

MINUTES - ENVIRONMENTAL COUNCIL COMMITTEE MEETING 05/28/09

The meeting was called to order @ 6:05 PM, Thursday, March 26, 2009, in the North Conference Room @ 21630 11th Avenue South, Des Moines with the following in attendance:

Council Members

Scott Thomasson – Chairman
Dave Kaplan

Absent

Bob Sheckler - Mayor

City Staff

Tony Piasecki - City Manager
Lorri Ericson - Asst. City Manager
Grant Fredricks - Director PB&PW
Loren Reinhold - Asst. Dir. Envir. & Utilities
Ruth Famurewa - NPDES Permit Coordinator
Susan Mahoney - Asst. City Attorney
Linda Wright – Administrative Asst.

Meeting Agenda:

1. Approve minutes from March 26, 2009, committee meeting
2. Answer questions re ILA on Consent Calendar at Council meeting re King County Flood Control District Opportunity Fund.
3. Discuss: SWM Ordinance for NPDES Permit Requirements : IDDE and Facility Operation and Maintenance

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1. Minutes from March 26, 2009, were approved prior to adjournment
 2. No discussion was had on the Interlocal Agreement regarding King County Floor Control District Opportunity Fund
 3. SWM Draft Ordinance re IDDE and Facility Operation and Maintenance

Chairman Thomasson started with several questions/concerns about the format of the ordinance:

- Definitions – A number of the definitions were not in layman terms and several were repetitive or similar. Example: drainage facility and stormwater facility. Loren explained that the ordinance includes two chapters – IDDE and O&M, each with its own set of definitions. Committee directed staff to combine into one since both deal with the release of pollutants into the city systems.
- Was the ordinance based on another jurisdiction's ordinance? Yes, it is a compilation of language from King County's code and Kent's proposed IDDE ordinance. Has King County added in items that are not necessary? Staff will review to see what is necessary for our city.
- He also wasn't in favor of some of the acronyms i.e. AKART. This is a permit term that we may need to include but staff will see if it can be removed from the ordinance. Loren stated that by including a BMP selection process that is approved by Ecology and allows for new technologies to be used (certified through Ecology), then the City would meet the permit AKART requirement. Using the King County Design Manual and King County Stormwater Pollution Prevention Manual does this for us, but we need to adopt the KCSPPM manual. The ordinance adopts the SPPM.
- Chairman Thomasson asked how many jurisdictions have adopted this manual or Ecology's. Loren stated that most of the cities are adopting the King County manuals to comply with the permit [a survey conducted by Federal Way showed 13 adopted the King County manual and 10 adopted Ecology's]. Loren did not recommend that we switch manuals because we have been using King County's since SWM started.

- Chairman Thomasson thought a lot more work needed to go into the organization of the material. Where the definitions should be placed, how it fit with our own DMMC - to be user friendly.
- What was the purpose? Needs a good purpose statement as to why Ordinance is needed.
- Discussion of discharges from private or public system. Loren stated that this ordinance would apply to discharges into the city's stormwater system, ground water and surface waters (including direct discharges to Puget Sound). BMPs would apply to certain activities that have potential for pollution. Code Enforcement or SWM utility to enforce? SWM will need to develop a detection program and be involved with appropriately applying BMPs and providing technical guidance to Code Enforcement. But Code Enforcement and Legal staff will be involved with citations and penalties.
- Discussion of what type of penalty? Progressive? Difference whether willful or accidental.
 - a. Civil Infraction
 - b. Criminal Violation
 - c. Civil Violation

Assistant City Attorney Mahoney said there could be a full menu of options. Need to make it clear as to who decides whether Option A, B or C.

- May want to refer ordinance to the provisions of Title 1 and correct any deficiencies at a later date. Staff agreed since the ordinance needs to be adopted by August 15.
 - Question was asked about muddy water from clearing and grading - what size space. Permits may be waived for land disturbance activities involving 200 square feet or less.
- Decided that staff would do some rewriting before a briefing to full Council June 11th. The Ordinance must be adopted by August 15th to be in compliance with the NPDES Permit.

Adjourned @ 7:28 PM

Respectfully submitted by: Linda Wright, Administrative Assistant