

AMENDED IN ASSEMBLY AUGUST 27, 2015

AMENDED IN ASSEMBLY AUGUST 20, 2015

AMENDED IN ASSEMBLY JULY 7, 2015

AMENDED IN ASSEMBLY JUNE 23, 2015

SENATE BILL

No. 485

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

(Coauthors: Assembly Members ~~Cristina Garcia~~ *Cristina Garcia, Gatto,*
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 amended, 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. The bill would require a district to consult with the Los Angeles County Flood Control District, or *District* and the relevant watermaster or water replenishment district prior to initiating a stormwater or dry weather runoff program within the boundaries of an adjudicated groundwater basin or within

the service area of a water replenishment district, as applicable. The bill would make related changes.

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
- 5 Sanitation District Act (Chapter 3 (commencing with Section 4700)
- 6 of Part 3 of Division 5 of the Health and Safety Code).
- 7 (b) The sanitation districts provide regional solid waste
- 8 management and wastewater collection and treatment services for
- 9 5.5 million people in 78 cities and unincorporated communities.
- 10 (c) Eighty-four cities in Los Angeles County, the Los Angeles
- 11 County Flood Control District, and Los Angeles County
- 12 unincorporated areas are all regulated under a permit for the
- 13 Municipal Separate Storm Sewer System (MS4), the most recent
- 14 of which was adopted by the California Regional Water Quality
- 15 Control Board, Los Angeles Region, in December 2012.
- 16 (d) The City of Long Beach is regulated under its own permit
- 17 for its MS4, the most recent of which was adopted by the regional
- 18 board in February 2014.
- 19 (e) The MS4 is a large, interconnected system that encompasses
- 20 over 3,000 square miles, and is operated and maintained in large
- 21 part by the Los Angeles County Flood Control District and used
- 22 by multiple cities along with Los Angeles County.
- 23 (f) The Los Angeles County Flood Control District is primarily
- 24 focused on operation and maintenance of the MS4 infrastructure
- 25 for the purposes of flood protection and water conservation.
- 26 (g) This extensive system conveys stormwater and
- 27 nonstormwater across municipal boundaries where it is
- 28 commingled within the MS4 and then discharged to receiving
- 29 water bodies, such as the Los Angeles River and San Gabriel River.
- 30 (h) It will be necessary for the cities, Los Angeles County Flood
- 31 Control District, and Los Angeles County to spend millions of

1 dollars per year to comply with the Los Angeles Region MS4
2 permits.

3 (i) The Los Angeles Region MS4 permit prohibits the discharge
4 of nonstormwater into the MS4, subject to specified exceptions,
5 and one management technique that can be effective in cleaning
6 up nonstormwater discharges is to divert dry weather runoff into
7 the sanitary sewer system, if sewer and treatment plant capacity
8 are available and other regulatory requirements are met.

9 (j) Many of the cities, the Los Angeles County Flood Control
10 District, and Los Angeles County are preparing watershed
11 management plans and enhanced watershed management plans in
12 order to identify stormwater and dry weather urban runoff projects
13 and activities that will improve the water quality in the downstream
14 receiving water bodies.

15 (k) The presiding officers of the cities and the Chair of the Los
16 Angeles County Board of Supervisors serve as members of the
17 boards of directors of the sanitation districts.

18 (l) The administrative board of directors of the sanitation
19 districts formally requested that the sanitation districts seek the
20 authority to use its civil engineering and water quality expertise
21 to help the cities and county manage stormwater and dry weather
22 urban runoff in order to comply with the Los Angeles Region MS4
23 permit in an efficient and effective manner with the Los Angeles
24 Region MS4 permit. manner.

25 (m) The Legislature does not intend for the sanitation districts'
26 activities related to the management and treatment of stormwater
27 and dry weather urban runoff to interfere with the existing water
28 management, flood protection, groundwater replenishment, or
29 water conservation activities of other local or regional agencies.

30 (n) Because of the unique circumstances of the sanitation
31 districts and the Los Angeles Region MS4, special legislation is
32 necessary to augment the sanitation districts' powers under the
33 County Sanitation District Act.

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

36 4730.68. (a) This section applies only to county sanitation
37 district numbers 1, 2, 3, 4, 5, 8, 9, 14, 15, 16, 17, 18, 19, 20, 21,
38 22, 23, 27, 28, 29, and 34 of Los Angeles County, Newhall Ranch
39 Sanitation District of Los Angeles County, South Bay Cities
40 Sanitation District of Los Angeles County, and Santa Clarita Valley

1 Sanitation District of Los Angeles County. The powers granted in
2 this section supplement the existing powers of each district.

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

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

7 (2) The management and treatment of the stormwater and dry
8 weather runoff.

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

11 (4) The beneficial use of the water.

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

16 (d) (1) Prior to initiating a stormwater or dry weather runoff
17 program or project within the boundaries of an adjudicated
18 groundwater basin, a district shall consult with the relevant
19 watermaster for a preliminary determination as to whether the
20 project is inconsistent with the adjudication. If the watermaster
21 deems the project to be inconsistent with the adjudication, the
22 watermaster shall recommend, in writing, the measures that are
23 necessary in order to conform the project to the adjudication.

24 (2) Prior to initiating a stormwater or dry weather runoff project
25 within the service area of a water replenishment district, a district
26 shall consult with the water replenishment district for the purpose
27 of avoiding potential conflicts with water replenishment activities.

28 (3) Prior to initiating a stormwater or dry weather runoff project,
29 a district shall consult with the Los Angeles County Flood Control
30 District for the purpose of avoiding potential conflicts with flood
31 protection and water conservation activities.

32 (e) This section does not affect any obligation of a district to
33 obtain a permit that may be required by law for the activities
34 undertaken pursuant to this section.

35 (f) For purposes of this section, “stormwater” and “dry weather
36 runoff” have the same meaning as in Section 10561.5 of the Water
37 Code.

38 (g) Nothing in this section shall be construed to require any
39 local agency to participate, financially or otherwise, in a project
40 pursued under the authority granted by this section.

1 (h) Nothing in this section shall be construed to alter or interfere
2 with any of the following:

3 (1) Existing water rights to water from any source, including
4 any adjudicated rights allocated by a court judgment or order,
5 including any physical solution, rights issued by the state or a state
6 agency, and rights acquired pursuant to any federal or state statute.

7 (2) Existing water rights law.

8 (3) Any rights, remedies, or obligations that may exist pursuant
9 to Article 1 (commencing with Section 1200) or Article 1.5
10 (commencing with Section 1210) of Chapter 1 of Part 2 of Division
11 2 of the Water Code, Chapter 10 (commencing with Section 1700)
12 of Part 2 of Division 2 of the Water Code, or Chapter 8.5
13 (commencing with Section 1501) of Part 1 of Division 1 of the
14 Public Utilities Code.

15 SEC. 3. The Legislature finds and declares that a special law
16 is necessary and that a general law cannot be made applicable
17 within the meaning of Section 16 of Article IV of the California
18 Constitution because of the unique circumstances of the county
19 sanitation districts of Los Angeles County.