



California Water Quality Control Board

Central Coast Region



Linda S. Adams
Secretary for
Environmental
Protection

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Arnold Schwarzenegger
Governor

December 16, 2008

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

Dear Mr. Benson:

RESPONSE TO CITY OF SANTA BARBARA'S REQUEST FOR RECONSIDERATION OF REQUIRED REVISION NUMBER 23 – RIPARIAN AND WETLAND SETBACKS

Central Coast Water Quality Control Board staff received your November 7, 2008 request for reconsideration of our Required Revision No. 23 regarding the City of Santa Barbara's (City) riparian and wetland setbacks. The City currently has a 25-foot minimum setback for Mission Creek, but is currently in the process of reviewing and updating its General Plan, during which it will consider increased creek setbacks.

We concur with the City's approach to update and improve riparian setbacks. We have revised Final Required Revision No. 23 to require the City to consider enhancing creek and riparian area setbacks as part of its General Plan update process. Please see the Revised Table of Required Revisions enclosed.

As stated in our November 5, 2008 enrollment letter, please provide a copy of the City's revised Stormwater Management Program by **January 5, 2009**.

If you have any further concerns or questions regarding this matter, please contact **Brandon Sanderson** at (805) 549-3868, or bsanderson@waterboards.ca.gov, or Matt Thompson at (805) 549-3159 or mthompson@waterboards.ca.gov.

Sincerely,

Roger W. Briggs
Executive Officer

Enclosure: Revised Table of Required Revisions

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

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California Environmental Protection Agency



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**REVISED 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 on November 5, 2008.

* Only Item 23, Required Revision, changed on December 10, 2008.

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"> 1. Assessment of program effectiveness in terms of achieving permit requirements and MGs. 2. Assessment of program effectiveness in terms of protecting and restoring water quality and beneficial uses. 3. Identification of quantifiable effectiveness measurements for each BMP, including

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				<p>measurements that link BMP implementation with improvement of water quality and beneficial use conditions.</p> <ol style="list-style-type: none"> 4. Emphasis on assessment of BMPs specifically targeting primary POCs. 5. Incorporation of the effectiveness assessment process outlined in CASQA's <i>Municipal Stormwater Program Effectiveness Assessment Guide</i> (www.casqa.org). 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. 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

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				<p>years).</p> <p>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.</p>
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	Add MGs to BMP 1.3 (Table 4.1) stating the City will conduct teacher surveys to evaluate

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			accordingly. Include MGs to determine program effectiveness.	programs annually and will revise 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 & 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 & paint disposal, radiator flushing disposal, laundry wastewater, improper disposal of auto &</p>

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				household toxics, non-stormwater 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	<p>The City does not ensure that it will enforce the ordinance against illicit discharges once adopted.</p> <p>The SWMP also does not provide appropriate MGs to achieve compliance with stormwater ordinance.</p>	<p>Revise BMP 3.2c MG to state, "implement and enforce new ordinance."</p> <p>Include MGs to pursue appropriate enforcement for 100% of identified illicit discharges and to achieve 100% resolution and/or abatement of illicit discharges.</p>
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.

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15*	4.3.1.7 Table 4.3	Illegal Discharge Training and Public Outreach	Table 4.3 lacks a BMP and MGs for the City's illegal discharge training and public outreach efforts as stated in SWMP text on page 51-53.	Revise Table 4.3 to include a 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.

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18*	4.4.1	Erosion/Sediment Control Policy	The SWMP presents conflicting information provided on the criteria for projects that are subject to standard and detailed erosion control measures between SWMP text and Appendix F.	Revise inconsistencies between 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	Include BMPs or MGs to track and enforce against individual development and/or contractor firms that are identified as repeat

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			construction site activities. Non-compliance identification must be followed-up with inspections and elevated enforcement for construction sites with same development and/or contractor firms.	offenders.
23*	4.5.1.1	Riparian And Wetland Setbacks	Many of the Land Use Policies currently provide 25-foot minimum setbacks for protection of creeks from storm water pollutants. As stated in our February 15 letter, the City will commit to protecting all riparian areas, wetlands, and their buffer zones by establishing a minimum of 30-foot setbacks for riparian areas and wetlands.	Revise this section to say the City will establish more substantial setbacks where necessary, based on habitat degradation, water quality, and land management practices. Additionally, state that the City will consider enhancing creek and riparian area setbacks as part of its General Plan update process.
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 Operation and Maintenance Verification of BMPs	The City's wording for the application of long-term operation and maintenance verification for discretionary projects of one acre or greater is inconsistent with General Permit Attachment 4 requirements.	Amend the application of long-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	Revise BMP 5.3 to include enforcement action on all projects

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			greater than 1 acre that fall under the Attachment 4 project categories.	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.
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 preformed 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.

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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	<p>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.</p> <p>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."</p>	<p>a) Include tracking mechanism for violations.</p> <p>b) The SWMP must say, "...fines <u>will be imposed</u> for repeat offenders."</p>
33*	5.3.3.2	Waterfront IDDE Spill and Complaint	Program lacks detailed information on how the public can file a complaint and how the	Include additional BMPs that address complaint procedures

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		Response	Waterfront Department will respond to those complaints.	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 Waterfront 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 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.	The SWMP and SWPPP must be revised to include BMPs to eliminate the discharge of vehicle washwater into the storm sewer system and/or surface water bodies.
37	5.3.6	Non-stormwater	The SWMP states that the Waterfront	Revise the SWMP and SWPPP to

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		Discharges & Waterfront SWPPP General BMPs	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.	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.).
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</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.

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			targets of its audience to be reached in its MGs.	b) Provide percentage or other appropriate measure of target audience to be reached annually.
39*	6.3.3	SWMP Revision	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>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, not only through their SWPPP reports.</p>
40	6.3.3	Tenant Lease Agreements	Section lacks detail and commitment to prohibit illicit discharges with words such as can, most, and typically.	The City must enforce illicit discharge prohibitions on all tenants through lease agreements. Edit language

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				<p>accordingly. 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.