

# SANTA BARBARA COUNTY BOARD AGENDA LETTER



Clerk of the Board of Supervisors  
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**Agenda Number:**  
**Prepared on:** 02/04/03  
**Department Name:** Public Works  
**Department No.:** 054  
**Agenda Date:** 02/25/03  
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**TO:** Board of Supervisors

**FROM:** Phillip M. Demery  
Public Works Director

**STAFF CONTACT:** Thomas Fayram, Deputy Public Works Director (Ext. 3436)  
Robert Almy, Water Agency Manager (Ext. 3542)

**SUBJECT:** NPDES Stormwater Program Memorandum of Agreement

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## **Recommendation(s):**

That the Board of Supervisors:

Approve and authorize Chair to execute a Memorandum of Agreement with City of Carpinteria, City of Santa Barbara, City of Goleta and any other interested Cities to file a joint Notice of Intent as "Co-permittees" in compliance with NPDES Phase II regulations.

## **Alignment with Board Strategic Plan:**

Project Clean Water aligns most closely with Goal V (a high quality of life for all residents) and with Goal I (an efficient government able to anticipate and respond effectively to the needs of the community).

## **Executive Summary and Discussion:**

At your direction, and to comply with federal regulations, staff is developing a Notice of Intent (NOI) and Storm Water Management Program (SWMP) pursuant to NPDES Phase II regulations promulgated by the US Environmental Protection Agency (EPA) and the State Water Resources Control Board (SWRCB). The County's Project Clean Water addresses a broad range of community concerns about storm water runoff and creek water quality; satisfying the NPDES regulations has always been a principal objective. Thus the NOI and SWMP, which will be submitted to the State by March 10, 2003, incorporate ongoing Project Clean Water program elements. A Final Draft SWMP is attached (Attachment A).

As part of the NOI submittal, the State requires a permit fee (Attachment B). The state also encourages local entities to development common (regional) storm water program elements, and offers reduced permit fees for such arrangements. As shown in Attachment B fees to all co-permittees would be reduced, in the County's case by over \$7,500. The proposed MOA was crafted to establish a "co-permittee" relationship while leaving responsibility and authority for development and implementation of each individual agency's SWMP with that agency.

### Status of NOI/Storm Water Management Program submittal

Development of the SWMP and other related efforts are intended to satisfy both the community's desire for water quality improvement and NPDES Phase II storm water quality regulations published by EPA in late 1999 and SWRCB draft "general permit" requirements which were to be adopted in early February ([http://www.swrcb.ca.gov/stormwtr/docs/draft\\_small\\_ms4.pdf](http://www.swrcb.ca.gov/stormwtr/docs/draft_small_ms4.pdf)). Although final adoption of the State requirements has been delayed so that EPA may address an issue of public process, the State recommends and staff agrees that the County NOI and a draft SWMP should be submitted March 10, 2003. Together these documents satisfy regulations that stipulate required program elements and data requirements that apply to the communities of Orcutt, Vandenberg Village and Mission Hills, as well as unincorporated areas of the south coast (east of Winchester Canyon).

The Draft SWMP focuses on 1) a description of those required control measures that are in place and 2) the process of completing implementation of other required control measures as they apply to the unincorporated areas of the County. Five workshops have been held; three on the south coast area and one in Vandenberg Village and one in Orcutt. Although there has been some initial concern expressed by stakeholders, staff has addressed their concerns and will finalize the SWMP upon adoption of final rules by the State. The County measures that go beyond the basic NPDES requirements are not included as long-term commitments in the Draft SWMP to afford your Board flexibility in fine-tuning the program in the future.

### Recommended "Co-permitted" relationship with incorporated Cities

As part of the development of the NOI and SWMP, County staff has developed a proposed "co-permittee" relationship with local cities that are also subject to the same regulations. This relationship, which is encouraged by the State, offers savings in permitting fees and further underscores the cooperative relationship among the local agencies. A close working relationship among the County and the Cities of Carpinteria, Santa Barbara, and Goleta has existed for some time. Ongoing coordination with the regulated Cities of Lompoc and Santa Maria has occurred as well. Specific areas of cooperation include public outreach and education, illicit discharge control and development of standards for construction contractors. The Cities of Carpinteria, Santa Barbara, and Goleta have approved the attached Memorandum of Agreement (Attachment C). Your Board discussed the MOA at your November 26<sup>th</sup> meeting and directed staff to return when the other co-permittees had executed the MOA. The County has shared implementation ideas and met regularly with the Cities of Santa Maria and Lompoc, but these Cities have not expressed interest in a co-permittee relationship.

### **Mandates and Service Levels:**

While your Board created Project Clean Water to address public concerns about polluted runoff, control of storm water quality is required in several of the more populated incorporated and unincorporated areas by the Federal Clean Water Act NPDES Phase II storm water quality regulations. These areas include the south coast (including the Cities of Carpinteria, Santa Barbara, and Goleta), the Cities of Santa Maria and Lompoc, as well as the communities of Orcutt and Vandenberg Village and Mission Hills. By March 2003 each regulated entity must submit an NOI and SWMP to the Central Coast Regional Water Quality Control Board. Annual reports are required to document progress in implementing the plan. The improvement of water quality in storm water is a new public service mandated by the State and Federal governments with no funding provided for its implementation. (The Cities of Buellton and Solvang and the community of Santa

Ynez may be added to the regulated areas by the State at a future date, but are not now subject to published EPA Phase II rules.)

**Fiscal and Facilities Impacts:**

The Project Clean Water FY 02-03 budget of \$1.79 million (\$397,000 General Fund) consists of three elements: 1) preparation of required NPDES SWMP and annual reports, 2) implementation of the required SWMP, and 3) other efforts related to creek and ocean water quality. The first two satisfy NPDES mandates. Since the current program generally satisfies these mandates, program costs should not increase substantially based on the State's draft General Permit. Specifically, any "new" costs resulting from the five-year implementation period, such as potential facilities modifications will be brought before your Board as part of the FY 03-04 Project Clean Water Annual Report. The Board has some flexibility in the "implementation period" (FY 2003 through FY 2007) as to pace of implementation.

The Memorandum of Agreement is intended to 1) foster cooperation among similar local programs and 2) save permitting and implementation costs. We estimate that the County may save \$7,000 per year in permit costs in a "co-permittee" relationship. Savings in implementation costs are more difficult to estimate since we already have informal cooperative relationships with the Cities of Carpinteria and Santa Barbara as well as a service contract with the City of Goleta.

The NPDES permit fees were included in the Adopted 2002-03 Budget and are allocated in the Water Agency Cost Center under the Water Resources Division of the Public Works Department as shown on page D-300 in the budget book. These fees will be paid from Dept: 054, Acct: 7460, Fund: 3060, Program: 3008.

cc: Project Clean Water Stakeholders Committee  
City Administrator, City of Carpinteria  
City Administrator, City of Santa Barbara  
City Administrator, City of Goleta  
City Administrator, City of Buellton  
City Administrator, City of Solvang  
City Administrator, City of Lompoc  
City Administrator, City of Santa Maria