

AMENDED IN ASSEMBLY JUNE 23, 2015

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 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 relevant watermaster prior to initiating a stormwater or dry weather runoff program within the boundaries of an adjudicated groundwater basin. 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~~ *large*, interconnected system that
20 encompasses over 3,000 square miles, and is controlled 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 larger, downstream
25 MS4 infrastructure into which the smaller, upstream city MS4
26 infrastructure discharges.

27 (g) This extensive system conveys stormwater and
28 nonstormwater across municipal boundaries where it is
29 commingled within the MS4 and then discharged to receiving
30 water bodies, such as the Los Angeles River and San Gabriel River.

31 (h) It will be necessary for the cities, Los Angeles County Flood
32 Control District, and Los Angeles County to spend millions of
33 dollars per year to comply with the Los Angeles Region MS4
34 permits.

35 (i) The Los Angeles Region MS4 permits prohibit the discharge
36 of nonstormwater discharges to MS4 (unless authorized under
37 another permit or specifically exempted from the MS4 permit),
38 and one management technique that can be effective in cleaning

1 up nonstormwater discharges is to divert dry weather runoff into
2 the sanitary sewer system, if sewer and treatment plant capacity
3 are available and other regulatory requirements are met.

4 (j) Many of the cities, the Los Angeles County Flood Control
5 District, and Los Angeles County are preparing watershed
6 management plans and enhanced watershed management plans in
7 order to identify stormwater and dry weather urban runoff projects
8 and activities that will bring the MS4 under their jurisdiction into
9 compliance with the Los Angeles Region MS4 permits.

10 (k) The presiding officers of the cities and the ~~Chairman~~ *chair*
11 of the County Board of Supervisors serve as members of the boards
12 of directors of the sanitation districts.

13 (l) The administrative board of directors of the sanitation
14 districts formally requested that the ~~Sanitation Districts~~ *sanitation*
15 *districts* seek the authority to use its civil engineering and water
16 quality expertise to help the cities and county manage stormwater
17 and dry weather urban runoff in order to comply in an efficient
18 and effective manner with the Los Angeles Region MS4 permit.

19 (m) Because of the unique circumstances of the sanitation
20 districts and the Los Angeles Region MS4, special legislation is
21 necessary to augment the sanitation districts' powers under the
22 County Sanitation District Act.

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

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

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

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

38 (2) The management and treatment of the stormwater and dry
39 weather runoff.

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

3 (4) The beneficial use of the water.

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

8 (d) *Prior to initiating a stormwater or dry weather runoff*
9 *program or project within the boundaries of an adjudicated*
10 *groundwater basin, a district shall consult with the relevant*
11 *watermaster.*

12 ~~(e)~~

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

16 ~~(e)~~

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

20 ~~(f)~~

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

24 ~~(g) This section is not intended~~

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

27 (1) Existing water ~~rights,~~ *rights to water from any source,*
28 *including any adjudicated ~~rights.~~ rights allocated by a court*
29 *judgment or order, rights issued by the state or a state agency,*
30 *and rights acquired pursuant to any federal or state statute.*

31 (2) Existing water rights law.

32 (3) Any rights, remedies, or obligations that may exist pursuant
33 to Article 1 (commencing with Section 1200) ~~of or~~ Article 1.5
34 (commencing with Section 1210) of Chapter 1 of Part 2 of Division
35 2 of the Water Code, *Chapter 10 (commencing with Section 1700)*
36 *of Part 2 of Division 2 of the Water Code,* or Chapter 8.5
37 (commencing with Section 1501) of Part 1 of Division 1 of the
38 Public Utilities Code.

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

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

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

8 SEC. 3. The Legislature finds and declares that a special law
9 is necessary and that a general law cannot be made applicable
10 within the meaning of Section 16 of Article IV of the California
11 Constitution because of the unique circumstances of the County
12 Sanitation Districts of Los Angeles County.

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