



Protecting and Restoring the Santa Barbara Channel and Its Watersheds

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May 16, 2008

Mr. Robert B. Almy
Manager
Project Clean Water, Santa Barbara County Water Agency
123 E. Anapamu Street
Santa Barbara, CA 93101-2058

Re: Santa Barbara County Construction Program Evaluation

Dear Mr. Almy:

Please accept the following comments on the County of Santa Barbara's draft Construction Activity and Permit Compliance review report, which are hereby submitted on behalf of Santa Barbara Channelkeeper.

Grading Code

The flow chart on page 4 indicates that "plan check [is] approved PENDING review and approval by other County and/or State Departments." Channelkeeper inquires whether the County waits for approvals from other agencies or whether it approves the plan check prior to obtaining these approvals? If the latter, we recommend that the County hold off on approving plan check until these other approvals are received, because other agencies may raise issues or concerns that may require the imposition of additional conditions, and this should be done prior to allowing work to commence. In addition, it would be useful to list which agencies typically review and approve what aspects of proposed projects so that the Regional Water Quality Control Board (RWQCB), the public and County agencies are aware of the various reviews and approvals needed.

On the suggested areas for improvement of the grading code, Channelkeeper fully agrees that the County needs a better mechanism to penalize construction site water quality violations such as the dumping of concrete wash water, which is an all too common practice. We would appreciate a further explanation of how the three alternatives provided in the draft report would work so that we can make an informed recommendation about the most appropriate remedy. However, we do strongly urge that some modification of the ordinance be undertaken to address the circumstances where stop work orders or correction notices do not work to prevent or deter polluting practices at construction sites.

To address smaller projects where no grading permit or grading inspections are required, Channelkeeper supports the suggestion to require standard language on all building and grading plans that clearly states the minimum required BMPs to protect water quality. We also recommend regular training of building inspectors in the NPDES Construction and Municipal Stormwater General Permit requirements pertaining to construction site runoff control.

Channelkeeper finds that the definition of the term "grubbing" is interpreted far too widely in Santa Barbara County, and that the exemption from the grading ordinance for activities deemed "grubbing" as well as the clearing of vegetation have caused and will continue to cause significant impacts to water quality. We therefore strongly recommend that the grading ordinance be amended to remove the exemption for vegetation clearing, and to ensure that landscaping and vegetation clearing are conditioned with requirements to address water quality impacts.

With regard to erosion and sediment control plans, it is unclear what types of projects are required to develop and implement such plans, as our experience seems to indicate that not all projects must do so; please specify this in the final report. Channelkeeper is concerned that there is no system in place for tracking the implementation of erosion and sediment control plans, and we support the development and use of a standardized checklist for construction sites that allows inspectors (and the public) to track individual BMPs. We further support the inclusion of standard language on all building and erosion and sediment control plans as outlined on page 11 of the report.

Channelkeeper notes that erosion and sediment control plans are not made available for photocopying by the public. Since these are public records, they should be available for reproduction. We are also concerned by the notation in the report that the grading and building codes do not require all erosion and sediment control plans to be designed by a licensed professional; Channelkeeper recommends that the codes be amended to require such, given that these plans are the key mechanism by which erosion and sedimentation from construction sites are to be addressed and prevented.

Finally, as we have noted in previous comment letters, Channelkeeper finds the frequency of construction site inspections during the rainy season to be insufficient to control construction site runoff. Firstly, the rainy season is defined as November 1-April 15, when in fact the Santa Barbara area often receives its first and most heavy rains during the month of October. Secondly, a minimum of two inspections per month on active projects with open grading with one acre or more of land disturbance during this rainy season is inadequate. If the County is to be effective in controlling construction site runoff, it must commit to undertake *weekly* inspections of *all* construction sites during a rainy season that is defined to include *whenever it rains*.

Land Use Permit Process

Channelkeeper finds that there are several areas for improvement with the land use permit conditioning process. The report does not recommend any measures to address these areas of improvement, however. Channelkeeper suggests that land use permits be tracked by individual conditions imposed on a project to ensure that the conditions are being met, and that complaints or discoveries reported by the public about construction activities that have potential water quality impacts be tracked separately from other zoning and permit-related complaints. The County is required pursuant to its Storm Water Management Program (SWMP) to evaluate the

effectiveness of its construction site runoff control program, and will not be able to do so effectively absent these tracking mechanisms.

Additionally, Channelkeeper is very concerned about what we perceive to be inadequate conditioning of projects for protection of water quality. We were stunned to learn from the County's first annual SWMP implementation report that only 20 out of 233 projects receiving final approval in Year 1 were conditioned for treatment control BMPs; surely more than this percentage of projects had water quality impacts and should have been conditioned appropriately. As noted on page 15 of the draft report, there is no standardized list of minimum construction BMPs for planners to use to help evaluate project impacts and establish appropriate and necessary mitigation measures. Such a list needs to be developed and planners trained in its use to ensure that construction (and post construction) activities do not impair water quality. There must also be a mechanism to ensure that all discretionary projects are reviewed for compliance with water quality measures.

Staff Training and Record Keeping

Channelkeeper notes that the computerized system used to track active grading permits (Accella) does not indicate where erosion and sediment control plans are required, nor how these plans are monitored to ensure that they are adequately controlling erosion and sedimentation.

Channelkeeper recommends that this be added as an update to the system. We also suggest that the "enforcement" section of the active grading permits list provide additional information, such as particular BMP failure and what enforcement action was taken. As currently configured, those permits that have an enforcement section simply state "no progress", which is not adequate or useful. The system should be modified to include a qualifier that enables the tracking of violations as well as complaints submitted by the public. As we've noted in previous comment letters, we recommend that Accella also be modified to include additional basic site information (including owner, location, contractor, etc.), status (active, complete), size in acres, proximity to natural and man-made hydrologic features, required inspection frequency, and project start and anticipated completion dates, and should also document complaints or reports submitted by the public, any history of non-compliance, enforcement actions taken, and follow-up inspections to ensure correction. Finally, it should also contain a field for tracking projects greater than one acre, given the additional requirements on projects of this size.

Channelkeeper also wishes to underscore that we find the number of grading inspectors and permit compliance staff is far too few to properly and adequately ensure that all active construction projects are complying with the SWMP, the grading ordinance, and land use permit conditions. We strongly urge the allocation of additional staff for this purpose. We also recommend that the County partner with a citizen group such as Channelkeeper to educate citizens about erosion and sediment problems on construction sites so they can help monitor construction sites, given the extremely inadequate number of County grading inspectors. Such a program could provide training to interested citizen inspectors, create a report card type of reporting form for citizen inspectors to fill out and submit to the County, and could be modeled after successful programs such as Georgia's "Get the Dirt Out" (www.getthedirtout.org) and North Carolina's "Muddy Water Watch" (www.muddywaterwatch.org). Channelkeeper would be very interested in pursuing such a partnership as well as funding to support it.


Channelkeeper also recommends more frequent and thorough water quality training of all County staff who are involved in the conditioning and inspections of development projects and grading permits (i.e. grading inspectors, permit writers, development review staff and other

relevant planners, permit compliance staff, and building inspectors). We also recommend utilizing testing to evaluate the effectiveness of the training. We note with concern that the draft report on page 16 seems to indicate that development review and permit compliance staff will only be trained in Year 2, when clearly they should receive training at least annually. We also ask that additional information be provided on what the training entails so the RWQCB and the concerned public can evaluate whether this training is adequate.

Finally, we urge the County to track the effectiveness of corrections to construction BMPs. We recommend the County purchase hardware for each inspector to digitally record all correction notices and inspection results and immediately provide print copies to the contractors. Provision of and responses to correction notices should also be tracked in Accella, as noted above.

Thank you for the opportunity to comment on the County's draft Construction Activity and Permit Compliance review report. Please do not hesitate to contact me should you have any questions or concerns 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: Dominic Roques, Central Coast Regional Water Quality Control Board
Hillary Hauser, Heal the Ocean

COMMENTS RECEIVED
CONSTRUCTION PROGRAM EVALUATION (DRAFT APRIL 2008)

David Innis

Signage: the number of calls might increase if the local ordinances required Storm Water Information placards posted at construction in plain view. I see many big construction sites have "SWPPP Strictly Enforced" notifications at the entrance. In Monterey they use Earth 9-1-1 for their hotline, which requires the caller know the zip code of the site. I thought these kind of signs could show the hotline number or a less threatening "stormwater information" number (including site zip code for them).

So any good ideas to get more interest would be nice. The card idea would force the caller to write down the address. .

Citizen Education & Monitoring: help educate citizens about erosion and sediment problems on construction sites. Create a "report card" type report form that an informed citizen could fill out and submit to either the offending construction site or to a regulating authority who conducts construction site inspections. Examples: Georgia "Get the Dirt Out" <http://www.getthedirtout.org/> and North Carolina's "Muddy Water Watch" <http://www.muddywaterwatch.org/>. Washington state <http://www.epa.gov/owow/monitoring/volunteer/newsletter/volmon18no2.pdf> at page 6, and the link to the presentation the group made to interested citizen monitors. See more on organization: <http://www.re-sources.org/stormwater.htm>