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A Draining Problem

Cleaning up the ocean pits environmentalists against local cities by Howard Blume

Allan Zolnekoff is no environmental pariah. To the contrary, on and off the Whittier City Council, he fought to preserve historic neighborhoods, to acquire 4,000 acres in the Puente Hills for a wildlife corridor and to create a 5-mile-long cycling and pedestrian path.

But on one issue, he's going against both his own grain and leading environmentalists. Zolnekoff has joined with dozens of local elected officials to fight the state's latest storm-water permit for the L.A. basin. The goal of the permit is to keep trash and other pollution out of the regional watershed. Over time, the cleanliness standards get progressively more strict. The result, in about 10 to 18 years, would be city rivers and streams clean enough to swim in and support healthy native plant and animal life. But perhaps the driving motivation is to protect the region's shores from their number-one source of pollution, urban runoff that periodically makes beaches unsafe to use, especially after rainstorms.

"I believe the effort to clean the water is well-meaning," said Zolnekoff, "because nobody wants to pollute the ocean. When I found out that Whittier's public-works folks were against the rules, I took them to task at first and said, 'Why are you doing something that's so environmentally hostile?' Then they showed me the problems."

The first and foremost problem is cost, which is impossible to nail down, but will be substantial. A coalition of small cities released a gloom-and-doom study this week claiming likely expenses of well over \$100 billion, though others scoffed at this figure. Regardless, state water officials have no money to help out, and cities faced a January 17 deadline for filing suit against the new rules. So the Whittier City Council voted this week to join numerous other smaller county cities in going to court. L.A. County * and the city of Los Angeles voted last week to pursue legal redress.

Regional water officials insist that the county and cities are overreacting. And the moves have dismayed environmentalists, whose own past litigation pressured oversight agencies to enforce federal clean-water standards.

Even before the current statewide budget crisis, local elected officials had concluded that the cost of cleansing rivers and streams — which have evolved into concrete flood-control ditches throughout most of Southern California — could decimate city services. And they contend that regional water officials are virtually mandating high-tech and high-cost cleaning equipment that is so new and unproven that it might not do the job anyway. If these measures should fail, they add, then cities are subject to fines of as much as a million dollars a month. Local governments also could face lawsuits from environmental groups and even private citizens for failing to meet clean-water targets.

This possibility of third-party litigation provoked the L.A. City Council's vote to challenge the storm-water permit. A dissenting vote, however, was cast by Jack Weiss, whose Westside council district is a hotbed of the environmental movement.

"The city of L.A. and L.A. County had a decision to make," said Weiss, "whether to partner with the environmental community in making these new regulations work or whether to fight the environmental community. They made the wrong choice." He added, "There's a parade of horrors the opponents always trot out. I don't think that's accurate. The city is now going to be in litigation with the state water board and the environmental community. The city is going to spend perhaps hundreds of thousands of dollars in legal fees. The state and environmental community will do likewise. That's the money that should be spent on environment," especially, said Weiss, given L.A.'s poor track record litigating against environmental regulation.

Without question, the specified cleanup standard for the L.A. River and its tributaries is exacting. In 10 years, for instance, the requirement is that no trash — zero — can enter the watershed. But Weiss expects that no jurisdiction would be unduly penalized for good-faith efforts that happen to fall short.

That's also the message of Dennis Dickerson, executive officer for the L.A. region of the California Regional Water Quality Control Board. Dickerson stressed that the zero trash mandate does not necessarily mean "absolute" zero, but whatever regulators define as the best achievable outcome closest to zero. He also pointed out that water officials have consistently chosen to work with cities rather than prosecute them for infractions. "The regional board could take more aggressive steps if necessary," said Dickerson, "but we're not being draconian."

Dickerson also denies that his agency is pushing high-cost approaches for such seemingly intractable pollution sources as litter, bacteria from pet poop and human waste, and dust from car-brake linings. Low-tech solutions would include providing pet owners, for example, with plastic-bag dispensers in parks and disposable gloves for picking up you-know-what. "And you can ensure adequate restrooms for the homeless. That is the reasonable and humane thing to do anyway." As far as littering, handing out a few citations would be a real deterrent: "That could even be revenue-generating." And street sweeping could take care of the brake dust.

Signal Hill City Manager Ken Farfsing foresees less-benign scenarios. "If we don't get changes through the courts, we may have to impose new costs on property owners. You as a property owner might be responsible for measuring runoff, monitoring bacteria. And you would be subject to city enforcement and fines. Cities have to think about these options, especially if we face lawsuits from third parties. We're going to be searching around for other pockets as deep or deeper than ours, or many little pockets." Signal Hill's entire general fund is \$11 million, to which half a million already goes toward storm-water-related matters, said Farfsing.

The city of Bellflower's new anti-pollution program already has prompted budget cuts, said Public Affairs Manager Jeff Hobbs, including ending a drunken-driving education effort and terminating a children's recreation program. And these cuts are just the beginning, asserted Hobbs.

The water board's Dickerson counters that the doomsday scenarios are overdrawn and even misleading. Some cities, for example, are listing street sweeping as a new cost, even though they've provided this service for decades. His department's own study, which he provided to reporters this week, estimated the increased annual cost per household as about \$1 per year more than current levels, which already run a bit over \$16 per household.

On the other hand, the cities' study, which was conducted by USC professors, estimated a per-household cost that could surpass \$40,000 over a 20-year span. But this study assumed at least a six-fold increase in the number of wastewater treatment plants, all of which would completely purify water to a reverse-osmosis level of quality — a higher standard than current wastewater treatment plants.

The USC study was presented at a raucous Tuesday press conference hosted by the coalition of small cities. But regional water-board officials also appeared and made their own impromptu counterpresentation in the small, tense conference room. Water-board chair Francine Diamond dismissed the USC study as "ludicrous" and a "scare tactic." Water officials listed how little cities are actually spending. City officials then complained that current costs bear little relation to the financial pain to come.

So take your pick: \$1 a year, \$2,000 a year per household, or somewhere in between.

"It will cost more, but it won't cost near as much as the coalition or some of the other cities are saying it will," said Heal the Bay attorney Leslie Mintz. "That's a huge, insane amount."

A court will have the opportunity to decide the competing money claims — if cost even matters. The case could hinge on other legal issues. The water board is under pressure on both ends. Environmental groups such as Santa Monica BayKeeper, Heal the Bay and the Natural Resources Defense Council are well-organized on this fight. Earlier litigation by these groups produced court-monitored deadlines for waterway and ocean cleanup.

"A lot of people look at the L.A. River and say it's not really worth protecting," said water official Dickerson. "That is debatable, though not to me. But you also have to face the fact that the river and Ballona Creek run into the ocean. Beaches are heavily used in both areas, and having people swimming in highly polluted water is simply unacceptable."