

**ATTACHMENT 3  
CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD  
CENTRAL COAST REGION**

**Response to Comments  
City of Carpinteria Storm Water Management Plan December 2008**

**Introduction**

This document includes Central Coast Regional Water Quality Control Board (Water Board) staff responses to the comments received during the Water Board's 60-day public comment period (August 3 – October 2, 2009) for the City of Carpinteria's (City) Storm Water Management Plan (SWMP) and Water Board staff's Draft Table of Required Changes. We received comments from the following organizations:

September 30, 2009: Santa Barbara Channelkeeper

October 1, 2009: Heal the Ocean

October 1, 2009: City of Carpinteria *(The City provided comments in the form of a revised SWMP dated October 2009 that addresses public input and Water Board staff required revisions. Water Board staff will not respond to the City's revisions of the SWMP at this time. Formal SWMP revisions are required to be submitted by the date stated in the Final Table of Required Revisions. Water Board staff will review the City's SWMP at that time to ensure it incorporates the changes specified in the Final Table of Required Revisions.)*

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**Comments from Santa Barbara Channelkeeper, September 30, 2009**

1. Comment: 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.

**Response: Staff agrees that proper effectiveness assessment must be included in the SWMP. Staff included Required Revision No. 2 requiring the development of an effectiveness assessment strategy. The City has included Best Management Practice (BMP) 1.0 in the October 2009 SWMP to address this comment. The effectiveness strategy will be developed in year 1 and implemented starting in year 2. The City has included basic effectiveness measures for assessment in year 1. See revised SWMP dated October 2009.**

2. Comment: 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. ... 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. ... We provide specific recommendations for how to improve several of the proposed MGs in the comments on particular BMPs below.

**Response: Comment noted. Staff will respond to specific comments below. See revised SWMP dated October 2009 for the City's revisions to MGs.**

3. Comment: 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.

**Response: Staff agrees and has included Required Revision Nos. 3 and 12 requiring this amendment. The City has included a column identifying which Pollutants of Concern (POCs) are addressed by BMPs in the revised SWMP BMP tables. See revised SWMP dated October 2009.**

4. Comment: **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.

**Response: BMP 5.1.11 has been added by the City to include Attachment 4 requirements. See revised SWMP dated October 2009. Staff has included Required Revision No. 20 requiring this amendment.**

5. Comment: 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.

**Response: Staff agrees that the SWMP must acknowledge the future development of TMDLs and has added Required Revision No. 1 requiring this amendment.**

#### **Public Education and Outreach**

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

**Response: Staff agrees that brochures must target particular pollutants of concern and therefore included the Required Revision No. 3 requiring this amendment. BMP 1.1.1 has been revised by the City to address this comment. See revised SWMP dated October 2009.**

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

**Response: BMP 1.1.7 has been revised by the City to address this comment. See revised SWMP dated October 2009.**

8. Comment: 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. **Response: BMPs 1.1.8 and 1.1.9 have been revised by the City to address this comment. See revised SWMP dated October 2009.**

9. Comment: Stormwater Hotline: 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 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.

**Response: BMP 1.1.10 has been revised by the City to address this comment. See revised SWMP dated October 2009. Staff agrees that the City must track and respond to**

**all stormwater calls and has included Required Revision No. 5 requiring this amendment.**

10. Comment: 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. **Response: Staff agrees that the MG is vague and has included Required Revision No. 6 requiring this amendment.**

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

**Response: Staff agrees that the survey should be used to improve future public education and outreach efforts and has added Required Revision No. 7 requiring this amendment.**

12. Comment: *Business Education:* ...Channelkeeper therefore strongly urges the addition of a BMP and associated MGs to proactively educate the business community about stormwater pollution prevention. ...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.

**Response: Staff agrees that particular businesses have a high potential to discharge pollutants to the MS4 and should be prioritized for educational outreach. Staff has added Required Revision No. 8 requiring this amendment.**

## **Public Involvement and Participation**

13. Comment: Community Interest Group: ...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. **Response: Staff agrees that more explicit detail regarding interest group meetings is needed and has included Required Revision No. 9 requiring this amendment.**

14. Comment: 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. ... As such, this BMP needs to be updated accordingly...in order to avoid making the same mistakes made by the County.

**Response: Comment noted. Staff recommends that the BMP be updated accordingly but is not requiring revisions to be made at this time.**

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

**Response: Comment noted. Staff recommends that the City attend CASQA meetings but is not requiring attendance at this time.**

16. Comment: 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.

**Response: BMP 2.1.5 has been revised by the City to address this comment. See revised SWMP dated October 2009.**

17. Comment: Volunteer Group Formation: ... Channelkeeper strongly urges the City to do more than simply support volunteer organizations, but to also develop its own groups or programs... 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.

**Response: Staff agrees with the comment that the City should develop its own groups and organizations that facilitate public involvement and participation and encourages the City to do so. However, we are not requiring the City to further develop this BMP at this time. The City currently commits to public participation through BMP 2.1.1 which includes public noticing of activities in regards to the development and implementation of the SWMP as required by the General Permit. The City must evaluate the effectiveness of its Public Participation and Involvement program annually and therefore, may determine that further public participation activities are needed.**

18. Comment: 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.

**Response: BMP 2.1.7 has been revised to address this comment. See revised SWMP dated October 2009. Staff agrees that the BMP should be revised to address this comment and has included Required Revision No. 10 requiring this amendment.**

19. Comment: 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

**Response: Comment noted. Staff understands that through the implementation of many of the BMPs within the SWMP, feedback will be provided to the City through many avenues (e.g., Community Interest Group participation, Stormwater Hotline, and Public Opinion Surveys) and therefore, is not requiring the City to include these additional details at this time.**

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

20. Comment: 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.

**Response: Staff agrees that a business education program must be developed and implemented to reduce stormwater pollution from business and industry in Carpinteria. Staff has added Required Revision No. 8 requiring this amendment.**

21. Comment: 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.

**Response: BMP 3.1.2 has been revised by the City to address this comment. See revised SWMP dated October 2009. Staff agrees that the BMP should be revised to address this comment and has included Required Revision No. 14 requiring this amendment.**

22. Comment: 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.

**Response: Staff agrees that a more systematic approach should be taken for the development of a Field Investigation and Abatement program and that more details should be included within this BMP. Staff also agrees that follow-up inspections and enforcement should be included to eliminate illicit discharges. Staff has added Required Revision No. 15 requiring this amendment.**

23. Comment: 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.

**Response: Staff agrees that this BMP lacks critical information regarding coordination with other jurisdictional agencies. Staff has restated and revised Required Revision No. 16 requiring this amendment.**

24. Comment: 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.

**Response: BMP 3.1.8 currently commits the City to the development of a Stormwater Ordinance to eliminate illicit discharges. An illicit discharge is a general term that describes all discharges not comprised entirely of stormwater. This is a point of clarification that staff has included as Required Revision No. 19. Staff agrees that the BMP should include means of soliciting public input and has included Required Revision No. 17 requiring this amendment. BMP 3.1.8 has been revised by the City to address this comment. See revised SWMP dated October 2009.**

25. Comment: 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.

**Response: BMP 3.16 (*typo*) has been revised by the City to address this comment. See revised SWMP dated October 2009. Staff agrees that the BMP should be revised to address this comment and has included Required Revision No. 14 requiring this amendment.**

26. Comment: 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.

**Response: Staff agrees that the City should provide greater detail on the action items as a result of the assessment and has restated Required Revision No. 21 requiring this amendment.**

27. Comment: 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.

**Response: Comment is noted. Stormwater monitoring is not required under the General Permit at this time. However, the City is committed to using and analyzing current monitoring efforts by third parties within the City. Staff has revised and restated Required Revision No. 22 requiring the City to develop a program to determine sources of bacteria and nutrient pollution that enter the City's MS4. This may include monitoring to determine pollutant levels and sources. The City must also consider monitoring as part of its effective assessment during the latter stages of the permit term. Staff may require further monitoring as part of SWMP implementation at a later time.**

#### **Construction Site Runoff Control**

28. Comment: 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.

**Response: Staff agrees that the MCM lacks appropriate detail regarding permit requirements and has included Required Revision No. 24 requiring amendments.**

29. Comment: 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.

**Response: BMP 4.1.1 was added by the City to address this comment. See revised SWMP dated October 2009. However, staff finds that the BMP is lacking detail regarding education and training procedures and therefore, has included revisions to Required Revision No. 25 requiring this amendment.**

30. Comment: 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.

**Response: Staff agrees that procedures for public input must be included in the SWMP and has restated Required Revision No. 24 requiring this amendment.**

31. Comment: 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.

**Response: Staff agrees more specifics are need for this BMP and has included Required Revision No. 26 requiring amendments.**

32. Comment: 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.

**Response: Staff agrees that the BMP does not provide appropriate detail describing implementation and has included Required Revisions No. 27 – 29. BMP 4.1.3 has been revised by the City to address proper tracking of construction project information. See revised SWMP dated October 2009.**

33. Comment: 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.

**Response: Comment noted. Staff understands that through the implementation of many of the BMPs within the SWMP, feedback will be provided to the City through many avenues (e.g., Training evaluations, site inspections, and complaint calls) and therefore, is not requiring the City to include these additional details at this time.**

#### **Post Construction Runoff Control**

34. Comment: 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.

**Response: Staff agrees that the BMP is incomplete in addressing implementation and enforcement procedures regarding existing land use policies and has included Required Revision No. 30 requiring this amendment.**

35. Comment: 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.

**Response: Staff agrees that it is important to consider BMP and stormwater control measures early on in the project review process and has included Required Revisions No. 33, 34, and 36 requiring amendments.**

36. Comment: 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.

**Response:** Staff agrees that the City should include details regarding revisions and updates to policies and procedures and has included Required Revisions No. 30, 32 and 33 requiring these amendments.

37. Comment: 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.

**Response:** BMP 5.1.7 has been revised to address this comment. The City will also develop an effectiveness assessment strategy (BMP 1.0) that will further incorporate appropriate assessment parameters. See revised SWMP dated October 2009.

38. Comment: 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.

**Response:** Staff agrees that the BMP should be advertised to the development community and to showcase projects to raise awareness about LID. Therefore, staff has added Required Revision No. 35 requiring the amendment.

39. Comment: 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.

**Response:** Staff agrees that the City must commit to more than a one-time inspection of post-construction projects to ensure proper operation and maintenance of BMPs and therefore, has included Required Revision No. 36 requiring this amendment. BMP 5.1.10 has been added by the City to develop a post-construction stormwater ordinance that will contain enforcement procedures for non-compliance. See revised SWMP dated October 2009.

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

40. Comment: 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.

**Response:** Comment noted. Staff has included Required Revisions No. 39 - 48 to improve the operation and maintenance program.

41. Comment: 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.

**Response:** BMP 6.1.1 has been revised by the City to address this comment. See revised SWMP dated October 2009. Staff has included Required Revision No. 40 requiring this amendment.

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

**Response: BMP 6.1.2 has been revised by the City to address this comment. See revised SWMP dated October 2009.**

43. Comment: 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.

**Response: Staff agrees that pesticide use should be reduced during the permit term and has included Required Revision No. 42 requiring this amendment. However, staff does not necessarily agree that pesticide use should be removed completely by the end of the permit term. BMP 6.1.3 has been revised by the City to incorporate the Required Revision. See revised SWMP dated October 2009.**

44. Comment: 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.

**Response: BMP 6.1.4 has been revised by the City to address this comment. See revised SWMP dated October 2009. Staff included Required Revision No. 43 requiring this amendment.**

45. Comment: 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.

**Response: BMP 6.1.5 has been revised by the City to address this comment. See revised SWMP dated October 2009. Staff included Required Revision No. 44 requiring this amendment.**

46. Comment: 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.

**Response: BMP 6.1.7 has been revised by the City to address this comment. See revised SWMP dated October 2009. Staff included Required Revision No. 46 requiring this amendment.**

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## **Comments from Heal the Ocean, October 1, 2009**

### **General Comments**

47. Comment: ...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, ... 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. ... 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). ... A strong measure of the Illicit Discharge Detection and Elimination MCM is needed here, along with enforcement.

**Response: Staff has included specific Required Revisions for the SWMP to incorporate connections between POCs and BMP development. See Required Revisions No. 3, 12, and 21.**

48. Comment: 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.

**Response: Many of the BMPs are to be implemented annually during the permit term and are therefore identified appropriately in the time tables.**

## **1. Public Education and Outreach**

49. Comment: 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.)

**Response: BMP 1.1.4 has been revised by the City to address this comment. See revised SWMP dated October 2009.**

50. Comment: 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).

**Response: BMP 1.1.10 has been revised by the City to address this comment. See revised SWMP dated October 2009.**

51. Comment: 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.

**Response: The City has included BMP 1.0 to develop an Effectiveness Assessment Strategy in year one to define appropriate assessment parameters. See revised SWMP dated October 2009. Staff agrees that the BMP should be revised to address this comment and has included Required Revision No. 2 requiring this amendment.**

52. Comment: d) Measurable Goals\_(1.2). The language included in this section does not provide for Measurable Goals.

**Response: Staff agrees and has included Required Revision No. 2 regarding effectiveness assessment and MG guidance. Table 1-1 has been revised by the City to include measurable goals. See revised SWMP dated October 2009.**

## **2. Public Participation and Involvement**

53. Comment: a) 2.1.1 “Creation of a Community Interest Group” includes the language, “*or as needed,*” and this vague wording provides an opt-out.

**Response: Staff agrees that more explicit detail regarding interest group meetings is needed and has included Required Revision No. 9 requiring this amendment.**

54. Comment: 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.

**Response: Comment noted.**

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

55. Comment: This entire section is extraordinarily vague. ... 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. ... 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.

**Response: Staff agrees that a more explicit description of enforcement procedures should be contained in the SWMP and has included Required Revision Nos. 14 and 18 requiring these amendments.**

56. Comment: 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?

**Response: BMP 3.1.1 has been revised by the City to address this comment. See revised SWMP dated October 2009.**

57. Comment: 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.

**Response: BMP 3.1.2 has been revised by the City to address this comment. See revised SWMP dated October 2009. Many of the BMPs are to be implemented annually during the permit term and are therefore identified appropriately in the time tables.**

58. Comment: 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.

**Response: BMP 3.1.3 has been revised by the City to address this comment. See revised SWMP dated October 2009. Complaint calls are received through the City’s Code Enforcement Hotline or through 911, which will be promoted in various outreach materials as part of the Public Education and Outreach program. Staff agrees that the BMP should be revised to address this comment and has included Required Revision No. 14 requiring this amendment.**

59. Comment: 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. **Response: The City has included, in the SWMP, reference to areas of priority concern for investigation of potential illicit discharges. The City understands that it must investigate and abate all identified illicit discharges to the MS4. Staff has revised Required Revision No. 15 requiring the City to commit to investigating and abating 100 percent of all identified**

illicit discharges to clarify this point. However, most if not all of the greenhouses and the polo grounds are outside of the City's jurisdiction. Staff has included Required Revision No. 12 requiring that the City develop a program to identify sources of bacteria and nutrients entering the City's MS4. Source identification may then be forwarded to the County of Santa Barbara and the Water Board for further action.

60. Comment: 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 coordination with Fire, Sanitary District, Flood Control, and specifically spell out how the coordination would work.

**Response: BMP 3.1.4 has been revised by the City to address this comment. See revised SWMP dated October 2009. Staff agrees that the BMP should be revised to address this comment and has included Required Revision No. 16 requiring this amendment.**

61. Comment: 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... Heal the Ocean suggests that in Carpinteria the subject of "Irrigation water" be given specific, special attention and regulatory language in the SWMP.

**Response: Staff agrees that exempted non-stormwater discharges must be evaluated to determine their potential to discharge pollutants and has included Required Revision No. 20 requiring this amendment. However, most if not all of the greenhouses are outside of the City's jurisdiction. Therefore, the City is unable to take enforcement action against these discharges. Identification of such sources can be forwarded to the County of Santa Barbara and the Central Coast Water Board for further action.**

62. Comment: 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).

**Response: See response to comment #56.**

63. Comment: 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. ...

**Response: The City has determined, through the Santa Barbara County's 2003 Questa Engineering Sanitary System Survey, that septic systems are not a major source of pollutants to the City's MS4 and therefore, has removed septic references from this section.**

64. Comment: 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.

**Response: The City has revised BMP 3.1.8 addressing this comment. Staff agrees that there should be coordination with local coalitions that are currently monitoring surface**

waters within the City's jurisdiction and has included Required Revision No. 22 requiring this amendment.

#### 4. Construction Site Runoff Control

65. Comment: ...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.

**Response: Staff agrees that a more explicit description of enforcement procedures should be contained in the SWMP and has included Required Revision No. 28 requiring this amendment.**

67. Comment: ...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: Staff agrees that a more explicit discussion of Standard Conditions policies and enforcement procedures should be included in the SWMP. Staff has included Required Revisions No. 24, 26, 28 and 30 requiring these amendments.**

68. Comment: 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.

**Response: The City has established a connection with 911 services as part of the Illicit Discharge Detection and Elimination program. Staff finds that the goal to respond to a public complaint, regarding construction site non-compliance, within one day of a reported complaint is a reasonable response time frame.**

69. Comment: 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.

**Response: See response to comment #65.**

#### 5. Post-Construction Runoff Control

70. Comment: 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.

**Response: Staff has included Required Revision No. 31 requiring this amendment.**