

**REGIONAL WATER QUALITY CONTROL BOARD  
CENTRAL COAST REGION**

**Response to Comments  
City of Lompoc Storm Water Management Plan May 2008**

**Introduction**

This document includes the comments, and Water Board staff responses to the comments received during the Water Board's 60-day public comment period (June 23 – August 22, 2008) for the City of Lompoc Storm Water Management Plan (SWMP) and Water Board staff's Draft Table of Required Changes. Water Board staff received comments from the following organizations:

August 21, 2008: Heal The Ocean  
August 22, 2008 Home Builders Association of the Central Coast  
August 22, 2008: Santa Barbara ChannelKeeper

**Comments from Heal The Ocean (HTO)**

Comment: Generally, we are pleased with the response of the City to the requests made by the Regional Water Quality Control Board in its August 12, 2008 letter. HTO concurs with the comments and points made in the Table of Required Revisions outlined in that letter, and we are therefore limiting our comments to issues not addressed in that letter, but which we believe require additional attention. The City of Lompoc SWMP needs to describe efforts to coordinate with the County of Santa Barbara to address storm water runoff from Vandenberg Village and Mission Hills. While Heal the Ocean (HTO) understands these areas are not within the City's jurisdiction and are managed by the County of Santa Barbara, these communities border Lompoc and the Santa Ynez River – a 303(d) listed impaired water body.

Response: Interagency Task Force meetings are used to address issues of common concern between the City and the County. The County is enrolled separately under the Phase II General Permit and has an approved SWMP addressing Vandenberg Village and Mission Hills.

Comment: Due to the 303(d) listing, the City must recognize in its SWMP the potential need to revise the requirements of its SWMP when a TMDL is developed for the Santa Ynez River.

Response: Water Board staff does not anticipate TMDL development for the Santa Ynez River listing during the five-year life of the SWMP. Should TMDL development be scheduled sooner, Water Board staff will require that the SWMP address it appropriately.

Comment: HTO suggests that the City provide a description of all outside agencies, including the County of Santa Barbara Flood Control, which will be involved in the implementation of the City of Lompoc SWMP.

Response: As the permittee, the City does not propose to directly involve outside agencies in SWMP implementation. While outside agencies may be potentially affected by SWMP implementation, Water Board staff does not believe listing them is necessary to improve implementation of the SWMP toward the General Permit's standard of maximum extent practicable.

Comment: Heal the Ocean encourages the City to facilitate greater stakeholder participation during the five-year permit period. We suggest the development of an interested-parties e-mail list that can be used to encourage public participation in the review of subsequent SWMP Annual Reports and ordinance adoption. Interested stakeholders may be identified during community events and meetings.

Response: The City has already developed a stakeholders mailing list, which is available on the City's website. Requests to be added to the list can be made via email or phone, as noted on the City's website. This list has been compiled using past community events, meetings, and public contacts in relation to the development of the SWMP.

Comment: Because the SWMP will form the basis for the City of Lompoc's action over the next five years, the maximum extent practicable standard should be more fully explained.

Response: The General Permit and the Water Board letters dated February 15, 2008 and July 10, 2008 include the explanation of maximum extent practicable; while Water Board staff encourages the City to provide it as appropriate context and to potentially improve understanding by readers, we do not find it necessary to require the explanation in the SWMP.

Comment: Business and Industry Inspection Program: Section 1.1.14 of the Lompoc SWMP indicates that the City-owned Industrial facilities will be reviewed, and industrial storm water permits revised, to address storm water pollution, but this section does not specify when this review will be complete. HTO recommends including into the SWMP a Measurable Goal (MG) specifying when the review will be complete.

Response: Each year, Water Board staff reviews industrial stormwater permit holders' Annual Reports, including monitoring data. We will evaluate whether storm water pollution prevention BMPs are adequate for the permitted facilities and require revisions as necessary. Water Board staff expects the City to conduct its review of the few City-owned facilities annually. See Resolution No. R3-2008-0071 Table of Required Revisions, item 13.

Comment: The City's abnegation of responsibility for addressing separately permitted facilities is disconcerting. It is the City's responsibility to ensure applicable industrial facilities are registered and in compliance with the State's general industrial permit. Therefore, a component of this BMP should include a cross reference of Standard Industrial Classification (SIC) codes between the City's business license database and those within its jurisdiction that have filed Notices of Intent (NOIs). Inspection and enforcement of non-filers should be a priority.

Response: Water Board staff agrees that the City should address all potential pollutant generating businesses and industry in its inspection program. See Resolution No. R3-2008-0071 Table of Required Revisions, item 9.

Comment: The SWMP indicates the City will only inspect the commercial and industrial uses that contribute to the City's Wastewater Reclamation Plant. It is unclear whether this program of inspecting commercial and industrial facilities will cover all facilities. The city must ensure that all commercial and industrial uses within the City's permit jurisdiction will be inspected on a periodic basis. The SWMP must indicate how often inspections will be conducted and the percentage of commercial and industrial facilities inspected per year. The SWMP should also describe how the City's Wastewater Resources Protection Technician will be trained to identify violations.

Response: Water Board staff agrees that the City should include all business and industry in its inspection program. See Resolution No. R3-2008-0071 Table of Required Revisions, item 9.

**Comment:** Storm Water Hotline: The City must commit to providing a storm water hotline that is available 24 hours per day. It must also respond to all calls coming into the hotline within 24 hours, even on weekends, holidays and after business hours. The SWMP should describe these measures and also describe the process the City will use to follow up on hotline calls referred to other departments. HTO recommends that the City develop a Storm Water Hotline tracking system that is integrated into a greater enforcement database so that response times, actions, success rate, and the like can be measured.

**Response:** The City does provide 24-hr availability for its hotline and does record callers' names, time of call, phone number and address, address of concern and issue of concern, and responses taken by the City. The City also commits to recording call information during non-work hours and when appropriate, dispatching staff to determine if a storm water violation is occurring. Water Board staff finds it reasonable that the hotline will serve its purpose through this arrangement.

**Comment:** Non-Storm Water Discharges: The list of Exempt Non-Storm Water Discharges on page 35 of the draft SWMP is incomplete. To complete the list the following must be added: discharges from potable water sources, air conditioning condensation, and flows from riparian habitats and wetlands.

**Response:** Water Board staff agrees that the City does not provide adequate detail for evaluating non-storm water discharges. See Resolution No. R3-2008-0071 Table of Required Revisions, item 5.

**Comment:** Illicit Discharge and Detection Evaluation of Surface and Subsurface Storm Drain System: Heal the Ocean supports the City's efforts to inspect the surface and subsurface components of its storm drain system. However, the SWMP identifies this activity as taking place in Year 3 of the permit. This is patently unacceptable, and is likely the largest deficiency of the SWMP. The City must commit to begin surveying the storm drain system in Year 1, as well as indicate when the survey of the entire system will be complete. In addition, the SWMP needs clearer language as to whether this survey is a onetime event or an ongoing activity.

**Response:** Water Board staff agrees that the City should begin inspections sooner than implementation year 3. See Resolution No. R3-2008-0071 Table of Required Revisions, item 7.

**Comment:** Miguelito Creek Cleanup: Based on the description of the "mucky mess" trash problem in Miguelito Creek, the City should commit to clean up the trash at the end of the creek during Year 1. The City should also commit to inspect this area and clean up the trash on a regular basis. Annual inspections before the rainy season should be required.

**Response:** Water Board staff agrees that the City should begin trash removal sooner than Year 5, as indicated in the SWMP. See Resolution No. R3-2008-0071 Table of Required Revisions, item 10.

**Comment:** The County of Santa Barbara Annual Routine Maintenance Plan (2008-09) indicates that on an annual basis Miguelito Channel is cleared of garbage and other debris with a loader. An application of herbicide is made to sterilize expansion joints and dirt above the concrete channel where weeds are either burned or sprayed for fire control. Since Flood Control's maintenance program has a significant impact on water quality, the City of Lompoc SWMP must describe BMP implementation for this Annual Routine Maintenance Plan activity.

Response: The Water Board regulates the County of Santa Barbara Annual Routine Maintenance Plan through a Clean Water Act Section 401 Water Quality Certification, which appropriately conditions the County's application of herbicides to protect water quality. Water Board staff finds it unnecessary for the City to develop additional BMPs for the County's Maintenance Plan.

Comment: Construction Site SWPPP and Waste Disposal Inspections: The proposed inspection schedule of construction sites – once between June and September and once per month between October and May – is patently unacceptable. This inspection schedule is particularly sparse given that the City recognizes its development potential, per the City's own language in its SWMP introduction. This introduction indicates there are only five parcels over an acre in size that can be developed. This language needs clarification regarding other areas of the City where properties over an acre have the potential for development or re-development. The city must also commit to more frequent inspections of construction sites over an acre. Heal the Ocean recommends weekly inspections between June and September and daily inspections between October and May.

Response: Water Board staff requires the City to improve its construction site tracking information (See Resolution No. R3-2008-0071 Table of Required Revisions, item 15). Based on tracking data, the City should adjust its frequency of site inspections if necessary. The City's current inspection frequency may be adequate for the scale and number of construction sites and for the pattern of rain events in Lompoc. Average annual rainfall is 15 to 16 inches, though during a quarter of the years since 1964, Lompoc has received ten inches of rain or less. The SWMP indicates that there are only one or two storms a year that result in significant run-off.

#### **Comments from Home Builders Association of the Central Coast**

Comment: Time to complete Interim Hydromodification Management Plan ("HMP"). We believe that it would be prudent that the City of Lompoc be allowed two (2) years to complete the plan, rather than the one (1) year proposed by the Regional Water Quality Control Board (the "Water Board"). Several Central Coast cities have expressed concern to us regarding the HMP one (1) year deadline. In addition, our members experience in Southern California has indicated that a one-year time limit is not realistically achievable. It is important that the HMP be well researched, carefully studied, practical, and reflect site characteristics such that future liability issues are minimized to the greatest extent possible. We do not want a HMP created in a "hurried" manner to meet an artificially restrictive deadline. Most Central Coast jurisdictions have small staffs, thereby lacking the human and financial resources to realistically comply with the one (1) year deadline. In such cases, complying with the one year deadline could result in a one-size-fits-all approach which is not the desired result.

Response: The Water Board is not requiring an "Interim Hydromodification Plan," but rather interim hydromodification criteria. Item 18 in the Resolution Table of Required Revisions does require the City to develop a Hydromodification Management Plan, but allows the City to identify its schedule for completing the Plan within the five-year permit cycle. The Executive Officer's July 10, 2008 letter to the City was responsive to Central Coast communities' concerns about the schedule put forth in his February 15, 2008 letter and provided an additional six months to make it a full year for the City to develop interim criteria. This is in addition to the time between February 15, 2008 and the present, during which the City has known of Water Board expectations (approximately seven months) that it develop interim hydromodification criteria. The City has included criteria in its SWMP that are unsupported by technical findings. As such, the City's task in Year 1 of SWMP implementation would be to provide supportable criteria. The Executive Officer's July 10,

2008 letter also provided an example approach to developing quantifiable measures for storm water management programs. Furthermore, the City of Lompoc could avail itself of the examples from other Central Coast communities that have already provided interim criteria, or year-long plans to develop them (e.g., City of Santa Barbara, Santa Maria, and Santa Cruz County). The proposed schedule for developing interim hydromodification criteria is reasonable and appropriate.

Comment: SWMP Post-Construction Application Cut-Off Point. The most appropriate approach to implementing hydro modification/LID methods is at the beginning of the project design phase... A Tentative Subdivision Map cut-off point for the application of the new standards, as proposed by the Water Board is much too late in the design process. A better approach for cut-off is to use the "deemed complete" point in the project entitlement process... We propose that projects whose application has been "deemed complete" by the City of Lompoc be exempt from the new post construction standards, but would be encouraged to comply with the regulations on a voluntary basis.

Response: Water Board staff understands that, as a small city, Lompoc has relatively few projects that may be potentially affected by the "deemed complete" cut-off point proposed by the commenter. For these projects, and others for which applications are submitted during the first year of SWMP implementation, the City can voluntarily notify applicants that they should consider LID and address hydromodification in designing their projects. (Central Coast Low Impact Development Center assistance may also be available to consult applicants on ways to integrate LID into project design). The City will also continue to impose its existing policy for storm water detention, which Water Board staff recognizes offers some degree of protection from hydromodification.

Water Board staff concludes that, given their number and the current grading and drainage standards to which they would be subject, there is a relatively modest risk of hydromodification from projects that will be deemed complete before the first anniversary of SWMP adoption. We therefore agree with the commenter that the "deemed complete" milestone is an appropriate cut-off point in the entitlement process, after which projects would not be subject to new hydromodification requirements. (See Resolution No. R3-2008-0071 Table of Required Revisions, item 19.)

Comment: Project Phase-In Period Clarification. Although it is not necessarily spelled out in the current plan, it should be clarified that the application of the new post-construction regulations to projects in the entitlement process would begin at the adoption of the City's Interim HMP (proposed at two (2) years...above) and would be applied to all projects that have not been "deemed complete" ... at that time.

Response: New post-construction requirements will be applied as conditions of approval, or through some other enforceable means, to all applicable projects not deemed complete by the first anniversary of the City's enrollment under the General Permit. See Resolution No. R3-2008-0071 Table of Required Revisions, item 16.

Comment: Incorporating assessments from project geotechnical and soils consultants. All sites throughout the Central Coast do not have the same soils/site conditions. Specific site conditions may preclude applying the new standards due to low infiltration capability of soils or the potential for damage to other infrastructure. Applying the standards in those conditions can result in a public safety hazard. We recommend that the city's storm water plan include a communitywide analysis by a geotechnical engineer to determine which areas within the boundary are suitable for infiltration and at what rate. We also suggest that the city's storm water plan emphasize that it will rely on the applicant's geotechnical/soils consultant's

analysis as part of the decision-making in determining when and where infiltration/low impact development BMP's are practical, how much is achievable, and what other best management practices should be used when infiltration is not usable.

Response: Water Board staff expects geotechnical/soils information to continue to inform site design for projects in Lompoc. However, Water Board staff does not expect such information to preclude those sites from using LID BMPs or to exempt them from having to mimic natural hydrology. The Water Board will review the City of Lompoc's hydromodification controls, stormwater treatment BMPs, and applicability criteria (where and when specific numeric criteria are to be met by post-construction BMPs for new and redevelopment) to determine if the City is achieving water quality protection from these pollution sources to the maximum extent practicable. Should the City propose to exempt certain developments from infiltration or LID BMPs, the City would need to demonstrate that alternative or conventional BMPs result in the desired conditions of healthy watersheds, including the conditions of rainfall runoff, groundwater recharge, sediment transport and supply, and riparian and aquatic habitat. To achieve the appropriate balance of environmental and societal goals, the City should consider and select BMPs and applicability criteria from a watershed perspective.

Comment: Normal maintenance of existing infrastructure by public agencies, project developers, and home owners associations be exempted from the new standards... We propose that normal maintenance of existing infrastructure by public agencies, project developers, and home owners associations be exempt from the new standards.

Response: At this time, the Water Board is requiring the City to develop new requirements for hydromodification control for new and redevelopment. Maintenance activities for existing public infrastructure are subject to multiple BMPs to reduce their potential contribution to stormwater pollution (see the Pollution Prevention/Good Housekeeping for Municipal Operations management measure in the SWMP). Through other management measures in the SWMP, private developments and home owners would be subject to education as well as potential enforcement on source control, pollution prevention, and illicit discharges, but would not be subject to hydromodification controls for maintenance activities.

Comment: The "pre-development" definition is critical. How pre-development is defined is critical as the baseline for determining the increase in storm water volumes and rates for new development on a site. Defining pre-development as the original natural condition, regardless of current usage, would make many urban infill, smart growth projects infeasible. The Water Board's approach seems counter productive to the current sustainability and new urbanism planning concepts...We believe pre-development should be defined as the immediate pre-project condition.

Response: Changing the definition of pre-development condition to accommodate a lower standard for post-construction runoff control is a fundamentally flawed basis for regulation and will not protect watershed health. Water Board staff agrees that a site's hydrologic performance should not outweigh other important environmental goals such as infill, redevelopment priorities, and regional growth patterns that can also affect watershed health. Effective implementation balances these goals through well-crafted applicability criteria, which define what types of projects and under what circumstances controls and quantifiable measures apply.

Comment: Economic balance: We urge the Central Coast Regional Water Quality Control Board to allow local governments to use housing affordability, their General Plan goals promoting new urbanism (smart growth), market-place economics, local municipal

economics, and local public acceptance as factors in determining what are the best methods to implement Storm Water Management Plans.

Response: Water Board staff acknowledges that in determining compliance with the General Permit's maximum extent practicable standard, we must take into account a range of issues potentially constraining local governments' choices about land use development. Water Board staff recognizes that cities are influenced by State requirements for affordable housing as well as state mandates and policies affecting, among other things, transportation infrastructure, greenhouse gas emissions, water supply, and public safety. Water Board staff understands these requirements contribute to development patterns. For this reason, Water Board staff has asked local agencies subject to the General Permit to engage in long-term watershed planning, to provide a context for weighing the multiple objectives affecting development patterns. See Resolution No. R3-2008-0071 Table of Required Revisions, item 20.

Comment: Storm water management plans and HMP's should include stakeholder involvement: Each storm water management plan should state that the city or county will involve stakeholders, including the HBA in the development of the community's HMP and criteria.

Response: Water Board staff agrees with this comment and find that to date the City has shown a strong commitment to involving the City Council and the community, in development of the SWMP (see p. 22). The City has already developed a stakeholders mailing list, which is available on the City's website. Requests to be added to the list can be made via email or phone, as noted on the City's website. This list has been compiled using past community events, meetings, and public contacts in relation to the development of the SWMP. Water Board staff agrees more detail would improve BMPs for Public Outreach, but changes are not necessary for the SWMP to be approvable. Alternatively, Water Board staff will review annual reporting on program implementation to insure that the City provides more public outreach detail.

Comment: Countywide Technical Advisory Committee: The RWQCB should encourage and assist the various jurisdictions of each county in the formation of a Technical Advisory Committee to provide advice on the preparation of the HMP's. In some counties, there may already be a format for such collaboration, but in others there may be none. In those cases where there is not a collaboration vehicle, we urge that the RWQCB take the proactive approach of helping organize such a group. The County of San Diego is successfully using such an approach. The technical committee can help provide guidance and share information in various technical specialties. The result should be HMP's that are feasible, practical, and usable, and achieve the intended objectives of the MS4 permit.

Response: Water Board staff agrees that collaboration around the development of hydromodification controls is essential and has in fact encouraged it, from our initial discussion of such controls in the Executive Officer's February 15, 2008 letter, to the present. Additionally, the Water Board has committed substantial resources to establishing the Central Coast Low Impact Development Center, to provide local agencies with the technical assistance needed to develop hydromodification controls. Several local agencies in the Central Coast Region have already assembled into groups, which would be the most appropriate organization to convene such technical advisory committees. Examples include the Monterey Regional group and the San Luis Obispo County Partners for Water Quality. Water Board staff is willing to participate in these technical advisory groups, but limited funding precludes Water Board staff from convening or leading such committees.

#### **Comments from Santa Barbara Channelkeeper**

**Comment:** Unfortunately, Channelkeeper finds that Lompoc's SWMP falls short of meeting the General Permit's requirements in numerous respects. We strongly recommend that the Central Coast Regional Water Quality Control Board (RWQCB) require substantial improvements to Lompoc's SWMP before approving it, along the lines we outline below.

Channelkeeper urges the RWQCB to require the addition of effectiveness assessment BMPs in the SWMP. Additionally, Channelkeeper finds that the SWMP lacks adequate specificity in many of the BMPs it proposes to implement, and that many of the MGs are not in fact measurable and as such will not enable the City, the public nor the RWQCB to evaluate the effectiveness of individual control measures and the SWMP as a whole.

**Response:** Water Board staff agrees. Water Board staff informed the City of the need to improve its effectiveness assessment approach in its August 12, 2008 letter and included the following example language for inclusion in the SWMP:

"The City will develop an effectiveness assessment strategy during the first full implementation year and submit it as an update to the SWMP with the first Annual Report. The effectiveness assessment strategy will be used to conduct effectiveness assessments included in the Annual Reports, starting with the second Annual Report. Overall, the strategy will describe the actions that will be taken to assess the effectiveness of the SWMP in meeting regulatory requirements and improving water quality and beneficial use conditions. The strategy will specifically address: identification of the processes to be used to conduct effectiveness assessments and improve BMP implementation; identification of quantifiable BMP and program effectiveness measurements; establishment of links between BMP implementation and improvement in water quality and beneficial use conditions; and assessment of BMP implementation in terms of regulatory compliance, changing awareness, changing behavior, pollutant load reductions, and runoff and receiving water quality."

While not a requirement in the Resolution, the City has indicated it will revise the SWMP as indicated per the above.

**Comment:** Lompoc's SWMP only identifies sediment, oil and grease, and trash and floatables as pollutants of concern, but there are several other pollutants of concern that are common to all municipalities which Lompoc's SWMP must also address, including bacteria, nutrients, heavy metals, pesticides and herbicides, and petroleum hydrocarbons.

**Response:** Water Board staff agrees. See Resolution No. R3-2008-0071 Table of Required Revisions, item 1.

**Comment:** Interagency Coordination: [City] staff should attend 100% of the quarterly Santa Barbara County intergovernmental committee meetings annually, not just 2/3 or 75% of the meetings.

**Response:** Water Board staff considers the stated goal of two meetings each year of implementation to be appropriate. Water Board staff will monitor the City to insure it adjusts to more frequent meetings as necessary.

**Comment:** Public Involvement and Participation: Channelkeeper notes that the City's SWMP presents very little opportunity for public involvement in stormwater management. We strongly urge that BMPs be added to create a citizen stormwater stakeholder group that meets regularly and to provide opportunities for citizens to participate in regular creek or beach clean-ups or volunteer water quality monitoring efforts. Public Meetings: This BMP is



impermissibly vague. The SWMP must better explain and provide greater detail on how the City intends to provide assistance (and what type of assistance) in interpretation of and compliance with NPDES permit regulations to the public. The City must not only hold public meetings on the SWMP and any associated ordinances, but it must also solicit public comments on the drafts of these documents, provide sufficient time for response, and commit to incorporating the public's comments as appropriate into revised versions of these documents prior to their finalization. The City must also commit to conducting public meetings each year to explain the City's progress in implementing the SWMP and to present and solicit public comment on its draft annual SWMP implementation reports and should incorporate comments it receives from the public into the Annual Reports before submitting them to the RWQCB. Finally, the City must also include MGs on how it intends to announce these public meetings to ensure meaningful participation.

Response: Water Board staff finds that the City's combined effort to implement BMPs 2.3.3, 2.3.4, and 2.3.5 is an appropriate starting place for public involvement in the stormwater program. Water Board staff will evaluate progress and effectiveness during review of each Annual Report.

Comment: Presentations: The City must include a MG on how it plans to advertise the availability of presentations so that local groups will know the opportunity exists and take advantage of it.

Response: Water Board staff finds that the City has shown a strong commitment to involving the City Council and the community in development of the SWMP (see p. 22). The role of presentations as indicated in section 2.3.4 is to provide outreach above and beyond what is achieved through the BMPs for Public Education and Outreach (section 3 of the SWMP). The City's approach to providing presentations as requested by the Chamber of Commerce and other local groups is appropriate.

Comment: Public Education and Outreach:

Distribute Educational Materials to the Public: This BMP lacks adequate detail and quantifiable MGs. For example, the City should add MGs to regularly update its website (i.e. quarterly) with relevant stormwater pollution prevention information, as well as announcements for public meetings and opportunities for public comment on the SWMP, draft ordinances and annual SWMP implementation reports, and to publish newsletters a certain number of times per year to reach a certain number of residents.

Response: Water Board staff agrees more detail would improve BMPs for Public Education and Outreach, but changes are not necessary for the SWMP to be approved. Water Board staff will review annual reporting on program implementation for this level of detail and to insure that the City adequately implements the BMP.

Comment: Storm Water Hotline: This BMP again lacks critical MGs; the City must respond to all calls to the hotline within 24 hours, and develop a database that records the number of calls as well as the time, location and precise nature of illicit discharges reported and the City's actions to investigate and eliminate the discharges. The City should also establish MGs for how it intends to make people aware that the hotline exists.

Response: The City does provide 24-hr availability for its hotline and does record callers' names, time of call, phone number and address, address of concern and issue of concern, and responses taken by the City. The City also commits to recording call information during non-work hours and when appropriate, dispatching staff to determine if a storm water violation is occurring. The City also indicates it will incorporate the hotline number into educational materials through public distribution and has published the number in the local phone book. Water Board staff finds changes unnecessary.

Comment: Educational Programs for School Children: The City needs to provide more detailed information and better MGs for the pollution prevention education program it intends to provide, including what types of materials it will use, what target age groups and demographics it aims to reach, what percentage of the school age population will be reached, and what types of evaluation it aims to utilize to assess the effectiveness of the education program.

Response: Water Board staff agrees that additional detail is needed for this BMP. See Resolution No. R3-2008-0071 Table of Required Revisions, item 2.

Comment: Pollution Prevention Week: The City must include a MG describing how it will advertise Pollution Prevention Week activities to the public to ensure active public participation.

Response: Water Board staff agrees more information about how Pollution Prevention Week activities are advertised could potentially improve implementation of this BMP. Water Board staff will evaluate the BMP during the first Annual Report review and require a more precise MG if necessary.

Comment: Business and Industrial Informational Consultations and Informal Inspections: The City should commit to formulating and implementing a targeted business education and outreach program that includes the distribution of targeted industry-specific brochures coupled with site visits to businesses in high risk sectors (such as automotive and restaurant establishments) where City staff can physically point out specific polluting practices and sources and demonstrate best practices in the actual settings where they are most likely to occur. The City should begin by creating an inventory of all businesses in the City and then prioritizing them (low, medium or high priority) based on whether they are potential sources of pollutants of concern and/or their potential to discharge pollutants to the MS4. The City should then create a schedule for conducting inspections of those that are assigned a high and medium priority. Moreover, these two BMPs as currently drafted provide insufficient information as to how the City aims to advertise the availability of informational consultations and site-specific evaluations (i.e. mailing a letter to all registered businesses in the City), and how the City will ensure that other businesses beyond those that contribute wastewater to the City's Wastewater Reclamation Plant are educated and inspected (i.e. developing a systematic business inventory and inspection schedule and program). Finally, the current MG for the informal inspections – the number of businesses and industries inspected versus the number inspected for potential stormwater contamination – makes no sense and needs to be clarified or improved.

Response: Water Board staff agrees with the commenter. See Resolution No. R3-2008-0071 Table of Required Revisions, item 8 and 9.

Comment: Illicit Discharge Detection and Elimination: The purpose of this Minimum Control Measure (MCM) as described on page 34 does not quite align with the General Permit's requirements, and we recommend that it be replaced with the General Permit language...

Response: Water Board staff agrees that the purpose should be clarified per permit requirements and will look for this change in the first Annual Report on the City's SWMP. However, because the SWMP, and Water Board staff's required revisions, do address the permit requirements, Water Board staff is not recommending any changes as a condition of SWMP approval.

Comment: Exempt Non-Stormwater Discharges: The City needs to include BMPs and associated MGs describing how it intends to evaluate these non-stormwater discharges to

determine whether or not they contribute a significant source of pollutants or pose a threat to water quality standards. It is unclear that visual inspections will enable the City to make this determination; it is likely that the City will need to conduct water quality sampling on which to base its evaluation.

Response: Water Board staff agrees that the City did not provide adequate detail for evaluating non-storm water discharges. See Resolution No. R3-2008-0071 Table of Required Revisions, item 5.

Comment: Stormwater Ordinance: The ordinance must include appropriate enforcement procedures and actions.

Response: Water Board staff will review draft ordinance language, when available, for appropriate detail on enforcement procedures and actions.

Comment: Stormwater Hotline: Again, the City must include MGs outlining how it will advertise the hotline to the public; committing to respond to all calls within 24 hours; creating and maintaining a database of the number of calls, the location and precise nature of illicit discharges reported and the City's actions to investigate and eliminate the discharges; and evaluating the database to help target its illicit discharge detection and elimination (IDDE) program.

Response: The City does provide 24-hr availability for its hotline and does record callers' names, time of call, phone number and address, address of concern and issue of concern, and responses taken by the City. The City also commits to recording call information during non-work hours and when appropriate, dispatching staff to determine if a storm water violation is occurring. The hotline will serve its purpose and Water Board staff finds changes unnecessary.

Comment: Evaluate Surface Components of Storm Drain System for Illicit Discharge and Connection: City surveys should begin in Year 1 rather than waiting until Year 3 of the permit term, and the City should create a systematic plan for these surveys such that they focus first on priority areas or areas where there have been past pollution problems or particular sources that have a likelihood of contributing pollutants to the MS4. Again, a database similar to the one described under the stormwater hotline BMP should be developed and utilized to target future inspection efforts.

Response: Water Board staff agrees that the City should begin inspections sooner than year 3. See Resolution No. R3-2008-0071 Table of Required Revisions, item 7.

Comment: Provide Information to the Public Regarding Illicit Stormwater Discharges: This BMP needs clear MGs to describe how this information will be distributed and to ensure that 100% of businesses and public employees and a large percentage of the public is reached with this information.

Response: Water Board staff agrees that the City should clarify the BMP as indicated by commenter. See Resolution No. R3-2008-0071 Table of Required Revisions, item 8.

Comment: Municipal Operations Control Program

The purpose of this MCM as described on page 42 again does not align with the General Permit's requirements; we recommend that it be replaced with the General Permit language...

Response: Water Board staff agrees that the purpose should be clarified per permit requirements and will look for this change in the first Annual Report on the City's SWMP. However, because the City's BMPs do address the permit requirements, Water Board staff is not proposing any changes as a condition of SWMP approval.

Comment: Channelkeeper is concerned that the City does not consider the City's wastewater treatment plant, airport, landfill and corporate yard to be covered under the SWMP since they have their own separate industrial stormwater permits. It is not sufficient to say that any requirements of the MS4 permit that differ from the Industrial Permit will be "identified and addressed" in the individual facilities' Storm Water Pollution Prevention Plans pursuant to the Industrial Permit. All municipal facilities, including those covered under the Industrial Stormwater Permit, must comply with the City's SWMP (see City of Santa Barbara's SWMP, which includes separate sections on the Santa Barbara Airport and Waterfront).

Response: Water Board staff agrees that the City must address all permitted industrial facilities that the city owns in its SWMP. See Resolution No. R3-2008-0071 Table of Required Revisions, items 13.

Comment: Channelkeeper also recommends that the City conduct an audit of all municipal facilities to assess their operations and potential sources of pollution to the MS4, and require those facilities with a greater potential to create or release pollutants to develop and implement site-specific written water quality protocols. These facilities should then [be] inspected annually and required to report on their progress in meeting the objectives of their protocols, including BMPs implemented and their effectiveness.

Response: Water Board staff agrees that the City must survey all municipal facilities and develop appropriate pollution prevention plans for them if needed. See Resolution No. R3-2008-0071 Table of Required Revisions, item 13.

Comment: Street Sweeping and Storm Drain Cleaning: The MGs for these BMPs should track the amount and type of material collected through street sweeping and storm drain cleaning.

Response: Water Board staff agrees with the commenter. See Resolution No. R3-2008-0071 Table of Required Revisions, item 12.

Comment: Citywide BMPs: The City states that it has developed "sample" BMPs to prevent stormwater pollution in City operations, but if these are just sample BMPs, how will municipal staff know which they must comply with and which are just examples?

Response: Water Board staff agrees that this is confusing and encourages the City to modify the wording to clarify the reference to City-wide BMPs that have been in place for several years, but is not recommending any changes to the SWMP. Water Board staff will evaluate implementation of these BMPs based on annual reporting and whether they achieve the stated MG.

Comment: This section (on page 42) also states that the BMPs will be tested for effectiveness, yet no detail or MGs are provided for how this will be done and how the results of such testing will be used. The effectiveness assessment for this BMP as articulated in Table 5 (the percentage of departments that obtained stormwater educational information) is inappropriate; a more instructive indicator would be the number and type of BMPs implemented and their effectiveness in reducing pollutant runoff from their operations into the MS4.

Response: Water Board staff agrees that the MG and effectiveness measurement for the BMP "to maintain compliance with City-wide BMPs" are inappropriate. Water Board staff encourages the City to improve this BMP/MG and identify more appropriate effectiveness measurements, but is not recommending any changes as a condition of SWMP approval.

Water Board staff will review the first Annual Report to ensure that the City is making improvements to this and other MGs and effectiveness measurements.

Comment: Training: Trainees should be tested in order to evaluate the efficacy of the training. The City should include a MG to ensure that 100% of municipal staff attend the training each year.

Response: Water Board staff finds that it would not be efficient for 100% of municipal staff to be required to attend storm water training. There are several categories of workers whose positions will not require storm water knowledge (e.g., certain office workers and library aides). The City is committed to providing training in preventing storm water pollution to 100% of those staff whose jobs relate to either development, such as engineers and planners, and those staff who spend time outside within the community, including parks and urban forestry workers, streets workers, solid waste workers, electric, water and wastewater staff, enforcement staff, garage and transit workers, and airport workers. Water Board staff agrees with the commenter that the efficacy of training should be determined. Water Board staff expects to see in the City's Annual Report evidence that they have developed and implemented an appropriate measure of the effectiveness of the training program.

Comment: Finally, the City lacks a BMP to ensure that its contracts with outside service providers whose work for the City may impact water quality explicitly require implementation of pollution prevention BMPs and compliance with the SWMP. This BMP should be added, as should associated MGs to evaluate contractor compliance with these requirements, take enforcement action where necessary, and achieve 100% compliance by contractors.

Response: The City operates its own solid waste collection service, street sweeping, bulk and household recycling and green-waste collection services, landfill, electric utility, wastewater system and reclamation plant, airport, transit system, water utility, water treatment plant, corporate yard and parks and recreational facilities. The City provides urban forestry services with an urban forestry crew. This ensures the City has direct control over operations within its boundaries, without having to coordinate with outside companies or agencies to manage City operations. Water Board staff agrees with the commenter that, to the extent the City contracts with outside service providers, these contracts should require the service providers to comply with all City codes and policies relating to storm water pollution prevention. Water Board staff will review the City's Annual Report for information regarding existing contract requirements. However, Water Board staff is not recommending this information as a condition of this SWMP approval.

Comment: Construction Site Runoff Control

The purpose of this MCM as described on page 46 does not align with the General Permit's requirements, and Channelkeeper recommends that it be replaced with the General Permit language...

Response: Water Board staff agrees that the purpose should be clarified per permit requirements and will look for this change in the first Annual Report on the City's SWMP. However, because the City's BMPs do address the permit requirements, Water Board staff is not proposing this change as a condition of SWMP approval.

Comment: Grading Ordinance: The General Permit mandates that the City develop and enforce an ordinance or other regulatory mechanism to require erosion and sediment controls, as well as sanctions or other effective mechanisms to ensure compliance. From the perfunctory description provided it does not appear that Lompoc's proposed Grading Ordinance will contain the necessary requirements to control erosion and sediment control

and other construction-related waste nor to develop and follow specific procedures for site plan review and site inspections.

Response: Water Board staff will review the City's draft ordinance language, when available, to ensure that it includes requirements to control erosion and sediment control and other construction-related waste, and that it describes specific procedures for site plan review and site inspections.

Comment: Construction Site Inspections: Channelkeeper strongly recommends that the City commit to developing and implementing a comprehensive construction site tracking database that records basic site information, including the precise location, owner, contractor, size in acres, proximity to natural and man-made hydrologic features, project start and anticipated completion dates, required inspection frequency and items to be inspected at each inspection, and results of all inspections. The tracking system should also document complaints or reports submitted by the public, all violations and associated enforcement actions taken, and any follow-up inspections to ensure correction. In addition, a BMP and associated MGs must be added to ensure that construction site inspectors receive adequate training every year in proper installation and maintenance of erosion and sediment controls and measures to control other construction-related waste, the Municipal and Construction General Permit requirements, and the grading ordinance inspection and enforcement provisions.

Response: Water Board staff agrees that the City should improve its construction site inspection and tracking program. See Resolution No. R3-2008-0071 Table of Required Revisions, item 14.

Comment: Public Complaints: The City must articulate how it intends to inform the public about construction site requirements and the availability of a hotline to report complaints about water quality impacts from construction sites.

Response: The public has many opportunities to inquire about construction site requirements. Conditions of approval are available for public review for any project and mitigation measures are posted on the City's website. Staff is available to discuss the conditions of approval if there are questions. And the City's storm water hotline, in use for approximately ten years, is available for persons who wish to relate concerns during non-working hours. Generally, concerns of the public regarding construction and construction sites are filed in person or on the phone during working hours and are investigated by the City's site inspector within 24 hours.

Comment: New Development/Redevelopment Control Program

Once again, the section outlining the purpose of this MCM is inaccurate and should be aligned with those spelled out in the General Permit...

Response: Water Board staff agrees that the purpose should be clarified per permit requirements and will look for this change in the first Annual Report on the City's SWMP. However, because the City's BMPs, and Water Board staff's required revisions, do address the permit requirements, Water Board staff is not proposing a change as a condition of SWMP approval.

Comment: Unfortunately, Lompoc's SWMP fails to satisfy several of these requirements as well as many of those outlined in the RWQCB's February 15, 2008 Notification to Traditional Small MS4s for Enrolling under the State's General Permit, including a program to address stormwater runoff from new development and redevelopment that ensures controls are in place to prevent water quality impacts;

Response: Water Board staff included Resolution No. R3-2008-0071, Table of Required Revisions, item 16 to ensure that the City has adequate development review and permitting procedures in place to implement hydromodification controls. Additionally, SWMP BMPs 7.4.1 – 7.4.7 require that new and redevelopment projects implement and maintain post-construction runoff controls.

Comment: ...an ordinance or other regulatory mechanism requiring the implementation of post-construction runoff controls;

Response: BMP 7.4.1 commits the City to incorporating post-construction BMPs in the proposed storm water ordinance (BMP 4.3.1).

Comment: ...means of ensuring adequate long-term operation and maintenance of BMPs;

Response: See response preceding last Comment and Response.

Comment: ...a schedule for development and adoption of control standards for hydromodification;

Response: Water Board staff included Resolution No. R3-2008-0071, Table of Required Revisions, items 17 and 18, to ensure that the City develops hydromodification controls.

Comment: ...and a strategy to develop watershed-based hydromodification management plans to provide long-term watershed protection.

Response: Water Board staff included Resolution No. R3-2008-0071, Table of Required Revisions, items 18 and 20, to ensure that the City has adequate long-term watershed protection.

Comment: BMPs and associated MGs must be added to Lompoc's SWMP to satisfy these requirements. The post-construction requirements cursorily described on page 53 do not provide sufficient information to assure that new development and redevelopment projects will be appropriately reviewed and conditioned to ensure they do not impair water quality. It is vitally important that the City specify BMPs and control measures that development projects must implement to protect water quality in the early stages of design. As such, Channelkeeper recommends that BMPs and MGs be added to develop and apply CEQA guidelines for water quality, standard conditions of project approval, and interpretive guidelines or policy guidance to help planners and developers understand and apply those conditions appropriately.

Response: Water Board staff agrees. See previous five Comments and Responses.

Comment: A BMP should also be added assuring that planners receive thorough annual training in the SWMP's construction and post-construction requirements and the necessary and appropriate conditions to be applied to projects that have the potential to impact water quality.

Response: BMP 5.3.4 commits the City to providing annual training on LID and hydromodification to planners as well as other department staff.

Comment: In addition, the SWMP must make it clear that final BMPs must be selected, sized and sited before CEQA review can be completed. Also necessary is the utilization of a standard condition of approval to ensure water quality protection after construction and details as to how this is applied and verified, including a BMP to conduct or require by contract regular post-construction stormwater control inspections to ensure proper long-term operation and maintenance of BMPs.

**Response:** Water Board staff included Resolution No. R3-2008-0071, Table of Required Revisions, items 16 and 19, to ensure that the City has adequate development review and permitting procedures in place to implement hydromodification and other post-construction controls. Additionally, SWMP BMPs 7.4.1 – 7.4.7 require that new and redevelopment projects implement and maintain post-construction runoff controls.

**Comment:** New Development and Redevelopment Hydromodification Requirements: The Effective Impervious Area standard limit of 25% far exceeds the 5% required by the RWQCB in its February 15, 2008 Notification letter and must be revised accordingly. The City's SWMP also inappropriately omits the RWQCB's new requirement for projects that disturb more than two acres to preserve the pre-construction drainage density for all drainage areas serving a first order stream or larger, and to ensure that post-project time of concentration is equal or greater than pre-project time of concentration.

**Response:** Water Board staff is not requiring the City to adopt the exact criteria presented in the Executive Officer's February 15 and July 10, 2008 letters as a condition of SWMP approval. Water Board staff has included in Resolution No. R3-2008-0071, requirements for the City to develop interim hydromodification criteria (see Table of Required Revisions, items 16 and 17) that are appropriate to the City, but are equivalent in protection to the criteria described in the Executive Officer's letters. As stated in item 17 of the Table of Required Revisions, Water Board staff will review the City's criteria relative to the interim criteria in the Executive Officer's letters.

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