



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

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September 30, 2009

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

**Re: City of Carpinteria's Draft Storm Water Management Plan**

Dear Mr. Sanderson:

Please accept the following comments on the City of Carpinteria's December 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 six years we have been reviewing and commenting on the 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) and will be effective in protecting water quality and reducing the discharge of pollutants to the Maximum Extent Practicable (MEP).

Unfortunately, Santa Barbara Channelkeeper finds that Carpinteria's Draft SWMP falls short of the General Permit's requirements in numerous respects, and as currently drafted will not be effective in protecting water quality and reducing the discharge of pollutants to the MEP. Rather than requesting a hearing, Channelkeeper trusts that the RWQCB will incorporate our recommendations into its table of required revisions to the Carpinteria SWMP.

**General Comments**

Channelkeeper has a few general comments that apply to the SWMP as a whole, as well as extensive recommendations on how specific Best Management Practices (BMPs) can and must be improved to bring the SWMP up to the standard expected by the RWQCB and the public.

First, the General Permit requires municipalities to assess the appropriateness and effectiveness of the BMPs identified in the SWMP in terms of achieving the requirements of the General Permit and the Measurable Goals (MGs) laid out in the SWMP, as well as in reducing pollutants of concern and improving water quality and beneficial uses. Unfortunately, Carpinteria's SWMP fails to include provisions for such assessment, which will impede the ability to evaluate and improve the SWMP over time. Channelkeeper urges the addition of effectiveness assessment BMPs in the SWMP.

Additionally, Channelkeeper finds that the SWMP lacks adequate specificity in many of the BMPs it proposes to implement, and that many of the MGs are not in fact measurable and as such will not enable the City, the public nor the RWQCB to evaluate the effectiveness of individual control measures and the SWMP as a whole. MGs are described in the Phase II Rule as BMP design objectives or goals that quantify the progress of program implementation and the performance of BMPs. They are objective markers or milestones that will be used to track the progress and effectiveness of BMPs in reducing pollutants to the MEP. At a minimum, MGs should contain descriptions of actions that will be taken to implement each BMP, what is anticipated to be achieved by each goal, and the frequency and dates for such actions to be taken.<sup>1</sup> According to the General Permit, MGs should be quantitative and measure progress through the development, implementation and evaluation of each BMP and should enable measurement of the BMPs' effectiveness in reducing pollutants over the life of the permit. We provide specific recommendations for how to improve several of the proposed MGs in the comments on particular BMPs below.

Finally, many of the BMPs do not specifically target pollutants of concern, as required by the General Permit. The City must add new BMPs or tailor existing ones to ensure that they adequately address all pollutants of concern in Carpinteria.

### **SWMP Regulatory Basis and Applicability**

The SWMP states that the additional requirements of Attachment 4 do not apply to the City of Carpinteria. However, as explained in its September 17, 2008 letter to the City, the RWQCB now expects all municipalities in the region to comply with the Attachment 4 requirements, so the SWMP must include additional measures to meet these requirements.

The section on TMDLs must be amended to update the timeline for the commencement of TMDLs for Carpinteria Creek and the Salt Marsh, and to include a statement that the SWMP may have to be modified pursuant to any TMDLs that are developed in the future.

### **Public Education and Outreach**

Brochures: Channelkeeper recommends that this BMP be revised to ensure that the brochures the City distributes target particular pollutants of concern and their sources.

Educational Programs for School Children: The City must specify that it will create a stormwater quality curriculum in Year 1.

Storm Drain Stenciling: We strongly support both storm drain stenciling and tributary signage, but these are separate BMPs and should not be lumped together as they are in Table 1-1; tributary signage should be added as a separate BMP.

Stormwater Hotline: This is a very important BMP that must be laid out in greater detail. We urge the RWQCB to require a commitment to document the number of calls received, the nature of the complaint/discharge, location, time of day, and any action taken by the City to abate, enforce and follow-up on the complaint/discharge. The City must also commit to responding to 100% of hotline calls within 24 hours as well as to taking appropriate enforcement action and follow-up where needed. Finally, the MG listed in Table 1-1 – to promote use of the hotline through printed materials

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<sup>1</sup> U.S. EPA, National Pollutant Discharge Elimination System, "Measurable Goals Guidance for Phase II Small MS4s," <http://cfpub.epa.gov/npdes/stormwater/measurablegoals/index.cfm>.

and the City website - is not in fact measurable and should be revised to include quantifiable ways to advertise the hotline and to document its usage. We also recommend setting a MG for the number of people to be informed about the hotline through the means described to promote it.

Media Campaign: The MG as described in Table 1-1 is far too vague. The City must also set *measurable* goals for how many people (and what demographics) it will reach with its articles and TV program.

Public Opinion Survey: The information gathered from the survey must be utilized to adjust and target future public education and outreach efforts.

Business Education: Because many types of businesses have a relatively high potential to discharge pollutants to the MS4, it is vitally important that business education be a primary focus of the City's Public Education and Outreach efforts. Channelkeeper therefore strongly urges the addition of a BMP and associated MGs to proactively educate the business community about stormwater pollution prevention. While the SWMP states in the Illicit Discharge Detection and Elimination Minimum Control Measure (MCM) that it will educate business/industry, nowhere in the SWMP is a detailed plan laid out for developing and implementing a business education program. Such a program should begin with the City compiling a comprehensive inventory of businesses with potential to discharge pollutants to the MS4, divided by business type. The City must then develop and distribute educational materials tailored to specific business types, as well as a plan for conducting site inspections and face-to-face educational conversations with business owners/managers about BMPs specific to each type of business. Businesses with the highest potential for discharges should be prioritized for earlier and more frequent site visits and outreach/education, as should those which have been found through complaints or previous inspections to have ineffective or lacking BMPs.

### **Public Involvement and Participation**

Community Interest Group: We support the City's initiative to develop a community interest group. However, we find that holding meetings "as needed" is vague and insufficient to ensure meaningful public involvement and participation in SWMP implementation efforts, and thus urge the City to commit to holding meetings at least quarterly. Furthermore, it is imperative that the City convene stakeholder meetings to explain and solicit public comment on any ordinances or other significant new programs developed pursuant to the SWMP, as well as on its annual SWMP implementation reports, *before* these documents are submitted to City Council or the RWQCB for approval. We also urge a clear articulation in the SWMP of how the City intends to gather email and mailing addresses for its list and how it will solicit participation in the community interest group. Finally, we recommend revising the MG for this BMP to document the number of attendees at all meetings, as well as topics discussed and actions taken as a result of the meetings.

Coordination with Project Clean Water Stakeholders Committee: Sadly, Project Clean Water's Stakeholders Committee has been a major disappointment, with next to no participation by the public. The working groups created several years ago to evaluate specific water quality problems have long since disbanded because the County failed to implement any of their recommendations. As such, this BMP needs to be updated accordingly, and we urge the City to discuss the problems and failures of this stakeholder committee with the County as well as with key stakeholders who participated in the working groups in the past in order to avoid making the same mistakes made by the County.

Regional Agency Coordination Meetings: The City should commit to attending CASQA meetings.

Participation in TMDL Stakeholder Process: Channelkeeper urges the City to also convene at least one public workshop to educate the public about the TMDL process and encourage their active participation in it.

Volunteer Group Formation: To the best of Channelkeeper's knowledge, Creek Watchers and Adopt-a-Storm Drain no longer exist in Carpinteria nor anywhere in Santa Barbara County, so this BMP must be revised accordingly. Channelkeeper strongly urges the City to do more than simply support volunteer organizations, but to also develop its own groups or programs, such as a citizen watch group, adopt-a-storm-drain group, volunteer water quality monitoring group, and/or a cadre of volunteer educators or speakers who can lead workshops, encourage public participation, and staff a greater number of special events. We fear that absent these additional efforts, the City's proposed BMPs to foster public participation and involvement will fall short of meeting the goal of facilitating public participation and involvement in the development, implementation and periodic review of the SWMP and encouraging volunteer efforts.

Community Clean-ups: We recommend that the MG be amended to include the number of actual participants in each clean-up and the amount of trash collected, highlighting areas where particularly large volumes of trash were found in order to help the City target its future pollution prevention and clean-up efforts.

Reporting: This section states that feedback from stakeholders and other sources will be used to improve implementation of all six MCMs. Details as to how the City plans to solicit such feedback must be included.

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

Education and Outreach: Channelkeeper reiterates our strong recommendation from the Public Education and Outreach MCM that a comprehensive and robust business education program be developed and implemented to reduce stormwater pollution from business and industry in Carpinteria, with specific MGs for regular inspections of all high- and medium-risk businesses and appropriate follow-up and enforcement of any problems identified. We also recommend that activities be included to educate the general public about prevention of pollution from common household wastes and practices.

Spill Complaint and Response: Channelkeeper agrees with the RWQCB's recommendation to revise this BMP to provide more detail and add MGs to ensure that complaints forwarded to other agencies are followed up, and to re-inspect abated discharges to prevent recurrence.

Field Investigation and Abatement: Channelkeeper urges the City to be more systematic in its development of a Field Investigation and Abatement program, for instance by establishing a scheduled frequency for conducting field investigations of priority areas. We also recommend that more details be added to this BMP to explain the number of City staff conducting inspections, how they are trained and how often, and how field investigations are conducted and how often. Finally, a MG should be added to conduct follow-up inspections and take enforcement action when necessary to ensure the elimination of 100% of illicit discharges identified.

Coordination with Jurisdictional Agencies: This BMP lacks critical information explaining how the work of other concerned agencies is communicated and coordinated with Public Works. It also fails to describe what sites are inspected by the Fire District, and how often the Sanitary District performs smoke testing. We support the RWQCB's recommendation that the City add development of educational resources and inspection checklists to ensure that other agencies are aware of the SWMP requirements and keeping an eye out for stormwater pollution prevention measures or lack thereof.

Municipal Code Language/Stormwater Ordinance: This BMP must be revised to commit the City to developing, through an ordinance or other mechanism, a prohibition on non-stormwater discharges into the MS4, with appropriate enforcement procedures and actions, as required by the General Permit. It must also include means of soliciting public input into the drafting of the ordinance.

Exempt Non-Stormwater Discharges: This BMP lacks important information about how the City intends to determine whether the listed discharges are significant sources of pollution or nuisance, and about whether and how the City will prohibit those that are.

Geographic Assessment: Channelkeeper applauds the City's commitment to developing a Watershed Management Plan and geographic assessment of the potential for illicit discharges based on land use and downstream impairments. We suggest that greater detail be provided on what the City intends to do with the information once the assessment is complete.

Stormwater Monitoring: To Channelkeeper's knowledge, no water monitoring is currently being conducted in Carpinteria. We strongly recommend that the City develop and implement a monitoring program to identify pollution problems and pinpoint sources, and Channelkeeper would be happy to offer our services to assist the City in this effort.

### **Construction Site Runoff Control**

This MCM lacks adequate detail regarding the requirements of the City's existing grading ordinance and standard conditions related to construction site controls. It also fails to explain how the City will meet the requirements for construction site operators to control construction-related waste, so it is unclear whether these existing measures meet the requirements of the General Permit. If they do not, the City must commit to developing an ordinance requiring the implementation of proper erosion and sediment controls and controls for other wastes on applicable construction sites, with appropriate authority for enforcement and sanctions for non-compliance.

Another important BMP is also missing from this MCM: educating construction site operators and workers about stormwater pollution prevention through the distribution of brochures, BMP fact sheets and City-sponsored trainings. These efforts should include detailed information about the installation and maintenance of appropriate erosion and sediment control BMPs, as well as references to recognized BMP manuals widely applied by the construction community.<sup>2</sup>

The SWMP also lacks a BMP establishing procedures for the receipt and consideration of information submitted by the public, and we urge the RWQCB to require such.

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<sup>2</sup> For example, California Department of Transportation, *Storm Water Quality Handbook: Construction Site Best Management Practices Manual*; California Regional Water Quality Control Board San Francisco Region, *Erosion and Sediment Control Field Manual*; and California Stormwater Quality Task Force, *California Storm Water Best Management Practices Handbooks: Construction Activity; Industrial/Commercial Activity; and Municipal Activity*.

Discretionary Project Review: The SWMP needs to specify clearly who will be responsible for monitoring and tracking construction activities for SWMP compliance and how this will be undertaken.

Inspection and Enforcement: This BMP does not explain whether and how many inspections take place on construction sites that are less than one acre, nor does it adequately describe the City's enforcement capabilities and procedures. In addition, Channelkeeper strongly recommends that the City commit to developing and implementing a comprehensive construction site tracking database that records basic site information, including the precise location, owner, contractor, size in acres, proximity to natural and man-made hydrologic features, project start and anticipated completion dates, required inspection frequency and items to be inspected at each inspection, and results of all inspections. The tracking system should also document complaints or reports submitted by the public, all violations and associated enforcement actions taken, and any follow-up inspections to ensure correction. Finally, Channelkeeper supports the RWQCB's recommendation that the City develop a stormwater inspection checklist to ensure that inspectors are reviewing all relevant BMPs in the field.

Reporting: Again, Channelkeeper asks that the City explain how it plans to solicit feedback from City inspectors, RWQCB staff, construction contractors, project owners and the public.

### **Post Construction Runoff Control**

Land Use Policies: While Channelkeeper appreciates the detailed list of land use policies, we urge the City to clearly articulate how and under what circumstances these policies are implemented and enforced. We would like to inquire specifically about the details of how Implementation Policy 49 is currently carried out.

Discretionary Permit Review Process: It is vitally important that development projects specify BMPs and control measures to protect water quality in the early stages of design. As such, Channelkeeper recommends that pre-application meetings be made mandatory rather than voluntary for moderately complex and complex projects. The SWMP should also make it clear that final BMPs must be selected, sized and sited in order for CEQA review to be completed, rather than later during the land use clearance and permit compliance process. Also necessary is the inclusion of a standard condition of approval to ensure water quality protection *after* construction and details as to how this is applied and verified. Finally, the City should specify the frequency of post-construction stormwater control inspections to be conducted to ensure proper long-term operation and maintenance of BMPs.

Channelkeeper urges the RWQCB to require the inclusion of details regarding when the City's CEQA guidelines and Checklist will be updated and what "potential" revisions are envisioned at that time. We also request clarification about the "new and revised conditions" that address both construction site pollution control and post-construction runoff control, "some" of which shall be considered during the initial design phase of a project if they require significant land area to implement.

Staff Training: The training of planning staff to properly condition projects to protect water quality is a vitally important BMP. Channelkeeper therefore recommends that methods be implemented (such

as post-training tests) to evaluate the effectiveness of the trainings, and for the results of those evaluations to be used to improve future trainings.

Incentive Program for Innovative Site Design: The City should revise the MG for this BMP to advertise the program widely to the development community and to undertake a concerted effort to showcase the innovative projects to the wider community to raise awareness about Low Impact Development.

Monitor Discretionary Projects: Again, the City must ensure adequate long-term operation and maintenance of controls. A one-time inspection after construction does not meet this requirement and the BMP should be amended accordingly. Moreover, the MG should also be revised to affirm that all non-compliance issues will not only be documented but also followed up and sanctioned.

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

The General Permit requires the development and implementation of an operation and maintenance program with the ultimate goal of preventing or reducing pollutant runoff from municipal operations. Unfortunately Carpinteria's SWMP as currently drafted does not meet this requirement and must be revised accordingly.

Site Specific Stormwater Management Plans: This BMP needs to be overhauled. The City should begin by conducting a thorough inventory and inspection of all municipal facilities to determine their potential to create or release pollutants, and then develop and implement site-specific written water pollution prevention protocols for all facilities that have such potential. The City should also distribute and make sure the Municipal Operations BMP Fact Sheets developed by Santa Barbara County are used by all such facilities, and should track the number, type and effectiveness of BMPs implemented and conduct annual inspections of each facility to ensure compliance with their specific plans.

Purchasing and Contracts: The City should add a MG to ensure 100% compliance by contractors.

Pesticide Management: Channelkeeper urges the addition of MGs to reduce the use of pesticides at municipal facilities to zero and to establish a certain percentage of city parks as pesticide-free zones by Year 5.

Street Sweeping: This BMP is missing pertinent information about the frequency of street sweeping and number of miles of roads swept, and should be revised accordingly. The MG should also be revised to document the amount of trash collected.

Catch Basin and CDS Unit Cleaning: The SWMP should articulate the number of catch basins in the City's jurisdiction, and should include a commitment to evaluate whether cleaning only once a year is adequate and if not, to increase the frequency, particularly before significant rain events. The MG should also be revised to document the amount of trash collected.

Staff and Contractor Training: Channelkeeper recommends that the City include means of evaluating the efficacy of its trainings, such as administering post-training quizzes and/or surveys, and should commit to revising the trainings based on these evaluations.

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

Sincerely,

A handwritten signature in black ink, appearing to read "K Redmond", is centered within a light gray rectangular box.

Kira Redmond  
Executive Director

Cc: Charlie Ebling, City of Carpinteria Department of Public Works  
Jane Gray, DUDEK  
Hillary Hauser, Heal the Ocean



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October 1, 2009

Brandon Sanderson  
Central Coast Regional Water Quality Control Board  
895 Aerovista Place, Suite 101  
San Luis Obispo, CA 93401

RE: City of Carpinteria Storm Water Management Plan (December 2008 draft) – Request for Hearing

Dear Mr. Sanderson:

Heal the Ocean (HTO), an active non-profit group focused on improving water quality in the Pacific Ocean and local watersheds of Santa Barbara County, has been reviewing storm water permits for Santa Barbara County and cities within the County since 2002, and we have had the opportunity to review the December 2008 Draft of the City of Carpinteria Storm Water Management Plan. We have also reviewed the August 3, 2009 Water Board Staff Comments on this draft, and agree completely with Staff Comments and recommendations (together with the excellent Draft Table of Required Revisions provided by Water Board staff).

Heal the Ocean asks that the Regional Board NOT approve the City of Carpinteria SWMP until every one of these Required Revisions are made and another draft SWMP is published for RWQCB and public review. To ensure that this document is NOT approved before the Required Revisions are made, we therefore request a public hearing at the Regional Board, to request that the City of Carpinteria be officially noticed that it must as soon as possible produce an efficient SWMP as directed by Staff in its table of Required Revisions.

The current (December 2008) Draft, which is the only SWMP document Heal the Ocean has seen, is essentially a vague preliminary guidebook for the development of SWMPs, with very few specifics as to how Best Management Practices (BMPs) will be implemented in the City of Carpinteria. Heal the Ocean feels strongly that the City of Carpinteria cannot be granted another year in which to prepare an effective program, subject to Annual Review, at which point the requisite specifics may still not be included in its SWMP.

We are asking for the hearing because we are somewhat baffled by the non-order of proceedings in approval process for the Carpinteria SWMP. On September 3, 2009, Heal

the Ocean, together with Santa Barbara Channelkeeper, met with Carpinteria Public Works director Charlie Ebeling and the City of Carpinteria's contracted engineer, Jane Gray from Dudek (who is preparing the Carpinteria SWMP document), to lay out our concerns about the SWMP in its present iteration. For this meeting, Heal the Ocean had provided to both Mr. Ebeling and Ms. Gray the list of points made in this letter.

During this meeting we were very pleased to learn from Mr. Ebeling that almost everything in the Draft Table of Required Revisions (which encompass Heal the Ocean's concerns) were being made – and that in fact the City of Carpinteria was already doing most of the things in the Required Revisions list. The problem, Mr. Ebeling said, was a “matter of communication.”

Heal the Ocean's understanding was that Dudek would prepare another draft that reflected the Required Revisions, but that this would be prepared and submitted to the Regional Board without further public review. We were informed there would be a public hearing on September 28, 2009 in Carpinteria (a day Heal the Ocean could not attend), but we understand that this “hearing” was not a hearing, but rather an instructional meeting conducted by Dudek to educate the public as to what a SWMP should contain.

If there is a revised Draft SWMP, Heal the Ocean insists that we have a chance to review this document before it goes to the Regional Board for approval. We do not know what is contained, or will be contained, in the revised draft that is being sent to the Regional Board to approve.

Therefore, in addition to asking for a copy of the revised draft to review, we ask for a hearing at the Regional Board, to ensure that we are not cut out of the public process (to which we have contributed a lot of time!) and so that we are given an opportunity to weigh in on the changes to the Draft SWMP for Carpinteria.

In its December 2008 form, the Carpinteria SWMP is basically a list of suggestions. It is not a robust, enforceable SWMP.

### **General Comments**

We would be pleased if the Regional Board received from the City another draft SWMP that incorporates all the required revisions the Board has asked for.

In addition, Heal the Ocean would like to have emphasized in the Carpinteria SWMP specific plans for the creeks within Carpinteria's jurisdiction, particularly those that are 303(d) listed. The Draft SWMP lists (on page 10) the four main creeks within its jurisdiction (page 10): Carpinteria Creek, Franklin Creek, Santa Monica Creek and Lagunitas Creek, and provides physical information as to the types of topography (residential, agricultural, etc.) through which these creeks and their tributaries flow, but provides no detail as to how problematic runoff to these creeks will be handled. This is particularly unhelpful in the matter of the creeks that are 303(d) listed for specific impairments.

In the same vein, Table 1 (page 14 of the December 2008 Draft) lists 303(d) Listed Water bodies within the City of Carpinteria's jurisdiction, and describes Pollutants of Concern (POCs), yet there is no discussion in the Draft SWMP as to how the City intends to tackle these POCs. Instead, the text notes, "*There are currently no Total Maximum*

*Daily Loads (TMDLs) for receiving waters to which the City discharges however, they are anticipated for the water bodies and associated impairments listed in Table 1,*" and that is the end of the discussion.

It should be noted that the Carpinteria Valley is a major agricultural area, with many greenhouses that use fertilizers, yet there is no language in the draft SWMP that addresses how the City can begin or maintain a program to control nitrogen runoff into storm drains, creeks and the ocean. While the origins of the nitrogen runoff may occur within Santa Barbara County jurisdiction, the City of Carpinteria should undertake a program similar to Santa Maria, where the city of Santa Maria is monitoring and investigating what is going into the Santa Maria River and from whom (city or county).

Heal the Ocean is only one environmental group that has been called into the greenhouse area by concerned residents, to see pipes from greenhouses placed so that their irrigation water runs directly into nearby storm drains. A strong measure of the Illicit Discharge Detection and Elimination MCM is needed here, along with enforcement.

In the December 2008 Draft SWMP the time tables for BMP implementation for all MCMs is too often "Year 1-5") – which gives no specifics for certain goals that must be met. Perhaps a review of the City of Santa Barbara's SWMP schedule could serve as a guide to the City of Carpinteria.

**The following examples of vagueness in the Draft SWMP are not acceptable:**

**1. Public Education and Outreach**

- a) Website: There is no timeline given for the development of the City's Stormwater Management website, nor for the compilation of a list of Discharger Communities. (Heal the Ocean is discouraged to see that no such website exists already.)
- b) Hotline: the City needs to develop a Stormwater Hotline that is other than the County of Santa Barbara (1-877-OUR-OCEAN), which is ineffective because too far away (and inoperable on weekends). Heal the Ocean has worked with the City of Santa Barbara to establish an emergency response through 911. The City of Carpinteria should investigate the 911 connection for itself, and also check with the City of Carpinteria Fire Department for emergency response (i.e. sewage spills).
- c) Public Opinion Survey (1.1.10) "...will be distributed during Year 5 of the permit term as a stuffer in the water bill sent out to all residents." Year 5? This is useless. Some form of measuring effectiveness should be implemented in Year 2.
- d) Measurable Goals (1.2). The language included in this section does not provide for Measurable Goals.

## 2. Public Participation and Involvement

- a) 2.1.1 “Creation of a Community Interest Group” includes the language, “*or as needed,*” and this vague wording provides an opt-out.
- b) 2.1.1 In the listing of the “following community groups,” the South Coast Watershed Resource Center is not a community group, it is a building.

## 3. Illicit Discharge Detection and Elimination

This entire section is extraordinarily vague. The preliminary discussion merely repeats with the City is expected to do, and statements like

*“...discharge sources therefore must be controlled and illicit discharges prevented and/or punished...”* do not adequately describe how control, prevention and/or punishment is to take place. Instead we read, *“...Legal enforcement procedures are also helpful in preventing illicit discharge recurrence.”*

Heal the Ocean cannot emphasize enough the importance of exact language for this section (Illicit Discharge Detection and Elimination). We receive many calls from citizens complaining about illicit discharges from the

Carpinteria greenhouse area(s), and believe Carpinteria officials need the authority to ticket and fine – *monetarily* – repeat offenders. We believe many offenders are not dumping into storm drains because they are “not aware” and therefore benefited by informational pamphlets. We believe many offenders view the storm drain is a convenient receptacle to get rid of waste – whether from the holding tank of a Recreational Vehicle, or soapy water from carpet cleaning vehicles, or (as we have personally seen) a nearby drainage ditch-system to siphon off greenhouse irrigation water.

The City of Carpinteria should adopt a “no tolerance” policy with regard to the issuance of warnings regarding permit violations and impose a mandatory financial penalty for repeated. In addition the City should adopt a “three strikes” policy, requiring a maximum fine after three violations.

Table 3-2 for BMP Illicit Discharge Detection and Elimination is entirely too vague, as follows:

BMP 3.1.1 Storm Drain System Mapping. Indicates completion of mapping of Storm Drain Master Plan by 12/3/08. It is now 9/24/09. Has this Master Plan been completed?

BMP 3.1.2. Education and Outreach. “*See section 1.0 Public Education and Outreach measurable goals*” is not satisfactory. There are no timelines in section 1.0 of the draft SWMP. “*Continue to utilize web sites, hotline....to educate the community,*” between Years 1-5, also too vague, specific timelines are needed.

BMP 3.1.3 (Part 1) Identification and Elimination of Illicit Discharge Sources. *“Respond to complaints received through City Hall...”* What does this mean? Does one call the mayor? The SWMP needs to spell out how “Public Works staff” can be contacted. *“Spill and complaint calls may be received directly from the public, from City staff doing routine field work...”* What is “routine”? How often is City staff in the field? MG describes response to complaints *within 1 (one) business day*. As noted above, the City of Carpinteria needs to investigate connection with 911 emergency services in the case of sewage spill, and 24 hours is too long for effective response.

BMP 3.1.3 (Part 2) Field Investigation and Abatement. Florists/greenhouses need to be added to the list of areas subject to field investigations. Also the Carpinteria polo grounds and horse properties. Given that horses, agriculture and greenhouses are prominent activities in the Carpinteria Valley, the SWMP must give particular notice – and specific language – to the control of storm water violations from these activities.

BMP 3.1.4 Coordination with Jurisdictional Agencies. This section of the Draft SWMP merely describes the activities of agencies other than the City of Carpinteria, and gives no language to indicate how these agencies would work together with the City to implement SWMP measures. Within Year 1, the City should establish a coordination with Fire, Sanitary District, Flood Control, and specifically spell out how the coordination would work.

BMP 3.1.5 Review Existing Policies. Heal the Ocean commends the City for making a Year 1 goal a review of municipal codes related to illicit discharge, and that during Year 2, will develop an ordinance for illicit discharge elimination (BMP 3.1.6). However, Remove the words *“if necessary”* and develop a table of enforcement action/fines.

Regarding BMP 3.1.6 in the main body of the SWMP document, Table 3-1 (on page 42) lists Discharges Exempted from SWMP Regulation, and includes Irrigation water as exempted from SWMP regulation. This needs to be reconsidered. Although these exempted discharges are standard language in the General Permit, in the matter of Carpinteria Valley, Irrigation water from greenhouses are loaded with nitrates, to the extent that storm drains with standing water which drain to small tributaries that drain to creeks are often bright (nearly iridescent) green – from the overloading of nitrates. Heal the Ocean suggests that in Carpinteria the subject of “Irrigation water” be given specific, special attention and regulatory language in the SWMP.

BMP 3.1.7 Geographic Assessment of Potential Illicit Discharges. Heal the Ocean commends the City for making a Year 1 Goal the spatial assessment of *the potential for different types of illicit discharge based on land use...* but encourages the City to include in the main body of this text (on page 42) some language indicating current, well-known, knowledge about Carpinteria Valley’s main industries and/or activities – greenhouses and horses (Polo Field). The text in main body (page 42) about septic systems, *“...if there are*

*known septic systems that are not connected to the sanitary sewer system, such systems will be located and assessed for potential connection to the storm drain (i.e. through groundwater)...*” This is an enormous statement that requires scientific connection of groundwater to storm drain system, and needs rewrite. Storm water pollution does not necessarily need a storm drain as conduit. Identifying septic system-groundwater connections as contributing to storm water pollution problems is an admirable goal of this SWMP or any SWMP (!) and if indeed this is a Measurable Goal of the Carpinteria SWMP, suggest including into the Draft SWMP quotation from Santa Barbara County’s 2003 Questa Engineering Sanitary System Survey that has already identified areas within Carpinteria’s jurisdiction where septic systems are located in inappropriate soils, in areas of high groundwater, and include into the SWMP the language and correlating tables of the Questa Engineering Study that have to do with areas within the City of Carpinteria SWMP jurisdiction.

BMP 3.1.8 Stormwater Monitoring. *“The City will keep abreast of monitoring efforts on local creeks...”* The City is required to do more than “keep abreast” of “monitoring efforts,” and must come up with a definite plan and schedule for monitoring, or at least indicate how it will coordinate with local coalition(s) that are monitoring the watersheds within Carpinteria’s jurisdiction.

#### **4. Construction Site Runoff Control**

In view of the State General Permit requirement that the City “...develop, implement *and enforce* a program to reduce pollutants in any storm water runoff...from construction activities that result in a land disturbance...” (emphasis ours), Heal the Ocean recommends that the City of Carpinteria adopt a “no tolerance” policy with regard to the issuance of warnings regarding permit violations related to construction site runoff control measures and impose a mandatory \$100 fine for first offenses. In addition the City should adopt a “three strikes” policy, requiring the maximum fine after three violations.

Instead of any such strong guiding language in the draft Carpinteria SWMP, we find Discretionary Project Review (4.1.2)...”*Staff will be trained in the appropriate selection and application of adopted Standard Conditions that relate to storm water.*” The SWMP should distinctly describe “adopted Standard Conditions that relate to storm water” and reflect the requirements of the State General Permit in the matter of enforcement.

Response to storm water violations (4.1.3) are “...*within 24 hours of receipt of the complaint...*” 24 hours is an entire day. This response time is not nearly fast enough. As suggested earlier in this comment letter, suggest that the City of Carpinteria establish a connection with 911 and/or a response program with the City’s Fire Department.

Tougher enforcement language needed. Repeating our request for tougher enforcement language in the “Illicit Discharge Detection and Elimination” section of the SWMP, Heal the Ocean is adamant that the City of Carpinteria adopt a “no tolerance” policy with regard to the issuance of warnings for permit violations for Construction Site Runoff and impose a mandatory financial penalty for repeated violations. In addition the City should adopt a “three strikes” policy, requiring a maximum fine after three violations.

**5. Post-Construction Runoff Control**

Heal the Ocean concurs with Regional Board staff on every one of the Required Revisions in this section of the SWMP, and in particular asks the

Regional Board to ensure that one of the three options for hydromodification criteria are included in the City of Carpinteria SWMP before any approval is given to the overall document.

In conclusion, Heal the Ocean would like to see the City of Carpinteria give storm water pollution a higher priority than reflected in the December 2008 Draft SWMP. We would like to see Carpinteria adopt a specific work plan for implementation and monitoring of storm water runoff controls, to include time frames, staffing and methods of insuring that Best Management Practices (BMPs) are in place by certain annual benchmarks. We urge the City of Carpinteria to view its SWMP not as a punishment, but as a roadmap to serious tackling of the storm water pollution problem.

The City does not need to be reminded that storm water runoff is the most serious source of ocean pollution – and that every ocean user knows full well by now to stay out of the ocean after a rain. Carpinteria is famed for its beaches, and we feel a strong, final “tuning” of Carpinteria’s SWMP will provide further strength and resolve to the City’s goal of regaining clean beaches for its citizens.

Very truly yours,



Hillary Hauser, executive director  
HEAL THE OCEAN

Cc: Roger Briggs, Executive Director Central Coast RWQCB  
Marco Gonzalez, Coast Law Group  
Charlie Ebeling, Public Works Director City of Carpinteria  
Kira Redmond, Santa Barbara Channelkeeper  
Jane Gray, Dudek Engineering

# CITY OF CARPINTERIA, CALIFORNIA

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October 1, 2009

Roger W. Briggs  
Executive Officer  
Regional Water Quality Control Board  
Central Coast Region  
895 Aerovista Place, Suite 101  
San Luis Obispo, CA 93401-7906

## Members of the City Council

Gregg Carty - *Mayor*  
Al Clark - *Vice Mayor*  
J. Bradley Stein  
Joe Armendariz  
Kathleen Reddington

Subject: City of Carpinteria's Storm Water Management Plan

Dear Mr. Briggs,

The City of Carpinteria (City) submitted its revised Storm Water Management Plan (SWMP) to the Central Coast Regional Water Quality Control Board on December 24, 2008. On August 3, 2009, the Regional Board posted the City's SWMP, along with the Regional Board's table of comments, for a 60 day public comment period. Based on a conversation between Erin Maker of the City and Brandon Sanderson of your staff on October 1, 2009, the City is submitting our revised SWMP electronically on the October 2, 2009 deadline as well as sending out a hard copy on the same date.

Because the City is unaware of all comments made by the public and further requirements the Board may request, and because the City must request a hearing by the October 2, 2009 deadline, the City hereby respectfully requests its right to a public hearing before the Board be scheduled. Please let it be understood that if the City, upon review of all public comments received, decides a public hearing is not necessary we will notify the Regional Board at once. Thank you for your attention in this matter.

Sincerely,

A handwritten signature in blue ink, appearing to read "Charles W. Ebeling", with a long, sweeping flourish extending to the right.

Charles W. Ebeling, C.E., T.E.  
Public Works Director/City Engineer

cc: Brandon Sanderson, Environmental Scientist, RWQCB  
Carpinteria City Council