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Thursday, August 27, 2009

SENT BY ELECTRONIC MAIL

Ms. Joy Hufschmid  
Project Clean Water Manager  
County of Santa Barbara  
105 E. Anapamu Street  
Santa Barbara, CA 93101

**Re: Santa Barbara County Stormwater Management Program Annual Report,  
Santa Barbara County, Permit Year 2008-2009**

Dear Ms. Hufschmid:

Thank you for meeting with Heal the Ocean and Santa Barbara Channelkeeper today to discuss the Draft County Storm Water Management Program Annual Report for Permit Year 2008-2009,, which is due to be filed with the Regional Water Control Board (RWQCB).

As stressed during the meeting, the overarching problem with this Annual Report is lack of specifics about what has been accomplished for the permit year. Instead of actual numbers, cases, and assessments of actual numbers or cases, we have in this Annual Report vague language, followed by a self-assessment that "success" has been achieved at Level 2, 3 or even 4. There is no explanation how these Levels are achieved, because there is no activity reported.

Although are few more numbers and examples are outlined in the body of the texts for each MCM, the best example of lack of particulars is rife throughout the summary at the back of the document (7.0 Program Effectiveness Assessment), as follows:  
MCM 2.0 Public Participation and Involvement:

Part b) "...Continuation of regular intergovernment meetings is *appropriate for coordinating among the different storm water management programs in the County...*'  
...Obtaining input is *useful in understanding...*"

Part c) *Volunteer sampling is appropriate...*"

In both of these examples, nothing is said as to how many intergovernment meetings there were, or how coordination happened (or didn't happen). Yet the Annual Report gives a Level 2 success for both.

#### MCM 3.0 Illicit Discharge Detection & Elimination

The entire discussion under the MCM is vague and ambiguous. "...all the BMPs within the IDDE program are effective at reducing pollution in storm water..." yet no BMP is identified, no measurement is given, "...for these reasons, this component will continue to be carefully monitored during Year 4 **to see if it has the appropriate level of resource allocation and attention.**"

Part b) Storm Water Ordinance (BMP 3.2): "Improvement of content and use of the storm water ordinance **does not seem warranted and is not recommended at this time.**" Based on what? No specifics are given.

Part d) Spill & Complaint Response: Field Investigation & Abatement (BMPs 3.4 and 3.6): "Creek walks allow staff to discover sources of pollution that would otherwise not be reported..." No specifics on how many creek walks, where, and what was found, but "This BMP is successful at Level 1, with outcome success at Levels 3 and 4." Based on what?

In addition, there are pages and pages and lists of Active Grading Permits that were filed, pages and pages of Inspections and Daily Inspection Rate for Building Cases, Pages of visits to Businesses, Pages of SWPPP Inspections, etc. but no assessment of trend, areas of problems, or solutions for problems are given. Heal the Ocean cannot imagine Water Board staff being able to make sense of all this.

There is no assessment of theme, overall trend, what the County can do to solve problems.

As we discussed in this afternoon's meeting, Heal the Ocean joins Channelkeeper in objecting to the fact that notices of violation are not given, and that the County is still handing out pamphlets in what we believe is the mistaken belief that everyone becomes law abiding when spoken to. Notices of Violation (NOV) and fines DO deter wrongdoing, including illegal dumping into storm drains, some examples of which we discussed this afternoon.

Finally, we find it mind-boggling that the problems and discrepancies with this current Annual Report is exactly the same as the previous (2007-2008) Annual Report, which earned the following criticisms in a RWQCB letter of April 10, 2009 to Santa Barbara County:

#### **Violations of the General Permit which must be corrected:**

1) Spill complaint & Response— no proper notification for regulated parties of violations of stormwater ordinance, no scheduled follow-up inspections;

- 2) Commercial/Industrial Facility Inspections (conducted by County Fire Department and Environmental Health Services) – no follow-up, no copy of EHS inspection checklist; 315 food facilities not inspected in Year 2;
- 3) Low number of first-time inspections by County Project Clean Water (PCW) for 59 priority facilities;
- 4) Field Inspections and Abatement– no description of creek walks (as requested in Regional Board’s January 28, 2008 letter), and no description of the nature of discharges encountered. Creek walk dates in Table 3-2 are not consistent with Year 2 permit term;
- 5) Reoccurring discharges– no documentation or tracking of follow-up inspections of violations;
- 6) Construction – Grading Code update required, to provide provision for riparian and watercourse protection;
- 7) Inadequate administrative fines (currently \$100/day for 1st violation, but as noted by the Regional Board, no follow-up);
- 8) Minimum inspection quota during rainy season not met- for plan review, site inspection and enforcement;
- 9) Verbal warnings instead of written warnings for site inspection and enforcement;
- 10) Correction notices/field notes tossed out (when more than a verbal warning is issued for site inspection), which is a violation of the Municipal General Permit Section F.3, that requires records to be kept for 5 years and correction notices to be tracked in follow-up inspections in an escalating enforcement strategy;
- 11) No follow-up or Notice of Violation (actual case in which pollutant materials were not cleaned up after first encountered by inspector);
- 12) Violation of reporting requirements for construction project (in this case 1000 Via Tranquila Hope Ranch), a violation of the California Water Code, this has gone on despite two requests from the Regional Board;
- 13) Staff training contradictory reporting to Regional Board: MG 4.7.2 states 100% annual training of County permit and review planning staff, but the Annual report says this MG will occur in Year 2, and 2008 revision of SWMP removes this altogether;
- 14) No inspection program to ensure correct operation and maintenance of BMPs which includes appropriate enforcement– only 4 sites inspected for BMPs when 15 sites were conditioned;
- 15) Failure to meet street sweeping requirements. County-permitted areas such as Isla Vista, Vandenberg Village, Los Olivos, Santa Ynez and Mission Hills not being swept.  
NOTE: The County is still not sweeping these areas, as reported in the Draft 2008-2009 Annual Report.

In its criticism of the 2007-2008 Annual Report, the Regional Board goes on to note that the County changed language in SWMP to say from “3 to 4 times per year” to “up to three times per year” without justification. But in the current Annual Report that number is also changed without justification. The Regional Board also wanted to know why the County did not list the streets they are sweeping, and provide an explanation for the choice(s), in terms of pollution control?

Heal the Ocean noted this afternoon that the poundage of trash swept was given, as was the amount of debris and trash removed from storm drains, yet there are no numbers given as to how many cleanups there were, and how often.

The Regional Board previously required improvements to the SWMP that are required to meet the Maximum Extent Practicable standard (MEP):

- 1) Provide BMP Implementation Tables for each MCM, which were provided in the July 2006 SWMP but which are now removed;
- 2) Educational program for children-Revise the SWMP to include a MG that analyzes presentation evaluations to improve such programs;
- 3) Low Attendance at County PCW stakeholder meetings- Provide a discussion as to why there is such low attendance (and provide detail why there was high attendance at a PCW meeting in January 2009);
- 4) Illicit Discharge/Stormwater Ordinance has no detail and specificity, provides no recommendations for improvement, and the Annual Report does not summarize the nature and source of illicit discharges and abatement results, including issuance of Notice of Violations;
- 5) Implementation of General Permit Attachment 4(B) for Post-Construction not clearly defined;
- 6) No plan for Hydromodification control;
- 7) No evaluation of BMPs for Municipal Operations.

#### **Conclusion and Recommendations:**

Because the draft 2008-2009 Annual Report has the same problems already criticized by the Regional Board in an earlier version of this report, Heal the Ocean agrees with the demands made by Regional Board staff for the earlier version, and we will be asking the Regional Board take strong action on this iteration of an Annual Report as it did the earlier one – and that it reject this draft Annual Report, and issue Notice(s) of Non-Compliance to Santa Barbara County for at least the most blatant omissions to SWMP requirements;

Thank you for the opportunity to comment.

Very truly yours,



Hillary Hauser, executive director

Cc: Roger Briggs, Executive Direction Regional Water Quality Control Board  
Kira Redmond, Santa Barbara Channelkeeper