

**STATE OF CALIFORNIA  
REGIONAL WATER QUALITY CONTROL BOARD  
CENTRAL COAST REGION**

**STAFF REPORT FOR REGULAR MEETING OF FEBRUARY 7- 8, 2008**  
Prepared on December 28, 2007

**ITEM NUMBER: 15**

**SUBJECT: County of Santa Barbara Phase II Storm Water Permit Status Report**

**SUMMARY**

This item provides Water Board staff's review of Santa Barbara County's 2006/2007 annual storm water program report, and our follow-up to the review. The annual report demonstrates that the County has made great progress implementing their Storm Water Management Program (SWMP), including successful implementation of 45 out of 46 Best Management Practices (BMPs) scheduled for the first year (Table 1). The annual report and SWMP can be viewed at:

[http://www.waterboards.ca.gov/centralcoast/stormwater/municipal/phase\\_2/santa\\_barbara\\_co/santa\\_barbara\\_co\\_index.htm](http://www.waterboards.ca.gov/centralcoast/stormwater/municipal/phase_2/santa_barbara_co/santa_barbara_co_index.htm).

Most BMPs were implemented per the SWMP and General Permit requirements on time, effectively, and in some cases, beyond expectations. However, the County did not implement one BMP and did not include some key information in the annual report that is needed to evaluate the effectiveness of identified BMPs and measurable goals (MGs) as required by the General Permit Section F.1 (Reporting Requirements). Also, Water Board staff found that some of the proposed modifications to the SWMP BMPs, described in the annual report, lacked adequate detail. Water Board staff also considered comments submitted by Santa Barbara Channelkeeper in our evaluation of the annual report (attached). Staff is preparing a letter, to be sent by the end of January, explaining Water Board staff's resulting evaluation of the annual report, and requiring the County to provide an updated SWMP containing modifications and additional reporting information to be submitted to the Water Board within 60 days from the date of the letter, or for some items, with the 2007/2008 annual report.

This is a status report only; staff will proceed as described in this report unless directed otherwise by the Board.

**Table 1.** Implementation of BMPs per minimum control measure (MCM) for 2006/2007 permit term.

	Total	Met	Not Met	Exceeded
<b>MCM 1</b>				
BMPs	13	13	-	-
MGs	32	31	1	5
<b>MCM 2</b>				
BMPs	6	6	-	-
MGs	15	15	-	2
<b>MCM 3</b>				
BMPs	10	9	1	-
MGs	26	25	1	-
<b>MCM 4</b>				
BMPs	5	5	-	-
MGs	10	10	-	-
<b>MCM 5</b>				
BMPs	5	5	-	-
MGs	6	6	-	1
<b>MCM 6</b>				
BMPs	7	7	-	-
MGs	11	9	2	-
<b>Total</b>				
BMPs	46	45	1	-
MGs	100	96	4	8

## DISCUSSION

### I. Background

The Water Board approved the County's SWMP on July 7, 2006, and directed staff to provide a status update to the Board after the first year of implementation in the permit term. The Board also directed staff to post the County's annual report on the web for public review and comment following submittal of the report to Water Board staff. Natural Resources Defense Council (NRDC) and Heal the Ocean petitioned the SWMP to the State Board on August 4, 2006. The State Board dismissed the petition on November 27, 2007. The County posted Section 1 and 2 of their SWMP annual report on August 24, 2007. The County posted subsequent sections on August 28 and 29 with public comments accepted through September 10, 2007. The County held a stakeholder workshop in Santa Ynez on September 6. However, there were no stakeholder attendees at the annual report review workshop. Water Board staff received the County's 2006/2007 Annual Report for permit term July 1 thru June 30 on September 17, 2007. Water Board staff notified interested parties and posted the annual report on the Water Board website on September 21, 2007, for 30 days review. Water Board staff received public comments from Santa Barbara Channelkeeper (attached). Water Board staff is preparing a letter, to be sent by the end of January, explaining Water Board staff's resulting evaluation of the annual report, and requiring the County to provide an updated SWMP containing modifications by 60 days from the date of the letter, and additional reporting information either by 60 days from the date of the letter or with the 2007/2008 annual report.

## II. Storm Water Management Plan Annual Report Status Review

Water Board staff reviewed the annual report and considered comments submitted. In general, the County followed and implemented first year BMPs per the SWMP with a few minor changes. However, the County did not include some key information in the annual report that is needed to evaluate the performance of the SWMP. The following are updates for individual minimum control measures (MCMs).

### A. Public Education and Outreach

The County met all thirteen BMPs in year one for this MCM including exceeding many of the MGs detailed in the SWMP. They also proposed to make modifications to six MGs for this MCM (see below).

The County participated in events such as the Creek Week Festival, Earth Day Festival, Steelhead Festival, health fairs, and other public events attended by close to 30,000 people in year one. Activities included informational displays, interactive exhibits, creek clean ups, water quality monitoring, nature walks, and creek restoration. The County's media campaign co-sponsored bilingual clean water and car washing ads on MTD buses. They ran ads in many local papers and radio covering water pollution, storm drains and sewer differences, preventing water pollution on beaches, disposal of cigarettes, and proper oil disposal.

The County reached a total of 3,537 school children through classroom presentations, field trips, school assemblies, and teacher training. That is 21 percent of the 30 percent proposed audience to be reached by the end of year two. They are well on their way to completing this MG by year two.

#### A.1. Proposed Changes/Year Two Activities

The County proposes to direct public outreach through more general information brochures rather than on distributing targeted brochures (e.g., The Ocean Begins on Your Street). The County states the reason for this change is that general brochures cover targeted information plus additional information; they can be distributed more widely, can be updated more frequently, and are more cost effective. Targeted brochures will still be available for distribution when necessary. The County proposes to combine MG 1.2.1 and MG 1.2.2 to read "compile the number of all water quality related educational items distributed." The County proposes to develop a NPDES Municipal Permit fact sheet and County SWMP fact sheet in year two.

The County did not meet the proposed year one MG of increasing visitation to the South County Watershed Resources Center by 10 percent due to programmatic changes outside of their control. They propose to eliminate MG 1.5.1 (Increase visitation 10% each year) and replace it with three new MGs. They will be:

- MG 1.5.1 - Maintain facility for youth education.
- MG 1.5.2 - Compile number of visitors.
- MG 1.5.3 - Facilitate the use of the Center for two community events each year.

Water Board staff is requiring the County to define how they will meet MG 1.5.1 in amendments to the SWMP.

## **B. Public Participation & Involvement**

The County met all six BMPs for this MCM in year one including holding stakeholder meetings in both North and South Counties, coordination with local agencies, conducting volunteer water quality sampling, and holding community clean-ups. The County proposed to make modifications to three MGs for this MCM (see below).

### **B.1 Compliance Issues**

The County is required to conduct snapshot monitoring twice per year and to participate in Statewide Snapshot day. The County conducted three voluntary water quality sampling events in year one. However they did not discuss if these events were part of the snapshot monitoring. They also didn't provide enough detail on these events as required under General Permit Section F.1 for Water Board staff to evaluate the effectiveness of the volunteer water quality sampling program.

Water Board staff is requiring the County to provide more detail on these sampling events including a list of sample locations, constituents analyzed, and analytical results.

### **B.2 Proposed Changes/Year Two Activities**

The County proposes to change North and South County stakeholder committee meetings from an alternating bi-monthly schedule to a quarterly schedule. Meetings will be held in both North and South Counties every three months within a week of each other so that groups can provide concurrent comments on current projects and emerging issues. This will increase the total amount of stakeholder meetings from six to eight per year.

The County also proposes to change creek clean-ups from one event a year affecting four watersheds, to simply conducting a minimum of four creek clean-ups a year. This gives the County the flexibility to conduct clean-ups when needed and in watersheds most needed.

## **C. Illicit Discharge Detection & Elimination**

The County met all but one of the eleven BMPs and associated MGs required under this MCM in permit year one. The County did not adopt a storm water ordinance in year one due to unforeseen incidences regarding the Zaca Fire. However, the ordinance was drafted in year one and was approved on September 25, 2007. A copy of the ordinance was submitted to our office on October 4, 2007.

### **C.1 Compliance Issues**

The County did not provide enough information on many of the BMPs and MGs to determine overall effectiveness of the Illicit Discharge Detection & Elimination program.

Water Board staff is requiring the County to provide more information to evaluate program components.

The County states under the Business Facility Inspection program that industrial facilities currently holding individual NPDES permits will not be inspected. The County is responsible for preventing all illegal or illicit discharges from entering the MS4 system.

Water Board staff is requiring the County to inspect all facilities (or a reasonable subset of prioritized or representative facilities) that may potentially discharge illegal or illicit discharges to the MS4s system, including facilities with NPDES permits. Water Board staff is requiring the County to forward any water quality related concerns from these facilities to the Water Board for follow-up.

The County's complaint response program fielded 73 complaints in year one and provided water quality awareness discussion and information to most complainants. No enforcement action was taken in year one. However, Water Board staff review of complaint log showed repeat offenders without any enforcement measures being taken.

Water Board staff is requiring the County to develop a progressive enforcement strategy and incorporate this strategy as an amendment to the SWMP.

#### **D. Construction**

The County completed all of the MGs for the five BMPs required in year one. However, the County did not issue any violations or enforcement actions under the construction site inspection and enforcement program in year one.

Water Board staff observed inconsistencies with County development departments with regard to coordination of planning and regulatory functions to protect waterways through permitting and oversight BMPs in the SWMP. The County did not propose any modifications to MGs for this MCM.

Water Board staff will evaluate the County's construction inspection procedures by conducting an audit of this program. Water Board staff will accompany County staff during routine construction inspections to identify deficiencies in inspection protocol, County staff knowledge and training.

Water Board staff is in the process of coordinating construction site completion and closure with the County. Water Board staff expects the County to approve the closure of construction sites per completion of storm water pollutant control measures prior to Water Board staff approval of the construction site Notice of Termination.

Water Board staff is requiring any modifications to the SWMP that result from this review and determination of improved coordination and closure of construction sites.

#### **C.1 Compliance Issues**

As mentioned above, the County did not issue any violations or enforcement actions under the construction site inspection and enforcement program. Additionally, Water Board staff observed inconsistencies with regard to coordination of planning and regulatory functions to protect waterways through permitting and oversight BMPs.

Water Board staff is requiring the County to clarify inspection findings, provide procedures for inspections and enforcement follow-up, and provide details of enforcement documentation.

## **E. Post Construction**

The County completed all of the MGs for the five BMPs required in year one. The County did not propose any modifications to MGs for this MCM. The County compared existing policies, procedures, and standard conditions to General Permit Attachment 4 requirements. The County hired a consultant team to evaluate existing policies and procedures. The County provided many workshops and presentations to obtain input from interested stakeholders including two workshops on Low Impact Development (LID). The consultant team evaluated effectiveness and recommended revisions in a report. The County presented opportunities to improve compliance with General Permit requirements in the annual report. The County obtained a new dedicated staff person to improve and expedite the permit review process.

### **E.1 Compliance Issues**

For post construction project review, BMP 5.2, "Implement Design Standards," the annual report states that of the 233 discretionary projects that received final approval, only 20 projects were conditioned for treatment controls. Water Board staff is concerned that this is a low number in relation to the total number of projects approved.

Water Board staff is requiring the County to provide a summary of their project review process and to provide an explanation for the low number of projects conditioned for treatment controls.

The County provided training to all Planning & Development project review and planning staff in year one. The County provided a pop-quiz to attendees at the end of the training as a review to highlight material. However, the quiz was not graded and therefore did not provide the County with an appropriate effectiveness measurement for the training.

Water Board staff is requiring the County to develop an assessment measurement to appropriately determine the effectiveness of the training and include that as an amendment to the SWMP.

## **F. Municipal Operations**

The County met all seven BMPs required in year one for this MCM including BMP 6.9 "Staff Training" which is not required to be implemented until year three. Through this BMP, the County will provide training to new employees, Environmental Health inspectors, and Fire Department staff. The County has evaluated over 400 County facilities for potential storm water pollutants. The County developed draft protocols for nine County facilities with broad operation activities and with greatest potential storm water pollutant impacts, even though they will not develop protocols until year three.

### **F.1 Compliance Issues**

The County did not complete all requirements listed for MG 6.8, "Street Sweeping." The MG required the County to sweep streets a minimum of three times per year; however, the County's contractor only swept streets twice during year one. They also failed to record all the miles swept and amounts of materials removed by the County Roads Division and the amounts of materials removed from County parking lots by the County's contractor. Water

Board staff needs these measurements to evaluate BMP effectiveness for General Permit compliance. The County also needs to use these measures to determine and report effectiveness to the Water Board, and to prioritize and improve the efforts of their street sweeping program.

Water Board staff is requiring the County to provide explanation and justification for why these requirements were not met for the MG.

The annual report indicates under BMP 6.7, "Storm Drain Maintenance" that bacteria loading are reduced by CDS units owned and operated by the County. However, the County did not provide water sampling data collected near the treatment control devices as required under General Permit Section F.1 (Reporting Requirements). Water Board staff needs data collected to evaluate the effectiveness of the BMP.

Water Board staff is requiring the County to provide this information.

### **III. Public Comments**

#### **A. Summary of Comments**

Santa Barbara Channelkeeper provided public comments on the County's annual report (attached). Water Board staff considered all comments during review of the annual report. In general Channelkeeper finds the County's annual report to be lacking appropriate level of detail, regarding implementation of its SWMP, for a comprehensive and effective evaluation of the County's performance. They expressed concern that the County only provided a short public review period and did not respond to comments nor incorporate comments into the final annual report submitted to the Water Board. See Attachment 1 for complete list of Channelkeeper comments.

#### **B. Water Board Staff Response to Comments**

Water Board staff agreed with Channelkeeper that the County's annual report lacked appropriate detail to evaluate some of the BMPs for effectiveness. Water Board staff is requiring the County to provide additional information as discussed in the previous sections.

However, Water Board staff does not agree with Channelkeeper's concerns about the inadequate public review period provided by the County, nor its concerns that the County did not incorporate its comments in the final annual report. The County's annual report was posted on August 24 (Section 1 and 2), subsequent sections were posted on the 28<sup>th</sup> & 29<sup>th</sup>, a public workshop was held on September 6, and comments were accepted through September 10. The County provided 17 days for public review. The County's time is limited to draft the annual report, between the end of the reporting period (June 30<sup>th</sup>) and the date required to submit the annual report to the Water Board (September 15<sup>th</sup>). To be responsive to Channelkeeper's comments, Water Board staff is requiring the County to provide a timeline for the annual report review process to ensure adequate review time for stakeholder groups. The County will be required to submit this information as an amendment to the SWMP. Also, Water Board staff notes that the County addressed many of the comments received in the final annual report.

**CONCLUSION**

In general Water Board staff finds that the County has made great progress implementing their Storm Water Management Program (SWMP). The County has met and even exceeded most of the BMPs identified in the SWMP. However, the County did not implement one BMP and did not include some key information in the annual report that is needed to evaluate the effectiveness of some BMPs and measurable goals (MGs) as required by the General Permit Section F.1 (Reporting Requirements). Additionally, Water Board staff found that some of the proposed modifications to the SWMP BMPs, as described in the annual report, lacked detailed description. Water Board staff is requiring the County to modify their SWMP and provide additional information to improve Water Board staff's ability to evaluate the program.

**RECOMMENDATION**

This is a status report only. Staff will proceed as described above unless directed otherwise by the Board.

**ATTACHMENTS**

1. Santa Barbara Channelkeeper Annual Report Comments

Santa Barbara County's Annual Report and SWMP can be found at:

[http://www.waterboards.ca.gov/centralcoast/stormwater/municipal/phase\\_2/santa\\_barbara\\_co/santa\\_barbara\\_co\\_index.htm](http://www.waterboards.ca.gov/centralcoast/stormwater/municipal/phase_2/santa_barbara_co/santa_barbara_co_index.htm)