

**Councilmember Gavello Comments during
Grading Ordinance
May 3, 2010**

We are in a lawsuit under the guise of wanting to protect the water and the fear of the city getting charged an enormous amount of money in fines, if the contractor's at the TUSD construction sites violate and dump into storm drains.

The entire basis of fear and consequences is crazy. ***The cost the taxpayers have spent in attorney fees of over a 1/4 million dollars is more than any fine ever given to a city.*** Also, the construction on school's sites is regulated by the state, and if we see something we could be nice and let the school district know, just like they can let us know if we miss something.

I believe the contractors know the laws and so did the state architects. We haven't had an issue with a school grading issue to date on schools that have been around for a long time.

I spoke with the Regional Water Quality Board several times, and try to have them come to this meeting.

Michael Adackapara – Division Chief of Regional Board

Stephen D. Mayville, RCE

Chief, Enforcement & Dairy Units

Regional Water Quality Control Board, Santa Ana Region

Phone conversation with Stephen Mayville:

How many cities do you manage? About 100

How long have you worked for regional water quality board? 18 years.

Your job? Enforcement. A formal enforcement is an action called AN ADMINISTRATIVE CIVIL LIABILITY COMPLAINT. Everyone who has an issue is given a chance to remedy.

Who is liable for a violation when it has to do with a school construction project? Not clearly defined.

Have you had an issue with school districts that you recall getting a formal action and a fine in your 18 years? I only recall an issue with the city of Fullerton and the school.

What did you do? We wrote letters to both the city and the school district and we worked with both of them.

Do cities have to pay the full fines? No, there is a choice for them to pay ½ and do a supplemental project for the environment with the other ½.

Largest fine you have ever seen? Now we have one: 500K for Cal Trans.

Who is going to pay it? Probably their contractors.

How many cities in Orange County have you had to fine in your tenure? Not many, maybe 4.

Let me share with you every violation the Santa Ana Region of the Water Board gave me with the dollar amounts associated with the fines:

(Pass out copies, read cities and amounts. Also read parts of June 27th, 2007 letter from regional water quality control board to all school districts.)

These are all the fines in the entire Santa Ana Region of about 100 cities. Called: Complaint for

Administrative Civil Liability

Let me list the actual amounts of the fines to make it easier:

Villa park \$48,280 on page 2
Norco \$78,4994 on page 6
Stanton \$50,000 on page 6
Buena Park \$45,000 on page 6
La Habra \$37,500 on page 6
City of Rialto \$157,727 on page 13
Beaumont \$30,000 on page 3
Anaheim \$10,000 on page 2

About how much are the most amounts of these fines?

Around 100k, and sometimes they didn't have to pay all of it.

Via email from Steve Mayville:

Do any school districts have their own ms4 permits?

Deborah,

No, not yet. However, I believe that is a refinement of the statewide storm water program is gaining momentum to be accomplished.

Steve

Next Topic:

Elizabeth Binzack said on slide number 9 at last council meeting:

“We believe all these entities have to have grading permits?”

Is this a believe or fact?

The problem, ladies and gentleman, there are no facts being given to us from the staff reports.

The Regional Quality Water Board gave the facts to me; they have no personal vendettas, no politics in the way. I believe

we as council members have a fiduciary responsibility to resolve this issue with TUSD, and let the school district apply for its own permit, and until then, not change our ordinance or table it. I am open to either choice. **I would like us to work it out!**