



Minutes

Lakewood City Council

Adjourned Regular Meeting held
February 26, 2013

MEETING WAS CALLED TO ORDER at 6:00 p.m. by Mayor DuBois in the Executive Board Room at the Civic Center, 5000 Clark Avenue, Lakewood, California.

ROLL CALL: PRESENT: Mayor Diane DuBois
Vice Mayor Steve Croft
Council Member Ron Piazza
Council Member Todd Rogers
Council Member Jeff Wood

NPDES STORMWATER PERMIT

Public Works Director Lisa Rapp introduced Elroy Kiepke and Bill Pagett of Willdan, and Senior Management Analyst Konya Vivanti, who would be taking part in the presentation. She stated that the issue of storm water runoff and the NPDES (National Pollutant Discharge Elimination System) permit were not only very complex issues, but also an enormous financial concern as well.

Mr. Kiepke reported that the initial action had been the Federal Clean Water Act which was later amended to include storm water and the addition of the storm water permit process for cities and counties, which began in 1991. In November, 2012, the fourth generation NPDES permits were issued to Los Angeles County and L.A. County cities, with a number of significant changes. The Regional Water Quality Control Board (RWQCB) adopted Total Maximum Daily Load (TMDL) orders establishing numeric water quality limits for pollutants, including trash and debris. Mr. Pagett noted that there was no actual scientific basis for the limits. The permit would eventually require the City to sample storm water discharges for pollutant levels.

Responding to questions from Vice Mayor Croft and Council Member Wood, Mr. Kiepke stated that the only way to avoid taking responsibility for pollutants from other cities upstream would be to establish an additional sampling site, which would be very expensive.

Mayor DuBois inquired if anyone was proposing plans to remove all of the concrete and convert the Los Angeles River back to a natural river. Mr. Pagett responded by stating that there was evidence that the concrete was necessary for flood protection and that any plan to remove it would necessitate significantly widening the river channel.

Council Member Rogers asked if this could be considered an unfunded mandate. Mr. Pagett stated that because the mandates included the authority to implement new fees or taxes, they were able to circumvent the unfunded mandate provision.

NPDES STORMWATER PERMIT - Continued

Mr. Kiepke covered the non-storm water allowed discharges and discharge exemptions, including discharges for emergency fire fighting, swimming pool discharges, and water system discharges.

Water Resources Director Jim Glancy noted that in order to perform water system flushing activities, his department would have to provide notification and conform to Best Management Practices (BMPs) established by the RWQCB.

Ms. Rapp advised that initially the City would be required to implement an education campaign to inform residents of discharge regulations and would eventually be required to police all the regulations and report violations.

Mr. Kiepke reviewed the elements of the new permit including a Public Information and Participation Program, which was previously a responsibility of the County; Industrial/Commercial Facilities Program, an inspection and education program already in place and implemented by Ms. Vivanti; Public Agency Activities Program, to address storm water impacts for City-owned or operated facilities; and Monitoring Requirements.

Mr. Kiepke stated that the City had three options for compliance with the permit. The first option was Minimum Control Measures, which would require the least work initially, but would be nearly impossible to achieve compliance. The second option was the development of a Watershed Management Plan (WMP), which would require computer modeling, monitoring plans and structural BMPs. The final option was an Enhanced Watershed Management Plan (EWMP), which carried most of the same requirements of the WMP, but offered extended deadlines, and a safe harbor provision.

Responding to questions from Mayor DuBois and Council Member Rogers, Ms. Rapp stated that although there may be some benefit from a regional approach on a watershed basis, it would be difficult to form a joint powers authority as the City was part of multiple watersheds.

Ms. Rapp noted that as part of either the WMP or EWMP process, the City would need to develop a Low Impact Development Ordinance, to require a plan to mitigate storm water runoff for construction projects, and a Green Street Policy, to minimize pollutant runoff.

Mr. Kiepke stated that the City would have to decide on an option and need to show that they had started the process by June 28, 2013.

The City Attorney noted that as detailed as the permit process currently was, the Regional Water Quality Control Board had the authority to change the requirements if they made the finding that the programs were not effective, making it extremely difficult to make any long-range plans.

Ms. Rapp stated it was quite probable that the list of pollutants that were part of the required testing would continue to grow over time.

NPDES STORMWATER PERMIT - Continued

Responding to a question from Council Member Piazza, Mr. Kiepke stated that if pollutants above the permit levels were discovered that the City would be required to investigate and trace to the upstream source.

Ms. Rapp reviewed the estimated costs to comply with the permit requirements, the possible sources of funding, penalties for being found to be out of compliance; and the next steps to be taken. It was staff's recommendation that the City Council allow the Los Cerritos Channel Watershed Management Group to consider choosing the Enhanced Watershed Management option; direct staff to develop a Low Impact Development Ordinance and a Green Street Policy; direct staff to continue to participate in the current Watershed Groups for the LA River, San Gabriel River/Coyote Creek, Los Cerritos Channel and others in preparation for selecting an option by the June 28, 2013 deadline.

Council Member Wood stated it was important to get the message out to people to get them started thinking about storm water runoff through an awareness campaign.

VICE MAYOR CROFT MOVED AND COUNCIL MEMBER ROGERS SECONDED TO DIRECT STAFF IN ACCORDANCE WITH THE PRESENTED RECOMMENDATIONS. UPON ROLL CALL VOTE, THE MOTION WAS APPROVED:

AYES: COUNCIL MEMBERS: Piazza, Croft, Wood, Rogers and DuBois

NAYS: COUNCIL MEMBERS: None

Council Member Piazza stated a campaign targeting small businesses was needed. He noted that if business owners were made aware of the coming requirements, they could begin to budget and plan to meet the requirements.

ADJOURNMENT

There being no further business to be brought before the City Council, Mayor DuBois adjourned the meeting at 7:20 p.m.

Respectfully submitted,

Denise R. Hayward, CMC
City Clerk