



● **Board of Directors**
Communications and Legislation Committee

5/12/2015 Board Meeting

8-8

Subject

Express support, if amended, for SB 485 (Hernandez, D-San Gabriel Valley) - County of Los Angeles: Sanitation Districts

Executive Summary

Senate Bill 485 was introduced by Senator Ed Hernandez to allow the Los Angeles County Sanitation Districts (LACSD) to divert, manage, and treat stormwater and dry weather runoff ([Attachment 1](#)). This water would then be discharged into the stormwater system or a receiving water body for beneficial use. SB 485 provides another alternative for cities and the Los Angeles County Flood Control District (LACFCD) to comply with the Los Angeles Region Municipal Separate Storm Sewer System (MS4) permit. While the LACSD does have the authority to accept dry weather runoff into the sewer system as “wastewater,” current law does not grant LACSD the authority to manage stormwater. Proposed amendments to SB 485 would clarify that the bill does not alter any existing water rights or water rights law.

Details

SB 485 adds Section 4730.68 to the Health and Safety Code that grants the LACSD authority to manage stormwater and dry weather urban runoff. The bill is in response to LACSD’s request to assist jurisdictions in complying with MS4 regulatory requirements. According to the author, it will be necessary for cities and the county to spend millions of dollars per year to comply with the Los Angeles Region MS4 permit. The Los Angeles Region MS4 permit prohibits non-stormwater discharges into the MS4 (unless authorized under another permit or specifically exempted from the MS4 permit). The MS4 permit allows permittees the flexibility to develop Watershed Management Programs that can be used to retain or control non-stormwater and stormwater runoff in order to meet effluent guidelines and not contribute to exceedances of receiving water limitations. SB 485 allows LACSD to acquire, construct, operate, maintain, and furnish facilities to:

- Divert, manage, and treat stormwater and dry weather runoff,
- Discharge the water to the stormwater drainage system or receiving waters, and
- Beneficially use the water.

Stormwater and dry weather runoff projects would be determined on a case-by-case basis in conjunction with local jurisdictions within LACSD’s service area. To address potential water rights issues, proposed amendments to SB 485 declare that prior to implementing a project, LACSD shall seek approval from the local entity responsible for administering the affected groundwater basin ([Attachment 2](#)). SB 485 would be specific to LACSD and is similar to statutory language chaptered in 2002 for the Orange County Sanitation District (Health and Safety Code Section 4730.66).

SB 485 does not directly impact Metropolitan, as Metropolitan is neither a MS4 permittee nor manages stormwater. However, Metropolitan does discharge into the stormdrain system as a conditionally exempt essential public service and through approval by the LACFCD. Other non-stormwater discharges include, but are not limited to, industrial process and cooling water, vehicle and equipment wash water, groundwater seepage, landscape irrigation, and fire hydrant test water. By managing stormwater and dry-weather runoff, the LACSD

could help reduce the concentration of various constituents (e.g., bacteria and metals) via treatment prior to discharge into a receiving water body. In this fashion, SB 485 may help the LACFCD and cities (some of which are member agencies) that are permittees under the Los Angeles Region MS4 permit in complying with various water quality provisions. In addition, stormwater capture projects may benefit member agencies that manage groundwater in Los Angeles County through increases in recharge efforts.

SB 485, as introduced, is supported by 27 cities in Los Angeles County, including Long Beach, Pasadena, Torrance, Three Valleys Municipal Water District, and 11 civic advocacy groups such as the California Association of Sanitation Agencies and Southern California Water Committee. The San Gabriel Valley Municipal Water District supports the bill, in concept. It is anticipated that the registered opposition to SB 485 from the San Gabriel Valley Water Company, Suburban Water Systems, and SouthWest Water Company will be removed once the April 30, 2015, proposed amendments are incorporated into the bill.

Policy

Policy Principle on Permit Streamlining – M.I. 40196 – April 13, 1993

Policy Principle on Source Water Quality Protection – M.I. 42820, dated February 10, 1998

Policy Principle on Watershed Management – M.I. 43964 – April 11, 2000

Policy Principle on Water Conservation – M.I. 45208 – February 11, 2003

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 that the proposed action is not subject to CEQA, and authorize the General Manager to express support for SB 485, as proposed to be amended.

Fiscal Impact: No fiscal impact to Metropolitan

Business Analysis: If passed, SB 485 would aid in MS4 compliance for Metropolitan's member agencies.

Option #2


Take no position on SB 485.

Fiscal Impact: No fiscal impact to Metropolitan

Business Analysis: If SB 485 does not pass, the current stormwater and dry weather runoff regulatory environment will remain in place.

Staff Recommendation

Option #1



Dee Zinke
Deputy General Manager, External Affairs

5/6/2015

Date



Jeffrey Kightlinger
General Manager

5/6/2015

Date

Attachment 1 – Senate Bill 485, dated February 26, 2015

Attachment 2 – Senate Bill 485 proposed amendments dated April 30, 2015

Ref #ea12637289

SENATE BILL**No. 485**

**Introduced by Senator Hernandez
(Coauthor: Senator Liu)**

(Coauthors: Assembly Members Cristina Garcia and Rendon)

February 26, 2015

An act to add Section 4730.68 to the Health and Safety Code, relating to public sanitation.

LEGISLATIVE COUNSEL'S DIGEST

SB 485, as introduced, Hernandez. County of Los Angeles: sanitation districts.

The County Sanitation District Act authorizes a sanitation district to acquire, construct, and complete certain works, property, or structures necessary or convenient for sewage collection, treatment, and disposal.

This bill would authorize specified sanitation districts in the County of Los Angeles, to acquire, construct, operate, maintain, and furnish facilities for the diversion, management, and treatment of stormwater and dry weather runoff, the discharge of the water to the stormwater drainage system, and the beneficial use of the water.

This bill would make legislative findings and declarations as to the necessity of a special statute for the County of Los Angeles.

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. The Legislature hereby finds and declares all of
- 2 the following:
- 3 (a) The county sanitation districts of Los Angeles County
- 4 (sanitation districts) were established in 1923 under the County

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1 Sanitation District Act (Chapter 3 (commencing with Section 4700)
2 of Part 3 of Division 5 of the Health and Safety Code).

3 (b) The sanitation districts provide regional solid waste
4 management and wastewater collection and treatment services for
5 5.5 million people in 78 cities and unincorporated communities.

6 (c) Eighty-four cities in Los Angeles County, the Los Angeles
7 County Flood Control District, and Los Angeles County
8 unincorporated areas are all regulated under a permit for the
9 Municipal Separate Storm Sewer System (MS4), the most recent
10 of which was adopted by the California Regional Water Quality
11 Control Board, Los Angeles Region, in December 2012.

12 (d) The City of Long Beach is regulated under its own permit
13 for its MS4, the most recent of which was adopted by the regional
14 board in February 2014.

15 (e) The MS4 is a large interconnected system that encompasses
16 over 3,000 square miles, and is controlled in large part by the Los
17 Angeles County Flood Control District and used by multiple cities
18 along with Los Angeles County.

19 (f) The Los Angeles County Flood Control District is primarily
20 focused on operation and maintenance of the larger, downstream
21 MS4 infrastructure into which the smaller, upstream city MS4
22 infrastructure discharges.

23 (g) This extensive system conveys stormwater and
24 non-stormwater across municipal boundaries where it is
25 commingled within the MS4 and then discharged to receiving
26 water bodies, such as the Los Angeles River and San Gabriel River.

27 (h) It will be necessary for the cities, Los Angeles County Flood
28 Control District, and Los Angeles County to spend millions of
29 dollars per year to comply with the Los Angeles Region MS4
30 permits.

31 (i) The Los Angeles Region MS4 permits prohibit the discharge
32 of non-stormwater discharges to MS4 (unless authorized under
33 another permit or specifically exempted from the MS4 permit),
34 and one management technique that can be effective in cleaning
35 up non-stormwater discharges is to divert dry weather runoff into
36 the sanitary sewer system, if sewer and treatment plant capacity
37 are available and other regulatory requirements are met.

38 (j) Many of the cities, the Los Angeles County Flood Control
39 District, and Los Angeles County are preparing watershed
40 management plans and enhanced watershed management plans in

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1 order to identify stormwater and dry weather urban runoff projects
2 and activities that will bring the MS4 under their jurisdiction into
3 compliance with the Los Angeles Region MS4 permits.

4 (k) The presiding officers of the cities and the Chairman of the
5 County Board of Supervisors serve as members of the boards of
6 directors of the sanitation districts.

7 (l) The administrative board of directors of the sanitation
8 districts formally requested that the Sanitation Districts seek the
9 authority to use its civil engineering and water quality expertise
10 to help the cities and county manage stormwater and dry weather
11 urban runoff in order to comply in an efficient and effective manner
12 with the Los Angeles Region MS4 permit.

13 (m) Because of the unique circumstances of the sanitation
14 districts and the Los Angeles Region MS4, special legislation is
15 necessary to augment the sanitation districts' powers under the
16 County Sanitation District Act.

17 SEC. 2. Section 4730.68 is added to the Health and Safety
18 Code, to read:

19 4730.68. (a) This section applies only to county sanitation
20 district numbers 1, 2, 3, 4, 5, 8, 9, 14, 15, 16, 17, 18, 19, 20, 21,
21 22, 23, 27, 28, 29, and 34 of Los Angeles County, Newhall Ranch
22 Sanitation District, South Bay Cities Sanitation District of Los
23 Angeles County, and Santa Clarita Valley Sanitation District of
24 Los Angeles County, and any new county sanitation district
25 subsequently formed in the County of Los Angeles. The powers
26 granted in this section supplement the existing powers of each
27 district.

28 (b) A district may acquire, construct, operate, maintain, and
29 furnish facilities for any of the following purposes:

30 (1) The diversion of stormwater and dry weather runoff from
31 the stormwater drainage system within the district.

32 (2) The management and treatment of the stormwater and dry
33 weather runoff.

34 (3) The discharge of the water to the stormwater drainage system
35 or receiving waters.

36 (4) The beneficial use of the water.

37 (c) In order to carry out the powers and purposes granted under
38 this section, the district may exercise any of the powers otherwise
39 granted to a district by this chapter to the extent those powers may
40 be made applicable.

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1 (d) This section does not affect any obligation of a district to
2 obtain a permit that may be required by law for the activities
3 undertaken pursuant to this section.

4 (e) For purposes of this section, “stormwater” and “dry weather
5 runoff” have the same meaning as in Section 10561.5 of the Water
6 Code.

7 (f) Nothing in this section shall be construed to require any local
8 agency to participate, financially or otherwise, in a project pursued
9 under the authority granted by this section.

10 (g) This section is not intended to alter any of the following:

11 (1) Existing water rights, including any adjudicated rights.

12 (2) Existing water rights law.

13 (3) Any rights, remedies, or obligations that may exist pursuant
14 to Article 1 (commencing with Section 1200) of Article 1.5
15 (commencing with Section 1210) of Chapter 1 of Part 2 of Division
16 2 of the Water Code, or Chapter 8.5 (commencing with Section
17 1501) of Part 1 of Division 1 of the Public Utilities Code.

18 SEC. 3. The Legislature finds and declares that a special law
19 is necessary and that a general law cannot be made applicable
20 within the meaning of Section 16 of Article IV of the California
21 Constitution because of the unique circumstances of the County
22 Sanitation Districts of Los Angeles County.

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Substantive

AMENDMENTS TO SENATE BILL NO. 485

Amendment 1

On page 2, in line 15, strike out "large" and insert:

large,

Amendment 2

On page 3, in line 4, strike out "Chairman" and insert:

chair

Amendment 3

On page 3, in line 8, strike out "Sanitation Districts" and insert:

sanitation districts

Amendment 4

On page 3, in line 22, strike out "District," and insert:

District of Los Angeles County,

Amendment 5

On page 4, in line 10, strike out "is not intended" and insert:

shall not be construed

Amendment 6

On page 4, in line 10, after "alter" insert:

or interfere with

Amendment 7

On page 4, in line 11, strike out "rights," and insert:

rights to water from any source,



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Amendment 8

On page 4, in line 11, strike out "rights." and insert:

rights allocated by a court judgment or order, rights issued by the state or a state agency, or rights acquired pursuant to any federal or state statute.

Amendment 9

On page 4, in line 14, strike out "of" and insert:

or

Amendment 10

On page 4, in line 16, after the comma insert:

Chapter 10 (commencing with Section 1700) of Part 2 of Division 2 of the Water Code,

Amendment 11

On page 4, between lines 17 and 18, insert:

(h) Nothing in this section shall be construed to establish a right for a district to alter or interfere with either of the following:

(1) The operation, maintenance, or ownership of a water facility that is operated, maintained, or owned by a public agency or an entity regulated by the California Public Utilities Commission.

(2) A judgment or court order or an action by a watermaster or public agency, pursuant to an adjudication, adjudicated physical solution, or federal or state statute that affects water, water rights, flood control, water management, or water conservation.

(i) Prior to implementing a project to divert, manage, treat, or beneficially use stormwater or dry weather urban runoff, a district shall consult the local entity, if one exists, that is responsible for the administration of water rights, a groundwater basin judgment, or groundwater management, such as a court-appointed watermaster, to determine the water supply benefits of the project and the impact on an adjudication or adjudicated physical solution, if any.

(j) A district shall not have the right to divert, manage, treat, or beneficially use any stormwater or dry weather runoff that would otherwise recharge an adjudicated groundwater basin without obtaining the approval of the court-appointed watermaster or the local entity responsible for the administration of water rights or the judgment affecting that basin. The local entity or watermaster shall not unreasonably delay or withhold that approval.

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Substantive

Amendment 12

On page 4, in lines 21 and 22, strike out "County Sanitation Districts" and insert:
county sanitation districts

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