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Secretary for  
Environmental Protection

# California Regional Water Quality Control Board

## Central Coast Region



Arnold Schwarzenegger  
Governor

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April 10, 2009

Matt Naftaly  
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County of Santa Barbara  
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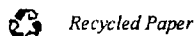
Dear Mr. Naftaly:

### **WATER BOARD REVIEW OF SANTA BARBARA COUNTY'S STORMWATER MANAGEMENT PROGRAM ANNUAL REPORT, SANTA BARBARA COUNTY, PERMIT YEAR 2007-08, WDID #3 42MS03024**

Central Coast Water Board (Water Board) staff received the County of Santa Barbara's (County) Stormwater Management Program annual report for Permit Year 2007/2008 on September 15, 2008 along with a revised Storm Water Management Plan (SWMP). We appreciate the County's efforts to comply with the statewide General Permit for Storm Water Discharges from Small Municipal Separate Storm Sewer Systems (General Permit). We conducted a focused audit of the County's Construction and Post-Construction Minimum Control Measures (MCM) on January 27, 2009 in concurrence with our annual report review. In addition, we reviewed public comments sent to the County and have considered those comments during our review of your annual report. We find that the Stormwater Management Program (SWMP) is a comprehensive program that shows good progress toward compliance with the General Permit, including successful implementation of 35 out of 40 Best Management Practices (BMPs) scheduled for Year Two. Most of the BMPs were implemented per the SWMP and General Permit requirements on time, effectively, and in some cases, beyond measurable goal expectations.

Water Board staff is pleased with the progress the County has made to ensure that the County's water quality is not further degraded through future development. During our focused program audit we determined that water quality controls are being integrated into development projects early on in the planning phase through the County's Subdivision Review Committee (SDRC), Standard Condition of Project Plan Approvals, and project conditional letters submitted by Project Clean Water staff. In order to provide long-term consistency and a guidance vehicle for project applicants to comply with hydromodification (HM) control criteria (discussed below) the County's water quality related Conditions of Approval should evolve into stormwater development standards or a post-construction runoff control manual that is required by ordinance. County staff appear to be well aware of state-of-the-art BMPs and the County's water quality related conditions of approval show improved development. The County appears to be fulfilling the intent of design standards contained in Attachment 4 of the General Permit. Training of Planning and Development review staff regarding water quality requirements for new

*California Environmental Protection Agency*



Item No. 14 Attachment No. 1  
May 8, 2009 Meeting  
Santa Barbara County Stormwater  
Program Review

development and redevelopment appears to be effective. Training must continue, especially considering future need to control HM. Water Board staff applaud these efforts.

The purpose of the annual report is to provide a summary of the County's stormwater management activities, an assessment of the effectiveness of the SWMP and of its compliance with the conditions of the General Permit, and a summary of the stormwater management activities the County plans to undertake in the next reporting cycle, including any proposed changes to the SWMP. With the goal of improving the SWMP document, implementation of the SWMP, and the content of the annual report to satisfy General Permit requirements, Water Board staff provides the following written comments.

Please review this letter closely, as the issues listed below require further action. There are three types of comments: violations of the General Permit which must be corrected, improvements to the SWMP that are required to meet the Maximum Extent Practicable standard (MEP), and recommendations which may improve the SWMP and are offered for your consideration. In addition, two levels of further action are required. In some cases, the County must respond with an addendum to this annual report to be submitted to the Water Board along with the next annual report by September 15, 2009. In other cases, the County must act prior to the next annual report and must provide revision to the SWMP, including them in the next annual report. Throughout the letter the required response is shown in bold text for clarity.

### Overall Program

#### **A. BMP Tables – Revised SWMP 2008**

##### *Issue*

The County has removed BMP Implementation Tables, as previously provided in the July 2006 SWMP, from the 2008 revised SWMP. BMP Tables provide quick reference to valuable Best Management Practices (BMP) and measurable goal (MG) information including the year of implementation, corresponding pollutants of concern, and responsible implementation department or entity.

**Action:** Please provide, **as a revision to the SWMP**, BMP Implementation Tables for each MCM as previously provided in the July 2006 SWMP that include items listed above, with the next annual report.

#### **B. Assessing Program Effectiveness**

##### *Issue*

The annual report does not always properly evaluate the appropriateness and effectiveness for many activities which occurred during the 2007-08 permit term. Evaluating program activities based on outcome levels as presented by the California Stormwater Quality Association (CASQA), while sometimes suitable, does not always provide an evaluation of the appropriateness and effectiveness of implementation for an individual BMP or MG. Activities must be evaluated to determine if they can be improved based on an effectiveness measurement, so that they may evolve over time. See the Annual Report Guidance at: [http://www.waterboards.ca.gov/water\\_issues/programs/stormwater/docs/sm\\_ms4\\_arg.doc](http://www.waterboards.ca.gov/water_issues/programs/stormwater/docs/sm_ms4_arg.doc)

Improvement recommendations should be made in the "Proposed Modifications" and "Planned Year 3 Activities" sections of the annual report. For example, you determined BMP 4.7 (Construction Workshops) to be effective at the proposed outcome Level 2, which may be true. However, there was very low participation, so this specific BMP was not very effective at raising the target audience's awareness. Therefore, improvements must be



made to the BMP to increase participation, or the County must propose an alternate BMP that can provide a similar message.

**Action:** Please review BMPs and MGs and provide, **as an addendum to this annual report**, appropriate effectiveness information for BMPs as specified below. Provide an appropriate evaluation of effectiveness **in the next annual report** for all BMPs and MGs.

## **I. MCM #1: Public Education and Outreach**

### **A. Community-Based Social Marketing**

**Recommendation:** Community-based social marketing is an effective strategy for effecting change in a target audience's thought and behavior. The approach consists of the following elements:

- Identifying barriers to and benefits from a desired activity,
- Utilizing a variety of tools that have been shown to be effective in changing behavior,
- Removing external barriers to the activity.

Water Board staff recommends that you incorporate community-based social marketing into the SWMP. More information on the strategy is available at [www.cbsm.com](http://www.cbsm.com).

### **B. BMP 1.6 - Educational Program for Children**

#### **Issue**

The County does not commit to analyzing results of pre and post presentation evaluations to improve this BMP. Such an analysis is necessary to properly assess education program effectiveness.

**Action:** Please provide, **as an addendum to this annual report**, language in the annual report's Proposed Year 3 Activities to analyze the results of evaluations and tailor its education programs based on that analysis. Also **revise the SWMP** to include a MG that ensures the County analyzes presentation evaluations to improve its educational program for children, and report on the revisions **in the next annual report**.

### **C. BMP 1.12 - Media Campaign**

**Recommendation:** The County should also run bus ads in North Santa Barbara County to expand and diversify outreach. We recommend the County cooperate with other communities such as Santa Maria, Lompoc, Solvang, and Buellton on outreach activities.

### **D. BMP 1.14 - Incentives for Built-Out Areas**

#### **Issue**

The annual report does not include a summary of the incentive program to be implemented in Year 3. The website should be used as a reference to acquire further detailed information. Provide this structure for all program components.

**Action:** Please provide, **as an addendum to this annual report**, a summary of the incentive program to be implemented in Year 3. Also **revise the SWMP** to include a description of this newly developed BMP, along with appropriate MGs to evaluate effectiveness of this BMP, and report on the revisions **in the next annual report**.

## **II. MCM #2: Public Participation**

### **A. BMP 2.1 Stakeholder Committee**

#### **Issue**

The County's "Program Effectiveness Assessment" within the annual report does not discuss the low level of participation at these meetings and how the County intends to improve participation. In a response letter to the Water Board dated March 28, 2008, the County stated it

is evaluating how to increase attendance at workshops and stakeholder meetings. Results of this evaluation should have been provided in the annual report as effectiveness measurements.

**Action:** Please provide, **as an addendum to this annual report**, a discussion why the County receives low attendance by the public at stakeholder committee meetings and how the County proposes to improve public participation at the meetings. **Revise the SWMP** to include a MG that commits the County to evaluate the BMP's effectiveness and to increase stakeholder participation over time, and report on the revisions **in the next annual report**.

#### **B. BMP 2.4 - Volunteer Water Quality Sampling**

##### **Issue**

The annual report does not provide the target number of participants per event as requested in the Water Board's Year 1 annual report review letter dated January 28, 2008.

**Action:** Please provide, **as an addendum to this annual report**, the target number of participants per event to determine effectiveness of the BMP. Also **revise the SWMP** to include MGs for this BMP to reach the target number of participants, and report on the revisions **in the next annual report**.

**Recommendation:** The Volunteer Water Quality Sampling program does not offer sampling events in North Santa Barbara County. The County should include sampling events in North County to expand and diversify its outreach.

#### **C. BMP 2.5 - Community Clean-ups**

##### **Issue**

The annual report indicates there is low participation in some of the County-sponsored clean-up events. The County's Program Effectiveness Assessment within the annual report does not discuss this low participation during events. The annual report also indicates the County does not provide events in North Santa Barbara County and seems to rely on the City of Santa Maria to sponsor these events. County events must provide broader outreach to all its permit areas, including in North County.

**Action:** Please provide, **as an addendum to this annual report**, a discussion on how the County evaluates its clean-up program and how it intends to improve public participation. Also discuss why the County does not provide for clean-up events in North County and include a discussion on how the County proposes to include this outreach in North County. **Revise the SWMP** to include MGs that allow the County to evaluate and improve public participation for this BMP that include outreach in North County, and report on the revisions **in the next annual report**.

### **III. MCM #3: Illicit Discharge**

#### **A. BMP 3.2 - Stormwater Ordinance**

##### **Issue**

The evaluation of the ordinance's effectiveness under MG 3.2.2 lacks detail and specificity, provides no recommendations for improvement, and assumes that because the ordinance has not yet been used to its fullest potential that it is effective. This is an unacceptable evaluation of the effectiveness of the ordinance. All such program components should improve overtime. Some of the cases listed in Appendix 3C (Complaints and Discoveries 2007-2008), could have been handled more aggressively, given that the County's stormwater ordinance is now in affect.

**Action:** Please provide, **as an addendum to this annual report**, a discussion that summarizes the nature and sources of illicit discharges and abatement results as shown in Appendix 3C, including issuance of Notice of Violations. Discuss in what manner the ordinance has been used to eliminate illicit discharges. Provide recommendations for continued

improvement of the content and use of the stormwater ordinance. Include an appropriate effectiveness evaluation discussion **in the next annual report.**

#### **B. BMP 3.4 - Spill Complaint & Response**

##### ***Issue***

BMP improvements are needed to effectively eliminate illicit discharges. The County lacks proper notification for regulated parties of violations in accordance with its stormwater ordinance, proper outreach, scheduled follow-up inspections to ensure continued compliance, contract language review, and course of action determination from forwarded agencies. Continued improvements must be sought for all program components.

**Action:** Please provide, **in next year's annual report**, an appropriate evaluation of the current approaches to the spill complaint and response program, including recommended improvements. The County must schedule periodic follow-up inspections for particular violations to ensure continued compliance. The County must also provide information in annual reports on follow-up responses and courses of action for cases forwarded to other agencies. The County must be able to identify repeat offenders through its database tracking system. The County must continue to make improvements to the program to ensure the elimination of illicit discharges.

**Recommendation:** The County should send complainants a follow-up mailer that discusses the County's actions, provides a survey (to be filled out by complainant) that evaluates the County's response to the complaint, along with contact information to report continued discharge or any future incidents. This could be used as an effectiveness assessment measure for the program, and provide assurance to the public that the County does respond to complaints received in a timely and effective manner.

#### **C. BMP 3.5 - Commercial/Industrial Facility Inspections**

##### **1. Issue**

MGs 3.5.1 & 3.5.2 (Fire Department & Environmental Health Services [EHS] Inspections) - Actions are not clearly articulated in the annual report. Department actions must be clearly discussed for the County to continue to collaborate with the Fire Department and EHS for stormwater inspections. The annual report does not describe follow-up actions for businesses that were cited and did not comply by due date, as requested in the Water Board's January 28, 2008 letter. The annual report does not discuss what specific stormwater issues are discussed during department trainings. Fire Department's inspection checklist does not have requirements specific to stormwater pollutant identification. The annual report also does not provide a copy of the EHS inspection checklist. Appendix 3F indicates that 315 food facilities were not inspected in Year 2. This must be explained. Food facilities that are not inspected by EHS should be included in Project Clean Water's (PCW) prioritization of inspections.

**Action:** Please provide, **as an addendum to this annual report**, a discussion of items stated above. Also provide a discussion of these items **in the next annual report.**

##### **2. Issue**

MG 3.5.3 (PCW Inspections) – The prioritization system implemented by PCW seems to be flawed in that a low number of first time inspections occurred for the 59 remaining priority facilities. Inspection events seem to be calculated in the total percentage for facilities that are no longer in business and for facilities previously inspected by other departments. Thirty three businesses remained to be inspected, including mobile business, which should have been calculated into the prioritization list to reach the 50% MG. Improvement is needed for the County's prioritization system and should have been evaluated as part of MG 3.5.4 but is not considered. Also, PCW should not eliminate facilities with NPDES permits from its targeted list

of business inspections. The County is responsible for all discharges to its MS4, regardless of permit standing.

**Action:** Please provide discussion of items stated above, **in the next annual report.**

An evaluation of the County's inspection prioritization system must be included in the annual report, with recommendations for improvement. The County must ensure that mobile businesses are being inspected as well, since mobile businesses may have the greatest potential to discharge pollutants without being regulated. The annual report must detail which business are not considered potential polluters and are subsequently removed from the inspection list, to allow for proper assessment of the program's effectiveness.

#### **D. BMP 3.6 - Field Inspections and Abatement**

##### **1. Issue**

MG 3.6.1 (Twice annual inspections) - A description of the nature of creek walks is not provided in the annual report, as requested in Water Board's January 28, 2008 letter. Also, the annual report does not provide descriptions of the nature of discharges encountered to determine effectiveness. Many of the creek walk dates in Table 3-2 are not consistent with the Year 2 permit term.

**Action:** Please provide, **as an addendum to this annual report**, a discussion of items stated above. Include similar discussion **in the next annual report.** Please explain the inconsistency between Table 3-2 creek walk dates and the Year 2 permit term (July 1, 2007 – June 30, 2008).

##### **2. Issue**

MG 3.6.5 (Prevent reoccurring discharges) - The annual report indicates that follow-up inspections have been scheduled and conducted to determine if discharges are reoccurring. However, the annual report does not explain how this is being documented and tracked. As stated in last Water Board annual report review, the County must develop a proper escalating enforcement program to be effective at eliminating illicit discharges. During its first encounter with a violation, the County should educate and provide warning notice (verbal and written communication that is traceable) to the discharger. The second infraction should include, at a minimum, the issuance of a Notice of Violation with timetables for compliance. A third infraction should include administrative fines or penalties.

**Action:** Please provide discussion of items stated above, **in the next annual report.**

Revise the SWMP to include proper escalating enforcement that is traceable as described above.

#### **IV. MCM #4: Construction**

##### **A. BMP 4.2 - Grading Code Evaluation**

###### **Issue**

Improvements must be made to the County Grading Code. Definitions for watercourses covered under the Grading Code must be broadened to be consistent with the Central Coast Basin Plan and should include all drainages tributary to a surface water body (see Attachment). Definitions for land disturbance should also be broadened to include clearing and grubbing, which includes vegetation removal. The Grading Code must also be updated to provide provisions for riparian and watercourse protection including appropriate setbacks and vegetation removal.

The utility of enforcement tools must also be improved to effectively return violators to compliance and deter future violations. Currently administrative fines are not adequate (\$100/day for 1<sup>st</sup> violation) and criminal referral to the County's District Attorney is too severe for most violations. Providing inspectors the authority to give a quick fix-it ticket of a couple thousand dollars for violations they observe in the field would be more effective at preventing



stormwater pollution. Performance bonds should be posted for all projects disturbing more than 500 cubic yards. Bonds should not be released back to developer until site is stabilized and all water quality violations are remedied.

**Action:** Please provide, **as an addendum to this annual report**, a time schedule to evaluate and revise the Grading Code appropriately, according to the items discussed above. Revisions to the ordinance must be completed and implemented no later than the end of Year 4 of the permit term. Water Board staff encourages the County to implement recommended areas of improvement as identified in the annual report Appendix 4A (Construction Program Evaluation – Draft April 08).

## **B. BMP 4.4 - Plan Review, Site Inspection and Enforcement**

### **1. Issue**

MG 4.4.1 (Two rainy season inspections per month) - The County did not meet its minimum inspection quota due to reduced inspector staff as a result of less grading permit applications. Less permits means less inspectors needed to complete the minimum number of inspections. County inspectors should have at least met the minimum of two inspections per month during the rainy season. Reminder, that this is a minimum requirement and should include a greater number of inspections when resources allow. The annual report indicates that improvements will be made to the Accella tracking system database, however, these improvements are not defined in the annual report. A comment made in the County's March 28, 2008 letter to the Water Board regarding the extent of inspection detail that's recorded is unacceptable. The County must continue to improve program tools to effectively eliminate pollutant discharges.

**Action:** Please provide, **as an addendum to this annual report**, a discussion to further justify why the minimum inspection quota was not met in Year 2. Include a discussion of how the County proposes to improve on its inspection frequency to meet this minimum quota in the future. Also define improvements to be made to the Accella tracking database which should include but not be limited to specific site information, inspection frequency and results, complaints, violations, enforcement actions, and follow-up inspections.

### **2. Issue**

MG 4.4.3 (100% Enforcement of failed BMPs) - The annual report indicates that verbal warnings and correction notices are tracked in field notes and discarded after correction has been made. This is a violation of the Municipal General Permit Section F.3, which requires the permittee to keep records required by the General Permit for at least five years. This consists of all monitoring information required under the General Permit which includes inspection documentation (see General Permit fact sheet page 11-12). Correction notices must be tracked to effectively eliminate the potential for reoccurring pollutant discharges during follow-up inspections. Correction notices must be used as part of the escalating enforcement strategy. No notice of violations were issued for the second year in a row. Appendix 4G case #08-021 indicates that pollutant materials were not cleaned up after first encounter by inspector. The second encounter should have included issuance of a notice of violation.

**Action:** Please provide, **as an addendum to this annual report**, a discussion on how the County proposes to retain all inspection documentation and track its notices to be used in follow-up inspections, and as justification for its escalating enforcement strategy. This action is necessary to remedy the violation described above. Failure to remedy this violation may cause further enforcement action by the Water Board.

## **C. BMP 4.6 - Evaluate Land Use Permit Program Efficacy**

### **Issue**

The annual report does not contain a discussion of the County's findings for 1000 Via Tranquila, Hope Ranch, or a discussion of its planning and regulatory functions as required in the Water



Board staff letter dated January 28, 2008. This is a violation of reporting requirements per California Water Code Sections 13267 and 13383, for which the Water Board can enforce.

**Action:** Please provide, **as an addendum to this annual report**, a discussion of the County's findings for 1000 Via Tranquila, Hope Ranch, and a discussion of its planning and regulatory functions. This is our second request for the County to report this information per 13267 and 13383.

#### **D. BMP 4.7 - Staff Training**

##### **Issue**

MG 4.7.2 states 100% attendance at **annual** training of permit and review planning staff. However, the SWMP and annual report indicate that this MG will only occur in **Year 2**. This is contradictory and must be revised. We recommend training be conducted annually, at a minimum.

**Action:** **Revise the SWMP and future annual reports** to indicate training will be provided from Year 2 through Year 5.

**SWMP 2008 Revisions:** The revised SWMP under BMP 4.7 (Staff Training) indicates that annual training has been removed from MGs 4.7.1 & 4.7.2. Water Board staff requires a minimum of annual training for all grading inspectors and permit and development review staff. Revise the 2008 SWMP to include at least annual training for MGs 4.7.1 & 4.7.2.

#### **E. BMP 4.8 - Construction Workshops**

##### **Issue**

The annual report does not provide a proper evaluation of the workshop's effectiveness. Low turn-out suggest that workshops are ineffective and must be improved to increase participation.

**Action:** Please provide, **as an addendum to this annual report**, a proper evaluation of the workshops' effectiveness and how the County proposes to make improvements to the program, including ideas to increase public participation. Improvements must be indicated and discussed in "Planned Year 3 Activities" and "Proposed Modifications" sections listed under the MG.

#### **V. MCM #5: Post-Construction**

##### **A. BMP 5.2 - Implement General Permit Attachment 4(B) Provisions**

###### **Issue**

The annual report does not clearly identify how projects reviewed by Planning & Development and Public Works staff are being conditioned for General Permit Attachment 4(B) Provisions. County staff described this process during the Water Board staff program audit on January 27, 2009. Staff found the project review procedures to be effective based on information provided during our audit (Please refer to page one, paragraph two for recommendations on how the County can improve this BMP). However, procedures must be clearly defined in the annual report for effective evaluation of program effectiveness by interested stakeholders and Water Board staff.

**Action:** Please provide, **in the next annual report**, a proper discussion of the County's project review and conditioning procedures to effectively implement General Permit Attachment 4(B) Provisions.

##### **B. BMP 5.4 - Discretionary Permit Review**

###### **Issue**

As the inventory of projects conditioned with post-construction BMPs increases, the County must develop an operation and maintenance program that ensures BMPs are being operated and maintained correctly for the long term, as required by the General Permit. The County must





track conditioned projects and their BMPs to effectively implement an inspection program. The County must develop an inspection program to ensure correct operation and maintenance of BMPs which includes appropriate enforcement. Failure to ensure long term operation and maintenance of post-construction BMPs is a violation of the General Permit Section B.e.4. The annual report indicates that the County has not yet developed its own inspection notification letter or notice of violation letter for BMP inspections, as shown in Appendix 5D. The annual report does not explain why only four sites were inspected for BMPs when 15 sites were conditioned per Appendix 5A.

**Action:** Please provide, **in the next annual report**, a proper discussion on how the County proposes to address items discussed above, including a time schedule for the development of a post-construction BMP tracking system, inspection notification letter, and violation notices. Explain why only four of the 15 conditioned sites were inspected in Year 2.

**Recommendation:** The County should work with other Santa Barbara County communities and hire a regional post-construction inspector that can provide effectiveness feedback regarding stormwater development standard implementation, in a cost-efficient manner.

### C. BMP 5.5 - Staff Training

#### *Issue*

The annual report does not provide appropriate discussion of improvements in the "Proposed Modifications" and "Planned Year 3 Activities" sections as a result of the previous year's effectiveness evaluation.

**Action:** Please provide, **as an addendum to this annual report**, a proper discussion of "Proposed Modifications", including more time allocated for training to complete the training program survey or other appropriate resolution. "Planned Year 3 Activities" discussion must include proposed resolution to findings of the training survey evaluation and effectiveness assessment.

### D. Hydromodification Control Criteria

SWMPs must include BMPs to control the modification of watercourses caused by changes in land use (i.e. "hydromodification controls") in order to meet the MEP standard. The Water Board's expectations for hydromodification control were spelled out in two letters (dated February 15, 2008 and July 10, 2008, respectively) sent to other Phase II communities in the Central Coast Region. These requirements are summarized briefly below:

- Rainfall surface runoff at pre-development levels,
- Watershed storage of runoff (through infiltration, recharge, baseflow, and interflow) at pre-development levels,
- Watercourse geomorphic regimes (including stream bank stability and sediment supply and transport) within natural ranges,
- Optimal riparian and aquatic habitats,
- Protection of riparian areas, wetlands, and their buffer zones, and
- Long-term watershed protection.

#### *Issue*

The SWMP does not yet include a plan for developing numeric hydromodification control criteria. The Water Board expects the County to develop and implement numeric hydromodification control criteria. We understand that the County has an opportunity to coordinate its efforts with other communities in Santa Barbara County.



**Action:** Revise the County's SWMP to include a BMP to ensure the development of hydromodification control criteria, per the expectations described in the Water Board's February and July 2008 letters.

#### E. Interim Hydromodification Control Criteria

Regulated MS4s must adopt interim hydromodification control criteria as a step toward establishing long-term hydromodification criteria. The Water Board's requirements for interim hydromodification control were spelled out in two letters (dated February 15, 2008 and July 10, 2008, respectively) sent to other Phase II communities in the Central Coast Region. These requirements are summarized briefly below:

- Provide a schedule to develop alternative interim hydromodification control criteria to be implemented by the beginning of Year 5, or
- Adopt the numeric criteria for interim hydromodification control criteria, presented by the Water Board, by the beginning of Year 5.

#### **Issue**

The SWMP does not yet include a BMP to develop interim hydromodification control criteria.

**Action:** Prior to the next annual report, revise the SWMP to include a schedule for developing interim hydromodification criteria using one of the options listed below, including a period of no less than three weeks to allow for Water Board staff's review of the proposed criteria. The criteria must be developed and adopted **prior to the following annual report** (September 15, 2010). The criteria should take into account the ability to maximize infiltration of clean stormwater, 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.

#### Option1

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 watersheds:

- For new and re-development projects, effective impervious area<sup>1</sup> shall be maintained at less than five percent (5%) of total project area.
- 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-construction runoff hydrographs, for a range of events with return periods from 1-year to 10-years.
- 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 stream<sup>2</sup> or larger, and ensure that post-project time of concentration is equal or greater than pre-project time of concentration.

<sup>1</sup> 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.

<sup>2</sup> A first order stream is defined as a stream with no tributaries.

Option 2

The City may use the following process to develop interim criteria as effective as the above criteria. "As effective as" means the City may use other approaches (including other variables or numeric criteria, different than Option 1 criteria, appropriate for the Santa Barbara County watersheds) to control hydromodification and protect the biological and physical integrity of the City's individual watershed. Other acceptable approaches to develop interim criteria that are as effective as Option 1 include:

- A. Adopt and implement hydromodification criteria developed by another local municipality and approved by Board staff, such as the criteria the Water Board adopted for the City of Salinas, as interim criteria;

OR use the following methodology to develop interim criteria:

- B. Include a BMP to develop interim hydromodification criteria. The BMP shall state:

"The City shall develop interim flow control and infiltration criteria. These interim criteria shall be developed by the end of FY 2009-10. These interim criteria will be replaced by the final hydromodification control criteria that must be developed by the City by the end of FY 2012-13. For the interim criteria, the City shall:

- "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 development project.
- "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 development strategies.
- "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.
- "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.
- "Identify methods to be used by project proponents to demonstrate compliance with the interim infiltration criteria, including analysis of site imperviousness."

**F. Training for County Planning and Engineering Staff*****Issue***

Several elements of hydromodification control, including long-term watershed protection and site plan analysis, require the informed involvement of County Planning and Development staff. The SWMP does not yet include a provision for training County Planning and Development staff in the principles and practice of hydromodification control.

**Action:** **Revise the SWMP** to include a BMP to provide hydromodification control training for County Planning and Development staff, and report on the revision **in the next annual report.**



**G. Workshops for the Development Community****Issue**

Successful implementation of hydromodification control requires the participation of the development community. The SWMP does not yet include a provision for building the development community's capacity to propose, design and construct projects which control hydromodification.

**Action:** Revise the SWMP, **prior to the next annual report**, to include a BMP to provide informational and training workshops to the development community on the water quality impacts of hydromodification and how to implement the County's numeric criteria for hydromodification control.

**VI. MCM #6: Municipal Operations****A. BMP 6.2 - Site Specific Water Quality Protocols****Issue**

The annual report does not detail which facilities the County will not be developing specific water quality protocols for. This must be explained in order for the Water Board to properly evaluate program implementation.

**Action:** Please provide, **as an addendum to this annual report**, a discussion of which facilities the County will not be developing specific water quality protocols for and why.

**B. BMP 6.4 – BMP Fact Sheet****1. Issue**

MG 6.4.2 (Interactive web-based BMP reporting) - The explanation for this MG is very unclear. The SWMP and annual report indicate that this MG will be completed in Year 2. However, the discussion in the annual report states that only a prototype of the database system is available.

**Action:** Please provide, **as an addendum to this annual report**, a discussion whether the web-based BMP reporting system has been developed and is in use by departmental staff. If it has not yet been offered for use by staff, explain when it is proposed for implementation.

**2. Issue**

MG 6.4.4 (Evaluate BMPs through audits) - The MG states that an evaluation of the nature, type, and effectiveness of BMPs will be conducted in Years 2-5. However, the annual report does not provide such evaluation or discussion of effectiveness.

**Action:** Please provide, **as an addendum to this annual report**, a proper evaluation of the effectiveness of municipal facility BMPs to meet the requirement of this MG.

**C. BMP 6.6 - Countywide Integrated Pest Management (IPM) Plan****Issue**

The annual report does not provide a report of pesticide use for Year 2 (07-08) or updates to IPM strategy as required by the MG. This BMP has not been met as presented in the annual report.

**Action:** Please provide, **as an addendum to this annual report**, a report of pesticide use and an update to the IPM strategy for permit Year 2007/2008. If this MG has not been met, please provide a schedule as to when it will be met.

**D. BMP 6.7 - Storm Drain Maintenance****Issue**

The annual report does not provide a storm drain inspection and maintenance schedule, as required by the MG. This BMP has not been met, as presented in the annual report.



**Action:** Please provide, as an addendum to this annual report, an inspection and maintenance schedule for County owned and operated treatment control facilities. If this MG has not been met, please provide a schedule for meeting the MG.

#### E. BMP 6.8 - Street Sweeping

##### 1. Issue

The SWMP and annual report indicate that streets will be swept a minimum of three times per year. The annual report Planned Year 3 Activities states streets will be swept at least twice per year. This is not consistent with the BMP requirements and there is no justification why this has changed, or why only the minimum amount of three sweeping events was conducted in Year 2. Annual Report Table 6-7 indicates by adding one sweeping event (total of 3 events) in Year 2 the County increased waste collected by 78 percent from Year 1. This justifies that a minimum of three sweeping events is effective at removing pollutants and should continue. Also, there is no discussion why other County permitted areas, such as Isla Vista, Vandenberg Village, Los Olivos, Santa Ynez and Mission Hills, are not being swept.

**Action:** Please provide, as an addendum to this annual report, a revision in the Planned Year 3 Activities discussion that the County will continue to sweep streets a minimum of three times per year. If the County proposes to change the number of sweeping events then the County must justify appropriately why it proposes this change. You must provide a proper effectiveness assessment similar to the one stated above, which must be included in all future annual reports. Also, provide a proper discussion of why other County permitted areas, such as Isla Vista, Vandenberg Village, Los Olivos, Santa Ynez and Mission Hills, are not being swept. Include these areas in the sweeping program where appropriate. **Revise the SWMP to reflect these changes, and report on the revisions in the next annual report.**

##### 2. Issue

**SWMP 2008 Revisions:** The revised SWMP under BMP 6.2.9 (Street Sweeping) indicates that the County proposes to change SWMP language from "three to four times per year" to "up to three times per year," without appropriate justification for the change. See comments above. Street sweeping must remain a minimum of three events per year. **Revise the 2008 SWMP to reflect this requirement.**

#### F. BMP 6.9 - Staff Training

##### Issue

The annual report indicates that the training for new Public Works employees is very minimal (10-15 minute presentation) in respect to the amount of content employees must learn. There is also no description of trainings provided to Environmental Health and Fire Department staff for proper evaluation of training effectiveness. Also, the annual report does not indicate why training is not being provided to other relevant departments such as the Parks Department.

**Action:** **Revise the SWMP to expand training of Public Works, Environmental Health, Fire Department, and other relevant department staff and report on the revisions in the next annual report.**

#### Conclusion

Thank you for preparing and submitting the County's Annual Report. Water Board staff provides these comments and is available to work with you to achieve a program which is increasingly effective at reducing the discharge of pollutants to the MEP and protecting water quality.

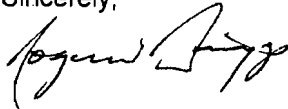


Some of the issues detailed in this letter require the submission of additional information as an addendum to this annual report. This information is required pursuant to the provisions of the General Permit. We require this information to determine the County's compliance with the General Permit. The County is responsible for compliance with the General Permit. Evidence supporting the need for this information is found in the 2007/2008 annual report and in the above Water Board staff comments. **This addendum must be submitted to the Water Board along with the next annual report due by September 15, 2009.**

Other issues detailed in this letter require revisions to the County's SWMP. We require these revisions, pursuant to General Permit Section D, to ensure that the SWMP reduces the discharge of pollutants to the MEP and protects water quality. The next annual report must indicate that you have made these revisions and have taken the required actions.

If you have any questions or would like to schedule a meeting, contact **Brandon Sanderson** at (805) 549-3868 or at [bsanderson@waterboards.ca.gov](mailto:bsanderson@waterboards.ca.gov), or Matt Thompson at (805) 549-3159.

Sincerely,



Roger W. Briggs  
Executive Officer

Attachment: Sample Grading Ordinance Language

CC: (by email)  
Heal the Ocean  
Santa Barbara Channelkeeper

S:\Stormwater\Stormwater Facilities\Santa Barbara Co\Municipal\Santa Barbara County\SWMP Annual Reports\07-08 Annual Report (Yr 2)\WB Comments\Santa Barbara Co. 2009 Annual Report Comment Letter.doc

## Sample Grading Ordinance Definition Language

Reference: EROSION AND SEDIMENT CONTROL ORDINANCE

City of Minneapolis

Planning Department

<http://www.epa.gov/owow/nps/ordinance/documents/B2a-Minneapolis.pdf>

*Clearing and grubbing* is the cutting and removal of trees, shrubs, bushes, windfalls and other vegetation including removal of stumps, roots, and other remains in the designated areas.

*Stripping* is any activity which removes or significantly disturbs the vegetative surface cover including clearing, grubbing of stumps and root mat, and topsoil removal.

*Land disturbance activity* is any land change that may result in soil erosion from wind, water and/or ice and the movement of sediments into or upon waters, lands, or rights-of-way within the City of Minneapolis, including but not limited to building demolition, clearing and grubbing, grading, excavating, transporting and filling of land. Land disturbance activity does not include the following:

- (1) Minor land disturbance activities including, but not limited to, underground utility repairs, home gardens, minor repairs, and maintenance work which do not disturb more than five hundred (500) square feet of land.
- (2) Installation of fence, sign, telephone, and electric poles and other kinds of posts or poles.
- (3) Emergency work to protect life, limb, or property and emergency repairs. If the land disturbing activity would have required an approved Erosion and Sediment Control Plan except for the emergency, then the land area disturbed shall be shaped and stabilized in accordance with the requirements of Chapter 52.

*Watercourse* is any natural or improved stream, river, creek, ditch, channel, canal, conduit, gutter, culvert, drain, gully, swale, or wash in which waters flow either continuously or intermittently.