

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL COAST REGION
895 Aerovista Place, Suite 101
San Luis Obispo, California**

**RESOLUTION NO. R3-2006-0045
July 7, 2006**

**County of Santa Barbara Storm Water Management Program
Santa Barbara County**

The Regional Water Quality Control Board, Central Coast Region (“Water Board” or “Central Coast Water Board”) finds:

1. On December 8, 1999, the U.S. Environmental Protection Agency (“EPA”) promulgated regulations under authority of the Clean Water Act (“CWA”) Section 402(p)(6). These regulations required NPDES storm water permits for operators of small municipal separate storm sewer systems (“Small MS4s”) that discharge to waters of the U.S.
2. On April 30, 2003, the State Water Resources Control Board (“State Water Board”) adopted Order No. 2003-0005 DWQ (NPDES Permit No. CAS000004) Waste Discharge Requirements for Storm Water Discharges from Small Municipal Separate Storm Sewer Systems (“General Permit”).
3. The General Permit requires regulated Small MS4s to develop a storm water management program (“SWMP”) designed to reduce pollutant discharge to the maximum extent practicable (“MEP”) and to protect water quality. The SWMP must contain Best Management Practices (“BMPs”) that address six Minimum Control Measures. SWMPs must incorporate measurable goals and implementation time schedules, and must be available for public review and comment and are subject to a public hearing if requested prior to approval. Upon approval of a SWMP by the appropriate regional water quality control board or its Executive Officer, permit applicants obtain coverage under the General Permit.
4. The State Water Board found, and the Central Coast Water Board concurs, that implementing storm water quality programs that address the six Minimum Control Measures in previously unregulated areas will decrease the pollutant loading to the receiving waters and improve water quality.

5. The State Water Board found the General Permit to be consistent with the anti-degradation policies of 40 CFR Section 131.12, SWRCB Resolution 68-16, and the Central Coast Water Board's Basin Plan.
6. This action to approve the County of Santa Barbara SWMP is exempt from the California Environmental Quality Act pursuant to Water Code Section 13389.
7. The County of Santa Barbara evaluated local water quality, BMP applicability, expected BMP effectiveness, and technical and economic feasibility in developing the SWMP. Specific BMPs were identified from community input, review of other programs, and evaluation of various BMP manuals and lists.
8. The County of Santa Barbara submitted a SWMP and Notice of Intent to comply with the General Permit on March 10, 2003. In response to Water Board staff review and comments, the County prepared three revised SWMPs.
9. Following public notice in accordance with State and federal laws and regulations, the Water Board, in a public hearing on July 7, 2006, heard and considered all comments on the SWMP.
10. The Water Board finds that the SWMP is designed to reduce the discharge of pollutants to the MEP standard established in the General Permit for these reasons: 1) The SWMP meets and/or exceeds the Phase II General Permit requirements for all six Minimum Control Measures; 2) The chosen BMPs address both the research-based urban pollutants, and the locally-documented pollutants of concern; 3) the SWMP employs all applicable BMPs except those that are not technically feasible in the locality, or whose cost would exceed the benefit to be derived, or where other selected BMPs achieve the same water quality protection or serve the same purpose, or where the cost of the BMPs would be prohibitive; and 4) the five-year program prescribed by the SWMP provides a logical progression of BMP implementation to meet a full program realization within the permit term.
11. Attachment 4 of the General Permit includes Design Standards that apply to traditional and nontraditional Small MS4s serving a population of 50,000 people or more, or that are subject to high growth¹. Attachment 4 addresses post-construction requirements and compliance with water quality standards. It also includes receiving water limits necessary to protect water quality. The County of Santa Barbara meets the Attachment 4 designation criteria. The SWMP requires the County to comply with Attachment 4.
12. Section 402(p)(3)(B)(iii) of the Clean Water Act requires controls that reduce pollutants to MEP, and "such other provisions as the Administrator or the State

¹ "High growth" is defined by the Permit as areas which have experienced more than 25% population growth over years 1990 – 2000, or are expected to grow more than 25% between 1999 – 2009.

determines appropriate for the control of such pollutants.” The General Permit requires permittees to develop a SWMP designed to reduce the discharge of pollutants to MEP and to protect water quality. (General Permit Finding 14, page 3 and Provision D, pg.8.)

13. The General Permit allows permittees five years from the date of SWMP approval to fully implement the SWMP.
14. The SWMP requires the County of Santa Barbara to develop and implement programs and model ordinances within five years to achieve MEP. The specific provisions of some of these programs will be developed after SWMP approval, and will be subject to public review. The General Permit allows the Executive Officer to require changes to the SWMP (including the model ordinances and other program details) as necessary to meet the MEP standard, and to require additional monitoring and reporting.

THEREFORE, BE IT RESOLVED THAT:

1. The Central Coast Water Board hereby approves the County of Santa Barbara Storm Water Management Plan, subject to Paragraph 2. Coverage under the General Permit commences on the date this Resolution is adopted.
2. Pursuant to Section G of the General Permit, the County of Santa Barbara is required to amend the SWMP no later than August 31, 2006, to include the following provisions. Failure to make these revisions may subject the County of Santa Barbara to enforcement action:
 - a. On page 1-3 under the Green Gardner Certification Program bullet, the last sentence must be updated to reflect that a program assessment tool will be developed by September 2006.
 - b. Clarify the frequency of stakeholder meetings in the first bullet on the top of SWMP page 2-6. Remove bi-monthly and indicate that the County will hold three South County stakeholder meetings per year and three North County stakeholder meetings per year. Include information regarding stakeholder involvement in the annual report review process.
 - c. Include permit area maps with waterbodies clearly delineated.
 - d. The County must clearly define the Voluntary Water Quality Sampling program, on SWMP page 2-4, within permit year one. The County must include information regarding the constituents that will be monitored, the number of monitoring locations, and the monitoring frequency.
 - e. The unincorporated urbanized area of Mission Hills must be included as part of the permit area.
 - f. The Illicit Discharge Field Investigation and Abatement BMP must include routine inspection and enforcement protocols for the two new illicit discharge programs discussed in the last paragraph of page 3-9 and the first paragraph on page 3-10. Update the measurable goals on

page 3-26 under the Illicit Discharge Field Investigation and Abatement to include inspection and enforcement goals.

- g. The discretionary permit review process listed on page 5-12, which requires the County to evaluate 100% of discretionary projects, will start in year 1 rather than year 2.
- h. Append the Final Program Environmental Impact Report Updated Routine Maintenance Program (November 2001) for the County Flood Control District, which includes BMPs for Flood Control District Maintenance Projects.
- i. Include the following MEP language on page xiii following the second paragraph: "The MEP standard involves applying best management practices (BMPs) that are effective in reducing the discharge of pollutants in storm water runoff. In discussing the MEP standard, the State Board has said the following: "There must be a serious attempt to comply, and practical solutions may not be lightly rejected. If, from the list of BMPs, a permittee chooses only a few of the least expensive methods, it is likely that MEP has not been met. On the other hand, if a permittee employs all applicable BMPs except those where it can show that they are not technically feasible in the locality, or whose cost would exceed any benefit to be derived, it would have met the standard. MEP requires permittees to choose effective BMPs, and to reject applicable BMPs only where other effective BMPs will serve the same purpose, the BMPs would not be technically feasible, or the cost would be prohibitive." (Order No. WQ 2000-11, at p.20.) MEP is the result of the cumulative effect of implementing, continuously evaluating, and making corresponding changes to a variety of technically and economically feasible BMPs that ensures the most appropriate controls are implemented in the most effective manner. This process of implementing, evaluating, revising, or adding new BMPs is commonly referred to as the iterative approach (see question 4). For Small MS4s, EPA has stated that pollutant reductions to the MEP will be realized by implementing BMPs through the six minimum measures described in the permit. (64 Federal Register 68753.)"
- j. Remove the final paragraph on SWMP page xvii regarding budgetary constraints which states:
"However, the County has a concern regarding the impracticability of program implementation due to unexpected adverse fiscal events beyond the control of the County. Specifically, the revenues received by the County are constrained by state law, the annual actions of the State Legislature and Governor in the state budget process, and the State constitution. In the event that substantial revenue reductions occur, a consideration of the County financial situation would occur in the annual review process with evaluation for compliance with the MEP standard, as required by the General Permit."
- k. In the first paragraph on page xviii, indicate that monitoring reports will be submitted to the Water Board on an annual basis and remove

“starting in August 2004.” In the first sentence of the last paragraph on the same page the SWMP should indicate that the County will submit annual reports pursuant to the reporting requirement of the General Permit. Remove the statement, “to state guidance provided in the Final Draft from March 4, 2004.”

3. The County of Santa Barbara shall provide a copy of the revised pages of the SWMP to the Water Board no later than September 15, 2006, pursuant to Water Code Section 13383.

Any person affected by this action may petition the State Water Board to review the action in accordance with section 13320 of the California Water Code and Title 23, California Code of Regulations, Section 2050. The State Board must receive the petition within 30 days of the date of this Resolution. Copies of the law and regulations applicable to filing petitions will be provided upon request.

I, Roger W. Briggs, Executive Officer, do hereby certify the foregoing is a full, true, and correct copy of a Resolution adopted by the California Regional Water Quality Control Board, Central Coast Region, on July 7, 2006.

Roger W. Briggs, Executive Officer