

STATE OF CALIFORNIA  
REGIONAL WATER QUALITY CONTROL BOARD  
CENTRAL COAST REGION

STAFF REPORT FOR REGULAR MEETING OF MAY 8, 2009

Prepared April 10, 2009

ITEM NUMBER: 14

SUBJECT: County of Santa Barbara Storm Water Management Program,  
Year Two Status Report

SUMMARY

This is a status report for Year Two (2007/2008) of Santa Barbara County's Stormwater Management Program (SWMP). Water Board staff recently reviewed the County's Year Two annual report and audited the construction and post-construction elements of the County's SWMP. The County has made good progress implementing their SWMP. The County successfully implemented 35 out of 40 Best Management Practices (BMPs) scheduled for Year 2. The County did not fully implement five BMPs and did not include key information in the annual report that staff needs to evaluate the effectiveness of some BMPs and measurable goals (MGs). The Water Board Executive Officer (EO) notified the County of these deficiencies in a letter dated April 10, 2009 (see **Attachment 1**). The County must submit an updated SWMP and an addendum to the 2007/2008 annual report by September 15.

DISCUSSION

I. Background

After approving the County's SWMP on July 7, 2006, the Water Board requested an update after Year One of SWMP implementation. Water Board staff reviewed the County's first annual report and sent the County a comment letter with a list of required SWMP revisions on January 28, 2008. Water Board staff reported this to the Water Board on February 7, 2008. After discussing SWMP implementation with County representatives, the Water Board requested another update after Year Two.

Since then, the County submitted a March 28, 2008 letter response to staff's comment letter and required revisions (see **Attachment 2**). The County then submitted its Year Two annual report on September 15, 2008, along with a revised SWMP. The annual report and revised SWMP can be viewed under the "Documents" link at: <http://www.sbprojectcleanwater.org/>.

II. Storm Water Management Plan Annual Report Status Review

Water Board staff reviewed the annual report, revised SWMP, and considered public comments submitted to the County. Staff also completed a focused audit of the County's Construction and Post-Construction Minimum Control Measures (MCM) in January 2009. In general, the County followed and implemented second year BMPs per the SWMP, with a few minor changes to BMPs. The County did not fully meet a few MGs and did not include some key information in the

annual report that staff requires to evaluate SWMP performance. The following table is staff's summary of BMP and MG implementation for Year Two.

**Table.** Implementation of BMPs per minimum control measure (MCM) for 2007/2008 permit term.

|   | Total | Completed/Met | Not Completed/Met | Exceeded |
|---|-------|---------------|-------------------|----------|
| <b>MCM 1, Public Education and Outreach</b>               |       |               |                   |          |
| BMPs  | 12    | 12            | -                 | -        |
| MGs   | 28    | 28            | -                 | 5        |
| <b>MCM 2, Public Participation and Involvement</b>        |       |               |                   |          |
| BMPs  | 5     | 5             | -                 | -        |
| MGs   | 13    | 13            | -                 | 3        |
| <b>MCM 3, Illicit Discharge Detection and Elimination</b> |       |               |                   |          |
| BMPs  | 6     | 5             | 1                 | -        |
| MGs   | 21    | 19            | 2                 | -        |
| <b>MCM 4, Construction</b>                                |       |               |                   |          |
| BMPs  | 7     | 6             | 1                 | -        |
| MGs   | 15    | 14            | 1                 | -        |
| <b>MCM 5, Post Construction</b>                           |       |               |                   |          |
| BMPs  | 5     | 5             | -                 | -        |
| MGs   | 9     | 9             | -                 | -        |
| <b>MCM 6, Municipal Operations</b>                        |       |               |                   |          |
| BMPs  | 5     | 2             | 3                 | -        |
| MGs   | 13    | 9             | 4                 | -        |
| <b>Total</b>  |       |               |                   |          |
| BMPs  | 40    | 35            | 5                 | -        |
| MGs   | 99    | 92            | 7                 | 8        |

Here are updates for each of the County's six MCMs.

#### A. Public Education and Outreach

The County completed all 12 BMPs and met all 28 MGs for the Public Education and Outreach MCM in Year Two. The County exceeded many of the MGs detailed in the SWMP.

The County distributed over 17,000 educational materials focused on preventing stormwater pollution, including 3,000 to target populations of horse owners, dog owners, creekside residents and landscape professionals; and approximately 1,800 Spanish language materials. The County distributed Helpful Hints for Horse Owners brochures to horse breeders and boarding and training facilities. In December 2007, the Hope Ranch Home Owners Association newsletter (to 700 homes) included a two-sided insert with information from the Helpful Hints for Horse Owners and A Dog Owner's Duty brochures. The County distributed a Dog Owner's Duty to kennels, veterinary offices and grooming businesses.

The County participated in events such as the Creek Week Festival, Earth Day Festival, Cinco de Mayo, health fairs, trade shows, and other public events. Close to 40,000 people attended these events. Activities included water quality forums, informational displays, interactive exhibits, creek clean ups, water quality monitoring, nature walks, and creek restoration. The County's media campaign co-sponsored bilingual clean water ads on Municipal Transit District buses within the cities of Goleta and Santa Barbara. This campaign targeted excessive fertilizer use and pet waste. This group ran ads in many local papers and the radio regarding prevention of stormwater pollution and proper hazardous waste disposal.

The County's Project Clean Water's website received 97,013 visitors in Year Two, increasing the target number by 247 percent from last year. This far surpasses the required 10 percent increase per year.

The County provided youth education through programs run by Art from Scrap, Aqua Pura, Public Works Department's Resource Recovery and Waste Management Division, and Project Clean Water. The County educated a total of 2,465 students through classroom presentations, field trips, and school assemblies, including outreach specialized for Latino youth. The County reached 39 percent of its target audience, which exceeded its 30 percent goal.

#### **B. Public Participation and Involvement**

The County completed all five BMPs and met all 13 MGs for the Public Participation and Involvement MCM in Year Two. Completed BMPs include holding stakeholder meetings in both North and South Santa Barbara County, coordination with local agencies, conducting volunteer water quality sampling, and holding community creek and beach clean-ups. Project Clean Water organized and promoted 19 volunteer water quality monitoring and clean-up events during Creek Week, Watershed Day, Earth Day, California Coastal Cleanup Day, and Family Fun Day at various creeks and beaches throughout South Santa Barbara County.

The County's had low participation in some of the County-sponsored clean-up events. The EO requires the County to discuss, in an addendum to the annual report, how it evaluates its clean-up program and how it intends to improve public participation in these events. The EO also recommends the County expand its water quality sampling and clean-up outreach efforts to North Santa Barbara County, to diversify its public participation and outreach.

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

The County completed 5 of 6 required BMPs, and met 19 of its 21 MGs for the Illicit Discharge Detection and Elimination MCM in Year Two. The County completed the following BMPs: complaint and discovery follow up, update of storm sewer map, development and distribution of targeted educational materials to polluters and potential polluters, distribution of over 339,000 Mutt Mitts in active pet areas, and business inspections. The County's storm water ordinance came into affect in Year Two, authorizing Public Works staff to enter businesses that show possible illicit discharge to the storm drain system. The County collected and recycled thousands of pounds and gallons of hazardous waste, which may have otherwise ended up in the storm drain system or local creeks.

The County did not inspect all targeted creeks twice in Year Two as required by MG 3.6.1. Many of the inspection dates provided are not consistent with the Year Two permit term. The County also did not appropriately assess effectiveness for many of the BMPs and MGs, which led to few improvements to the Illicit Discharge Detection & Elimination program.

The EO requires the County to provide more information and proper effectiveness assessments, so that BMPs may improve over time. The EO also requires the County to explain the discrepancy with creek inspection dates. The EO also recommends the County improve response to complaints.

#### **D. Construction**

The County completed 6 of 7 required BMPs and met all but one of its 15 MGs for the Construction MCM in Year Two. The County added stormwater training for building inspectors in

Year Two, as a result of the County's BMP to evaluate their grading code efficacy. Building inspectors can greatly assist the County's construction inspection program since they are present on a site during most of the construction phases, including the finishing stage when a grading inspector is most not likely onsite. The County reviewed and approved site specific Erosion and Sediment Control plans for 4,486 permits submitted in Year 2, as part of the grading permit process.

The County must improve its grading code to be consistent with the Central Coast Basin Plan. The County should broaden its definition of watercourses covered under the grading code to include all drainages tributary to a surface water body, not just "blue line streams." The County must also broaden its definition of land disturbance to include clearing and grubbing, which includes vegetation removal, so that such activities are properly regulated in the future. The County must update the grading code to include provisions for riparian and watercourse protection.

The County must improve its enforcement tools to effectively return violators to compliance and deter future violations. Currently, administrative fines are not adequate (\$100/day for 1<sup>st</sup> violation) and criminal referral to the County's District Attorney is too severe for most violations. If inspectors had the ability to give a quick fix-it ticket of a couple thousand dollars for violations they observe in the field, inspectors would be more effective at preventing stormwater pollution. The EO recommends the County post performance bonds for all projects disturbing more than 500 cubic yards. Bonds should not be released back to the developer until the site is stabilized and all water quality violations are remedied. The EO requires the County to re-evaluate its inspection and enforcement program to incorporate these tools as part of an escalating enforcement strategy.

The County did not meet its minimum inspection quota of two inspections per month during the rainy season, for projects one acre or greater. The County explained that this was due to reduced inspector staff, as a result of less grading permit applications. Water Board staff has reminded the County that this is a *minimum* requirement and should have been met. Less permit applications should allow for *more* inspections, not less. The EO requires the County to further justify why it did not meet its minimum inspection quota in Year Two.

The County did not issue any Stop Work Orders or other enforcement actions under the construction site inspection and enforcement program in Year Two. The County gives verbal warnings and issues correction notices, but discards this documentation after a violation is corrected. This is a violation of Municipal General Permit Section F.3, which requires the permittee to keep records required by the General Permit for at least five years. Correction notices must be tracked to effectively eliminate the potential for reoccurring pollutant discharges during follow-up inspections and are an important part of an escalating enforcement strategy. The EO requires the County to explain, in an addendum to the annual report, how it proposes to retain and track all inspection documentation.

The County's annual report did discuss the County's findings for 1000 Via Tranquila, Hope Ranch, or discuss its planning and regulatory functions, as required in the previous Water Board annual report letter. This is a violation of reporting requirements per the General Permit Provisions, for which the Water Board may take enforcement action. The EO requires the County to explain its findings in an addendum to the annual report.

#### **E. Post-Construction**

The County completed all 5 BMPs and met all nine MGs for the Post-Construction MCM in Year Two. The County's Planning and Development Department updated several community plans in

Year Two, which gives the County opportunities to incorporate area-specific water quality measures within those communities. Community plan updates included the areas of Santa Ynez Valley, Mission Canyon, Los Alamos, and Isla Vista. The Planning and Development Department updated its permit tracking software to enable tracking of all projects subject to General Permit Attachment 4(B) design standards. This will improve the County's ability to inspect, enforce, and report on project water quality controls. In Year Two, the Planning and Development Department reviewed 484 discretionary cases for appropriate Attachment 4(B) design standard provisions. Planning and Development forwarded 337 cases to the Public Works Department for further review and approval. The County conducted procedural training for all Planning and Development review staff, meeting the MG of 100 percent trained staff by Year Two.

The County has made good progress to ensure water quality is not further degraded through future development. During our focused program audit, we determined that water quality controls are being integrated into development projects early on in the planning phase through the County's Subdivision Review Committee, Standard Condition of Project Plan Approvals, and project conditional letters submitted by Project Clean Water staff. We recommend the County's water quality related Conditions of Approval evolve into stormwater development standards or a post-construction runoff control manual that is required by ordinance. County staff appear to be well aware of state-of-the-art BMPs (i.e., Low Impact Development practices), and the County's water quality related conditions of approval are leading to improved stormwater controls in projects. The County appears to be fulfilling the intent of design standards contained in General Permit Attachment 4. Training is effective and must continue, especially considering the County's future need to control hydromodification (HM).

The EO requires the County to include a BMP to develop interim and long-term HM control criteria, per the expectations described in the Water Board's February and July 2008 letters. This SMP is necessary for the SWMP to meet the Maximum Extent Practicable standard and protect water quality. The EO requires the County to revise its SWMP to include a schedule for developing interim HM criteria within one year, consistent with our requirements for the other Phase II communities in the Central Coast Region. The criteria must be developed and adopted prior to the following annual report (or by September 2010). The County also must revise its SWMP to include a BMP to develop training for County Planning and Engineering Staff in the principles and practice of HM control. The County must add a BMP to provide training workshops to the development community on the water quality impacts of HM and how to implement the County's numeric criteria for HM control.

The County has not yet developed an operation and maintenance program that ensures post-construction BMPs are correctly operated and maintained for the long term. Failure to ensure long term operation and maintenance of post-construction BMPs is a violation of the General Permit. As the inventory of projects conditioned with post-construction BMPs increases, the County must track conditioned projects and their BMPs to effectively implement an inspection program. The County must develop an inspection program to ensure correct operation and maintenance of BMPs. This includes appropriate enforcement. The EO requires the County to provide a time schedule for the development of a post-construction BMP tracking system. The EO also requires the County to develop its own inspection notification and violation notice letters.

We recommend the County work with other Santa Barbara County communities and hire a regional post-construction inspector that can not only inspect stormwater control practices, but provide effectiveness feedback regarding stormwater development standard implementation, in a cost-efficient manner.

## F. Municipal Operations

The County completed two of five BMPs, and met nine of 13 MGs for the Municipal Operations MCM in Year Two. The County's street sweeping program collected 65,675 pounds of material in Year Two. This is an increase of 28,895 pounds of material from last year. By adding one sweeping event (for a total of 3 events) in Year Two, the County increased waste collected by 78 percent from Year One. The EO requires the County to continue with a minimum of three street sweeping events per year, unless properly justified.

The County did not complete BMP 6.4, development of an interactive web-based reporting program for departmental BMP implementation. The County has developed a prototype of the system that is currently being tested, but the system has not been approved for use. The County is required to evaluate the effectiveness of BMPs implemented at municipal facilities through a system of audits. The County did not discuss BMP effectiveness in the annual report. The County did not report pesticide use or update its Integrated Pest Management strategy, as required by the MG under BMP 6.6. The County also did not provide a storm drain inspection and maintenance schedule for County owned and operated treatment control facilities, as required by the MG under BMP 6.7. The EO requires the County to explain and justify why it did not meet these requirements in an addendum to the annual report.

## CONCLUSION

The County has made good progress implementing their SWMP. The County met and even exceeded many of the BMPs identified in the SWMP. However, the County did not meet a few MGs and did not include some key information in the annual report that staff needs to evaluate the effectiveness of some BMPs and MGs. The EO notified the County of these deficiencies in its April 10, 2009 letter, and requires the County to modify its SWMP and provide additional information by September 15.

## RECOMMENDATION

This is a status report only. Staff does not recommend any further action at this time.

## ATTACHMENTS

1. Water Board 2007/2008 Annual Report Comment Letter dated April 10, 2009
2. Santa Barbara County Response Letter dated March 28, 2008

The Santa Barbara County annual report and SWMP can be viewed under the "Documents" link at: <http://www.sbprojectcleanwater.org/>.