

RESOLUTION R00-010

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALOS VERDES ESTATES, CALIFORNIA, SUPPORTING THE FILING OF A PETITION TO THE STATE WATER RESOURCES CONTROL BOARD CONTESTING ACTION TAKEN BY THE CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD, LOS ANGELES REGION, IN CONNECTION WITH LARWQCB ORDER NO. 96-054

WHEREAS, the City of Palos Verdes Estates ("City") was issued a Permit from the Los Angeles Regional Quality Control Board ("Regional Board") on July 15, 1996, Order No. 96-054 of the Regional Board, which serves as the City's National Pollutant Discharge Elimination System ("NPDES") Permit under the Federal Clean Water Act, as well as Waste Discharge Requirements for the City under the Porter Cologne Act. This Permit became effective on July 31, 1996, and will expire on its own terms on June 30, 2001; and

WHEREAS, under the Permit, the City, along with all other incorporated cities in the County of Los Angeles (except the City of Long Beach), and the County of Los Angeles itself, as a Permittee was required to submit a Standard Urban Stormwater Mitigation Plan ("SUSMP") to the Executive Officer of the Regional Board for his review and approval or disapproval; and

WHEREAS, the SUSMP was to incorporate appropriate elements of the Best Management Practices approved by the Regional Board in April of 1999, and was to apply to certain specified development categories to require applicants of such projects to submit an Urban Stormwater Mitigation Plan that implements, to the maximum extent practicable, appropriate requirements and measures to minimize impacts from stormwater runoff, and to reduce stormwater pollutant to the maximum extent practicable, along with other requirements as specified in Order No. 96-054; and

WHEREAS, a SUSMP Program, on behalf of the Permittees was in fact submitted to the Executive Officer of the Regional Board in July of 1999 and thereafter resubmitted to address certain Regional Board staff comments in August of 1999; and

WHEREAS, the SUSMP Program submitted to the Regional Board's Executive Officer by the Permittees has to date not been formally approved or disapproved in accordance with the Administrative Review Process set forth in Order No. 96-054; and

WHEREAS, on September 16, 1999, unilateral Regional Board staff proposed changes to the Permittees' SUSMP Program were discussed before the Regional Board at a public workshop. At that time, the Regional Board took no formal action but instead determined to continue the matter for approximately 90 days with a new hearing to be re-noticed on proposed actions and/or recommendations to be taken by the Regional Board; and

WHEREAS, on January 26, 2000, the Regional Board conducted a public hearing on a proposed SUSMP Program that had not been submitted by the Permittees and that included specific terms that had not been agreed to by the City. By the January 26, 2000, public hearing, the Regional Board had not commenced or complied with the Administrative Review Process as set forth under Order No. 96-054, a process required to be followed for the review and consideration of the SUSMP Program submitted by the Permittees. Further, the terms included in the Regional Board's proposed SUSMP Program included numerical mitigation measures on the retention and/or treatment of stormwater runoff of 3/4" within a 24 hour storm event for nine (9) project categories which had not been agreed to by the Permittees, and which had not been included in the Permittees' SUSMP Program; and

WHEREAS, the numerical mitigation measures and other SUSMP terms proposed by Regional Board staff were, with some modification, approved by the Regional Board on January 26, 2000, whereupon the Board directed its Executive Officer to approve the Regional Board's proposed SUSMP Program with the Board's imposed modifications; and

WHEREAS, the Regional Board mandated SUSMP Program would, in many cases, necessitate the imposition of structural controls on new developments, including but not limited to, extended detention basins, wet ponds, infiltration basins/ponds (which reduce the developable space), storm drain-connected oil/grid separators, catch basin inserts, grassy swales and other devices, in the following development projects: gas stations, restaurants over 5,000 square feet, auto repair shops, 10-99 home subdivisions, 100+ home subdivisions, single family hillside homes, 100,000 sq. ft. commercial development projects, development in an undefined area known as environmentally sensitive areas, and parking lots with 25 or more spaces (equivalent to approximately 5,000 sq. ft. of surface area). The Regional Board mandated SUSMP Program will also apply to redevelopment occurring in the above categories if the redevelopment results in the "creation or addition of fifty percent or more of impervious surfaces, or the making of impervious surfaces, or the making of improvements to fifty percent or more of the existing structure; and

WHEREAS, the action taken by the Regional Board was not authorized by the Permit, the Clean Water Act, or state law and does not appear to have been supported by sufficient studies and investigation into the effectiveness of the proposed numerical mitigation measures, nor was it supported by a cost benefit analysis; and

WHEREAS, the Regional Board mandated SUSMP Program would not only apply to discretionary projects brought before the City but also to non-discretionary projects. The mandated SUSMP Program is to be codified by new City ordinances within six (6) months of the Executive Officers' formal approval of the same, and is to be implemented thirty (30) days thereafter by the City; and

WHEREAS, the action taken by the Regional Board on January 26, 2000, and the action to be taken by the Executive Officer pursuant to the direction of the Regional

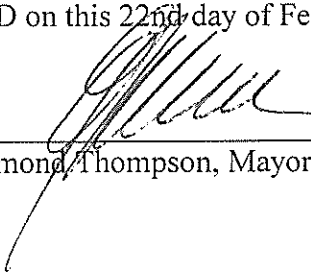
Board, are inconsistent with the requirements of the Permit, the Clean Water Act, and state law, and will result in the imposition of unfunded mandated programs on the City and its citizenry, whereby such mandated programs have not been shown to be cost effective or to reduce pollutants to the maximum extent practicable, as provided for under the Clean Water Act.

NOW, THEREFORE, BE IT RESOLVED, THAT THE CITY COUNCIL OF THE CITY OF PALOS VERDES ESTATES, CALIFORNIA DOES RESOLVE AS FOLLOWS:

To support the filing of a Petition to the State Water Resources Control Board challenging the action taken by the Regional Water Quality Control Board in connection with Order No. 96-054 on January 26, 2000, and the action to be taken by the Executive Order pursuant to the Regional Board's direction on such date.

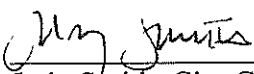
The City Clerk shall certify to the passage and adoption of Resolution R00-010 and enter into the book of original resolutions.

PASSED, APPROVED AND ADOPTED on this 22nd day of February, 2000.



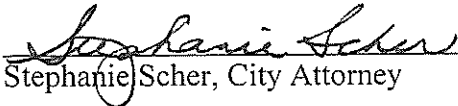
Edmond Thompson, Mayor

ATTEST:



Judy Smith, City Clerk

APPROVED AS TO FORM:



Stephanie Scher, City Attorney

