

AMENDED IN ASSEMBLY JULY 7, 2015

AMENDED IN ASSEMBLY JUNE 23, 2015

**SENATE BILL**

**No. 485**

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**Introduced by Senator Hernandez**

**(Coauthor: Senator Liu)**

(Coauthors: Assembly Members Cristina Garcia and Rendon)

February 26, 2015

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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, *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 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: *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 ~~controlled~~ *operated and maintained*
- 21 in large part by the Los Angeles County Flood Control District
- 22 and used 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.~~ *for the purposes of flood protection and*
- 27 *water conservation.*
- 28 (g) This extensive system conveys stormwater and
- 29 nonstormwater across municipal boundaries where it is
- 30 commingled within the MS4 and then discharged to receiving
- 31 water bodies, such as the Los Angeles River and San Gabriel River.
- 32 (h) It will be necessary for the cities, Los Angeles County Flood
- 33 Control District, and Los Angeles County to spend millions of
- 34 dollars per year to comply with the Los Angeles Region MS4
- 35 permits.

1 (i) The Los Angeles Region MS4 ~~permits~~ ~~prohibit~~ *permit*  
2 *prohibits* the discharge of nonstormwater discharges to MS4 (unless  
3 authorized under another permit or specifically exempted from the  
4 MS4 permit); *into the MS4, subject to specified exceptions*, and  
5 one management technique that can be effective in cleaning up  
6 nonstormwater discharges is to divert dry weather runoff into the  
7 sanitary sewer system, if sewer and treatment plant capacity are  
8 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 ~~bring the MS4 under their jurisdiction into~~  
14 ~~compliance with the Los Angeles Region MS4 permits~~. *improve*  
15 *the water quality in the downstream receiving water bodies*.

16 (k) The presiding officers of the cities and the chair of the  
17 County Board of Supervisors serve as members of the boards of  
18 directors of the sanitation districts.

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

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, or water conservation activities of*  
29 *other local or regional agencies*.

30 ~~(m)~~

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

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

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

1 Sanitation District of Los Angeles County, and Santa Clarita Valley  
2 Sanitation District of Los Angeles ~~County, and any new county~~  
3 ~~sanitation district subsequently formed in the County of Los~~  
4 ~~Angeles.~~ *County*. The powers granted in this section supplement  
5 the existing powers of each district.

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

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

10 (2) The management and treatment of the stormwater and dry  
11 weather runoff.

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

14 (4) The beneficial use of the water.

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

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

28 *(2) Prior to initiating a stormwater or dry weather runoff project*  
29 *within the service area of a water replenishment district, a district*  
30 *shall consult with the water replenishment district for the purpose*  
31 *of avoiding potential conflicts with water replenishment activities.*

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

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

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

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

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

9 (1) Existing water rights to water from any source, including  
10 any adjudicated rights allocated by a court judgment or order,  
11 *including any physical solution*, rights issued by the state or a state  
12 agency, and rights acquired pursuant to any federal or state statute.

13 (2) Existing water rights law.

14 (3) Any rights, remedies, or obligations that may exist pursuant  
15 to Article 1 (commencing with Section 1200) or Article 1.5  
16 (commencing with Section 1210) of Chapter 1 of Part 2 of Division  
17 2 of the Water Code, Chapter 10 (commencing with Section 1700)  
18 of Part 2 of Division 2 of the Water Code, or Chapter 8.5  
19 (commencing with Section 1501) of Part 1 of Division 1 of the  
20 Public Utilities Code.

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

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

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

30 SEC. 3. The Legislature finds and declares that a special law  
31 is necessary and that a general law cannot be made applicable  
32 within the meaning of Section 16 of Article IV of the California  
33 Constitution because of the unique circumstances of the ~~County~~  
34 ~~Sanitation Districts~~ *county sanitation districts* of Los Angeles  
35 County.

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