



Meeting Summary
Lake County Clean Water Program Advisory Council
Wednesday, February 22, 2012
Lake County Courthouse: BOS Chambers
255 N. Forbes Street
Lakeport, CA

Council Members - Attendance:

County of Lake

Richard Coel, Community Development Director (SWPC) (VM)

City of Clearlake

Bob Galusha, City Engineer (SWPC) (VM)

Joyce Overton, City Council (VM) – Vice Chair

City of Lakeport

Andrew Britton, Planning Services Manager (SWPC) (VM)

Suzanne Lyons, City Council (AM)

Others present:

Scott DeLeon, LC Public Works Director; Gary Hansen, LC Water Resources Engineer; Douglas Herren, City of Clearlake DPW Director; Dave Jezek, LC Chief Building Official; Will Evans, LC Assistant Resource Planner; Raymond Ruminski, LC Environmental Health Director; Danae Bowen, LC CDD; Anna Ravenwoode, LC Citizen; Bob Rumfelt; and Sarah Ryan, BVR

CALL TO ORDER/INTRODUCTIONS

Joyce Overton, Clearlake City Council, called the meeting to order at 2:00 p.m.

Review and Approve Draft Meeting Minutes from October 26th Meeting

Scott DeLeon moved, Bob Galusha 2nd to approve the minutes from the October 26th 2011 meeting. All were in favor.

DISCUSS STATUS OF MUNICIPAL STORMWATER PERMIT AND LATEST DEVELOPMENTS CONCERNING DRAFT PHASE II PERMIT

Will Evans, Lake County Assistant Resource Planner said the Draft Phase II Permit that was put out for comment last fall has received a lot of negative comments, so it has gone back to the drawing board and the whole permit is being redrafted and will be reissued in six months. He said the State Water Resources web page on the Phase II program has a 120 page comment letter from California Stormwater Quality Association (CASQA), which highlights the major problems with the permit, most notably the cumulative impacts.

Andrew Britton, City of Lakeport Planning Services Manager, asked if the draft will be released subject to comment and input.

Mr. Evans said they will scrap what they had from June 2011 and basically start over and release the new draft for public comment, then have public hearings before it is adopted.

Bob Galusha, City of Clearlake City Engineer, suggested that California Stormwater Quality Association (CASQA) membership may be something that should be looked into. CASQA provides for in-depth collaboration on specific water quality issues statewide, including Best Management Practices (BMPs), Construction, Effectiveness Assessment, Industrial, Legislation, Phase II Implementation, Public Information/Public Participation, Stormwater Monitoring and Science, Stormwater Policy and Permitting, Watershed Management and Impaired Waters and Workshops. He said that it may pay to be a member of CASQA for representation in the long run and might be worth looking into for future representation.

Ms. Overton agreed and suggested that the membership cost/benefits be looked into.

DISCUSSION CONCERNING ANNUAL PERMIT FEE IMPOSED BY THE REGIONAL BOARD, AND LOCAL COST ALLOCATION BETWEEN THE THREE JURISDICTIONS

Richard Coel, Lake County Community Development Director, stated that this was in a state of flux and every year the permit fee goes up. He reported the regional board is charging for this, and staff is not able to predict in any given year how much the increase is. He said it went up 20-30% last year and allocations are based on the population ratio. He said it was paid out of the Water Resources Division. The City of Lakeport estimated that they paid \$5-6,000 last year and the City of Clearlake estimated \$7,300.

Mr. Coel asked that Mr. Britton and Mr. Galusha email him with the exact dollar amount paid, so that they can budget it.

Bob Rumfelt asked how we can find out why it goes up so much and there should be some way to put a handle on it and have some warning, so that they can budget for it.

Mr. Coel said that they can ask and he will email their contact for further information.

Ms. Overton said it was a good point to be notified in advance to be able to put it in their budget.

DISCUSS LONG TERM PROGRAM FUNDING POSSIBILITIES, INCLUDING:

A. GRANT FUNDING

Mr. Evans stated that there were two different grants available: Planning Grant and Monitoring Grant. He said it is a small amount of money and there are a lot of people looking for it.

B. A SURCHARGE ON GRADING PERMITS AND/OR CERTAIN BUILDING PERMITS FOR NEW DEVELOPMENTS

Mr. Coel said that fees for things are limited and they could add on additional fees with grading permits, but right now fees are being waved to stimulate the economy.

C. STORMWATER UTILITY ASSESSMENT FEE CHARGED FOR IMPERVIOUS SURFACES

Mr. Evans discussed creating a Benefit District/Sewer District where a certain amount of property owners within the area vote to assess themselves the fee. He did not know how successful that would be, but it is an option to think about long term. Especially if the new permit comes out and it will cost a lot of money long term, then it would be justification for doing a utility like that. He said the way the utility works is to do a GIS analysis with how much impervious surface is on each parcel and charge a rate based on the square footage of imperviousness.

There was further discussion on assessment for impervious surface fees through property taxes or an extra charge on grading permits tied directly to a clear nexus and part of a building or grading permit for a new house, driveway or house pad. If it was set up this way proposition 26 limitations could be avoided.

UPDATES FROM WORKGROUP CHAIRS CONCERNING RECENT ACTIVITIES

Mr. Coel said Betsy Cawn put together a list of all the activities that the Public Education & Outreach and Public Involvement & Participation Work Group has been working on and she has organized all the points, which will make it easier for the annual reporting. The following is an Activity Report Memo from Betsy Cawn, PEO/PIP Work Group Chair to the LC Clean Water Advisory Council:

The following describe activities of the Clean Water Program (CWP) Public Education & Outreach and Public Involvement & Participation Work Group since the previous Council meeting on October 26, 2011. Two members of the Clear Lake Advisory Committee, Sarah Ryan and Suzanne Lyons, agreed to serve as Work Group members for the west side of the lake, Jo Bennett (Former City of Clearlake Council Member) and Douglas Herren (City of Clearlake Director of Public Works) likewise joined the Work Group for outreach to the eastern shoreline communities.

1. Reviewed the State Water Boards' proposed NPDES draft stormwater management permit language (10/29 – 12/18/11).
2. Met with permit coordinator, Rick Coel, to review possible changes to website for outreach and public involvement; proposed permit considerations and anticipated changes to be addressed in local regulations, resolutions to be adopted by legislative bodies of all co-permittees, and existing revision process under way (12/6/11).
3. Provided abbreviated work list (deadlines, task statement, permit section and page numbers) to Implementation Team, Work Group Members, and interested parties (12/18/11).
4. Met with City of Clearlake (Interim) Administrator, Joan Phillipe and East Side WG members, in anticipation of revisions needed for Advisory Council management agreement and allocation of new fees for permit compliance (1/5/12).
5. Attended webinar sponsored by California Stormwater Quality Association permit subcommittee, discussions of pre and post-construction erosion control and public education and outreach aspects of proposed draft permit; with LCDPW Water Resources Program Coordinator Gary Hansen (1/13/12).
6. Provided outreach and education materials to Implementation Team and PEO/PIP Work Group members and friends; reviewed over a dozen resource agency websites and reference materials recommended by draft permit authors (Center for Watershed Protection manuals for

small urban environmental restoration projects, for example); every outreach & education email also sent to repository for outreach reports (Andrew Britton, City of Lakeport AC member).

7. Provided updates to the Clear Lake Advisory Committee January 24, February 3, 2012. CLAC agreed to provide extended outreach on behalf of the Lake County Clean Water Program, as recommended in proposed permit draft Section E.6 (1/24/12).
8. Met with City of Lakeport City Council member Suzanne Lyons and CLAC Chair Sarah Ryan, both members of the PEO/PIP Work Group for Clear Lake's west side communities, in congruence with annual work plan project planning (2/9/12). CLAC's annual work plan includes 3rd Quarter report to Board of Supervisors on the permit's primary objective of addressing the water quality impairments, as embodied by the Clean Water Program permit compliance programs (nutrient TMDL and others).
9. Three of five WG members participated in the Westside Integrated Regional Water Management. Plan workshop given on February 6, 2012, at the City of Clearlake Council Chambers.
10. Work Group member Jo Bennett, producer of PEG TV's "Lake County Views" program, interviewed Mark Dellinger at the Southeast Wastewater Treatment Plant; part of the program describes the benefit to water quality provided by our unique "Full Circle" treated effluent removal system (2/16/12).

Ms. Overton gave an overview of "PEG TV's" program and schedule on all the different things to not do to keep our lake clean.

Dave Jezek, Lake County Chief Building Official, CON, PCON Chair, stated that they are continuing to issue simple and standard grading permits even though grading season is over, because the weather has been good and they have been issuing permits on a case by case basis.

Sarah Ryan, Big Valley Rancheria, stated that there are thirty storm drains within their housing subdivision in the casino and resort area, which lead to a nutrient buffer pond filled with tules and cattails. She said anything that runs off the housing subdivision goes to this nutrient buffer pond before it heads into Rumsey Slough. She said they clean the storm drains on a monthly basis of debris, dirt and sand, and there are also grease spoons there. She said they have done water monitoring at the culvert, which goes into the nutrient buffer and at Rumsey Slough to see if the storm drain program is working and noted that it is doing well. She added that they have installed straw waddles along the road where the hotel leads to Mission Rancheria Road, because there is an erosion problem there. She invited anyone who would like to view a nutrient buffer pond and how it takes stormwater from subdivisions and send it elsewhere to contact her.

Andrew Britton, City of Lakeport Planning Services Manager, spoke to a bio retention swale designed to filter stormwater before emptying into Fords Creek.

Scott DeLeon, LC Department of Public Works Director, said that there is a good example of a bio swale/retention pond to the west of Kelseyville Lumber. He said with County permits there are conditions that refer to; no net increase in runoff, sediment containment, and bio swale/retention pond requirements.

GENERAL DISCUSSION CONCERNING ILLICIT DISCHARGE, DETENTION AND ELIMINATION BMPs AND PROCEDURES

Mr. Coel thanked Ray Ruminski, LC Environmental Health Director for attending the meeting and asked him to explain how illicit discharge and detection is dealt with and the emergency response on spills.

Mr. Ruminski explained that there are a few existing regulatory programs for septic systems and businesses that handle hazardous materials. He said illicit means; unintentional criminal act or accidental discharge, not intending to break the law, but do by an unfortunate accident. He said a lot of Environmental Health's emergency response is vehicle accidents on Highways, and failed septic systems. He said they get requests to respond to emergencies and although it is not a new program for them called stormwater, it is in the realm of managing a hazardous spill that could be into the ditch, creek and lake. He said funding is always an issue, however there is staff that can do it, but it has to be tied to an existing regulatory program.

Mr. Coel spoke to the annual reporting capturing what the various agencies have done in the course of the year. He said that this data needs to be captured without creating any additional work for the Department.

Mr. Ruminski said they have information available on each emergency response incident and if it is related to a septic system there is a file based on the APN. He said they are converting their existing electronic data management to a new one, which will have more electronic record keeping capabilities for these complaints and eventually all their permits. He said if someone is operating a business and includes districts, governments and schools and is a handler of hazardous materials above a threshold quantity, they will have to report to EH and fill out forms on their business activity, location and owner/operator. He said some have annual inspections for underground fuel tanks and others are every three years. He said in addition, this information is available to emergency responders.

Ms. Overton asked if this data can be accessed easy enough to incorporate into the report on incidents that pertain to spills.

Mr. Ruminiski said for incidents that have happened, yes. He said there is a statewide reporting clearing house and most of the incidents will be in that, which is easy to access.

Mr. Evans said there are a wide variety of types of illicit discharge. He said there could be a database that could be accessible to everyone and this would insure that all the different parties that regulate these different types of discharges are aware of a violation that is discovered by another department.

Mr. Coel said for the long term there has been solid communication between Code Enforcement and Environmental Health, but it would be nice to have a formalized database.

Anna Ravenwoode asked staff if there was a conclusion of who would be taking on the IDDE MUNI program.

Mr. Coel said that Steve Stangland was concerned that the IDDE was connected to the MUNI program, because his expertise is in MUNI, so what needs to be done in the long term is to invite Ray Ruminski/Jamie Scott Environmental Health and Special Districts to participate in that working group that meets twice a year. He said this will help for reporting, capturing information and better coordination within the agencies involved.

Douglas Herren, City of Clearlake Department of Public Works Director, stated that Betsy Cawn, asked questions at the state level and reported that water sampling/testing from 21 water companies County wide, would be available for use. He added that LC Special Districts and LC Environmental Health reports to him whenever there are sewer spills.

Ms. Overton excused herself from the hearing for a previous commitment.

STAFF UPDATE CONCERNING PROGRAM WEBSITE

Mr. Coel said with limited staff there are difficulties with keeping the website up to date. He said that Will Evans will try to update it for the time being. He said the goal is as we transition the program to Public Works, he would like to get the website updated as much as possible and make it a turn key program for Lake County Public Works.

Mr. Britton stated that the City of Lakeport has updated their website and there are forms available online to report stormwater violations that are automatically emailed to his desk. He has also put links to some of the information that Betsy Cawn has forwarded to him on educational materials.

STAFF UPDATE CONCERNING TRANSITIONING THE COUNTY CLEAN WATER PROGRAM ADMINISTRATION FROM COMMUNITY DEVELOPMENT DEPARTMENT TO DEPARTMENT OF PUBLIC WORKS, WATER RESOURCES DIVISION

Mr. Coel said the main focus for this year is to get the program administration over to Lake County Department of Public Works, and Community Development will still deal with Construction and Post-Construction runoff management, with reporting and monitoring and the writing of those two sections in the annual report.

Mr. DeLeon said one of the things is creating some challenge in making the transition in this state of flux that the new permit is in. He said Gary Hansen has spent considerable time going through the draft permit and looking at the new requirements, on top of the things that we have been historically doing and put together outlines of deadlines due between now and 2014. He said there are a few things that staff is already doing, but a majority of them are all new. He said an entire County division could be devoted to this, and in due time, there may be a need for the cities to have their own programs, but right now we are all under one umbrella.

OPEN PUBLIC COMMENT PERIOD

Mr. Rumfelt said he would like to have agendas available to present to Council Members.

Mr. Coel said he emails the agendas to the Council a week before the meeting.

Ms. Ravenwoode stated that the US EPA is receiving letters of interest from communities interested in receiving direct assistance for projects that use green infrastructure. She felt this was green infrastructure to protect water quality, and a bio swale would probably fit into that to protect the lake for algae, invasive species problems and tributary and ag. building equipment to possibly protect lake. She said there is direct assistance from the EPA on green infrastructure for protecting water quality and this could extend to stormwater.

REVIEW OF OUTCOMES AND AGREE ON NEXT STEPS

A. AGENDA ITEMS FOR NEXT MEETING

CASQA Membership
Permit update

B. ACTION ITEMS ARISING FROM THIS MEETING

Workgroup updates to be broken out on the agenda in three workgroups.
Last meeting before working on the annual report.
Contact state board for fees for budget projection.

C. NEXT MEETING TO REVIEW DRAFT ANNUAL REPORT (LATE AUGUST)

ADJOURNMENT – 3:23

**Respectfully submitted,
Danae Bowen
LC CDD, OA III**

