

SB County



Tuesday, December 6, 2005

Mr. Robert Almy, manager
Santa Barbara County Water Agency
123 E. Anapamu Street
Santa Barbara, CA 93101

sent by e-mail and U.S. mail

Re: Santa Barbara County revised Storm Water Management Program (SWMP) REV2

Dear Mr. Almy:

These comments on the Santa Barbara County latest revised draft Storm Water Management Plan (SWMP) are submitted on behalf of Heal the Ocean, a non-profit corporation active in improving water quality in the Pacific Ocean and local watersheds of Santa Barbara County. It has been relatively difficult to keep up with the various SWMP revisions that have come out in the last few weeks. As such, these comments are in reference to the draft SWMP, referred to in this letter as SWMP REV2, which was circulated shortly after our November 17, 2005 meeting.

There are many changes that have been made since the August 9, 2005 draft SWMP. Some of these revisions have addressed our previous requests; however we remain unsatisfied with the County's response to a number of critical issues, which we will outline here.

In the comment letter Heal the Ocean submitted to the RWQCB on October 26, 2005, we asserted that our particular concern was that the two largest impaired rivers in the County – the Santa Maria River and the Santa Ynez River – were not included on Table 1. County staff's first response was that the omission was a mistake, and these impaired rivers were added to Table 1 – however, with the added description, "not in the permit area."

According to the information presented on the County's Project Clean Water website, "the County is responsible for implementing the SWMP in the unincorporated urbanized areas of the South Coast, Santa Ynez Valley, and Santa Maria Valley," yet the County claims now, in the current SWMP draft, that it does not have jurisdiction or enforcement authority for the main water bodies located in these areas.

Furthermore, several other impaired water bodies, such as the San Antonio Creek, Pacific Ocean at Jalama Beach, and Pacific Ocean at Ocean Beach, have been listed on Table 1 as outside the county permit area, but there is no identification of the "Appropriate Adjacent Land Use Jurisdiction" – thus, it is unclear who is the appropriate agency responsible for

implementing a SWMP in these areas. Heal the Ocean insists that further clarification of jurisdiction is required for these areas.

Several newly added sections of text in the draft SWMP REV2 reinforce what appears to be a new intention of the County to shift the responsibility for 303(d) water bodies within the County area – by labeling them as “not in permit area.” On both page 1-5 and page 3-23 of the current draft SWMP, the County asserts that complaints outside the County’s jurisdiction are forwarded to the appropriate regulatory agency responsible for the elimination of illegal discharges. Who or what is this “appropriate regulatory agency”?

In addition, (new) language added on page 3-26 of the draft SWMP REV2 states that complaints will be forwarded to the “appropriate agency” to handle illicit discharges, and where the county has authority it will respond. Since the purpose of the SWMP is to spell out, in detail, how the County will handle illicit discharges, this ambiguity is unacceptable. The current draft SWMP does not provide any plan of action for enforcement, nor does it clearly indicate specifically when or where the County has the authority to implement and enforce. This is unacceptable.

The current (verbal/e-mail) explanation given to Heal the Ocean for the sudden removal of the above-referenced rivers and 303(d)-listed water bodies from County jurisdiction is that these waterways are in urban areas. As such, it seems that the majority of responsibility for SWMP implementation in these urban areas lies in the hands of local or municipal agencies.

This last-minute shifting of jurisdiction for so many water bodies within Santa Barbara County is of grave concern to us. If the jurisdiction lies with various municipalities (i.e., the city of Santa Maria, Solvang, Buellton, and others) we have no choice but to review each one of those SWMPs, to see what is being planned for storm water management in these municipalities – to make sure these critically affected 303(d) water bodies are not falling through the cracks.

Since we are now in a new definition of “urban” and “non-urban” areas as protocol for storm water management, we now also require a clarification from the Regional Water Quality Control Board as to what is meant by “urban area.”

Furthermore, whether or not a water body is within an urban area or not – is not the only criteria used in determining the jurisdiction of the SWMP, which is also meant to address all sensitive habitat, including 303(d) listed waterbodies.

Corollary to this, the BMP table for the storm water hotline (Appendix D) indicates that the County will expand the hotline to cover all county permit areas by the end of Year One. What are the exact areas that will be included in this program?

The above examples comprise Heal the Ocean’s major concerns about the current SWMP draft, namely *what are the actual areas and/or water bodies in Santa Barbara County that will be administered by the SWMP?* Contributing to this lack of understanding is the map included in the current draft SWMP REV 2, which only shows the major highways

throughout the County instead of showing the water bodies within the County's jurisdiction.

Heal the Ocean is deeply concerned that the current SWMP draft is in far worse -- ambiguous -- shape than when our organization began working, in good faith, with the County on the early drafts of its Storm Water Permit in 2003.

Other Concerns:

Permit Area Map (Introduction):

- Why has the map legend changed since the last version of the SWMP? The change in language is a serious change (see above), for which explanation is needed.
- The legend on the map indicates that Tommy Liddell updated it on November 15, 2005, and Tommy Liddell was no longer with the County at that time.

Page viii (Table 1):

- Alamo Creek should be on Table 1 - It is listed as 303(d)
- Pacific Ocean at Carpinteria State Beach is also impaired for Total Coliform
- San Antonio Creek is also impaired for Sediment/Siltation

Page xvi- line #2

- Need to change reference from "Appendix B Notice of intent" to Appendix A Notice of intent.

Section 3-Illicit discharge

- Page 3-8, in section titled, "Spill and complaint response": At the end of the first paragraph the reader is referred to appendix D. This appendix contains the hotline referral tree information which needs to be updated.
 - Tommy Liddell is no longer with the County
 - Harry Slikker is no longer with the City of Santa Barbara
 - Duplicate entries should be removed.

Section 4 – Construction

- Heal the Ocean's comments dated October 26, 2005 point out that the Regional Water Quality Control Board (RWQCB) July 8, 2005, critique of the County SWMP targets an incorrect assumption by County regarding grading ordinance regulations. The County has asserted that grading ordinance regulations shall not apply to construction work within easements of the Santa Barbara County Flood Control and Water Conservation Districts. While the County has made a verbal explanation of why it feels the current grading ordinance allows for this exemption, there has been no resolution of this point between the County and the Regional Board. This issue, among several that remain unresolved as to Santa Barbara County's plan to deal with storm water problems through its SWMP, are reasons Heal the Ocean cannot agree that the current SWMP draft is acceptable. On this last point, it is imperative that the County make a commitment to have the grading ordinance changed to meet the requirements of the NPDES general permit.

Section 5 – Post Construction

- While the County has added language to address Attachment 4 requirements for receiving water limitations, other important aspects of Attachment 4 remain

unaddressed. The text indicates that the County has a general intent to comply fully with the requirements. However, the document is missing specific references to key provisions. The current draft SWMP indicates only that there will be an "evaluation of existing programs." This is unacceptably weak language. It is also unacceptable that the SWMP, as a legislative tool, does not address the following:

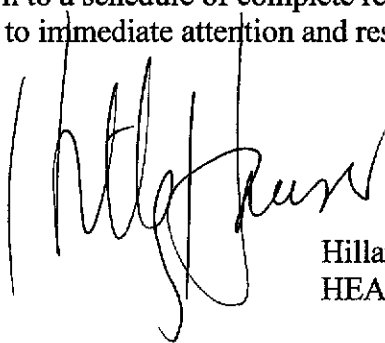
- o (B) Design Standards
 - i. (2) Design Standards Applicable to all Categories
 - 1. (b) Peak Storm water Runoff Discharge Rates
 - 2. (f) Properly Design Outdoor Material Storage Areas
 - 3. (g) Properly Design Trash Storage Areas
 - 4. (h) Provide Proof of Ongoing BMP Maintenance.
 - ii. (3) Provisions Applicable to Individual Priority Project Categories
 - 1. (a) 100,000 square foot Commercial Developments
 - 2. (b) Restaurants
 - 3. (d) Automotive Repair Shops
 - iii. (4) Waiver
 - iv. (5) Limitation on the Use of Infiltration BMPs
 - v. (6) Alternative Certification for Storm Water Treatment Mitigation

The specific requirements of Attachment 4 must be addressed in the County SWMP document.

This letter addresses Heal the Ocean's concerns with the current draft SWMP REV 2. Beyond that, Heal the Ocean is truly concerned about the County's apparent haste to push its SWMP through the approval process by County budget deadline. While we appreciate the County's efforts to pull in immediate funds to its Project Clean Water program, the rapid, piecemeal and confusing changes now being made to the SWMP carry with them significantly deleterious consequences for the citizens of Santa Barbara County. We ask that the SWMP process return to a schedule of complete review – with the concerns outlined in this letter subject to immediate attention and resolution.

Sincerely,

Priya Verma, policy analyst
HEAL THE OCEAN



Hillary Hauser, executive director
HEAL THE OCEAN

cc: Ryan Lodge, Regional Water Quality Control Board
Marco Gonzalez, Coast Law Group
Santa Barbara Channelkeeper

