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SCOTT D. MCGOLPIN
Director

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Deputy Director

January 30, 2008

Mr. Roger Briggs, Executive Director
Central Coast Regional Water Quality Control Board
895 Aerovista Place Suite 101
San Luis Obispo CA 93401

Subject: Preliminary reply to comment letter of January 28, 2008
and Staff Report distributed January 25, 2008.

Dear Mr. Briggs

Staff has received your review of our Year 1 Annual Report detailing the first year implementation of the County's Storm Water Management Program (SWMP). We intend to respond to these issues in detail by the stated deadline of March 28, 2008.

We appreciate the acknowledgement that the County has made "great progress" implementing the SWMP during the first year of its 5-year term. We look forward to working with your staff to clarify their requests and complete the review.

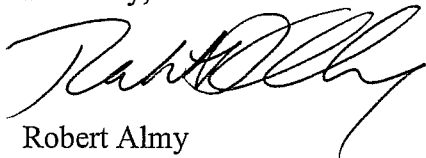
However, given the nature of the comments we are disappointed to see the staff report and comment letter 4 months after submittal of the annual report and 7 months into the second year of implementation. We understand your staff completed their review of the Year 1 Annual Report at the end of November, yet we are only now receiving your letter and copies of the staff report. As your staff is aware, the County's SWMP budget for the following year (Year 3 implementation) is formulated in mid-January of 2008. As a result some comments concerning certain program revisions may not be addressed through the budget process until the next year for Year 4 implementation.

Finally, the comment letter was provided only two days before the deadline to submit comments to your Board for the February 8 hearing. This hearing is an important opportunity to review the substantial progress the County has made in implementing the SWMP. We do not believe the process is well served by the timing of this letter.

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In our case, the delay between completing the review and providing the results of that review back to the County has precluded a complete and thoughtful response. Nonetheless, we have provided in Attachment A the following preliminary reply for select issues.

Sincerely,

A handwritten signature in black ink, appearing to read "Robert Almy". The signature is fluid and cursive, with the first name being more prominent.

Robert Almy
Water Agency Manager

cc: Tom Fayram, Deputy Director Public Works
Michael Ledbetter, Santa Barbara County Counsel

Encl

Attachment A

Select issues raised in RWQCB letter of January 28, 2008

“County did not provide an assessment of the appropriateness and effectiveness for many of the BMPs.”

We employed a consultant familiar with other Phase II and Phase I submittals, (Larry Walker and Associates) to review our Annual Report in form and content. Based on their review and our evaluation of Phase II reports from other regions, we believe that we are consistent with state guidelines and other communities' efforts. Measuring program effectiveness is a challenge for even the largest and most experienced entities. The General Permit provides little guidance in how to address program effectiveness. As a result, the California Stormwater Quality Agencies (CASQA) recently developed a guidance document entitled Municipal Stormwater Program Effectiveness Assessment Guidance (May 2007), which the County attempted to utilize in its Annual Report .

“Repeated annual report submittals containing inadequate information...constitutes reporting violations...however Water Board staff will not at this time pursue enforcement action.”

The tone of this statement is unwarranted and antagonistic. We followed the State's posted guidelines for development of this Annual Report. The Annual Report was circulated publicly in draft form and your staff provided no comments as to its adequacy at that time. This is the first submittal from the County; there have been no repeated annual report submittals.

In any event, in order to correct any inadequacies, we need to have discussion with RWQCB staff to clarify their concerns. For example, what is meant by “amending the SWMP” and in the Staff Report, providing an “updated SWMP containing modifications and additional reporting information”? Our intention is that changes would be shown in the Annual Reports. We trust your staff does not expect a complete revised SWMP document because to do so would serve no apparent purpose.

In our opinion, some comments are unwarranted because the reviewer may have misunderstood the SWMP. For example, page 7 of the letter regarding BMP 6.8 states, “incomplete implementation of BMPs constitutes non-compliance with General Permit.” We believe BMP 6.8 was implemented and we are disturbed by an unwarranted threat of enforcement action. Specifically, the SWMP indicates street sweeping on 22 lane miles; these were reported under MG 6.8.1. MG 6.8.2 says “report weight and volume of material collected for each event”. This was also reported for the 22 lane miles. Although not required in the SWMP, in good faith the County reported that additional sweeping was done. If RWQCB staff wants data on the parking lot cleaning for the future, we could provide it but this is not part of the sweeping program in the SWMP, and any future reporting on these values would have to be developed for Year 3. In our opinion to threaten compliance action over this additional good faith reporting effort has a chilling effect on any interest in reporting activities that are beyond the absolute minimum requirements of the SWMP.

As far as the specific requests and comments concerning “incomplete implementation of BMPs,” changes must be made going forward. Once we understand what RWQCB staff needs, we can make appropriate changes, but those changes cannot affect activities already completed. Through discussion with staff, we could explain the situations for each measurable goal, and what is meant by modifying “future annual reports.” Again, timely input by RWQCB is appreciated.

We fail to understand the purpose for several required changes. For example, regarding BMP 1.9.1, we can only provide the number of calls to the hotline, not their nature or location. We could start asking people every time whether they called the hotline or simply dialed our offices directly, but this can’t be implemented until Year 3 because we are already half way through Year 2. However we fail to see the point of this extra effort; we intend to keep the hotline whether or not people access our staff directly.

Another example under BMP 2.4 is a request for analytical results. For last year, we could provide the constituents measured during volunteer monitoring, but not results because they were qualitative. In its current form, we do not believe volunteer monitoring is a source of reliable, quality, long-term data. The techniques used are intended to provide qualitative and rapid results so as to give the volunteers some immediate feedback. The primary purpose of this effort is to allow community members to develop new experiences and learn about their watersheds through direct participation. Any data gathered may alert us to potential water quality problems and trigger follow-up where appropriate. Therefore, to date we have not retained the data results collected by volunteers.