

**Santa Barbara County Storm Water Management Program
Response to Comments from the Natural Resources Defense Council March 17,
2006 Letter**

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

Response: The County attends quarterly intergovernmental coordination meetings, which include city, county, and state agencies. The County will also sponsor six stakeholder meetings per year. The County has proposed BMPs to address pollutants of concern. The pollutants of concern include pollutants that are causing impairment of certain waterbodies. The purpose of the SWMP is to reduce pollutants to the maximum extent practicable. The County has identified pollutants of concern and will implement BMPs to reduce the discharge of those pollutants from their MS4. Whether they claim “responsibility” for a given water body is irrelevant if they have addressed the pollutants that are causing impairment. The Water Board will assign “responsibility” for addressing 303(d)-listed impairments through its TMDL program. TMDL implementation plans may require future modifications to the SWMP.

2. The draft SWMP’s post construction runoff control measures are inadequate to satisfy the requirements of the General Permit. In particular, the SWMP repeats an intention to “develop” basic program elements. As a result of these vague provisions, and as previously determined by this Regional Board, the public is unable to review the actual program elements or determine whether they will meet MEP and protect water quality. (See *Environmental Defense Center v. EPA* 344 F.3d 832, 857-858 (9th Cir. 2003) (Ninth Circuit emphasized that a storm water management plan, which “contain[s] the substantive information about how the operator of a small MS4 will reduce discharges to the maximum extent practicable”, is an inherent part of the storm water permit)).

Response: The commenter does not specify which basic program elements the County plans to “develop”. The County plans to evaluate existing policies, procedures, and standard conditions to verify that they meet or exceed the General Permit requirements within year 1. Water Board staff will review the year 1 annual report and verify that they meet or exceed the General Permit requirements. The General Permit (page 7) clearly allows the Discharger to develop SWMP elements, including the storm water ordinance, after SWMP approval.

3. The SWMP contains no provisions for water quality monitoring. By contrast, the Santa Maria SWMP requires water quality monitoring program. Given that Santa Maria, a similarly situated municipality, is conducting monitoring, monitoring must be a basic requirement for all municipalities in the Santa Barbara area – including the County.

Response: The General Municipal Permit does not require water quality monitoring. The County has committed to organize volunteer snapshot monitoring events twice a year. Snapshot monitoring will involve community members conducting water quality monitoring. The City of Santa Maria voluntarily included water quality monitoring in their SWMP, although it was not required by Water Board staff. Water Board staff is considering additional monitoring requirements, which can be added later. Water Board staff will review the monitoring program during the annual report review process to determine if it is adequate to determine SWMP effectiveness. If County's monitoring program, including snapshot monitoring, is not adequate, the Executive Officer will require additional monitoring.

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