

SANTA BARBARA COUNTY BOARD AGENDA LETTER



Clerk of the Board of Supervisors
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Agenda Number:
Prepared on: 11/13/02
Department Name: Public Works
Department No.: 054
Agenda Date: 11/26/02
Placement: Departmental
Estimate Time: 45 minutes
Continued Item: NO
If Yes, date from: NA
Document Name: Brdnov26.pew.doc

TO: Board of Supervisors

FROM: Phillip M. Demery
Public Works Director

STAFF CONTACT: Robert Almy, Water Agency Manager (Ext. 3542)

SUBJECT: NPDES Stormwater Program

Recommendation(s):

That the Board of Supervisors:

- A. Receive a status report on the development of the program to satisfy the Phase II NPDES Municipal storm water regulations; and
- B. Consider entering into 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 and individual "Storm Water Management Plans" 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:

Proposed Draft Storm Water Management Plan

At your direction, staff is developing a Notice of Intent (NOI)/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 must be submitted to the State by March 10, 2003, incorporate Project Clean Water program elements. A preliminary Draft SWMP is attached (Attachment A).

The Draft SWMP uses the core Project Clean Water program to satisfy State and Federal requirements. Additional Project Clean Water program elements are discussed as pilot programs or "additional efforts" in order to give the County maximum flexibility in responding to the long-term needs of the community. Other portions of the draft SWMP address permit requirements and discuss implementation of "municipal operations best management practices." In this area, County staff has completed a survey of all County

properties and is developing Best Management Practices (BMPs) at a department level. These BMPs will include personnel training, changes to operations and potentially some facilities changes. Since there is a five-year "implementation period," affected departments are evaluating potentially applicable BMPs involving facilities modifications (and their potential long term capital costs) and will report to your Board in the Project Clean Water Annual Report for FY 2003-04.

Status of Core Project Clean Water Program Elements

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 "general permit" requirements expected to be adopted in December 2002 (http://www.swrcb.ca.gov/stormwtr/docs/draft_small_ms4.pdf). Together these regulations stipulate required program elements and data requirements that apply to the communities of Orcutt, Vandenberg Village/Mission Hills, and Santa Ynez as well as unincorporated areas of the south coast (east of Winchester Canyon). Thus, satisfying the NPDES requirements is a Countywide program. The basic storm water quality requirements are summarized in our staff report of January 12, 2000, and have been discussed previously with your Board.

The NPDES Phase II regulations are implemented through required Best Management Practices (BMPs) that fall into several categories called "minimum control measures":

1. Public education and outreach on storm water impacts,
2. Public involvement/participation,
3. Illicit discharge detection and elimination,
4. Construction site storm water runoff control,
5. Post construction storm water management in new development and redevelopment, and
6. Pollution prevention and "good housekeeping" for municipal operations.

Therefore 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. Generally speaking, the first five minimum control measures listed above have been or will be implemented by the March 2003 submittal date. The last, "good housekeeping for municipal operations," is partially complete and will be completed well before the end of the "implementation period" which ends in 2008. Other measures that are "recommended" by EPA (such as wetland protection and enhancement as well as now completed storm water quality monitoring) have been included in Project Clean Water because they complement efforts under required minimum control measures, and because the Stakeholders Committee supports them. These additional measures are not included as long-term commitments in the Draft SWMP to afford your Board flexibility in fine-tuning the program in the future.

Potential "Co-permittee" relationship with incorporated Cities

As part of the development of the NOI and SWMP, the County has discussed entering into a "co-permittee" relationship with one or more 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. Specific areas of cooperation include

public outreach and education, illicit discharge control and development of standards for construction contractors. The Cities of Carpinteria and Santa Barbara have expressed interest in a Co-permittee relationship with the County and have cooperatively developed a proposed Memorandum of Agreement (Attachment B) that is attached. The City of Goleta is scheduled to discuss the MOA at their November 25th Council meeting. The County has shared implementation ideas and met regularly with the Cities of Santa Maria and Lompoc as well, 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, Lompoc, Buellton and Solvang as well as the communities of Orcutt and Vandenberg Village/Mission Hills and Santa Ynez. 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.

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 \$10,000 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.

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