



City of Santa Barbara

Parks and Recreation Department

Public Comment
Draft Phase II Small MS4 General Permit
Deadline: 7/23/12 by 12 noon

www.sbparksandrecreation.com
www.SantaBarbaraCA.gov

Administration
Tel: 805.564.5431
Fax: 805.564.5480

Parks Division Office
Tel: 805.564.5433
Fax: 805.897.2524

Recreation Division
Office
Tel: 805.564.5418
Fax: 805.564.5480

Creeks Division Office
Tel: 805.897.2658
Fax: 805.897.2626

620 Laguna St.
PO Box 1990
Santa Barbara, CA
93102-1990

Golf Course
Tel: 805.564.5547
Fax: 805.897.2644
3500 McCaw Ave.
PO Box 1990
Santa Barbara, CA
93102-1990

Community Services
Tel: 805.963.7567
Fax: 805.963.7569
423 W. Victoria St.
PO Box 1990
Santa Barbara, CA
93102-1990

July 23, 2012

Jeanine Townsend
Clerk to the Board
State Water Resources Control Board
1001 I Street 24th Floor
Sacramento, CA 95814



Subject: **City of Santa Barbara Comment Letter – 2nd Draft Phase II Small MS4 General Permit**

Dear Ms. Townsend:

Thank you for the opportunity to comment on the 2nd Draft Phase II Small MS4 General Permit (Draft General Permit). The City of Santa Barbara (City) respects the importance of the Phase II regulations for protecting and improving storm water quality, and appreciates the State Water Resources Control Board staff effort in developing and revising the General Permit for statewide application.

Three of the four general comments included in the City's September 2011 comment letter still apply to this 2nd Draft General Permit: (1) the Maximum Extent Practicable (MEP) standard, (2) unfunded state mandates, and (3) water quality monitoring requirements. Many of the requirements detailed in the 2nd Draft General Permit still exceed the (MEP) standard, and there are still several permit provisions in the 2nd Draft General Permit that appear to be unfunded state mandates that are above and beyond the federal requirements. For specific concerns regarding these two general issues with the 2nd Draft General Permit, the City hereby incorporates by reference and supports CASQA's comment letter.

The water quality monitoring requirements have been revised to a more reasonable level, but would still require an excessive use of limited local agency resources, and would be an unfunded mandate from the State. The City's position remains that the water quality monitoring requirements should be removed from the permit. The City of Santa Barbara is fortunate to have a relatively extensive water quality monitoring program that exceeds the existing Phase II regulations. However, water quality monitoring is expensive and subject to temporal variation and statistical uncertainty. Therefore water quality monitoring often does not result in direct water quality benefits until large data sets are collected over time and analyzed, which also takes significant time and resources. Based on past experience, the City believes that new receiving water monitoring should not be considered until a future permit term, and certainly not until after EPA's federal rulemaking is completed.

Section E.1.b. of the 2nd Draft General Permit

The primary concern the City has with the 2nd Draft General Permit is Section E.1.b. The City strongly supports the option this section offers, which enables a Regional Water Board

Executive Officer to permit continued implementation of the Permittee's current BMPs and reporting requirements in lieu of implementing the requirements of a particular section in the General Permit. However, the 2nd Draft General Permit makes "exceptions" to this option that were not identified in the 1st Draft General Permit. The exceptions state that all Permittee's must implement post-construction and monitoring programs "as specified in this Order." The City opposes the inclusion of these exceptions. In practice, program sections work together as a whole and each directly affects the other. Instead of artificially separating and singling out individual sections of a specific Permittee's program, it should be determined whether the program *as a whole* is equally (functionally equivalent) or more effective than the General Permit.

The City has produced and implemented an exemplary Storm Water Management Program (SWMP) over the past seven years. As reflected in the City's three Storm Water Annual Reports submitted for 2009-2011, Santa Barbara is effectively implementing its SWMP and is committed to continuing to do so. Among other important components, the City has a focused water quality enforcement program, an award-winning public outreach and education program, an intensive water quality monitoring program, a targeted business inspection and assistance program, a GIS mapping program, and a city-staff training program that all work together to improve water quality. It would be detrimental to both City staff and the community to suddenly change any of the successful programs after finally gaining momentum, understanding, and public acceptance. After the large City investment in a City-specific water quality improvement program, and community buy-in to the program, it is the City's wish to maintain the existing City SWMP implementation and goals, with improvements and adjustments to be implemented annually, as needed, per City and Water Board staff recommendations.

The City of Santa Barbara is committed to improving surface water quality. Our ongoing goal is to implement a program that demonstrates efficient and effective methods for improving storm water quality. We appreciate the opportunity to provide comments to your staff and look forward to working together on implementing a successful and cost-effective SWMP. If you have any questions, please do not hesitate to contact me.

Sincerely,



Cameron Benson, Manager
Creeks Restoration/Water Quality Improvement Division

Cc: Jim Armstrong, *City Administrator*
Paul Casey, *Community Development Director*
Nancy Rapp, *Parks and Recreation Director*
Christine Andersen, *Public Works Director*
Stephen Wiley, *City Attorney*