enforcement strategies. This should be included in the BMP.

Response: Staff agrees. Required Revision No. 26 requires the City to revise the BMP to include the scope of the training.

Comment: Post Construction Runoff Control

Watershed/Wetland Protection Policies: It is vitally important that development projects specify BMPs and control measures to protect water quality in the early stages of design. As such,

Channelkeeper recommends that pre-application meetings be made mandatory rather than voluntary for moderately complex and complex projects, and that the City *does* implement interpretive and implementation guidelines to assist planners in the interpretation of its water quality policies as soon as possible. The latter should be included as a Measurable Goal, as should the efforts outlined under "Standard Conditions of Approval/Mitigation Measures" (developing and adopting a new list of standard conditions of approval) and under "CEQA Review" (updating the initial study checklist form; developing new CEQA guidelines for surface and stormwater quality; and developing new mitigation measures and standard conditions that include water quality BMPs). The SWMP should also make it clear that final BMPs must be selected, sized and sited in order for CEQA review to be completed, rather than later during the land use clearance and permit compliance process.

Response: Staff agrees. Early consideration of stormwater controls is essential for project success. Required Revisions 27 and 28 address this.

Comment: Hydromodification Management Plan: While Channelkeeper appreciates the City's proactive effort to lay out a strategy to develop a watershed-based hydromodification management plan and to present draft hydromodification control standards, we find that the strategy and standards do not conform to the requirements laid out in the RWQCB's February 15, 2008 Notification letter. We concur that this section needs to be modified in line with the required changes laid out in the RWQCB's August 5, 2008 Table of Required Revisions.

Response: Staff agrees. Required Revisions 33, 34, and 35 address this.

Comment: Staff Training: The training of permitting and review staff to properly condition projects to protect water quality is a vitally important BMP. Channelkeeper therefore recommends that methods be implemented (such as post-training tests) to evaluate the effectiveness of the trainings.

Response: Staff agrees. Required Revision No. 36 addresses this.

Comment: Monitor Discretionary Projects: The General Permit requires the City to ensure long-term operation and maintenance of BMPs. The current version of the SWMP omits an important BMP that was included in the previous draft – to monitor discretionary projects for compliance with water quality measures and to take appropriate enforcement action where necessary. We strongly urge that this BMP be included in the final SWMP, along with appropriate Measurable Goals stating the frequency and protocols for inspection to ensure that all long-term BMPs remain functional.

Response: Staff agrees. Required Revisions 29 through 32 address this.

Comment: Pollution Prevention/Good Housekeeping for Municipal Operations Evaluation of City Facilities and Appropriate BMPs: Channelkeeper supports the City's goal to assess all City facilities and services to determine their potential impacts on stormwater quality and to implement appropriate BMPs, but we recommend that a MG be added to conduct annual inspections or audits of all City facilities and services to ensure that the BMPs are being implemented, and report on the results of these audits in its annual SWMP implementation reports to the RWQCB.

Response: Staff agrees. Required Revisions 41 and 42 require the City to inspect all of its facilities and indicate inspection frequency.

Comment: Purchasing and Contracts: An explicit Year 1 Measurable Goal should be added to revise standard City contract templates to include specific and binding language requiring contractors to comply with the City's SWMP and implement all necessary BMPs to protect water quality. The SWMP must also explain how the City intends to evaluate contractor compliance. Finally, the Measurable Goal of reporting the number of violations should also include a

commitment to track the compliance of particular contractors and to not rehire contractors who have violated the stormwater pollution prevention provisions of their contracts in the future.

Response: Staff agrees. Staff added Required Revisions 43 and 44, which require the City to revise standard contract language and to revise BMPs to include enforcement procedures, including tracking compliance.

Comment: Mutt Mitt Program: We recommend that the City document the number of Mutt Mitts used each year.

Response: Staff agrees. Mutt Mitt counts is a simple measure of effectiveness. Required Revision No. 45 requires the City to track the number of Mutt-Mitts consumed annually.

Comments from Homebuilders Association of the Central Coast, August 22, 2008

Comment: The Home Builders Association appreciates the opportunity to comment on the City of Goleta Storm Water Management Plan published on your web site, with public comment due by August 22, 2008. Please accept the following comments on behalf of the Home Builders Association.

Comment: Time to complete Interim Hydromodification Plan: We believe that it is prudent, and propose that the City of Goleta 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 hydromodification plan one (1) year deadline. In addition, our members experience in Southern California has indicated that a one-year time limit is not realistically achievable... 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.

Response: The Water Board is not requiring an "Interim Hydromodification Plan," but rather interim hydromodification control criteria. Required Revision No. 35 requires the City to develop a Hydromodification Management Plan, but allows the City to identify its schedule for completing the Plan within the five-year permit cycle. The Executive Officer's July 10, 2008 letter to the City was responsive to Central Coast communities' concerns about the schedule put forth in his February 15, 2008 letter and provided an additional six months to make it a full year for the City to develop interim criteria. This is in addition to the time between February 15, 2008 and the present, during which the City has known of Water Board expectations (approximately seven months) that it develop interim hydromodification criteria. The City has included criteria in its SWMP that are unsupported by technical findings. As such, the City's task in Year 1 of SWMP implementation would be to provide supportable criteria. The Executive Officer's July 10, 2008 letter also provided an example approach to developing quantifiable measures for storm water management programs. Furthermore, the City of Goleta could avail itself of the examples from other Central Coast communities that have already provided interim criteria, or year-long plans to develop them (e.g., City of Santa Barbara, Santa Maria, and Santa Cruz County). The proposed schedule for developing interim hydromodification criteria is reasonable and appropriate.

Comment: 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... 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...We propose that projects whose application has been "deemed complete" by the City of Goleta be exempt from the new post construction standards, but would be encouraged to comply with the regulations on a voluntary basis.

Response: Water Board staff understands that it is important to implement hydromodification at the beginning of the project design phase and that it may not be reasonable to require standards on projects that have already been "deemed complete", as proposed by the commenter. For these projects, and others for which applications are submitted during the first year of SWMP implementation, the City can voluntarily notify applicants that they should consider Low Impact Development (LID) and address hydromodification in designing their projects. (Central Coast Low Impact Development Center assistance may also be available to consult applicants on ways to integrate LID into project design.) The City will also continue to impose its existing policy for watershed management, which Water Board staff recognizes offers some degree of protection from hydromodification. Therefore, staff agrees that the "deemed complete" milestone is an appropriate cut-off point in the entitlement process, after which projects would not be subject to new hydromodification requirements. See Required Revision No. 33.

Comment: 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.

Response: New post-construction requirements will be applied as conditions of approval, or through some other enforceable means, to all applicable projects not deemed complete by the first anniversary of the City's enrollment under the General Permit. See Required Revision No. 33.

Comment: 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 propose that the applicant's geotechnical/soils consultant's analysis be part of the decision-making in determining when and where infiltration/low impact development BMP's are practical and how much is achievable.

Response: Water Board staff expects geotechnical/soils information to continue to inform site design for projects in Goleta. However, we do not expect such information to preclude those sites from using LID BMPs or to exempt them from having to mimic the natural hydrograph in post-development runoff events. The Water Board will review the City of Goleta's hydromodification controls, stormwater treatment BMPs, and applicability criteria (where and when specific numeric criteria are to be met by post-construction BMPs for new and redevelopment) to determine if the City is achieving water quality protection from these pollution sources to the maximum extent practicable. Should the City propose to exempt certain developments from infiltration or LID BMPs, the City would need to demonstrate that alternative or conventional BMPs result in the desired conditions of healthy watersheds, including the conditions of rainfall runoff, groundwater recharge, sediment transport and supply, and riparian and aquatic habitat. To achieve the appropriate balance of environmental and societal goals, the City should consider and select BMPs and applicability criteria from a watershed perspective.

Comment: Normal maintenance of existing infrastructure by public agencies, project developers, and home owners associations [should] 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.

Response: At this time, the City is committed to developing new requirements for hydromodification control for new and redevelopment. Maintenance activities for existing public infrastructure are subject to multiple BMPs to reduce their potential contribution to stormwater pollution (see the Pollution Prevention/Good Housekeeping for Municipal Operations management measure in the SWMP). Through other management measures in the SWMP, private developments and home owners associations would be subject to education as well as potential enforcement on source control, pollution prevention, and illicit discharges, but would not be subject to hydromodification controls for maintenance activities.

Comment: 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.

Response: Changing the definition of pre-development condition to accommodate a lower standard for post-construction runoff control is a fundamentally flawed basis for regulation. We agree that hydrologic performance should not outweigh other important environmental goals such as infill, redevelopment priorities, and regional growth patterns that can also affect watershed health. Effective implementation, that balances these goals, requires well-crafted applicability criteria, which define what types of projects and under what circumstances controls and quantifiable measures apply.

Water Board staff will consider applicability criteria, including baseline conditions defining "pre-development," when the City prepares its interim and long-term hydromodification criteria. The options for developing interim hydromodification control criteria, presented in the Final Table of Required Revisions, Item 34, provide flexibility for defining the pre-development conditions. Specifically, the Water Board Executive Officer has approved the City of Santa Maria's methodology for developing interim hydromodification criteria, including the City's selection of pre-construction conditions as a baseline for hydrologic conditions in redevelopment projects.

Comment: Economic balance: 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.

Response: Water Board staff acknowledge that in determining the best methods to implement the MS4 Storm Water Management Plans, we must take into account a range of issues potentially constraining local governments' choices about land use development. We recognize that cities are influenced by State requirements for affordable housing as well as state mandates and policies affecting, among other things, transportation infrastructure, greenhouse gas emissions, water supply, and public

safety. We understand these requirements contribute to development patterns. For this reason, we have asked the local agencies subject to the Phase II General Permit to engage in long-term watershed planning to provide a context for weighing the multiple objectives affecting development patterns. At the same time, Water Board staff has refrained from dictating specific applicability requirements, and instead, has provided the opportunity for MS4s to develop applicability criteria that strike an appropriate balance of social, economic, and environmental goals.

Water Board staff acknowledges that no stormwater management strategy, or suite of approaches, has been identified that can achieve full hydrologic mitigation for the impacts of urbanization. While recognizing the challenges of applying LID in certain circumstances, for example in poorly drained soils, staff nonetheless considers LID to represent a more comprehensive effort at mitigating the hydrologic impacts of urbanization.

Water Board staff subscribes to the following "Hydrologic Philosophy of Smart Growth," as presented by Richard McCuen.¹ As this philosophy and its associated seven principles directly parallel the guiding principle of LID, to mimic the natural hydrograph, Water Board staff finds that LID and hydromodification control are fundamentally consistent with smart growth strategies.

Hydrologic Philosophy of Smart Growth:

If society is to control urban sprawl, then guiding principles of smart growth are needed. These principles will form the basis for a philosophy of smart growth. Seven principles related to hydrologic aspects of smart growth include:

Principle 1: Control Runoff at Microwatershed Level

Principle 2: Consider Hydrologic Processes in Microwatershed Layout

Principle 3: Maintain First-Order Receiving Streams

Principle 4: Maintain Vegetated Buffer Zones

Principle 5: Control Spatial Pattern of Hydrologic Storage

Principle 6: Control Upland Flow Velocities

Principle 7: Control Temporal Characteristics of Runoff

Comment: 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.

Response: The City currently includes stakeholder involvement for all aspects of the Storm Water Management Plan through its Public involvement/Participation program within the SWMP. This includes local, county, and regional committee planning meetings and public forums.

Comment: 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

¹ For further explanation refer to: Richard H. McCuen, *Smart Growth: Hydrologic Perspective*, *Journal of Professional Issues in Engineering, Education and Practice*, Vol. 129, No. 3, July 1, 2003. ©ASCE, ISSN 1052-3928/2003/3-151-154.

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.

Response: Water Board staff agrees that collaboration around the development of hydromodification controls is essential and has in fact encouraged it, from our initial discussion of such controls in the Executive Officer's February 15, 2008 letter, to the present. Additionally, the Water Board has committed substantial resources to establishing the Central Coast Low Impact Development Center, to provide local agencies with the technical assistance needed to develop hydromodification controls. Several local agencies in the Central Coast Region have already assembled into groups, which would be the most appropriate organization to convene such technical advisory committees. Examples include the Santa Barbara County Intergovernmental Committee and the San Luis Obispo County Partners for Water Quality. Water Board staff is willing to participate in these technical advisory groups, but limited funding precludes Water Board staff from convening or leading such committees.

Comments from City of Goleta, October 31, 2008

The City of Goleta concurs with thirty-four out of the thirty-five items listed in the draft required revisions table and has committed to revising the SWMP accordingly. Water Board staff has responded only to comments provided for item # 27 within the table in which the City does not concur.

Comment: The Small MS4 Permit does not require the City to implement interim hydromodification requirements, and it does not require the City to adopt interim hydromodification requirements that are "as effective as" the Regional Board's interim hydromodification requirements as stated in the February 15, 2008 letter.

The interim criteria referenced in the February 15, 2008 letter exceed the requirements of the Small MS4 Permit. The City proposes to adopt the Attachment 4 design standards or functional equivalent program as required in the Small MS4 Permit in year 1.

A BMP will be added to state that the City will develop appropriate interim numeric and narrative hydromodification criteria in accordance with the requirements of the Small MS4 Permit by the end of year 1. The hydromodification criteria will be based on an engineering analysis specific to the hydrologic and geologic conditions of the City of Goleta. At that same time the definition of "pre construction" will be determined. The schedule for development and submittal of appropriate hydromodification criteria pursuant to Attachment 4 of the Small MS4 Permit will include the 3 week review time as requested. [Paraphrased]

Response: Water Board staff cannot accept the City's proposal to implement the design standards of General Permit Attachment 4 instead of preparing interim hydromodification control criteria. The design standards of General Permit Attachment 4 require stormwater runoff peak control and treatment only. The design standards do not control hydromodification, therefore cannot be considered interim hydromodification control criteria. In order to meet the Clean Water Act's Maximum Extent Practicable (MEP) standard, the City's interim criteria must:

- 1) Provide numeric thresholds that demonstrate optimization of infiltration in order to approximate natural infiltration levels (such as would be achieved by implementation of appropriate low impact development practices); and
- 2) Achieve post-project runoff discharge rates and durations that do not exceed estimated pre-development levels, where increased discharge rates and durations will

results in increased potential for erosion or other significant adverse impacts to beneficial uses.

Required Revision No. 34 requires the City to revise its SWMP to include a schedule for developing interim hydromodification control criteria, including a period of no less than three (3) weeks to allow for Water Board staff's review of the proposed criteria. The revised SWMP shall state that any interim hydromodification control criteria (numeric and non-numeric) proposed by the City will be submitted by one year from SWMP approval by the Water Board. The interim hydromodification control criteria should maximize infiltration of clean storm water, minimize runoff volume and rate, serve as a useful quantifiable measure of healthy watersheds, and be consistent with the intended goals of the Water Board including, but not limited to, healthier and more sustainable watersheds by 2025. The revised SWMP shall provide language stating the City will chose one of the three options provided in Required Revision No. 34 for developing interim hydromodification criteria:

The Central Coast Water Board Executive Officer will notify the City and other interested persons of the acceptability of the City's proposed interim hydromodification control criteria for new and re-development. The Water Board shall provide interested persons the opportunity for comment and a hearing, if requested, before the Water Board if any party is aggrieved by the Water Board staff's determination, prior to Water Board action being final.