



Linda S. Adams  
Agency Secretary

# California Regional Water Quality Control Board

## Central Coast Region



Arnold Schwarzenegger  
Governor

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

November 5, 2008

Mr. Cameron Benson  
Creeks Restoration/Clean Water Manager  
City of Santa Barbara  
PO Box 1990  
Santa Barbara, CA 93102-1990

Dear Mr. Benson:

### **NOTICE OF ENROLLMENT – NPDES SMALL MUNICIPAL SEPARATE STORM SEWER SYSTEMS GENERAL PERMIT; CITY OF SANTA BARBARA, SANTA BARBARA COUNTY, WDID # 3 42MS03023**

The Central Coast Regional Water Quality Control Board (Water Board) received a Notice of Intent, Storm Water Management Plan (SWMP), map, and fee for the City of Santa Barbara's (City's) Municipal Separate Storm Sewer System (MS4). These items are required to enroll in the National Pollutant Discharge Elimination System General Permit for the Discharge of Storm Water from Small Municipal Separate Storm Sewer Systems, Order No. 2003-0005-DWQ (General Permit).

Water Board staff reviewed the City's SWMP and found it, combined with a number of specific revisions described in Attachment 1, to be in compliance with the General Permit and meets the maximum extent practicable (MEP) standard established in the General Permit. The City's SWMP was available to the public for a 60-day comment period, and we received comments from stakeholders. The comments are contained in Attachment 2. Water Board staff responses to these comments are contained in Attachment 3.

The public did not request a hearing for the Water Board to consider approval of the SWMP and enrollment of the City under the General Permit. The General Permit states that if no hearing is requested, the Regional Water Board Executive Officer will notify the regulated MS4 that it has obtained permit coverage only after Water Board staff has reviewed the SWMP and has determined that the SWMP meets the MEP standard established in the General Permit.

I am hereby approving the City's SWMP with the following condition:  
Pursuant to Water Code Section 13383, the City of Santa Barbara is required to amend the SWMP no later than **January 5, 2009**, to include all the changes shown in the "Final

*California Environmental Protection Agency*



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Table of Required Changes," Attachment 1 to this letter. Per Water Code Section 13385, failure to make these revisions may subject the City of Santa Barbara to Administrative Civil Liability for up to \$10,000 for each day of violation. The City of Santa Barbara must provide a copy of the revised SWMP to the Water Board no later than **January 5, 2009**.

As of November 5, 2008, discharges from the City's MS4 are authorized by the General Permit. The City is required to implement the SWMP and comply with the General Permit. The City's first annual reporting period ends December 31, 2009. The City's first annual report is due to the Water Board on April 1, 2010 (90 days after the reporting period).

Thank you for your cooperation and efforts to get the City of Santa Barbara enrolled under the General Permit. If you have questions regarding this matter, please contact **Brandon Sanderson at (805) 549-3868**, or [bsanderson@waterboards.ca.gov](mailto:bsanderson@waterboards.ca.gov), or Matt Thompson at (805) 549-3159 or [mthompson@waterboards.ca.gov](mailto:mthompson@waterboards.ca.gov).

Sincerely,



Roger W. Briggs  
Executive Officer

cc: (by electronic mail)  
Autumn Malanca, City of Santa Barbara  
Kira Redmond, Santa Barbara Channelkeeper  
Hilary Hauser, Heal the Ocean

Attachment 1: Final Table of Required Revisions  
Attachment 2: Comment Letters Received during 60-day Public Comment Period  
Attachment 3: Response to Comments

**FINAL TABLE of REQUIRED REVISIONS**  
**Santa Barbara SWMP November 2008 – December 2013**

Acronyms:

- BMP - Best Management Practice
- IDDE - Illicit Discharge Detection and Elimination
- MG - Measurable Goal
- SWMP - Storm Water Management Plan
- SWPPP - Storm Water Pollution Prevention Plan
- POCs - Pollutants of Concern

\* Denotes addition of Required Revision since last review

Item Number	SWMP Section	Subject	Problem	Required Revisions
1*	All	Effectiveness Assessment	<p>The City's BMPs and/or MGs do not always have adequate measures of effectiveness to assess the appropriateness and effectiveness of individual BMPs and the SWMP as a whole. Effectiveness assessment discussions in the SWMP are often excluded or do not provide appropriate detail to be evaluated effectively.</p> <p>The City MGs often do not provide adequate measures of success in the implementation of associated BMPs.</p>	<p>The City must adequately address effectiveness assessment in its SWMP by including the following components to establish measurements of effectiveness. This includes the development of MGs with interim milestones and implementation frequency where appropriate.</p> <ol style="list-style-type: none"> <li>1. Assessment of program effectiveness in terms of achieving permit requirements and MGs.</li> <li>2. Assessment of program effectiveness in terms of protecting and restoring water quality and beneficial uses.</li> <li>3. Identification of quantifiable effectiveness measurements for each BMP, including measurements that link BMP</li> </ol>

Item Number	SWMP Section	Subject	Problem	Required Revisions
				<p>implementation with improvement of water quality and beneficial use conditions.</p> <ol style="list-style-type: none"> <li>4. Emphasis on assessment of BMPs specifically targeting primary POCs.</li> <li>5. Incorporation of the effectiveness assessment process outlined in CASQA's <i>Municipal Stormwater Program Effectiveness Assessment Guide</i> (<a href="http://www.casqa.org">www.casqa.org</a>).</li> <li>6. Identification of a range of quantifiable effectiveness measurements that collectively address outcome levels 1-4, as defined in the <i>Municipal Stormwater Program Effectiveness Assessment Guide</i>, to be used during annual effectiveness assessments.</li> <li>7. Identification of quantifiable effectiveness measurements that address outcome levels 5 and 6, as defined in the <i>Municipal Stormwater Program Effectiveness Assessment Guide</i>, to be used during long-term effectiveness assessments (e.g., every three to five years).</li> </ol>

Item Number	SWMP Section	Subject	Problem	Required Revisions
				8. Identification of the steps that will be taken to revise the SWMP and optimize BMP effectiveness, when effectiveness assessments identify BMPs or programs that are ineffective or can be improved.
2	All	Implementation Of Existing Programs and BMPs	Many of the City's existing programs and activities outlined in the narrative sections of the SWMP (e.g., business inspections) are not listed as BMPs. These programs should be included as BMPs within appropriate sections of the SWMP including BMP tables.	Include existing programs as BMPs in SWMP text and BMP tables with appropriate MGs and effectiveness assessments.
3	4.1.1	BMP Selection Community-Based Social Marketing	The Public Education and Outreach BMPs rely heavily on information campaigns that utilize education and advertising to encourage behavior change. While these efforts can be effective in creating public awareness and in changing attitudes, numerous studies show that behavior change rarely occurs as a result of simply providing information.	Include a BMP that commits to assessing community-based social marketing strategies, and incorporating them into your program where appropriate.
4*	4.1.1 (Table 4.1)	Informational Brochures - Clean Water Business Outreach	BMP 1.1c lacks detail on which business groups will be targeted each year.	Revise BMP 1.1c (Table 4.1) to identify which business groups the City intends to target in each of Years 1-5.
5*	4.1.1 (Table 4.1)	Educational Programs for School Children	Table 4.1 does not contain MGs as discussed in the narrative section of the SWMP (pg. 21) to conduct teacher surveys and revise the program accordingly. Include MGs to determine program	Add MGs to BMP 1.3 (Table 4.1) stating the City will conduct teacher surveys to evaluate programs annually and will revise

Item Number	SWMP Section	Subject	Problem	Required Revisions
			effectiveness.	the program accordingly.
6*	4.1.1 (Table 4.1)	Website	MGs do not include numeric targets to determine program effectiveness.	Revise BMP 1.9 (Table 4.1) to include a numeric target for the number of visitors based on annual evaluations.
7*	4.1.1 (Table 4.1)	Clean Water Business Program	BMP lacks MGs to determine program effectiveness and to ensure that the certified businesses continue to meet the certification criteria.	Include a MG for BMP 1.8 (Table 4.1) that includes biannual inspections for certified businesses.
8*	4.3.1.1 (Table 4.3)	Storm Sewer System Map	The storm sewer system map included in Appendix B does not identify drainage pipes, inlets, outfalls and other drainage structures as suggested on page 39.	Include a copy in the SWMP of the most recent storm sewer system map showing identified drainage pipes, inlets, outfalls and other drainage structures. Revise Table 4.3 to include a BMP for the storm sewer system map with appropriate MG to update periodically.
9	4.3.1.4	Improper Statement	<p>The SWMP states, "It is important to note that "illicit" does not mean "illegal." Not every illicit discharge is necessarily a prohibited illegal discharge. The following list identifies some of the most common sources of illicit Discharges in the City:"</p> <p>This statement may be misinterpreted. Many of the illicit discharge sources listed are indeed prohibited and therefore illegal (e.g., mobile cleaner wastewater, and improper paint &amp; oil disposal).</p>	<p>Please edit the statement appropriately so that it is not misinterpreted.</p> <p>The following are recognized as illegal illicit discharges and should be removed from the list: mobile cleaner wastewater, outdoor restaurant washing, improper oil &amp; paint disposal, radiator flushing disposal, laundry wastewater, improper disposal of auto &amp; household toxics, non-stormwater</p>

Item Number	SWMP Section	Subject	Problem	Required Revisions
				runoff from construction sites, and homeless encampment waste.
10	4.3.1.4	Hazardous Waste Cleanup	Lacks appropriate BMPs to effectively prohibit illicit discharges.	Include BMPs to ensure spill response measures and updated staff training to address discharges to the MS4.
11*	Table 4.3 BMP 3.2c	Storm Water Ordinance Authority	The City does not ensure that it will enforce the ordinance against illicit discharges once adopted.  The SWMP also does not provide appropriate MGs to achieve compliance with stormwater ordinance.	Revise BMP 3.2c MG to state, "implement and enforce new ordinance."  Include MGs to pursue appropriate enforcement for 100% of identified illicit discharges and to achieve 100% resolution and/or abatement of illicit discharges.
12*	4.3.1.4 (Table 4.3)	Field Investigation and Abatement	Table 4.3 lacks a BMP and MGs for the City's field investigation and abatement efforts as stated in SWMP text on page 43.	Revise Table 4.3 to include a BMP and MGs that reflect field investigation and abatement efforts as stated in SWMP text.
13	Table 4.3 BMP 3.4	Water Distribution System	The Order No. for General Low Threat Discharge Permit is outdated.	Update Order No. 01-119 to Order No. R3-2006-0063 on page 48 and in Table 4.3.
14*	Table 4.3 BMP 3.9	Parking Lot BMP Application and Maintenance	The BMP lacks the assurance that appropriate parking lot BMPs identified will be applied and maintained.	Revise BMP 3.9 to include MGs that will ensure appropriate parking lot BMPs will be applied along with routine monitoring to ensure they are maintained.
15*	4.3.1.7	Illegal Discharge	Table 4.3 lacks a BMP and MGs for the City's	Revise Table 4.3 to include a

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	Table 4.3	Training and Public Outreach	illegal discharge training and public outreach efforts as stated in SWMP text on page 51-53.	BMP and appropriate MGs that reflect illegal discharge training and public outreach efforts as stated in the SWMP text.
16	4.3.3 & 4.3.4	Effectiveness Measurement	Many of the MGs do not provide for effectiveness measurement of the IDDE program and BMPs as required in the annual report.	See above general statement on Effectiveness Measurement in Item 1. The SWMP must provide effectiveness assessment. For example, the City could provide response cards to complainants that provide them with resolution to complaint, direct call number for continued discharge, and program evaluation survey. This can be used as effectiveness measurement for many of the BMPs in the IDDE program. The City must also provide periodic reviews of program implementation such as BMPs 3.2c, 3.3, 3.7, & 3.11.
17	4.4.1	Clarification	Statements throughout this section are inconsistent. Statements must be made clear to include both erosion and sediment controls. For example, section 4.4.1.2 states, " <u>Sediment</u> control BMPs and other good housekeeping practices..." and section 4.4.1.5 "Inspection and Enforcement of <u>Erosion</u> Control BMPs", " <u>Construction</u> measures to be onsite..." (Underlines added for clarification).	Edit sections accordingly to include both erosion and sediment control language and for consistency.
18*	4.4.1	Erosion/Sediment	The SWMP presents conflicting information	Revise inconsistencies between

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		Control Policy	provided on the criteria for projects that are subject to standard and detailed erosion control measures between SWMP text and Appendix F.	SWMP text and Appendix F clarifying when erosion control measures are required and how large projects must be.
19	4.4.1.5	Inspection Checklist	This section does not clearly state if an inspection checklist has been developed to assist inspectors on identifying correct implementation and maintenance of water quality control measures (including erosion, sediment, and non-storm water controls).	Include a BMP or MG that provides for the development of an inspection checklist. If already developed please add to BMPs and provide copy of checklist as an attachment to the SWMP.
20*	4.4.1 (Table 4.4)	Construction Storm Water Ordinance	The City does not clearly articulate the development of a stormwater ordinance that contains the regulatory authority and compliance assurance mechanisms to reduce pollutants to the MEP.	Revise either BMP 4.1 or BMP 4.2 to include MGs for the development of regulatory authority and compliance assurance mechanisms and include an appropriate development time table.
21*	4.4.1 (Table 4.4)	Inspection and Enforcement of Erosion Control BMPs	The City does not appropriately prioritize inspection of construction sites based on type of erosion control plans.	Revise BMP 4.4 to include higher priority for inspections of construction sites with detailed erosion control plans. Include MGs stating the number of inspections per site and type (standard vs. detailed) and when inspection will be conducted.
22	BMPs 4.3 and 4.5	Inspection Tracking And Enforcement	Water Board staff requires that developer and contractor firms be tracked throughout City construction projects to ensure compliance with water quality regulations regardless of individual construction site activities. Non-compliance	Include BMPs or MGs to track and enforce against individual development and/or contractor firms that are identified as repeat offenders.

Item Number	SWMP Section	Subject	Problem	Required Revisions
			identification must be followed-up with inspections and elevated enforcement for construction sites with same development and/or contractor firms.	
23	4.5.1.1	Riparian And Wetland Setbacks	Many of the Land Use Policies provide 25-foot minimum setbacks for protection of creeks from storm water pollutants.	As stated in our February 15 letter, the City must commit to protecting all riparian areas, wetlands, and their buffer zones by establishing a minimum of 30-foot setbacks for riparian areas and wetlands. The City must establish more substantial setbacks where necessary, based on habitat degradation, water quality, and land management practices. Include a BMP that establishes and maintains a minimum of 30-foot buffers for all riparian areas, wetlands, and their buffer zones or update existing programs and policies to reflect this requirement.
24*	4.5.1.4	State Required Minimum Design Standards (Attachment 4)	The City's application of peak storm water runoff discharge rates for discretionary projects of one acre or greater is inconsistent with General Permit Attachment 4 requirements.	Add a BMP, or modify existing BMPs, to ensure consistency with Attachment 4 of the General Permit regarding applicability of design standards and maintaining post-development peak storm water discharge rates at pre-development rates.
25*	4.5.1.6	Long Term	The City's wording for the application of long-	Amend the application of long-

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		Operation and Maintenance Verification of BMPs	term operation and maintenance verification for discretionary projects of one acre or greater is inconsistent with General Permit Attachment 4 requirements.	term operation and maintenance verification for discretionary projects for all projects of the specified category.
26*	Table 4.5 BMP 5.3	Enforcement	The SWMP is inconsistent in stating that enforcement actions will take place on projects greater than 1 acre that fall under the Attachment 4 project categories.	Revise BMP 5.3 to include enforcement action on all projects that fall under the Attachment 4 project categories. Include a MG to pursue 100% compliance with all enforcement cases.
27	4.5.1	Long-Term Watershed Protection	The City must commit to providing long-term watershed protection. The city has provided examples of its efforts of watershed protection through land use policies, plans, ordinances, guidance manuals, and BMPs. However, the City must provide more detail and evidence that these will achieve desired watershed conditions.	The City must include a BMP stating how and when the City will 1) develop quantifiable measures that indicate how the City's watershed protection efforts achieve desired watershed conditions, 2) evaluate the existing watershed protection efforts (the referenced land use policies, plans, ordinances, guidance manuals, and BMPs), and 3) adapt or change the existing efforts if warranted.
28	4.6	Portable Toilets	Human waste is a major pollutant source for bacteria in many of the creeks within the City. There are no measurements provided to determine if portable toilets are providing significant reduction in creek waste from human use.	The SWMP must provide BMPs and/or MGs that are able to determine or track the use of portable toilets and that can show the effectiveness of toilets significantly reducing creek waste from human use.

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29	Table 4.6 BMP 6.19	Measurable Goal & Effectiveness Measurement	The BMP description identifies annual inspections of municipal operation facilities. However, the MG does not state how many facilities will be inspected annually. The SWMP must state approximately how many inspections will be performed annually to evaluate if the MG has been met.	Revise MGs for this BMP to include the development of an inspection schedule and estimation of how many facilities will be inspected annually.
30*	Table 4.6 BMP 6.20	Contracted Services	BMP lacks commitment to ensure all contracted services implement proper pollution prevention BMPs and compliance with General Permit requirements.	Include a MG that commits the City to amend contracts requiring implementation of pollution prevention BMPs and compliance with General Permit requirements. Include MGs to take enforcement action where necessary, to achieve 100% compliance by City contractors, and to report on compliance in annual SWMP implementation reports.
31	4.6	Waterfront & Airport SWMP Operations	There is no commitment by the City to ensure that Waterfront and Airport program operations are in compliance with their individual SWMPs and that programs are consistent with the City's blanket SWMP.	The City must commit to inspecting and evaluating these individual programs annually. Provide a BMP or MG in the SWMP that ensures that inspections will be conducted annually.
32	5.3.3	Waterfront IDDE	a) The SWMP lacks detail for IDDE implementation. The SWMP does not state how discharge violations will be tracked to determine repeat offenders and subsequent elevated enforcement.	a) Include tracking mechanism for violations.  b) The SWMP must say, "...fines

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			b) The Waterfront must effectively prohibit illicit discharges. The SWMP states, "...fines <u>can</u> be imposed..." The SWMP must say "...fines <u>will be imposed</u> for repeat offenders."	<u>will be imposed</u> for repeat offenders."
33*	5.3.3.2	Waterfront IDDE Spill and Complaint Response	Program lacks detailed information on how the public can file a complaint and how the Waterfront Department will respond to those complaints.	Include additional BMPs that address complaint procedures and Waterfront Dept. response. Include language in the SWMP that states the Waterfront Dept. will post spill complaint information in general public areas such as the wharf, harbor and parking lots. Include a complaint telephone number on all outreach materials.
34*	5.3.5	Post-Construction Storm water Management	Program lacks the General Permit requirement to ensure long-term operation and maintenance of structural BMPs.	Include a BMP that commits the Waterfront Department (or include appropriate agreement with public works) to ensure long-term operation and maintenance of structural BMPs
35*	5.3.6	Pollution Prevention/Good Housekeeping for Municipal Operations	The Waterfornt Department fails to include boaters within its BMPs to ensure adherence to spill and cleanup procedures.	Amend BMPs to include boater and tenant pollution prevention responsibilities as part of outreach materials.
36*	5.3.3 & 5.3.6	IDDE Measurable Goals & Non-Stormwater Discharges	Goal 1 – States that the WFD proposes to submit an application for "Low Threat Permit" for the washing of WFD vehicles in the maintenance yard. This is also identified in the section	The SWMP and SWPPP must be revised to include BMPs to eliminate the discharge of vehicle washwater into the storm sewer

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			<p>discussing non-stormwater discharges in section 5.3.6. Discharges of pollutants to surface waters from vehicle washing are prohibited in both the Industrial and Municipal General Permits and must be eliminated.</p>	<p>system and/or surface water bodies.</p>
37	5.3.6	<p>Non-stormwater Discharges &amp; Waterfront SWPPP General BMPs</p>	<p>The SWMP states that the Waterfront Department's (WFD) SWPPP <u>encourages</u> the use of EPA-approved biodegradable soaps and disinfectants for boat washing. While the activity of washing boats with freshwater is acceptable, discharges from washwater, containing soaps and disinfectants, are considered unauthorized non-storm water discharges and are prohibited by the industrial and municipal general permits. The use of non-biodegradable soaps and disinfectants must be eliminated and regulated appropriately.</p>	<p>Revise the SWMP and SWPPP to contain correct language prohibiting the use of non-biodegradable soaps and disinfectants in washwater. BMPs must be developed in the SWMP and SWPPP to eliminate washwater containing non-biodegradable soaps and disinfectants (i. e. add language in the Business Activity Permit (BAP) that prohibits and regulates the use of non-biodegradable soaps and disinfectants. Include prohibition in boat slip lease terms). The prohibition against non-biodegradable soaps and disinfectants must be included on posted signs and in outreach materials. This prohibition must be included in the SBMC and all other discharge ordinances and must be enforced similarly to that of other non-stormwater discharges identified by the WFD (e.g., bilge, boat maintenance discharges, etc.).</p>

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38	6.3.1.2	Airport Outreach And Education	<p>a) No detail is provided on what specific type of educational materials will be distributed to tenants.</p> <p>b) The airport must also be able to evaluate the effectiveness of its programs in the annual report. Educational campaign must provide quantifiable targets of its audience to be reached in its MGs.</p>	<p>a) Include description of educational materials. Educational materials must be targeted to tenant activities and pollutants of concern for the airport area, including Goleta Slough.</p> <p>b) Provide percentage or other appropriate measure of target audience to be reached annually.</p>
39*	6.3.3	SWMP Revision	<p>Referenced SWPPP is currently being revised by Airport. SWMP statements are invalid and need updating. The Airport's section of the SWMP lacks commitment to report annually as part of the City's SWMP annual report on specific BMPs outlined in its section of the SWMP.</p>	<p>The SWMP must provide the proposed schedule for revision and finalization of the SWPPP, and must state the SWMP will be revised within 60 days following completion of the SWPPP. The revised SWMP must consider and address previous comments made by stakeholder groups.</p> <p>The Airport must report annually on their SWMP responsibilities (including appropriateness and effectiveness of BMPs, status of achievement of MGs, results of information collected and analyzed, including monitoring data, and a summary of stormwater activities it plans to undertake in the coming year) as part of the City's annual report,</p>

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				not only through their SWPPP reports.
40	6.3.3	Tenant Lease Agreements	Section lacks detail and commitment to prohibit illicit discharges with words such as can, most, and typically.	<p>The City must enforce illicit discharge prohibitions on all tenants through lease agreements. Edit language accordingly.</p> <p>The Airport must state what specific steps it takes once illicit connections or discharges are detected and what actions occur once a tenant is in default of lease terms.</p>
41*	6.3.6	Pollution Prevention/Good Housekeeping Employee Training	The Airport's employee training component lacks detail and specificity to determine extent of training on how to incorporate pollution prevention/good housekeeping techniques into Airport operations.	Include revisions in SWMP that states when employee training will occur and for whom. Include training topics that discuss proper vehicle washing, landscape maintenance, fleet and building maintenance, land disturbance, and stormwater system maintenance.



*Protecting and Restoring the Santa Barbara Channel and Its Watersheds*

714 Bond Avenue • Santa Barbara, CA 93103 • Tel (805) 563 3377 • Fax (805) 687 5635 • www.sbck.org

August 12, 2008

Mr. Dominic Roques  
Central Coast Regional Water Quality Control Board  
895 Aerovista Place, Suite 101  
San Luis Obispo, CA 93401-7906

**Re: City of Santa Barbara Storm Water Management Plan**

Dear Mr. Roques:

Please accept the following comments on the City of Santa Barbara's May 2008 Draft Storm Water Management Plan (SWMP), which are hereby submitted by Santa Barbara Channelkeeper. Channelkeeper is a non-profit organization dedicated to protecting and restoring the Santa Barbara Channel and its watersheds, and for the past five years we have been reviewing and commenting on the draft SWMPs of municipalities throughout Santa Barbara County with the goal of ensuring that they will meet the requirements of California's General Permit for Storm Water Discharges from Small Municipal Storm Sewer Systems (MS4s) (hereafter "General Permit") and will be effective in protecting water quality and reducing the discharge of pollutants to the Maximum Extent Practicable (MEP).

While we find the City of Santa Barbara's SWMP to be relatively strong compared to those of other municipalities in the region, Channelkeeper still finds there is room for improvement, and we recommend that the Central Coast Regional Water Quality Control Board (RWQCB) require certain changes to the City's SWMP before approving it in order to bring it in line with the requirements of the General Permit.

**General Comments**

The General Permit requires municipalities to include in their annual SWMP implementation reports an assessment of the appropriateness and effectiveness of the BMPs identified in the SWMP in terms of improving water quality and beneficial uses. Unfortunately, the City's SWMP fails to include such provisions for assessment, which will impede efforts by the City, the RWQCB and the public to evaluate and improve the SWMP over time. We urge the RWQCB to require the addition of effectiveness assessment Best Management Practices (BMPs) in the SWMP.

In addition, as noted on page 10 of the draft SWMP, Measurable Goals (MGs) must include the months and years for implementation of scheduled actions, including interim milestones and frequency of the action. The City's MGs fail to identify the months that BMPs will be implemented and, more often than not, they also lack interim milestones and implementation frequency, making



many of the MGs essentially unmeasurable. The City must be required to revise its MGs such that they provide adequate metrics of success in the implementation of associated BMPs. We will provide specific examples in the ensuing comments on each Minimum Control Measure (MCM).

Finally, the BMPs as described in the text do not correspond to those laid out in the tables at the end of each MCM, making the document extremely difficult to navigate. In addition, many of the BMPs described in the text are not included in the tables and vice versa, creating considerable confusion as to what BMPs the City intends to implement. We suggest streamlining the SWMP such that the BMPs explained in the text correlate directly to those outlined in the BMP tables at the end of each MCM.

### **Public Education and Outreach**

Educational Programs for School Children: The City notes at the bottom of page 21 that these programs are evaluated each year through teacher surveys and are revised accordingly based on teacher feedback. Channelkeeper recommends that conducting teacher surveys and revising the programs accordingly be included as a MG in Table 4.1. We also recommend that the City document not only the number of youth reached through these programs as well as the youth-based enrichment education, but also the demographics of the students reached.

Informational Materials: The MGs for this BMP aim to reach certain percentages of the “intended” audience, however the target audiences for these specific materials are not laid out. In order for these materials to actually reach the proper target audiences and for the RWQCB and the public to evaluate the effectiveness of this BMP, these audiences need to be clearly defined in the SWMP. Additionally, BMP 1.1c as numbered in Table 4.1 should identify which business group the City intends to target in each of Years 1-5.

Stormwater Hotline/Creeks Information Numbers: The City needs to respond to 100% of calls to the Water Quality Enforcement Number within 24 hours, and this must be included as a MG in Table 4.1.

Website: The MG for this BMP (1.9 in Table 4.1) includes establishing goals for the number of visitors to the website; these goals should be laid out now in the SWMP, rather than simply setting the goal of creating goals. A more appropriate MG would be to increase the number of visitors to the site by 10% each year.

Clean Water Business Program: The City must include as a MG to inspect businesses certified under the Clean Business Certification Program at least every two years to ensure that the certified businesses continue to meet the certification criteria.

Community Media Campaigns: The MGs for this BMP in Table 4.1 do not include the bus ads referred to in the text describing this BMP (pg. 27); the City should continue to partner with the City of Goleta and Santa Barbara County to provide for bilingual bus ads as they are a very effective means of reaching large numbers of individuals, and this should be included as an explicit MG in Table 4.1.

Public Opinion Survey: The City commits in the text of this MCM to conduct a follow-up public opinion survey in order to measure the effectiveness of its education programs; this should be included as an additional BMP in Table 4.1, and a MG should be added to tailor the City’s public education and outreach efforts based on the results of the survey.

### **Illicit Discharge Detection and Elimination**

Storm Sewer System Map: The storm sewer system map included in Appendix B does not identify drainage pipes, inlets, outfalls and other drainage structures as suggested on page 39; as the legend indicates, it only notes creeks and the City boundary. Moreover, this BMP is missing from Table 4.3; it must be added, along with a MG to update it as new developments come online and as the City identifies additional inlets or outfalls through its field investigations.

Storm Water Ordinance Authority: The City must include in its MG for this BMP to not only implement but also *enforce* the new ordinance regulating illicit discharges.

Municipal Code Enforcement: Channelkeeper strongly recommends that the City modify its Permit Plan database or develop a different mechanism that enables staff to track not only the dates of violations, inspections, warnings and fines but also the nature, specific location and time of day of violations in order to track patterns of problems as well as repeat offenders. MGs must also be added committing the City to take appropriate enforcement actions on 100% of illicit discharges and to resolve or abate 100% of illicit discharges.

Field Investigation and Abatement: This is one of the most important programs the City undertakes to identify and eliminate illicit discharges, and it is well described in the text of this MCM but is wholly absent from Table 4.3. The frequency and focus of field investigations must be included as MGs in the Table so that achievement of these goals can be tracked in the City's annual SWMP implementation reports. Specifically, conducting field investigations on a daily basis; conducting off-hour investigations twice a week; and focusing on residential areas, business areas, creeks, storm drain inlets and outfalls and areas with previously known illicit discharge problems must be added as MGs, as must a commitment to resolving and abating 100% of illicit discharges identified. In addition, the activities of other City departments as explained in pages 45-46 must also be included as BMPs in Table 4.3, along with appropriate MGs.

Identification of Potential Public and Private Facility Dischargers: The City must not only develop a monitoring program that identifies parking lots with potential discharges and applicable BMPs to reduce pollutants, it must also require the application of such BMPs and conduct routine monitoring to ensure they are maintained. This must be added as a MG to BMP 3.9 in Table 4.3.

Illegal Discharge Training and Public Outreach: These critically important BMPs are again absent from Table 4.3 and must be added, along with the following MGs: to provide at least one annual training for all City Operations Division staff; to reach a certain percentage of businesses with the specified business outreach strategies; to conduct re-inspections to ensure that deficiencies have been corrected; and to conduct re-inspections every other year to ensure ongoing compliance with the clean business certification criteria.

### **Construction Site Runoff Control**

Regulatory Mechanisms for Erosion and Sediment Control: The SWMP presents conflicting information provided on the criteria for projects that are subject to standard and detailed erosion control measures: on page 56, it states that standard erosion control measures are required on projects where soil disturbance is less than one acre *or* on a slope less than 15% *or* where the property is not immediately adjacent to a creek, whereas in the text of the policy in Appendix F it says standard measures are required on projects with slopes less than or equal to 15% *and* where the project area is less than or equal to one acre. Similarly, the text on page 57 states that detailed

erosion control plans are required on projects that have slopes greater than 15%, are adjacent to a creek, *and/or* disturb greater than one acre, whereas the policy in Appendix F states that detailed erosion control plans are required “for project areas greater than 1.0 acre, on slopes greater than 15%, projects within the Hillside Design District or other critical areas, as determined on a case-by-case basis.” These inconsistencies need to be rectified.

The General Permit requires an ordinance or other regulatory mechanism to require erosion and sediment controls, as well as sanctions or other effective mechanisms to ensure compliance. It does not appear that the City’s Erosion and Sediment Control Policy contains the regulatory authority or compliance assurance mechanisms required by the General Permit. The SWMP states on page 62 that the City will identify and implement the appropriate mechanism to ensure that there are clear regulatory requirements; this commitment needs to be more clearly articulated to commit the City to developing an ordinance, and this commitment needs to be explicitly included in Table 4.4 as a BMP with associated MGs outlining a reasonable timeframe for ordinance adoption and enforcement.

Inspection and Enforcement of Erosion Control BMPs: Projects with detailed erosion control plans are currently inspected only a minimum of three times each year, the same frequency as projects with standard erosion control measures. The City must commit to inspecting projects with detailed erosion control plans far more frequently, and in particular prior to all predicted rain events. The MG for BMP 4.4 in Table 4.4 needs to be modified to include a specific and adequate number of inspections for all construction sites. Finally, in tracking inspections and enforcement, the City should also identify the contractor so that repeat offenders can be prioritized for more rigorous inspections at their future construction sites.

#### **Post Construction Stormwater Management in New Development & Redevelopment**

The City’s SWMP fails to satisfy several of the new requirements outlined in the RWQCB’s February 15<sup>th</sup> Notification to Traditional Small MS4s for Enrolling under the State’s General Permit, including a schedule for development and adoption of control standards for hydromodification; BMPs and/or other control measures to establish and maintain a minimum 30-foot buffer zone for riparian areas and wetlands; a strategy to develop watershed-based hydromodification management plans; and evaluation of program effectiveness and progress toward water quality goals. Channelkeeper urges the RWQCB to require the City to add such measures before approving the City’s SWMP.

Implementation of State-Required Minimum Design Standards and BMP Strategies: Attachment 4 of the General Permit requires municipalities to apply the design standards to *all* discretionary development and redevelopment projects in the specified categories. The City’s application of peak stormwater runoff discharge rates only to those types of projects that are one acre or greater does not satisfy this requirement. The City must amend their policy to apply peak stormwater runoff discharge rates to the specified category projects of any size.

Long-Term Operation and Maintenance Verification of BMPs: Again, the City fails to meet this Attachment 4 requirement by applying this measure to specified projects of one acre or greater, when it must require provision of proof of ongoing BMP maintenance for projects of *all* sizes in the specified categories.

Enforcement: In Table 4.5, the City commits in BMP 5.3 to taking enforcement action to ensure BMP implementation/maintenance on projects greater than one acre conditioned with BMPs. This

must be expanded to include all projects (regardless of size) that fall under the Attachment 4 project categories. In addition, Channelkeeper urges that the MG be amended to achieve “100%” BMP compliance in all enforcement cases.

### **Pollution Prevention/Good Housekeeping for Municipal Operations**

Pollution Prevention Plans for Operations Divisions: Channelkeeper supports the City’s goal to implement pollution prevention plans for the ten City operations divisions, but recommends that a MG be added to conduct annual inspections or audits of these divisions to ensure that the plans are being implemented, and report on the results of these audits in its annual SWMP implementation reports to the RWQCB.

Purchasing and Contracts: Channelkeeper strongly recommends that the City be required to improve this BMP by committing to amend its contracts with outside contractors whose work may impact water quality to explicitly require implementation of pollution prevention BMPs and compliance with General Permit requirements. Associated MGs should be added to evaluate contractor compliance with these requirements, take enforcement action where necessary, achieve 100% compliance by City contractors, and report on compliance in annual SWMP implementation reports.

### **Waterfront Department**

#### Illicit Discharge Detection and Elimination (IDDE)

*Spill and Complaint Response:* No information is provided on how people can file a complaint nor how the Waterfront Department responds to such complaints. Since limited staff time is devoted to detecting illicit discharges, it is vitally important that the Waterfront Department have mechanisms in place to allow members of the public to report illicit discharges and to respond to and investigate all such complaints. The Waterfront Department must also advertise those mechanisms widely throughout the Harbor and to its tenants. These BMPs must be added to the SWMP.

*Municipal Code Enforcement:* It appears that the Waterfront’s ordinance prohibiting discharges of contaminants into harbor waters improperly excludes wash down water as well as graywater, both of which often contain pollutants and are therefore prohibited by the General Permit and other state and federal laws. Channelkeeper strongly recommends that a BMP be added to amend the ordinance to prohibit such discharges.

*Implementation of IDDE MCMs:* The Waterfront Department must explicitly commit to undertake formal enforcement action when necessary and to impose fines on violators.

Post Construction Stormwater Management in New Development & Redevelopment: The Waterfront Department must comply with the General Permit’s requirement to ensure long-term operation and maintenance of BMPs. The Harbor has structural BMPs in place, as do some of its tenants, and the Waterfront Department must ensure their long-term operation and maintenance.

### Pollution Prevention/Good Housekeeping for Municipal Operations

*Identification of Potential Pollution Sources:* The SWMP notes on page 117 that “Each boater is responsible for maintaining good housekeeping practices while in the marina,” and on page 121, that specified baseline BMPs apply to all harbor tenants and Waterfront Department staff. However, the SWMP fails to denote whether or how boaters are informed of these responsibilities and BMPs. The Waterfront Department must have effective means in place to regularly inform boaters and

tenants about their responsibilities with regard to water pollution prevention, and must include these means as BMPs in the SWMP.

### **Airport**

The Airport (and the Waterfront Department) must report annually as part of the City's annual SWMP implementation reports to the RWQCB on the appropriateness and effectiveness of all stormwater BMPs outlined in the Airport's section of the SWMP, as well as the status of achievement of all MGs, the results of information collected and analyzed, including monitoring data, and a summary of the stormwater activities it plans to undertake in the coming year. It is unacceptable for the Airport to report this information only through its SWPPP reports.

### Public Education and Outreach

*Airport Tenant Outreach and Education:* The SWMP omits necessary details on what types of educational materials are distributed to tenants, and how such materials are distributed and how often. Such details need to be added as BMPs to the SWMP.

### Illicit Discharge Detection and Elimination

The Airport's IDDE efforts as drafted will not be effective in meeting the General Permit's requirements to effectively detect and eliminate illicit discharges and prohibit non-stormwater discharges into the MS4. For example, the SWMP notes that "most" airport leases "typically" require tenants to comply with the Airport's SWPPP and that illicit connections put tenants in default of lease terms. However, the SWMP does not explain whether or how airport tenants are adequately apprised of NPDES permit requirements to ensure that they do indeed comply, what the actual repercussions are of violating these lease terms, nor how Airport or other City staff determine whether tenants are complying with these requirements. It is highly unlikely that airport tenants will comply with NPDES permit requirements if they are not informed nor trained in what these requirements are. Moreover, there is insufficient commitment to enforce illicit discharge prohibitions. The Airport must add a BMP to enforce all relevant municipal codes pertaining to water pollution and an associated MG to investigate and eliminate all illicit discharges.

### Pollution Prevention/Good Housekeeping for Municipal Operations

This section must be strengthened in order to meet the General Permit's requirements to provide employee training on how to incorporate pollution prevention/good housekeeping techniques into Airport operations.

Finally, the City must include additional BMPs and MGs to ensure that Waterfront and Airport operations are in compliance with their particular SWMP provisions.

Thank you for the opportunity to provide comments on the City of Santa Barbara's SWMP. Please do not hesitate to contact me should you have any questions regarding the above comments.

Sincerely,



Kira Redmond  
Executive Director



735 State Street #201, Santa Barbara, CA 93101; (mail) PO Box 90106, Santa Barbara, CA 93190  
Telephone (805 965-7570; fax (805 9620651

Via Electronic Mail

Wednesday, August 13, 2008

Mr. Dominic Roques  
Central Coast Regional Water Quality Control Board  
895 Aerovista Place, Suite 101  
San Luis Obispo, CA 93401-7906

**Re: City of Santa Barbara Storm Water Management Plan**

Dear Mr. Roques:

Heal the Ocean has been closely following the development of the Santa Barbara City Storm Water Management Plan (SWMP) over the years, which includes our meeting with the Airport and Waterfront Department on improving their plans and incorporate them into the City SWMP.

Having reviewed the draft SWMP, we would like to state simply that the Santa Barbara City SWMP is one of the best ones we've seen in Santa Barbara county. Our opinion is that if the City incorporates the comments and suggestions of the Regional Board in its letter of August 1, 2008 to the City, Heal the Ocean wholeheartedly supports this document.

Best regards,

A handwritten signature in black ink, appearing to read 'Hillary Hauser'.

Hillary Hauser, executive director  
Priya Verma, policy analyst

cc: (by electronic mail)  
Roger Briggs, executive officer Central Coast RWQCB  
Cameron Benson, City of Santa Barbara  
Autumn Malanca, City of Santa Barbara  
Kira Redmond, Santa Barbara Channelkeeper  
Marco Gonzalez, Coast Law Group



# Home Builders Association

OF THE CENTRAL COAST  
*creating quality housing and communities*

August 22, 2008

Dominic Roques  
Regional Water Quality Control Board  
895 Aerovista Place, Suite 101  
San Luis Obispo, CA 93401

RE: Phase II MS4 Storm Water Management Plan – City of Santa Barbara  
Dear Dominic Roques:

The Home Builders Association appreciates the opportunity to comment on the City of Santa Barbara Storm Water Management Plan published on your web site, with public comment due by August 22, 2008. Please accept the following comments on behalf of the Home Builders Association.

1. **Time to complete Interim Hydromodification Management Plan (“HMP”)**. We believe that it would be prudent that the City of Santa Barbara 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.

2. **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. The later in the process that the post-construction storm water methods are attempted to be applied to a project, the greater the cost and timing burdens that are placed on the jurisdiction and the project and the least likely that an efficient, less expensive, and effective solution will be achieved.

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. Projects that have not been “deemed complete” would be best able to implement the more desirable LID solutions without unnecessary hardship on the applicant or jurisdiction. A project application that has been accepted by a jurisdiction (“deemed complete”) as ready for processing and a public hearing should not have to be re-designed to meet the new standards. By that time, both the applicant and jurisdiction have expended significant time and funds on the project. During the transition process, projects should be encouraged to voluntarily use LID methods during their pre-application stage.

We propose that projects whose application has been “deemed complete” by the City of Santa Barbara be exempt from the new post construction standards, but would be encouraged to comply with the regulations on a voluntary basis. Obviously, all projects in later stages of the entitlement, design, or construction process would be exempt from the application of the regulations as well.

The term “deemed complete” comes from the Permit Streamlining Act. It requires public agencies (including charter cities like Santa Barbara and San Luis Obispo) to follow standardized time limits and

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procedures for specified types of land use decisions. The act applies to development projects that need adjudicatory approvals such as tentative maps, conditional use permits, and variances. It does not apply to legislative acts, like general plan amendments and rezonings (or development agreements or specific plans), or to ministerial acts, like lot line adjustments, building permits, or certificates of compliance.

Public agencies must establish one or more lists specifying the information an applicant must submit for a development project to be deemed complete. For instance, San Luis Obispo requires an application to include a vicinity map, statement on zoning, site development, description of any common areas and open space, CC&Rs, setbacks, drainage, faulting, slope analysis, technical reports like biological, cultural, noise, traffic, soils, engineering geology, and noise, archaeological recourse inventory, endangered species survey, preliminary title report, school site, environmental assessment, and an affordable housing plan. Some of these studies and reports will not be needed for each application, but it is obvious that getting a project to be "deemed complete" takes extensive work. In addition, once the agency receives the application (with fees), the agency has 30 days to either deem the application complete or notify the applicant what needs to be done to be deemed complete. If the city does not respond within 30 days, the application is deemed complete.

Once the application is deemed complete, then the environmental review process begins. Once that environmental document is approved, the city or county has 60 days if the environmental document is a negative declaration or 180 days if the project required an EIR to approve or deny the project. Cities and counties generally approve the environmental document at the same hearing as they approve/deny the project

3. **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 in item 1 above) and would be applied to all projects that have not been "deemed complete" (item 2 above) at that time.
4. **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.

5. **Normal maintenance of existing infrastructure by public agencies, project developers, and home owners associations be exempted from the new standards.** When maintaining existing infrastructure, existing site conditions may preclude applying the new standards. For example, when resurfacing an existing roadway that has no "extra" land available, it will not be possible to provide additional land for filtration purposes.

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

6. **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.

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San Luis Obispo, California	805.546.0339: fax
93401-3333	www.hbacc.org: internet

7. **Economic balance:** As previously mentioned, most Central Coast municipalities have small staffs and very limited financial resources. 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 the MS4 Storm Water Management Plans.
8. **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.
9. **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.

Sincerely yours,

Jerry Bunin  
Government Affairs Director  
Home Builders Association

cc:  
Cameron Benson, Santa Barbara City Creeks Division Manager  
Autumn Malanca, Santa Barbara City Water Resources Specialist

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811 El Capitan Way, Suite 120  
San Luis Obispo, California  
93401-3333

805.546.0418: phone  
805.546.0339: fax  
www.hbacc.org: internet

**ATTACHMENT 3  
CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD  
CENTRAL COAST REGION**

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

**Introduction**

This document includes 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 Santa Barbara Storm Water Management Plan (SWMP) and Water Board staff's Draft Table of Required Changes. Staff received comments from the following organizations:

August 12, 2008: Santa Barbara ChannelKeeper  
August 13, 2008: Heal the Ocean  
August 22, 2008: Home Builders Association of the Central Coast

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**Comments from Santa Barbara Channelkeeper, August 12, 2008**

Comment: Please accept the following comments on the City of Santa Barbara's May 2008 Draft Storm Water Management Plan (SWMP), which are hereby submitted by Santa Barbara Channelkeeper.

Comment: General Comments

The General Permit requires municipalities to include in their annual SWMP implementation reports an assessment of the appropriateness and effectiveness of the BMPs identified in the SWMP in terms of improving water quality and beneficial uses. Unfortunately, the City's SWMP fails to include such provisions for assessment, which will impede efforts by the City, the RWQCB and the public to evaluate and improve the SWMP over time. We urge the RWQCB to require the addition of effectiveness assessment Best Management Practices (BMPs) in the SWMP. ...The City must be required to revise its MGs such that they provide adequate metrics of success in the implementation of associated BMPs...

Response: Staff agrees. Staff added Required Revision No. 1 to require the City to provide more detail regarding effectiveness assessment. (See Executive Officer's Approval Letter, Attachment 1, Final Table of Required Changes.)

Comment: We suggest streamlining the SWMP such that the BMPs explained in the text correlate directly to those outlined in the BMP tables at the end of each MCM.

Response: Staff agrees. Staff added Required Revision No. 1 to require the City to provide revisions.

Comment: Public Education and Outreach, Educational Programs for School Children: Channelkeeper recommends that conducting teacher surveys and revising the programs accordingly be included as a MG in Table 4.1.

Response: Staff agrees that conducting teacher surveys and revising the program accordingly must be included as MGs to determine program effectiveness. See Required Revision No. 5.

Comment: We also recommend that the City document the demographics of the students reached.

Response: Although staff agrees that documenting student demographics can improve the City's outreach, such documentation is not necessary to meet the maximum extent practical (MEP) requirement, so staff is not recommending any changes at this time.

Comment: Informational Materials: The target audiences for these specific materials are not laid out and need to be clearly defined in the SWMP.

Response: The City defines the target audience on page 22, 23 & 25 of the SWMP. Audiences are variable based on type of event, city action, or specific project making it difficult to determine the exact percentage of each target audience to be reached. The City commits to pursuing fifty percent of the documented target audience for BMP 1.1a-b and pursuing one hundred percent for BMP 1.1c-d (Table 4.1). Staff finds this to be an acceptable level of detail for this particular BMP.

Comment: BMP 1.1c should identify which business group the City intends to target in each of Years 1-5.

Response: Staff agrees. Staff added Required Revision No. 4 as a result of this comment.

Comment: Stormwater Hotline/Creeks Information Numbers: The City needs to respond to 100% of calls to the Water Quality Enforcement Number within 24 hours, and this must be included as a MG in Table 4.1.

Response: BMP 1.7a-b will be implemented to promote the stormwater hotline only. BMP 3.3 (in Table 4.3, SWMP p. 54) ensures that the City will respond to one hundred percent of complaint calls within 24 hours. Staff finds this to be an acceptable approach for this particular BMP.

Comment: Website: The MG for this BMP (1.9 in Table 4.1) includes establishing goals for the number of visitors to the website; these goals should be laid out now in the SWMP, rather than simply setting the goal of creating goals. A more appropriate MG would be to increase the number of visitors to the site by 10% each year.

Response: Staff agrees that numeric targets should be established as MGs to determine BMP effectiveness, but targets should be based on annual evaluations. Simply stating a goal of achieving a ten percent increase in visitors per year may not be a suitable approach for this BMP. Staff added Required Revision No. 6 to require the City to Revise BMP 1.9 (Table 4.1) to include a numeric target for the number of visitors based on annual evaluations.

Comment: Clean Water Business Program: The City must include as a MG to inspect businesses certified under the Clean Business Certification Program at least every two years to ensure that the certified businesses continue to meet the certification criteria.

Response: The City states that being certified under the Clean Business Certification Program, "...involves the bi-ennial inspection of the facility" (SWMP p. 26). Staff agrees with the commenter that inspections should be included as a MG to determine effectiveness. Staff added Required Revision No. 7 to require the City to include a MG for BMP 1.8 (Table 4.1) that includes biannual inspections for certified businesses.

Comment: Community Media Campaigns: The MGs for this BMP in Table 4.1 do not include the bus ads referred to in the text describing this BMP (p. 27); the City should continue to partner with the City of Goleta and Santa Barbara County to provide for bilingual bus ads as they are a very effective means of reaching large numbers of individuals, and this should be included as an explicit MG in Table 4.1.

**Response:** Although staff agrees that bilingual bus ads are effective and suggests that the City continue to display bus ads as part of their print advertising, this specific form of outreach should be required as an explicit MG to meet MEP.

Comment: Public Opinion Survey: The City commits in the text of this MCM to conduct a follow-up public opinion survey in order to measure the effectiveness of its education programs; this should be included as an additional BMP in Table 4.1, and a MG should be added to tailor the City's public education and outreach efforts based on the results of the survey.

**Response:** A Public Opinion Survey is already included in the SWMP as BMP 1.11, with appropriate MGs (see Table 4.1, p. 32). Staff finds this to be an acceptable approach to determine the effectiveness of the City's public education and outreach efforts.

Comment: Illicit Discharge Detection and Elimination

Storm Sewer System Map: The storm sewer system map included in Appendix B does not identify drainage pipes, inlets, outfalls and other drainage structures as suggested on page 39; as the legend indicates, it only notes creeks and the City boundary. Moreover, this BMP is missing from Table 4.3; it must be added, along with a MG to update it as new developments come online and as the City identifies additional inlets or outfalls through its field investigations.

**Response:** Staff agrees with the commenter and added Required Revision No. 8, which requires the City to include a copy in the SWMP of the most recent storm sewer system map showing identified drainage pipes, inlets, outfalls and other drainage structures, and revise Table 4.3 to include a BMP for the storm sewer system map with appropriate MG to update periodically.

Comment: Storm Water Ordinance Authority: The City must include in its MG for this BMP to not only implement but also *enforce* the new ordinance regulating illicit discharges.

**Response:** Staff agrees with the commenter and added Required Revision No. 11, which requires the City to Revise BMP 3.2c MG to state, "implement and enforce new ordinance," and include MGs to pursue appropriate enforcement for 100% of identified illicit discharges and to achieve 100% resolution and/or abatement of illicit discharges.

Comment: Municipal Code Enforcement: Channelkeeper strongly recommends that the City modify its Permit Plan database or develop a different mechanism that enables staff to track not only the dates of violations, inspections, warnings and fines but also the nature, specific location and time of day of violations in order to track patterns of problems as well as repeat offenders.

**Response:** The City currently has measures in place to track necessary information (See BMP 4 SWMP p. 42-43). Staff finds these measures to be an appropriate mechanism to implement this BMP. Staff does not recommend the City be required to modify its Permit Plan database at this time. However, staff will determine the appropriateness of the current system through the annual report review process and direct the City to revise its database if appropriate.

Comment: MGs must also be added committing the City to take appropriate enforcement actions on 100% of illicit discharges and to resolve or abate 100% of illicit discharges.

**Response:** Staff agrees with the intent of the commenter, but 100% compliance is not a reasonable requirement for the first year of SWMP implementation. Required Revision No. 11 requires the City to include MGs to pursue appropriate enforcement for 100% of identified illicit discharges and to achieve 100% resolution and/or abatement of illicit discharges for all illicit discharges.

**Comment:** Field Investigation and Abatement: This is one of the most important programs the City undertakes to identify and eliminate illicit discharges, and it is well described in the text of this MCM but is wholly absent from Table 4.3. The frequency and focus of field investigations must be included as MGs in the Table so that achievement of these goals can be tracked in the City's annual SWMP implementation reports. Specifically, conducting field investigations on a daily basis; conducting off hour investigations twice a week; and focusing on residential areas, business areas, creeks, storm drain inlets and outfalls and areas with previously known illicit discharge problems must be added as MGs, as must a commitment to resolving and abating 100% of illicit discharges identified. In addition, the activities of other City departments as explained in pages 45-46 must also be included as BMPs in Table 4.3, along with appropriate MGs.

**Response:** Required Revision No. 12 requires the City to add field investigation and abatement efforts as MGs in the SWMP.

**Comment:** Identification of Potential Public and Private Facility Dischargers: The City must not only develop a monitoring program that identifies parking lots with potential discharges and applicable BMPs to reduce pollutants, it must also require the application of such BMPs and conduct routine monitoring to ensure they are maintained. This must be added as a MG to BMP 3.9 in Table 4.3.

**Response:** Staff agrees. Staff added Required Revision No. 14 to require the City to Revise BMP 3.9 to include MGs that will ensure appropriate parking lot BMPs will be applied along with routine monitoring to ensure they are maintained.

**Comment:** Illegal Discharge Training and Public Outreach: These critically important BMPs are again absent from Table 4.3 and must be added, along with the following MGs: to provide at least one annual training for all City Operations Division staff; to reach a certain percentage of businesses with the specified business outreach strategies; to conduct re-inspections to ensure that deficiencies have been corrected; and to conduct re-inspections every other year to ensure ongoing compliance with the clean business certification criteria.

**Response:** Staff agrees that this BMP discussed in the SWMP (p. 51-53) should be included in Table 4.3 along with appropriate MGs and therefore have included it as Required Revision No. 15. The City has included the MG to certify at least 20 businesses annually as part of the Clean Water Business program in Table 4.1 BMP 1.8.

**Comment:** Construction Site Runoff Control

Regulatory Mechanisms for Erosion and Sediment Control: The SWMP presents conflicting information provided on the criteria for projects that are subject to standard and detailed erosion control measures. These inconsistencies need to be rectified.

**Response:** Staff agrees. Required Revision No. 18 requires the City to rectify conflicting information.

**Comment:** The General Permit requires an ordinance or other regulatory mechanism to require erosion and sediment controls, as well as sanctions or other effective mechanisms to ensure compliance. It does not appear that the City's Erosion and Sediment Control Policy contains the regulatory authority or compliance assurance mechanisms required by the General Permit. The

SWMP states on page 62 that the City will identify and implement the appropriate mechanism to ensure that there are clear regulatory requirements; this commitment needs to be more clearly articulated to commit the City to developing an ordinance, and this commitment needs to be explicitly included in Table 4.4 as a BMP with associated MGs outlining a reasonable timeframe for ordinance adoption and enforcement.

**Response:** Staff agrees that the City must clearly articulate the development of a stormwater ordinance that contains the regulatory authority and compliance assurance mechanisms to reduce pollutants to the MEP. The City currently commits to the evaluation of existing policies (BMP 4.1) and the development of additional ordinance if needed (BMP 4.2). Required Revision No. 20 requires the City to include MGs, within either BMP, for the development of regulatory authority and compliance assurance mechanisms, including an appropriate development time table.

**Comment:** Inspection and Enforcement of Erosion Control BMPs: The City must commit to inspecting projects with detailed erosion control plans far more frequently and in particular prior to all predicted rain events. The MG for BMP 4.4 in Table 4.4 needs to be modified to include a specific and adequate number of inspections for all construction sites. Finally, in tracking inspections and enforcement, the City should also identify the contractor so that repeat offenders can be prioritized for more rigorous inspections at their future construction sites.

**Response:** Staff agrees. The City does not appropriately prioritize inspection of construction sites based on type of erosion control plans. Required Revision No. 21 requires the City to Revise BMP 4.4 to include higher priority for inspections of construction sites with detailed erosion control plans, and include MGs stating the number of inspections per site and type (standard vs. detailed) and when inspections will be conducted.

**Comment:** Post Construction Stormwater Management in New Development & Redevelopment. The City's SWMP fails to satisfy several of the new requirements outlined in the RWQCB's February 15th Notification to Traditional Small MS4s for Enrolling under the State's General Permit, including a schedule for development and adoption of control standards for hydromodification; BMPs and/or other control measures to establish and maintain a minimum 30-foot buffer zone for riparian areas and wetlands; a strategy to develop watershed-based hydromodification management plans; and evaluation of program effectiveness and progress toward water quality goals. Channelkeeper urges the RWQCB to require the City to add such measures before approving the City's SWMP.

**Response:** The City has already adopted interim hydromodification control standards in their "Technical Guidance Manual for Post-Construction Storm Water Management," and is currently implementing these standards on all appropriate projects. However, other aspects of post-construction runoff control are missing or inadequate. Required Revisions 23, and 27 require the City to address riparian setbacks, and commit to long-term watershed protection.

**Comment:** Implementation of State-Required Minimum Design Standards and BMP Strategies: Attachment 4 of the General Permit requires municipalities to apply the design standards to *all* discretionary development and redevelopment projects in the specified categories. The City's application of peak stormwater runoff discharge rates only to those types of projects that are one acre or greater does not satisfy this requirement. The City must amend their policy to apply peak stormwater runoff discharge rates to the specified category projects of any size.

**Response:** Water Board staff finds that the City's application of limits on peak storm water runoff discharge rates for discretionary projects of one acre or greater is inconsistent with expectations identified in the Executive Officer's February 15, 2008

letter. Runoff controls are necessary for projects less than one-acre in size to meet the General Permit's maximum extent practicable standard. Additionally, Attachment 4 of the General Permit specifies that post-development peak storm water runoff discharge rates shall not exceed the estimated pre-development rate for developments where the increased peak storm water discharge rate will result in increased potential for downstream erosion. Required Revision No. 24 requires the City to add a BMP, or modify existing BMPs, to ensure consistency with Attachment 4 of the General Permit regarding applicability of design standards and maintaining post-development peak storm water discharge rates at pre-development rates.

Comment: Long-Term Operation and Maintenance Verification of BMPs: Again, the City fails to meet this Attachment 4 requirement by applying this measure to specified projects of one acre or greater, when it must require provision of proof of ongoing BMP maintenance for projects of *all* sizes in the specified categories.

Response: Staff agrees that the City's application of long-term operation and maintenance verification for discretionary projects of one acre or greater is inconsistent with General Permit Attachment 4 requirements. Required Revision No. 25 requires the City to amend the application of long-term operation and maintenance verification for discretionary projects for all projects of the specified category.

Comment: Enforcement: In Table 4.5, the City commits in BMP 5.3 to taking enforcement action to ensure BMP implementation/maintenance on projects greater than one acre conditioned with BMPs. This must be expanded to include all projects (regardless of size) that fall under the Attachment 4 project categories. In addition, Channelkeeper urges that the MG be amended to achieve "100%" BMP compliance in all enforcement cases.

Response: Staff agrees that the SWMP language should be clarified to include enforcement action on all projects that fall under the Attachment 4 project categories, and the MG should be amended to pursue "100%" compliance for all enforcement cases. Required Revision No. 26 requires the City to revise BMP 5.3 to include enforcement action on all projects that fall under the Attachment 4 project categories, and include a MG to pursue 100% compliance with all enforcement cases.

Comment: Pollution Prevention/Good Housekeeping for Municipal Operations.

Pollution Prevention Plans for Operations Divisions: Channelkeeper supports the City's goal to implement pollution prevention plans for the ten City operations divisions, but recommends that a MG be added to conduct annual inspections or audits of these divisions to ensure that the plans are being implemented, and report on the results of these audits in its annual SWMP implementation reports to the RWQCB.

Response: The City currently includes annual inspections of City operation divisions in the SWMP under BMPs 6.1 and 6.19 and will include results in annual reports to the Water Board. Staff finds these mechanisms to be appropriate actions for these BMPs, and recommends no revisions at this time.

Comment: Purchasing and Contracts: Channelkeeper strongly recommends that the City be required to improve this BMP by committing to amend its contracts with outside contractors whose work may impact water quality to explicitly require implementation of pollution prevention BMPs and compliance with General Permit requirements. Associated MGs should be added to evaluate contractor compliance with these requirements, take enforcement action where necessary, achieve 100% compliance by City contractors, and report on compliance in annual SWMP implementation reports.

**Response:** Staff agrees. Required Revision No. 30 requires the City to include a MG that commits the City to amend contracts requiring implementation of pollution prevention BMPs and compliance with General Permit requirements, and include MGs to take enforcement action where necessary, to achieve 100% compliance by City contractors, and to report on compliance in annual SWMP implementation reports.

#### Waterfront Department

Comment: Illicit Discharge Detection and Elimination (IDDE)

*Spill and Complaint Response:* No information is provided on how people can file a complaint nor how the Waterfront Department responds to such complaints. The Waterfront Department must also advertise those mechanisms widely throughout the Harbor and to its tenants. These BMPs must be added to the SWMP.

**Response:** The Waterfront Department states that they will provide a complaint telephone number on information signs posted at all marina gates and launch ramps as part of their Public Education and Outreach Minimum Control Measure (MCM). However, staff agrees that they must provide more information on how people can file a complaint and how the Waterfront Department will respond to those complaints with additional BMPs within the IDDE MCM. Therefore, staff has included this as a requirement in the Required Revisions. Staff has also required that the Waterfront Department post spill complaint information in general public areas such as the wharf, harbor and parking lots, and include a complaint telephone number on all outreach materials.

Comment: *Municipal Code Enforcement:* It appears that the Waterfront's ordinance prohibiting discharges of contaminants into harbor waters improperly excludes wash down water as well as graywater, both of which often contain pollutants and are therefore prohibited by the General Permit and other state and federal laws. Channelkeeper strongly recommends that a BMP be added to amend the ordinance to prohibit such discharges.

**Response:** Cleaning boats with fresh water is an acceptable practice. However, use of non-biodegradable soaps and disinfectants is not necessary or appropriate. Required Revision No. 37 requires the City to revise its SWMP and the Waterfront Department's SWPPP to prohibit the use of non-biodegradable soaps and disinfectants when washing boats.

Comment: *Implementation of IDDE MCMs:* The Waterfront Department must explicitly commit to undertake formal enforcement action when necessary and to impose fines on violators.

**Response:** Staff agrees. Required Revision No. 32 requires the SWMP language to be changed to "...fines will be imposed for repeat offenders."

Comment: Post Construction Stormwater Management in New Development & Redevelopment. The Waterfront Department must comply with the General Permit's requirement to ensure long-term operation and maintenance of BMPs.

**Response:** Staff agrees. Required Revision No. 34 requires the City to include a BMP that commits the Waterfront Department (or include appropriate agreement with public works) to ensure long-term operation and maintenance of structural BMPs.

Comment: Pollution Prevention/Good Housekeeping for Municipal Operations.

*Identification of Potential Pollution Sources:* The Waterfront Department must have effective means in place to regularly inform boaters and tenants about their responsibilities with regard to water pollution prevention, and must include these means as BMPs in the SWMP.

**Response:** The Waterfront Department uses brochures and sign postings to inform boaters and tenants of water quality pollution prevention as part of their Public Education and Outreach MCM, but boaters are not included in the City's other outreach materials. Required Revision No. 35 requires the City to amend its BMPs to include boater and tenant pollution prevention responsibilities as part of outreach materials.

## Airport

Comment: The Airport (and the Waterfront Department) must report annually as part of the City's annual SWMP implementation reports to the RWQCB on the appropriateness and effectiveness of all stormwater BMPs outlined in the Airport's section of the SWMP, as well as the status of achievement of all MGs, the results of information collected and analyzed, including monitoring data, and a summary of the stormwater activities it plans to undertake in the coming year. It is unacceptable for the Airport to report this information only through its SWPPP reports.

**Response:** Staff agrees. The Airport and Waterfront Departments must report annually on their SWMP responsibilities as part of the City's annual report, not only through their SWPPP reports. Through a conversation with Airport staff, Water Board staff found that all references to the SWPPP in the SWMP will be eliminated. The Airports portion of the SWMP will be revised within 60 days following completion of the revised SWPPP. The Required Revisions require the City to audit and evaluate these individual programs annually.

Comment: Public Education and Outreach

*Airport Tenant Outreach and Education:* The SWMP omits necessary details on what types of educational materials are distributed to tenants, and how such materials are distributed and how often. Such details need to be added as BMPs to the SWMP.

**Response:** Staff agrees. Required Revision No. 38 requires the SMWP to include a description of airport tenant educational materials.

Comment: Illicit Discharge Detection and Elimination

The Airport's IDDE efforts as drafted will not be effective in meeting the General Permit's requirements to effectively detect and eliminate illicit discharges and prohibit non-stormwater discharges into the MS4. Moreover, there is insufficient commitment to enforce illicit discharge prohibitions. The Airport must add a BMP to enforce all relevant municipal codes pertaining to water pollution and an associated MG to investigate and eliminate all illicit discharges.

**Response:** Staff agrees. Required Revision No. 40 requires the City to edit SWMP language to commit to enforcing illicit discharge prohibitions through airport tenant lease agreements. The Airport must state what specific steps it takes once illicit connections or discharges are detected and what actions occur once a tenant is in default of lease terms.

Comment: Pollution Prevention/Good Housekeeping for Municipal Operations

This section must be strengthened in order to meet the General Permit's requirements to provide employee training on how to incorporate pollution prevention/good housekeeping techniques into Airport operations.

**Response:** Staff agrees that the employee training component must be more specific on when training will occur and what topics will be discussed to incorporate pollution prevention/good housekeeping techniques into Airport operations. Required Revisions 39 and 41 require the City to revise the SWMP to include all SWMP MCM requirements and responsibilities and to eliminate references to SWPPP. Also, the Airport must be more specific with regards to employee training within its section of the SWMP.

**Comment:** Finally, the City must include additional BMPs and MGs to ensure that Waterfront and Airport operations are in compliance with their particular SWMP provisions.

**Response:** Staff agrees. See Required Revision No. 32.

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#### **Comments from Heal the Ocean, August 13, 2008**

**Comment:** Having reviewed the draft SWMP, we would like to state simply that the Santa Barbara City SWMP is one of the best ones we've seen in Santa Barbara County. Our opinion is that if the City incorporates the comments and suggestions of the Regional Board in its letter of August 1, 2008 to the City, Heal the Ocean wholeheartedly supports this document.

**Response:** Comment noted. Water Board staff thanks Heal the Ocean for its involvement and support for the City of Santa Barbara's SWMP.

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#### **Comments from Homebuilders Association of the Central Coast, August 22, 2008**

**Comment:** The Home Builders Association appreciates the opportunity to comment on the City of Santa Barbara Storm Water Management Plan dated May 2008. Please accept the following comments on behalf of the Home Builders Association.

**Comment:** Time to complete Interim Hydromodification Plan: We believe that it is prudent, and propose that the City of Santa Barbara 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 hydromodification plan one (1) year deadline. In addition, our members experience in Southern California has indicated that a one-year time limit is not realistically achievable... 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 City of Santa Barbara has already developed a "Technical Guidance Manual for Post-Construction Storm Water Management" that Water Board staff views as interim hydromodification criteria (see SWMP Section 4.5.1.3). The City currently implements appropriate post-construction BMPs for all discretionary projects, and will continue to refine and assess hydromodification control standards, update guidance for hydromodification control selection, including adoption of a Post-Construction Storm Water Ordinance in Year 2. Water Board staff find this as an acceptable approach to achieving hydromodification controls, since it identifies interim criteria based on a preliminary assessment of conditions unique to the City, and employs these criteria for the first year as it refines for adoption into City code in the second year of SWMP implementation. In this way, the City avoids a one-size-fits-all approach to addressing an

important element of post-construction stormwater management in new and redevelopment.

Comment: SWMP Post-Construction Application Cut-Off Point: The most appropriate approach to implementing hydromodification/LID methods is at the beginning of the project design phase. We propose that projects whose application has been "deemed complete" by the City be exempt from the new post construction standards, but be encouraged to comply with the regulations on a voluntary basis.

**Response: Staff agrees that the application of post-construction hydromodification/LID methods is best implemented at the beginning of the project design phase. As discussed above, the City of Santa Barbara has already developed post-construction methods and is currently incorporating them into all projects at the beginning of the design phase. Therefore, the recommendation to exempt projects that have already been "deemed complete" from post-construction standards does not apply in this case.**

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 Hydromodification Plan (proposed at two (2) years in item 1 above) and would be applied to all projects that have not been "deemed complete" ... at that time.

**Response: Post-construction requirements are currently being applied as conditions of approval, to all applicable projects within the City of Santa Barbara. Adoption of a post-construction storm water ordinance is proposed to be developed in Year 2. Therefore, the project phase-in period for post-construction regulations does not apply in this case.**

Comment: Incorporating assessments from project geotechnical and soils consultants: We propose that the applicant's geotechnical/soils consultant's analysis be part of the decision-making in determining when and where infiltration/low impact development BMP's are practical and how much is achievable.

**Response: Geotechnical/soils assessments have already been incorporated as part of the decision-making process for post-construction site design within the City of Santa Barbara (see Existing Conditions Study of Santa Barbara). Staff expects this information to continue to inform site design for projects in Santa Barbara. However, staff do not expect such information to preclude those sites from using LID BMPs or to exempt them from having to mimic the natural hydrograph in post-development runoff events. The Water Board will review the City of Santa Barbara'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 [should] be exempted from the new standards: When maintaining existing infrastructure, existing site conditions may preclude applying the new standards. For example, when resurfacing an existing roadway that has no "extra" land

available, it will not be possible to provide additional land for filtration purposes. We propose that normal maintenance of existing infrastructure by public agencies, project developers, and home owners associations be exempt from the new standards.

**Response:** The City has already developed requirements for hydromodification controls for new and redevelopment and is committed to refining these requirements as new developments emerge. 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 associations 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. Staff agrees that 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, that balances these goals, requires well-crafted applicability criteria, which define what types of projects and under what circumstances controls and quantifiable measures apply.

**Comment:** 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 the MS4 Storm Water Management Plans.

**Response:** Staff acknowledges that in determining the best methods to implement the MS4 Storm Water Management Plans, staff must take into account a range of issues potentially constraining local governments' choices about land use development. 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. Staff understands these requirements contribute to development patterns. For this reason, staff has asked the local agencies subject to the Phase II General Permit to engage in long-term watershed planning to provide a context for weighing the multiple objectives affecting development patterns.

**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:** The City currently includes stakeholder involvement for all aspects of the Storm Water Management Plan through its Public involvement/Participation program

within the SWMP. This includes local, county, and regional committee planning meetings and public forums.

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.

**Response:** Staff agrees that in cases where there is not a county-wide collaboration vehicle for stormwater issues, staff should help organize such a group. Fortunately, Santa Barbara County MS4s (including the County) currently participate in multiple technical advisory committees (e.g., City Creeks Advisory Committee and Santa Barbara County Intergovernmental Committee), which provide the opportunity to collaborate and discuss the implementation of stormwater requirements, including the development of HMPs. Staff is glad to participate in these discussions.