

AMENDED IN ASSEMBLY MAY 7, 2009

AMENDED IN ASSEMBLY APRIL 20, 2009

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

**ASSEMBLY BILL**

**No. 1232**

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**Introduced by Assembly Member Huffman**

February 27, 2009

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An act to add Section 56375.2 to the Government Code, relating to local government.

LEGISLATIVE COUNSEL'S DIGEST

AB 1232, as amended, Huffman. Local agency formation commissions: powers and duties.

Existing law requires the local agency formation commission in each county, to, among other things, review and approve or disapprove proposals for changes of organization, or reorganization, and authorizes the commission to initiate proposals for the formation, consolidation, or dissolution of a district, a merger, or the establishment of a subsidiary district, as specified.

This bill would, *on and after January 1, 2011*, authorize the ~~commission in specified counties~~ *Marin County Local Area Formation Commission* to initiate and approve the consolidation of one or more small wastewater agencies ~~within specified counties~~ if certain conditions exist.

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 the  
2 following:

3 (a) The federal Clean Water Act prohibits the discharge of  
4 pollutants into water of the United States except in compliance  
5 with various sections of that act, including permits for treated  
6 discharge of wastewater.

7 (b) Wastewater sewer systems collect, transport, and treat  
8 wastewater sewage. However, illegal sewage spills of raw or  
9 partially treated sewage often occur and are commonly caused by  
10 severe weather and improper system operation and maintenance.

11 (c) The United States Environmental Protection Agency  
12 estimates that there are at least 40,000 sewage spills each year.  
13 The sewage from these spills can contaminate our waters, causing  
14 serious water quality problems.

15 (d) San Francisco Bay is part of a critically important estuary  
16 that supports large numbers of birds, fish, and wildlife, including  
17 threatened and endangered species. The bay and estuary are also  
18 linked to the water supply for over two-thirds of the state's  
19 population.

20 (e) The San Francisco Bay Regional Water Quality Control  
21 Board reports that over 2,000 separate illegal sewage spills  
22 occurred between 2004 and 2007. Over 500 of the spills exceeded  
23 1,000 gallons. One of the largest spills was 2.5 million gallons in  
24 Marin County, which illegally discharged both untreated and  
25 partially treated sewage into Richardson Bay, which is an  
26 ecologically sensitive area.

27 (f) Small wastewater agencies are often challenged with the  
28 high cost of maintenance and repair of sewer lines and treatment  
29 plants. To reduce water quality problems and to increase system  
30 efficiencies, in 2004 the Marin County Local Area Formation  
31 Commission recommended a consolidation plan for 11 small  
32 wastewater agencies.

33 (g) It is the intent of the Legislature to increase the effectiveness  
34 and efficiency of small wastewater agencies and reduce the impacts  
35 of water quality due to illegal sewage spills.

36 SEC. 2. Section 56375.2 is added to the Government Code, to  
37 read:

1 56375.2. (a) For purposes of this section the following terms  
2 have the following meanings:

3 ~~(1) “San Francisco Bay area counties” means the Counties of~~  
4 ~~Alameda, Contra Costa, Marin, Napa, San Mateo, Santa Clara,~~  
5 ~~San Francisco, Solano, and Sonoma.~~

6 *(1) “Commission” means the Marin County Local Area*  
7 *Formation Commission.*

8 *(2) “Small wastewater agencies” means sanitation districts and*  
9 *local governments that provide sewer and wastewater collection*  
10 *or treatment services to a population of 20,000 10,000 service*  
11 *connections or less.*

12 (b) In addition to those powers enumerated in Section 56375,  
13 ~~a the commission located in any of the San Francisco Bay area~~  
14 ~~counties,~~ may initiate and approve, after notice and hearing, a  
15 *reorganization or consolidation of small wastewater agencies,*  
16 without protest hearings, if ~~both~~ *all* of the following conditions  
17 exist:

18 *(1) A commission municipal services report, review done for*  
19 *the wastewater agencies, completed within the prior 10 years,*  
20 ~~recommends consolidation.~~ *makes findings or determinations*  
21 *related to reorganization or consolidation, that if implemented*  
22 *would improve financial and service level benefits, government*  
23 *accountability, operational efficiencies, and provide cost savings*  
24 *for the ratepayers.*

25 *(2) The wastewater agencies have not implemented the*  
26 *commission’s findings or determinations adopted in the municipal*  
27 *services review described in paragraph (1).*

28 ~~(2)~~

29 *(3) The wastewater agencies affected have had, or have*  
30 ~~contributed to,~~ *had three or more illegal discharges,*  
31 *based on violations identified by the San Francisco Regional Water*  
32 *Quality Control Board, in the last five years that exceed 5,000*  
33 *gallons of untreated or partially treated wastewater to waters of*  
34 *the state.*

35 ~~(e) A commission may require consolidation of a small~~  
36 ~~wastewater agency with a larger wastewater agency where the~~  
37 ~~larger agency does not meet the conditions required by subdivision~~

38 ~~(b):~~

39 ~~(d)~~

40 (c) This section shall become effective on January 1, 2011.

1     *SEC. 3. The Legislature finds and declares that, because of*  
2 *the unique circumstances applicable to the County of Marin, a*  
3 *statute of general applicability cannot be enacted within the*  
4 *meaning of subdivision (b) of Section 16 of Article IV of the*  
5 *California Constitution. Therefore, this special statute is necessary.*

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