



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

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August 22, 2008

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

**Re: City of Lompoc Storm Water Management Plan**

Dear Mr. Sanderson:

Please accept the following comments on the City of Lompoc's Draft Storm Water Management Plan for September 2008-September 2013 (SWMP), which are hereby submitted by Santa Barbara Channelkeeper. Channelkeeper is a non-profit organization dedicated to protecting and restoring the Santa Barbara Channel and its watersheds, and for the past five years we have been reviewing and commenting on the draft SWMPs of municipalities throughout Santa Barbara County with the goal of ensuring that they will meet the requirements of California's General Permit for Storm Water Discharges from Small Municipal Storm Sewer Systems (MS4s) (hereafter "General Permit") and will be effective in protecting water quality and reducing the discharge of pollutants to the Maximum Extent Practicable (MEP).

Unfortunately, Channelkeeper finds that Lompoc's SWMP falls short of meeting the General Permit's requirements in numerous respects. We strongly recommend that the Central Coast Regional Water Quality Control Board (RWQCB) require substantial improvements to Lompoc's SWMP before approving it, along the lines we outline below.

**General Comments**

The General Permit requires municipalities to assess the appropriateness and effectiveness of the Best Management Practices (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, Lompoc'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 RWQCB to require the addition of effectiveness assessment BMPs in the SWMP.

Additionally, Channelkeeper finds that the SWMP lacks adequate specificity in many of the BMPs it proposes to implement, and that many of the MGs are not in fact measurable and as such will not enable the City, the public nor the RWQCB to evaluate the effectiveness of individual control measures and the SWMP as a whole. MGs are described in the Phase II Rule as BMP design

objectives or goals that quantify the progress of program implementation and the performance of BMPs. They are objective markers or milestones that will be used to track the progress and effectiveness of BMPs in reducing pollutants to the MEP. At a minimum, MGs should contain descriptions of actions that will be taken to implement each BMP, what is anticipated to be achieved by each goal, and the frequency and dates for such actions to be taken.<sup>1</sup> According to the General Permit, MGs should be quantitative and measure progress through the development, implementation and evaluation of each BMP and should enable measurement of the BMPs' effectiveness in reducing pollutants over the life of the permit. We provide specific recommendations for how to improve several of the proposed MGs in the comments on particular BMPs below.

Finally, Lompoc's SWMP only identifies sediment, oil and grease, and trash and floatables as pollutants of concern, but there are several other pollutants of concern that are common to all municipalities which Lompoc's SWMP must also address, including bacteria, nutrients, heavy metals, pesticides and herbicides, and petroleum hydrocarbons.

### **Public Involvement and Participation**

Channelkeeper notes that the City's SWMP presents very little opportunity for public involvement in stormwater management. We strongly urge that BMPs be added to create a citizen stormwater stakeholder group that meets regularly and to provide opportunities for citizens to participate in regular creek or beach clean-ups or volunteer water quality monitoring efforts.

Interagency Coordination: Staff should attend 100% of the quarterly Santa Barbara County intergovernmental committee meetings annually, not just 2/3 or 75% of the meetings.

Public Meetings: The City must not only hold public meetings on the SWMP and any associated ordinances, but it must also solicit public comments on the drafts of these documents, provide sufficient time for response, and commit to incorporating the public's comments as appropriate into revised versions of these documents prior to their finalization. Moreover, the City must also commit to conducting public meetings each year to explain the City's progress in implementing the SWMP and to present and solicit public comment on its draft annual SWMP implementation reports and should incorporate comments it receives from the public into the annual reports before submitting them to the RWQCB. Finally, the City must also include MGs on how it intends to announce these public meetings to ensure meaningful participation.

Presentations: The City must include a MG on how it plans to advertise the availability of presentations so that local groups will know the opportunity exists and take advantage of it.

Public Meetings: This BMP is impermissibly vague. The SWMP must better explain and provide greater detail on how the City intends to provide assistance (and what type of assistance) in interpretation of and compliance with NPDES permit regulations to the public.

### **Public Education and Outreach**

Distribute Educational Materials to the Public: This BMP lacks adequate detail and quantifiable MGs. For example, the City should add MGs to regularly update its website (i.e. quarterly) with relevant stormwater pollution prevention information, as well as announcements for public

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

meetings and opportunities for public comment on the SWMP, draft ordinances and annual SWMP implementation reports, and to publish newsletters a certain number of times per year to reach a certain number of residents.

Storm Water Hotline: This BMP again lacks critical MGs; the City must respond to all calls to the hotline within 24 hours, and develop a database that records the number of calls as well as the time, location and precise nature of illicit discharges reported and the City's actions to investigate and eliminate the discharges. The City should also establish MGs for how it intends to make people aware that the hotline exists.

Educational Programs for School Children: The City needs to provide more detailed information and better MGs for the pollution prevention education program it intends to provide, including what types of materials it will use, what target age groups and demographics it aims to reach, what percentage of the school age population will be reached, and what types of evaluation it aims to utilize to assess the effectiveness of the education program.

Pollution Prevention Week: The City must include a MG describing how it will advertise Pollution Prevention Week activities to the public to ensure active public participation.

Business and Industrial Informational Consultations and Informal Inspections: Educating local businesses about stormwater pollution prevention and the requirements of the SWMP and the General Permit is one of the most important BMPs the City must implement. Therefore, the City should commit to formulating and implementing a targeted business education and outreach program that includes the distribution of targeted industry-specific brochures coupled with site visits to businesses in high risk sectors (such as automotive and restaurant establishments) where City staff can physically point out specific polluting practices and sources and demonstrate best practices in the actual settings where they are most likely to occur. The City should begin by creating an inventory of all businesses in the City and then prioritizing them (low, medium or high priority) based on whether they are potential sources of pollutants of concern and/or their potential to discharge pollutants to the MS4. The City should then create a schedule for conducting inspections of those that are assigned a high and medium priority. Moreover, these two BMPs as currently drafted provide insufficient information as to how the City aims to advertise the availability of informational consultations and site-specific evaluations (i.e. mailing a letter to all registered businesses in the City), and how the City will ensure that other businesses beyond those that contribute wastewater to the City's Wastewater Reclamation Plant are educated and inspected (i.e. developing a systematic business inventory and inspection schedule and program). Finally, the current MG for the informal inspections – the number of businesses and industries inspected versus the number inspected for potential stormwater contamination – makes no sense and needs to be clarified or improved.

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

The purpose of this Minimum Control Measure (MCM) as described on page 34 does not quite align with the General Permit's requirements, and we recommend that it be replaced with the General Permit language, as follows:

1. Develop, implement, and enforce a program to detect and eliminate illicit discharges (as defined at 40 CFR §122.26(b)(2)) into the MS4;

2. Develop a storm sewer system map, showing the location of all outfalls and the names and locations of all waters of the U.S. that receive discharges from those outfalls;
3. Effectively prohibit, through ordinance or other regulatory mechanism, non-storm water discharges into the MS4 and implement appropriate enforcement procedures and actions;
4. Develop and implement a plan to detect and address non-storm water discharges, including illegal dumping, to the system that are not authorized by a separate NPDES permit;
5. Inform public employees, businesses, and the general public of the hazards that are generally associated with illegal discharges and improper disposal of waste; and
6. Address non-storm water discharges or flows (i.e., authorized non-storm water discharges) where they are identified as significant contributors of pollutants to the MS4.

Exempt Non-Stormwater Discharges: The City needs to include BMPs and associated MGs describing how it intends to evaluate these non-stormwater discharges to determine whether or not they contribute a significant source of pollutants or pose a threat to water quality standards. It is unclear that visual inspections will enable the City to make this determination; it is likely that the City will need to conduct water quality sampling on which to base its evaluation.

Stormwater Ordinance: The ordinance must include appropriate enforcement procedures and actions.

Stormwater Hotline: Again, the City must include MGs outlining how it will advertise the hotline to the public; committing to respond to all calls within 24 hours; creating and maintaining a database of the number of calls, the location and precise nature of illicit discharges reported and the City's actions to investigate and eliminate the discharges; and evaluating the database to help target its illicit discharge detection and elimination (IDDE) program.

Evaluate Surface Components of Storm Drain System for Illicit Discharge and Connection: City surveys should begin in Year 1 rather than waiting until Year 3 of the permit term, and the City should create a systematic plan for these surveys such that they focus first on priority areas or areas where there have been past pollution problems or particular sources that have a likelihood of contributing pollutants to the MS4. Again, a database similar to the one described under the stormwater hotline BMP should be developed and utilized to target future inspection efforts.

Provide Information to the Public Regarding Illicit Stormwater Discharges: This BMP needs clear MGs to describe how this information will be distributed and to ensure that 100% of businesses and public employees and a large percentage of the public is reached with this information.

### **Municipal Operations Control Program**

The purpose of this MCM as described on page 42 again does not align with the General Permit's requirements; we recommend that it be replaced with the General Permit language, as follows:

1. Develop and implement an operation and maintenance program that includes a training component and has the ultimate goal of preventing or reducing pollutant runoff from municipal operations; and
2. Using training materials that are available from U.S. EPA, the State, or other organizations, the program must include employee training to prevent and reduce storm water pollution from activities such as park and open space maintenance, fleet building maintenance, new construction and land disturbances, and storm water system maintenance.

Channelkeeper is concerned that the City does not consider the City's wastewater treatment plant, airport, landfill and corporate yard to be covered under the SWMP since they have their own separate industrial stormwater permits. It is not sufficient to say that any requirements of the MS4 permit that differ from the Industrial Permit will be "identified and addressed" in the individual facilities' Storm Water Pollution Prevention Plans pursuant to the Industrial Permit. All municipal facilities, including those covered under the Industrial Stormwater Permit, must comply with the City's SWMP (see City of Santa Barbara's SWMP, which includes separate sections on the Santa Barbara Airport and Waterfront).

Channelkeeper also recommends that the City conduct an audit of all municipal facilities to assess their operations and potential sources of pollution to the MS4, and require those facilities with a greater potential to create or release pollutants to develop and implement site-specific written water quality protocols. These facilities should then be inspected annually and required to report on their progress in meeting the objectives of their protocols, including BMPs implemented and their effectiveness.

Street Sweeping and Storm Drain Cleaning: The MGs for these BMPs should track the amount and type of material collected through street sweeping and storm drain cleaning.

Citywide BMPs: The City states that it has developed "sample" BMPs to prevent stormwater pollution in City operations, but if these are just sample BMPs, how will municipal staff know which they must comply with and which are just examples? This section (on page 42) also states that the BMPs will be tested for effectiveness, yet no detail or MGs are provided for how this will be done and how the results of such testing will be used. The effectiveness assessment for this BMP as articulated in Table 5 (the percentage of departments that obtained stormwater educational information) is inappropriate; a more instructive indicator would be the number and type of BMPs implemented and their effectiveness in reducing pollutant runoff from their operations into the MS4.

Training: Trainees should be tested in order to evaluate the efficacy of the training. The City should include a MG to ensure that 100% of municipal staff attend the training each year.

Finally, the City lacks a BMP to ensure that its contracts with outside service providers whose work for the City may impact water quality explicitly require implementation of pollution prevention BMPs and compliance with the SWMP. This BMP should be added, as should associated MGs to evaluate contractor compliance with these requirements, take enforcement action where necessary, and achieve 100% compliance by contractors.

### **Construction Site Runoff Control**

The purpose of this MCM as described on page 46 does not align with the General Permit's requirements, and Channelkeeper recommends that it be replaced with the General Permit language, as follows:

1. An ordinance or other regulatory mechanism to require erosion and sediment controls, as well as sanctions, or other effective mechanisms to ensure compliance;
2. Requirements for construction site operators to implement appropriate erosion and sediment control BMPs;

3. Requirements for construction site operators to control waste such as discarded building materials, concrete truck washout, chemicals, litter, and sanitary waste at the construction site that may cause adverse impacts to water quality;
4. Procedures for site plan review which incorporate consideration of potential water quality impacts;
5. Procedures for receipt and consideration of information submitted by the public; and
6. Procedures for site inspection and enforcement of control measures.

Grading Ordinance: The General Permit mandates that the City develop and enforce an ordinance or other regulatory mechanism to require erosion and sediment controls, as well as sanctions or other effective mechanisms to ensure compliance. From the perfunctory description provided it does not appear that Lompoc's proposed Grading Ordinance will contain the necessary requirements to control erosion and sediment control and other construction-related waste nor to develop and follow specific procedures for site plan review and site inspections.

Construction Site Inspections: 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. In addition, a BMP and associated MGs must be added to ensure that construction site inspectors receive adequate training every year in proper installation and maintenance of erosion and sediment controls and measures to control other construction-related waste, the Municipal and Construction General Permit requirements, and the grading ordinance inspection and enforcement provisions.

Public Complaints: The City must articulate how it intends to inform the public about construction site requirements and the availability of a hotline to report complaints about water quality impacts from construction sites.

### **New Development/Redevelopment Control Program**

Once again, the section outlining the purpose of this MCM is inaccurate and should be aligned with those spelled out in the General Permit, as follows:

1. Develop, implement, and enforce a program to address storm water runoff from new development and redevelopment projects that disturb greater than or equal to one acre, including projects less than one acre that are part of a larger common plan of development or sale, that discharge into the MS4 by ensuring that controls are in place that would prevent or minimize water quality impacts;
2. Develop and implement strategies, which include a combination of structural and/or non-structural BMPs appropriate for the community;
3. Use an ordinance or other regulatory mechanism to address post-construction runoff from new development and redevelopment projects; and
4. Ensure adequate long-term operation and maintenance of BMPs.

Unfortunately, Lompoc's SWMP fails to satisfy several of these requirements as well as many of those outlined in the RWQCB's February 15, 2008 Notification to Traditional Small MS4s for

Enrolling under the State's General Permit, including a program to address stormwater runoff from new development and redevelopment that ensures controls are in place to prevent water quality impacts; an ordinance or other regulatory mechanism requiring the implementation of post-construction runoff controls; means of ensuring adequate long-term operation and maintenance of BMPs; a schedule for development and adoption of control standards for hydromodification; and a strategy to develop watershed-based hydromodification management plans to provide long-term watershed protection. BMPs and associated MGs must be added to Lompoc's SWMP to satisfy these requirements.

The post-construction requirements cursorily described on page 53 do not provide sufficient information to assure that new development and redevelopment projects will be appropriately reviewed and conditioned to ensure they do not impair water quality. It is vitally important that the City specify BMPs and control measures that development projects must implement to protect water quality in the early stages of design. As such, Channelkeeper recommends that BMPs and MGs be added to develop and apply CEQA guidelines for water quality, standard conditions of project approval, and interpretive guidelines or policy guidance to help planners and developers understand and apply those conditions appropriately. A BMP should also be added assuring that planners receive thorough annual training in the SWMP's construction and post-construction requirements and the necessary and appropriate conditions to be applied to projects that have the potential to impact water quality. In addition, the SWMP must make it clear that final BMPs must be selected, sized and sited before CEQA review can be completed. Also necessary is the utilization of a standard condition of approval to ensure water quality protection after construction and details as to how this is applied and verified, including a BMP to conduct or require by contract regular post-construction stormwater control inspections to ensure proper long-term operation and maintenance of BMPs.

New Development and Redevelopment Hydromodification Requirements: The Effective Impervious Area standard limit of 25% far exceeds the 5% required by the RWQCB in its February 15, 2008 Notification letter and must be revised accordingly. The City's SWMP also inappropriately omits the RWQCB's new requirement for projects that disturb more than two acres to preserve the pre-construction drainage density for all drainage areas serving a first order stream or larger, and to ensure that post-project time of concentration is equal or greater than pre-project time of concentration.

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

Sincerely,

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

Kira Redmond  
Executive Director

Cc: Stacy Lawson, City of Lompoc  
Hillary Hauser, Heal the Ocean