



California Water Quality Control Board

Central Coast Region



Linda S. Adams
Secretary for
Environmental
Protection

Internet Address: <http://www.waterboards.ca.gov/centralcoast>
895 Aerovista Place, Suite 101, San Luis Obispo, California 93401-7906
Phone (805) 549-3147 • FAX (805) 543-0397

Arnold Schwarzenegger
Governor

January 28, 2008

Robert Almy
Water Agency Manager
123 E. Anapamu St.
Santa Barbara, Ca 93101

Mr. Almy:

NPDES SMALL MS4 GENERAL PERMIT ANNUAL REPORT; SANTA BARBARA COUNTY, WDID# 3 42MS03024

We received your Storm Water Management Program annual report on September 17, 2007, and appreciate the County's efforts to comply with the General Permit. We also received public comments from Santa Barbara Channelkeeper and have considered those comments during our review of your annual report. We find that your Storm Water Management Program (SWMP) is a comprehensive program that shows good progress toward compliance with the General Permit. However, we also determined that the annual report is lacking some key information that is required to fully evaluate your implementation of the SWMP and to comply with the General Permit. With the goal of improving the annual report and SWMP implementation that satisfies General Permit requirements, Water Board staff provides the following written comments. Please review this letter carefully, as it requires the County to correct some issues with the annual report by March 28, 2008, and requires other issues to be addressed in future annual reports.

General Comments and Follow-up Requirements

1. The annual report is hard to navigate with its cross references to other Best Management Practices (BMPs) and lack of references to appendices in the narrative section (e.g., MG 1.8.2, Green Gardner Certification Program Self-assessment tool). Future annual reports must provide a summary of BMPs referenced in other sections of the report and must contain a clear table of contents for the reader to efficiently find information including appendices.
2. Some of the proposed modifications and revisions to the SWMP are not specific, lack clear measurable goals, and need further description and detail for Water Board staff to effectively evaluate them (See specifics below). The County must submit additional information, as detailed below, **by March 28, 2008**.
3. The annual report is lacking reporting information required for staff to determine compliance with the General Permit. This information is needed to evaluate the appropriateness and effectiveness of BMP implementation and progressive development of the SWMP. Under Section F.1 of the General Permit "Reporting Requirements," the annual report must include:
 - a. The status of compliance with permit conditions;
 - b. An assessment of the appropriateness and effectiveness of the identified

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- BMPs;
- c. Status of the identified measurable goals;
 - d. Results of information collected and analyzed, including monitoring data, if any, during the reporting period;
 - e. A summary of the storm water activities the Permittee plans to undertake during the next reporting cycle;
 - f. Any proposed change(s) to SWMP along with a justification of why the change(s) are necessary; and
 - g. A change in the person or persons implementing and coordinating SWMP.

The County did not provide an assessment of the appropriateness and effectiveness for many of the BMPs. Simply stating that "this BMP was implemented in accordance with the SWMP" does not provide the assessment required of the identified BMPs. The County did not provide results of information collected and analyzed for several BMPs during implementation. The County did not provide adequate information for many of the BMPs for Water Board staff to evaluate the effectiveness of the BMP. These problems must be corrected as detailed below, either by submitting additional information by March 28, 2008, or in future annual reports.

Repeated annual report submittals containing inadequate information to determine effectiveness of BMPs constitutes General Permit reporting violations. However, since the County is in the early development of SWMP implementation and evaluation, Water Board staff will not at this time pursue enforcement action based on reporting violations.

Specific Comments and Follow-up Requirements

I. SWMP Modifications and Amendments

The following SWMP modifications and amendments must be submitted to the Water Board by March 28, 2008.

I.A. Public Education and Outreach

BMP 1.2 (Brochures) – The annual report proposes to combine measurable goals (MG) 1.2.1 and 1.2.2 to read "compile the number of all water quality related educational items distributed." Will the proposed target population still remain 15 percent per year? The County must specify the target population in its amendments to the SWMP.

BMP 1.5 (Watershed Resource Center) – The County did not meet MG 1.5.1 due to programmatic changes outside of the County's control and proposes to eliminate MG 1.5.1 and replace it with three new MGs. The annual report states that the new MG 1.5.1 will "maintain the facility for youth education." Please provide more information in SWMP amendments on how this will be accomplished.

We encourage the County to conduct tours of the Watershed Resource Center during implementation of BMP 1.5 to develop awareness of resources the Center has to offer.

BMP 1.6 (Educational Programs for Children) – The annual report states that for MG 1.6.2, of the total 3,537 students reached, only 57 pre/post evaluations were administered. This is not a good representation of the total pool of students educated to determine if the BMP has been



effective. The County must provide a percentage of the total number of students targeted for evaluation and include this percentage in amendments to the SWMP.

I.B. Public Participation & Involvement

BMP 2.1 (Steering Committee) – Please provide a timeline for the annual report review process to ensure adequate review time for the stakeholder groups. The County must provide a copy of the timeline to Water Board staff and as an amendment to the County's SWMP.

I.C. Illicit Discharge Detection & Elimination

BMP 3.11 (Business Facility Inspections) – Appendix 3D (Business Inspection Program). There are many grammatical errors in the Business Inspection Program document. For example, under Section 2.5, Facility Inspections, paragraph 3 is very confusing. Please review and edit Appendix 3D and provide the revised document as an amendment to the County's SWMP.

The County states in both the SWMP and annual report that facilities with individual NPDES Industrial permits will not be inspected through the Business Inspection Program. The General Permit requires the County to prevent all illegal or illicit discharges from entering the MS4 system. Therefore, the County must inspect all facilities (or a reasonable subset of prioritized or representative facilities) that may potentially discharge illegal or illicit discharges to the storm drain system, including facilities with NPDES permits. The County must also forward any water quality related concerns from these facilities to the Water Board for follow-up. The County must revise this requirement as amendments to the SWMP.

I.D. Construction

BMP 4.3 (Control of Construction Related Waste) – Water Board staff suggests that the County require permit applicants to provide a copy of their NPDES Construction General Permit approval letter and Waste Discharge Identification Number (WDID #) along with submittal of a Storm Water Pollution Prevention Plans (SWPPP) prior to County issuance of a grading permit. We are in the process of coordinating construction site closures with the County, and expect the County to sign off on the termination of construction sites per completion of storm water pollutant control measures. Water Board staff will use WDID #s to track and coordinate the closure of construction sites with the County. The County must modify this BMP to include a description of these improvements.

I.E. Post Construction

BMP 5.4 (Project Evaluation) – MG 5.4.1 is unclear. The MG as stated requires the County to "annually evaluate 100% of all discretionary projects for compliance with water quality measures." However, the County has stated in its status report for the MG that "only projects with treatment control BMPs were inspected." All projects must be inspected for compliance with water quality measures, especially if water quality issues were overlooked during project review. The County must explain why the MG has been modified from its original requirement.

BMP 5.5 (Staff Training) – A pop quiz was provided at the end of training as a review and to highlight material but was not graded. How does the County propose to determine the effectiveness of this BMP to increase the knowledge and awareness of the target audience? Please provide assessment measurement for training to appropriately determine effectiveness for this BMP in the SWMP.



I.F. Municipal Operations

BMP 6.1 (Evaluation of Facilities) – The annual report states that facilities with NPDES Industrial General Permits were not evaluated. As explained under BMP 3.11 the County is responsible for all discharges to the County MS4. The County should evaluate existing facility SWPPPs to maintain consistency with other municipal facility programs. Information about facilities that currently hold industrial permits and pose a threat to water quality through discharges to the MS4 can be forwarded to Water Board staff for further investigation and follow-up.

BMP 6.7 (Storm Drain Maintenance) – MG 6.7.1 states that the South County Transfer Station does not maintain records for amounts of trash removed. The County must require the South County Transfer Station to record and maintain records for maintenance and trash removal including documenting amounts of trash removed. The County must modify the SWMP to indicate that this information will be collected (and must be reported in future annual reports to the Water Board).

II. Annual Reporting Compliance - Additional Information Needed

Information required below for the 2006/2007 annual report must be submitted along with the 2007/2008 annual report. Information requested must also be provided in all future annual reports.

II.A. Public Education and Outreach

BMP 1.9 (Storm Water Hotline) – MG 1.9.1 requires the County to maintain a hotline and to document its usage. The County documented 257 calls. However, there is no documentation provided in the annual report that shows the nature of calls (complaint, informational, etc.), type of complaints received, and general location of calls, including the County's response to and abatement of pollution incidents. The County must provide this information documenting the hotline's use in future annual reports.

II.B. Public Participation & Involvement

BMP 2.1 (Steering Committee) – The annual report states that no stakeholders attended the annual report public workshop in Solvang on September 6, 2007. Please provide information (in future annual reports) discussing why the County believes that no stakeholders attended and how attendance might be increased for future workshops.

BMP 2.2 (Regular Public Meetings) – The County states that it would establish a separate City stakeholder committee. However, there is no discussion of this in the annual report. The County must provide information regarding the establishment of a City stakeholder committee in future annual reports.

BMP 2.4 (Volunteer WQ Sampling) – The County is required to conduct snapshot monitoring twice per year and to participate in Statewide Snapshot day. Were these required monitoring activities part of the three monitoring events conducted? Please provide more detail on this



event (e.g., what and how many sites were monitored, the target number of participants and how many participated, what constituents were analyzed, analytical results).

A total of 31 people participated in volunteer water quality monitoring in year 1. What was the target number of participants? Are data available from the three monitoring events?

Under General Permit Section F.1 the County is required to provide results of information collected and analyzed, including monitoring data, if any, during the reporting period. The County must provide Water Board staff further information about volunteer water quality sampling, including results of information collected and analyzed and monitoring data to assess effectiveness of the BMP. Please include this information in future annual reports.

BMP 2.5 (Community Clean-ups) – The County is required to provide results of information collected and analyzed within the annual report to help determine effectiveness of the SWMP. However, there is no discussion of how many participants attended the seven different creek clean-ups or how much trash was collected during creek and beach clean-ups. The County must provide this information in future annual reports.

II.C. Illicit Discharge Detection & Elimination

BMP 3.8 (Spill Complaint & Response) – The annual report states that the County responded to 73 complaints in year 1. Educational information was usually handed out as follow-up to complaints. Our review of Appendix 3B (complaint logs) shows that Twidell Asphalt had two repeat offenses after being notified of the first offense (Ref# 07-003 & 07-006). However, the County did not pursue enforcement. Please explain follow-up procedures for spill complaint and response, including procedures for repeat offenders in future annual reports. To make this BMP effective, the County should consider modifying it to include a progressive enforcement strategy for complaint responses.

BMP 3.9 (Commercial/Industrial Facility Inspections) – Several businesses cited for violations under the County Fire Inspection Summary Report did not comply within the due date requested. How many of these violators have potential threats to water quality and what follow up actions has the County taken on these businesses? Furthermore, the County's annual report does not contain any reports from County Environmental Health Services (EHS) on restaurant inspections. The County must provide this information for Water Board staff to conduct a quality review of the County's Commercial and Industrial Facility Inspection Program in future annual reports.

BMP 3.10 (ID Field Investigation & Abatement) – For MG 3.10.1 creek inspections, please provide procedures and details as to what the inspectors look for during creek walks and follow-up procedures once potential discharges are detected. Santa Barbara Channelkeeper's comments to the Water Board state that they find it questionable that no discharges were found, including trash, on many of the creek walks. They state, "We conduct monthly monitoring in Atascadero Creek and always find substantial amounts of trash therein." As stated above under BMP 2.5, the County must document the amount of trash picked up during creek clean-ups. This must be provided to determine the effectiveness of the BMP on the reduction of pollutant loading to the creeks. Simply stating "a significant amount of trash," or "lots of trash" does not clearly indicate the effectiveness of the BMP. Please provide this information in future annual reports.



For MG 3.10.2 & 3.10.3, are there any reports from EHS showing inspection logs for septic system inspections? Again the County must provide details to evaluate the effectiveness of the MG in future annual reports.

BMP 3.11 (Business Facility Inspections) – MG 3.11.1 & 3.11.2 Business Inspection Program (Appendix 3D), Please provide a summary of the next year's planned activities in the next annual report rather than just referring to the Business Inspection Program document. The overall inspection program relies on other business inspection programs including the County's Fire Department and Public Health inspection programs to evaluate threats to water quality. Have the County's Fire Department and Public Health inspectors been trained to identify polluted or potential polluted storm water and non-storm water discharges to the MS4? Please provide details and evidence that specific water quality training has occurred in future annual reports.

II.D. Construction

BMP 4.4 (Site Inspection and Enforcement) – Under effectiveness for MG 4.4.1 and Appendix 4C (Inspection Reports) there are no listed violations or enforcement actions. The County must provide inspection findings in future annual reports.

MG 4.4.3 states that there were no enforcement actions issued. Does this mean all sites were in compliance with County grading ordinances and the NPDES construction permit? There appear to be no enforcement actions or Notice of Violations (NOV) issued in year 1. One documented contractor was a repeat offender (ref # 07-006, Tidwell for Edison) and should have received an enforcement notification. The County must provide procedures for construction inspections and enforcement follow-up and provide information on how enforcement actions are documented in future annual reports.

MG 4.4.4, Table 2, is not consistent with construction complaints logged in Section 3.0 Appendix 3B. Many complaints are not referred to in Table 2 (e.g. complaint #s 07-006, 07-013, and 07-016). Complaint # 07-019 was forwarded to California Department of Fish and Game (CDFG) to follow through on enforcement. However, PCW staff and the County Grading Inspector thought the site was in compliance. Please provide clarification of your findings. Did the County follow up on CDFG's resolution? What was the outcome? Provide information in future annual reports.

There are inconsistencies with how the County coordinates planning and regulatory functions to protect waterways through permitting and over-sight BMPs in the SWMP (e.g., complaint # 07-016, 1000 Via Tranquilla, Hope Ranch). Since this site was in excess of an acre the permittee should have provided the County with a copy of the Construction General Permit Notice of Intent (NOI) and SWPPP, per the County's Grading Ordinance. After County inspection, the site was determined to have no threats to water quality. However, further inspection and evaluation by CDFG and Water Board staff determined potential threats to water quality. The site was in violation of the County's Grading Ordinance and therefore should have received an enforcement action. The County must provide clarification of findings for complaint # 07-019. The County must also explain discrepancies and provide documentation on how the County will better coordinate planning and regulatory functions in its next annual report and consider modifying the BMP in the SWMP.



II.E Post Construction

BMP 5.2 (Implement Design Standards) – MG 5.2.1, the table of permits reviewed and issued contains a typo in the total number of discretionary case applications filed with Planning and Development. We assume that the correct number should be 464 not 1,464. The table is unclear with regard to listed items, making it difficult to evaluate the BMP. The County must provide a clear format and additional information in future annual reports.

The annual report shows that of the 233 discretionary projects that received final approval, only 20 projects were conditioned for treatment controls. Please provide explanation why only 20 projects were conditioned for treatment controls and provide a summary of the County's process for project review in future annual reports and consider modifying the BMP in the SWMP.

II.F. Municipal Operations

BMP 6.7 (Storm Drain Maintenance) – MG 6.7.1, Under Permit Section F.1 the County is required to provide results of information collected and analyzed, including monitoring data, if any, during the reporting period. The annual report indicates that bacteria loading is reduced by Continuous Deflective Separation (CDS) units owned and operated by the County. The County must provide any monitoring data collected near treatment control devices to determine effectiveness of BMPs in future annual reports.

III. Compliance With Permit Conditions and Status of BMP Implementation

III.A. Illicit Discharge Detection & Elimination

BMP 3.2 (Storm Water Ordinance) – The SWMP states that an ordinance would be adopted and enforced in year 1. The storm water ordinance was drafted during year 1 and was adopted on September 25, 2007 with submittal to the Water Board office on October 4, 2007. Technically, a storm water ordinance was not approved in year 1 as required by the schedule in the SWMP. Delinquent implementation of BMPs constitutes non-compliance with the General Permit. However, Water Board staff acknowledges that the County made a good faith effort to get the ordinance approved in a timely manner. Water Board staff does not recommend enforcement for the County's failure to approve a storm water ordinance in year 1.

III.B. Municipal Operations

BMP 6.8 (Street Sweeping) – According to the SWMP, this BMP required the County to sweep streets a minimum of three times per year, and to record the number of miles swept, and to record the weight and volume of materials collected per event. The annual report states that streets swept by the contractor, A-1 Sweeping, were only swept twice during year 1. Second, the amount of material removed from county parking lots swept by contractor were not recorded. Finally, the County did not record the miles and amount of materials removed by County Roads Division. Incomplete implementation of BMPs constitutes non-compliance with the General Permit. However, we do not recommend enforcement at this time for this violation.



Conclusion


The County must submit the information described above by March 28, 2008, or in future annual reports, as described above. This information is requested pursuant to Section 13267 and 13383 of the California Water Code. Pursuant to Section 13268 of the Water Code, a violation of a request made pursuant to Water Code Section 13267 may subject you to civil liability of up to \$1,000 per day for each day in which the violation occurs. Pursuant to Section 13385 of the Water Code, a violation of a request made pursuant to Water Code Section 13383 may subject you to civil liability of up to \$10,000 per day for each day in which the violation occurs.

The Central Coast Water Board needs the required information in order to ensure compliance with the General Permit. The County is required to submit this information because failure to submit adequate information for Water Board staff to evaluate compliance with permit conditions and failure to submit a complete assessment of the appropriateness and effectiveness of the identified BMPs in the 2006/2007 SWMP annual report are violations of the General Permit reporting requirements (Section F.1.a and b). The County is responsible for compliance with the General Permit. Evidence supporting the need for this information is found in the 2006/2007 annual report and in the above Water Board staff comments.

Any person affected by this action of the Central Coast Water Board may petition the State Water Resources Control Board (State Water Board) to review the action in accordance with Section 13320 of the California Water Code and Title 23, California Code of Regulations, Section 2050. The petition must be received by the State Water Board, Office of Chief Counsel, at P. O. BOX 100, SACRAMENTO, CA 95812 within 30 days of the date of this letter. Copies of the law and regulations applicable to filing petitions will be provided upon request.

If you have questions regarding this matter, please contact **Brandon Sanderson at (805) 549-3868**, or bsanderson@waterboards.ca.gov.

Sincerely,


for Roger W. Briggs
Executive Officer

cc: Heal the Ocean (by email)
Channelkeeper (by email)
NRDC (by email)

