



- Board of Directors
Legislation Committee

5/10/2011 Board Meeting

8-12

Subject

Express support for AB 741 (Huffman, D-San Rafael) - Onsite wastewater disposal

Description

Sponsored by the Irvine Ranch Water District, AB 741 ([Attachment 1](#)) would authorize public wastewater agencies to offer voluntary liens to private property owners to finance lateral replacements and conversions from septic to sewer systems to prevent groundwater contamination and protect water quality, the environment, public health and safety. AB 741 would expand existing law to allow property owners to voluntarily enter into agreements with local wastewater agencies to finance needed sewer improvements.

Many communities in California face threats from aging infrastructure. The conversion of septic systems to community sewer systems and the replacement of damaged sewer laterals are needed to protect water quality, the environment, and public health and safety. AB 741 would provide additional flexibility to wastewater agencies and voluntary options for willing property owners for financing of sewer improvements.

Sewer Lateral Conversions

A sewer lateral is the pipe that transports wastewater from a building to the public sewer main in the street. Over time, laterals can become cracked, disjointed, or damaged by tree roots, earth settlement, and blockages caused by fats, oil, and grease, allowing wastewater to leak into the ground. Damaged laterals can also contribute to sewage blockages and backups and storm water overflows into the public system, as well as create harm to the environment and threaten public health. The California State Water Resources Control Board requires wastewater agencies to maintain the public sewer systems, and agencies invest hundreds of millions of dollars in repair and improvements to publicly owned sewer mains and treatment facilities. However, the problem cannot be resolved solely by upgrading the community sewer system. Repair or replacement of sewer laterals is typically the responsibility of the homeowner, but there is no mandate requiring this maintenance. The costs of sewer lateral replacements for private property owners are high. A typical sewer lateral replacement can range from \$1,500 to \$4,000. Costs can increase significantly if there are obstructions such as landscaping, driveways, or structures built above the lateral.

Providing financing options to encourage private property owners to replace their damaged sewer laterals will help to ensure that public infrastructure, public health and the environment are protected.

Septic Conversions

Currently, there are a number of California communities that operate on septic systems. Septic systems can be operated safely, but when they age or exceed the treatment capacity of regional soils, they can leak and contaminate surface waters, groundwater and sensitive coastal waters with disease-causing pathogens and nitrates. Converting from a septic to sewer system protects water quality, the environment and public health by ensuring that wastewater is collected and conveyed to treatment and disposal facilities with minimal risk and increases water quality benefits.

The cost to convert a septic system to a sewer system can be expensive, including the clean up and removal or abandonment of the septic system as well as the costs of building the facilities needed to connect to the community sewer system. According to the Irvine Ranch Water District, the costs of conversion can range from \$2,000 to \$14,000 and if new or replacement pumps are needed, this can add an additional \$10,000.

Recommended Position

Because AB 741 will encourage property owners to convert from septic systems to community sewer systems and to replace aging and damaged sewer laterals to protect water quality, the environment and public health and safety, staff recommends Metropolitan support this measure. AB 741 specifically applies to public waste water agencies, defined to include: “counties, cities and counties, cities, sanitary districts, county sanitation districts, county service areas, sewer maintenance districts, and other public corporations and districts authorized to acquire, construct, maintain and operate sanitary sewers and sewerage systems.” Although this does not include Metropolitan specifically, it would include many of Metropolitan’s member agencies, authorizing them to facilitate assessment districts for the purpose of septic and sewer improvements. Additionally, the benefits of the proposed improvements would run to Metropolitan and all of its member agencies.

This bill is consistent with the Board’s prior legislative initiatives and policies to encourage sound groundwater management and water conservation. AB 741 also has broad-based support of drinking water and wastewater agencies throughout the state, including Municipal Water District of Orange County, Three Valleys Municipal Water District, and the Association of California Water Agencies.

Policy

The Board’s policies regarding groundwater management and water conservation:

Minute Item 39978, dated December 8, 1992; amended by M.I. 41222 - January 10, 1995.

Minute Item 42820, dated February 10, 1998.

Minute Item 39936, dated November 10, 1992.

California Environmental Quality Act (CEQA)

CEQA determination for Option #1:

The proposed action is not defined as a project under CEQA because it involves continuing administrative activities, such as general policy and procedure making (Section 15378(b)(2) of the State CEQA Guidelines). In addition, where it can be seen with certainty that there is no possibility that the proposed action in question may have a significant effect on the environment, the proposed action is not subject to CEQA (Section 15061(b)(3) of the State CEQA Guidelines).

The CEQA determination is: Determine that the proposed action is not subject to CEQA pursuant to Sections 15378(b)(2) and 15061(b)(3) of the State CEQA Guidelines.

CEQA determination for Option #2:

None required

Board Options

Option #1

Adopt the CEQA determination and express support for AB 741.

Fiscal Impact: None

Business Analysis: Could assist with the protection of water quality, the environment and public health and safety

Option #2

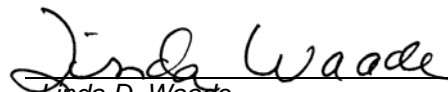
Take no position on AB 741

Fiscal Impact: None

Business Analysis: Minimal impact on Metropolitan, but could delay sewer and septic improvements and hamper the protection of water quality, the environment and public health and safety

Staff Recommendation

Option #1


Linda D. Waade
Deputy General Manager, External Affairs

5/4/2011

Date


Jeffrey Kightlinger
General Manager

5/4/2011

Date

Attachment 1 – Assembly Bill 741 (as amended 4/11/11)

Ref# ea12612093

AMENDED IN ASSEMBLY APRIL 11, 2011
AMENDED IN ASSEMBLY MARCH 14, 2011
CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

ASSEMBLY BILL**No. 741**

**Introduced by Assembly Member Huffman
(Coauthors: Assembly Members Miller and Wagner)**

February 17, 2011

An act to add Section 5465 to the Health and Safety Code, relating to wastewater.

LEGISLATIVE COUNSEL'S DIGEST

AB 741, as amended, Huffman. Onsite wastewater disposal.

Existing law prohibits the discharge of sewage or other waste, or the effluent of treated sewage or other waste, in any manner that will result in contamination, pollution, or a nuisance. Under existing law, when the State Department of Public Health or any local health officer finds that a contamination exists, the department or the officer is required to order the contamination abated, as provided.

Under existing law, an owner or reputed owner of property included within an assessment district for construction of a main trunkline or collector sewer lines may request the governing board to construct all necessary plumbing to connect his or her property to the adjoining public sewer system, the cost of which constitutes a lien on the property.

This bill would authorize defined entities to use this provision for the purpose of converting properties from onsite septic systems and connecting them to the sewer system and for replacing *or repairing* existing sewer laterals connecting pipes to a sewer system.

AB 741

— 2 —

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 5465 is added to the Health and Safety
2 Code, to read:
3 5465. (a) The procedures specified in this section may be used
4 by a public agency that is an entity, as defined in Section 5470.
5 (b) An entity may use the procedures specified in Section 5464
6 for either of the following purposes, whether or not an order or
7 other action has been issued or taken for an abatement of
8 contamination created by sewage disposal:
9 (1) Converting properties from onsite septic systems and
10 connecting them to a sewer system. The conversion improvements
11 and costs may include, but are not limited to, pipes, pumps and
12 other equipment, septic system abandonment, and associated
13 sewage treatment capacity.
14 (2) Replacing *or repairing* existing sewer laterals connecting
15 pipes to a sewer system. The cost of the lateral replacement *or*
16 *repair* shall constitute the cost of an improvement for connection
17 to a sewer system.
18 (c) For purposes of this section, and in addition to any other
19 power, an entity may exercise the powers specified in Article 4
20 (commencing with Section 5470).
21 (d) The authority granted by this section shall be in addition to,
22 shall not be in derogation of, and shall not affect, any authority
23 granted by other law relating to recovering the cost incurred by an
24 entity for connecting properties to the public sewer system, or the
25 entity's exercise of powers pursuant to any other law. This section
26 shall be deemed to provide a complete and supplemental method
27 for exercising the powers authorized by this section, and shall be
28 deemed supplemental to the powers conferred by other applicable
29 laws.
30 (e) For purposes of this section, the following definitions shall
31 apply:
32 (1) "Assessment district" as used in statutes referenced in this
33 section also means an improvement district or any other area served
34 by the entity's sewer collection system.

— 3 —

AB 741

- 1 (2) “Governing board” and “governing body” mean the
- 2 governing body of the entity.
- 3 (3) “Ordinance” as used in statutes referenced in this section
- 4 also means a resolution.

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