

County to review stormwater regulations

By TIFFANY REVELLE/The Daily Journal Ukiah Daily Journal

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Stormwater regulations the county adopted in December are slated to undergo review later this month after the county received a letter from the state saying the regulations don't have to cover the entire county.

The issue came up when the Agriculture Business Association -- comprised of the Mendocino County Farm Bureau, Employers Council of Mendocino County and North Coast Builders Exchange -- challenged the regulations in late July, saying the county was too heavy-handed.

"They're focusing on rules and regulations when they should be focusing on economic development," said Tony Shaw, executive director of the Employers Council.

The Mendocino County Board of Supervisors adopted an ordinance in December that imposes regulations on property owners throughout the county about where stormwater runoff can and can't go on their property, and what can and can't be in it.

The county is required to have a stormwater discharge permit from the North Coast Regional Water Quality Control Board to do work that would in any way send pollutants into a waterway. A requirement of the permit, which was issued to the county in 2005, is that the county adopt an ordinance prohibiting illegal stormwater discharge and pollution, county officials stated previously.

The members of ABC are urging the county to roll back the restrictions to reflect only the minimum required by the state. Shaw said that means reducing the boundaries of the area where the regulations apply to only include the urbanized areas around the cities of Ukiah and Fort Bragg, for starters.

"We received a question from your office about whether we require the entire county to be covered under this storm water ordinance, or the areas covered under the permit only," according to a letter from state Regional Water Quality Control Board North Coast Region Executive Director Catherine Kuhlman. "the permit requires only specified areas of the county covered under the permit to have a storm water ordinance. Our office does not have another requirement to cover the entire county with a storm water ordinance at this time."

The Board of Supervisors "went above and beyond what the state ... required, which is not illegal," according to Mendocino County Counsel Jeanine Nadel. The board could have opted to only include the areas outside Ukiah and Fort Bragg, which are outlined in the county's permit.

She said the issue will go before the Board of Supervisors again Aug. 23, at which time the board could leave the regulations as they are or choose to only enforce the regulations in the outlined areas.

Also at issue is what ABC members see as a punitive approach that would allow land owners to be cited under the county's nuisance code, opening up the possibility of having a lien placed against the land if a cited problem isn't corrected, according to Shaw.

Another concern is that the county proposed to impose a fee for the county Water Agency to inspect for compliance with the regulations as part of a building permit inspection -- a task Shaw contends is duplicative because county building inspectors already do it.

"We want them to focus on education and outreach (rather than ticketing), and (impose) no more fees or taxes on an already fragile economy," Shaw said.

The ordinance aimed to make property owners responsible for pollutants that could make their way to a water course via stormwater runoff from a property owner's land. The definition of a pollutant is unclear, according to Farm Bureau Executive Director Devon Jones. She echoed the concerns of residents at a February workshop who were worried about how the regulations would affect them.

"This affects anyone with runoff or a tributary coming through their property," Jones said.

The runoff that occurs on most grazing land and other less "intense agricultural" operations can come from a source upstream, Jones said, and shouldn't always be attributed to agricultural operations or individual land owners.

"They need to look at the broader picture," Jones said.

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