

**SANTA BARBARA COUNTY
BOARD AGENDA LETTER**



Clerk of the Board of Supervisors
105 E. Anapamu Street, Suite 407
Santa Barbara, CA 93101
(805) 568-2240

Agenda Number:
Prepared on: 2/27/03
Department Name: PW/Laguna Sanitation District
Department No.: 054
Agenda Date: 4/8/03
Placement: Administrative
Estimate Time: 5/13 - 30 min, 6/3, 5 min
Continued Item: NO
If Yes, date from:

TO: Board of Directors
Laguna County Sanitation District

FROM: Phillip M. Demery, Director
Public Works

STAFF CONTACT: Mark A. Schelich, Deputy Director - ext 3605
Martin J. Wilder, District Manager - ext 8755

SUBJECT: Laguna County Sanitation District Board Ordinance amending Chapter 29 of the Santa Barbara County Code; Fourth and Fifth Supervisorial Districts

Recommendation(s):

That the Board of Directors:

- A. Set a public hearing on the departmental agenda for May 13, 2003 to introduce the first reading of an ordinance amending Chapter 29 of the County Code pertaining to new definitions, prohibited wastes, backflow prevention devices and the use of recycled water;
- B. Set a public hearing on the departmental agenda for June 3, 2003 to adopt the attached ordinance (second reading) entitled "An Ordinance for the Laguna County Sanitation District Amending Article III of Chapter 29 of the County Code of the County of Santa Barbara regarding definitions, Prohibited Wastes, the Use of Backflow Prevention Devices and the Use of Recycled Water."

Alignment with Board Strategic Plan:

The recommendation(s) are primarily aligned with Goal No. 1, "An Efficient Government Able to Respond Effectively to the Needs of the Community" and Goal No. 2, "A Safe and Healthy Community in Which to Live, Work, and Visit."

Executive Summary and Discussion:

This action sets May 13, 2003 as the hearing to introduce the ordinance (first reading) entitled, "An Ordinance for the Laguna County Sanitation District Amending Article III of Chapter 29 of the County Code of the County of Santa Barbara regarding Definitions, Prohibited Wastes, the Use of Backflow

Prevention Devices and the Use of Recycled Water” and sets June 3, 2003 as the hearing for the second reading of the ordinances for their adoption.

The ordinance submitted to the Board for approval amends portions of Chapter 29 of the Santa Barbara County Code as described in the following paragraphs.

Changes to Section 29-25 “Definitions” of the County Code include the addition of terms associated with the other proposed changes in the ordinance.

Changes to Section 29-26 “Prohibited Wastes” of the County Code include deletions of part A(o), part B and Section 29-26.1. These portions of the County Code were added by Ordinances 3830 and 4074 by the board on March 20, 1990 and November 10, 1992 respectively and pertained to the regulation of water softener use within the Laguna County Sanitation District service boundaries. The intent of these ordinances was to limit the amount of salt discharged to the sewer system from water softeners in an attempt to meet Regional Water Quality Control Board (RWQCB) effluent concentrations for sodium, chloride and total dissolved solids (TDS). However, these ordinances were found to be in conflict with state law pursuant to the Superior Court of California decision dated November 30, 1994 and in the Appellate Court of California decision dated April 17, 1996.

To meet the RWQCB requirements, the District subsequently initiated the TDS Reduction and Recycled Water project to achieve the RWQCB limits. The project utilizes reverse osmosis (RO) to physically remove the salts from the waste stream and disposes them in a non-hazardous class 1 injection well. In addition, new state law under Section 116775 of the Health and Safety Code, further set minimum efficiencies for water softeners.

Section 29-27.1 adds language to the County Code pertaining to “ Backflow Prevention Devices.” Although it is the requirement of the Uniform Plumbing Code (UPC) that backflow prevention devices (backwater valves) must be installed on private building drains when building plumbing fixture elevations are lower than the next upstream manhole on the sewer main, the installation of these devices is frequently missed. The result can be severe private property damage if a sewer main experiences grease or root blockage. This section requires the installation of a backflow prevention device on all new buildings and existing buildings if the plumbing fixture is one foot or less above the next upstream manhole on the sewer main. This section also defines the ownership and maintenance responsibility of the private side sewer and backflow prevention device as that of the property owner. This language is similar to that used by other sanitation agencies pertaining to this subject.

Section 29-39 adds language to the County Code pertaining to the use of “Recycled Water.” The language establishes a procedure pursuant to Section 648 of the California Code of Regulations to utilize recycled water as described in Section 13550 of the California Water Code. This language is similar to that used by other sanitation agencies pertaining to this subject.

Mandates and Service Levels:

There is no change in programs or service level with this action. Service levels will increase with the completion of the treatment plant improvements.

Fiscal and Facilities Impacts:

None with this action.

Special Instructions:

A. Government Code § 6066 Publication:

Clerk of the Board to publish notice of the meeting and the hearing, as set forth below in item B, in the Santa Maria Times on April 22, 2003, and on May 13, 2003, as provided in Section 6066 of the Government Code. Section 6066 states that:

“Publication of notice pursuant to this section shall be once a week for two successive weeks. Two publications in a newspaper published once a week or oftener, with at least five days intervening between the respective publication dates not counting such publication dates, is sufficient. The period of notice commences upon the first day of publication and terminates at the end of the fourteenth day, including therein the first day.”

B. Notice to be published:

BOARD OF DIRECTORS OF THE LAGUNA COUNTY SANITATION DISTRICT
COUNTY OF SANTA BARBARA, STATE OF CALIFORNIA
NOTICE OF FIRST PUBLIC MEETING AND PUBLIC HEARING

Notice is hereby given that public meetings will be held by the Board of Directors of the Laguna County Sanitation District, County of Santa Barbara, State of California, on May 13, 2003, at 9:00 a.m. or shortly thereafter, in the Board of Supervisors Hearing Room, 511 East Lakeside Parkway, Santa Maria, California, and on June 3, 2002, at 9:00 a.m. or shortly thereafter, in the Board of Supervisors Hearing Room, 105 East Anapamu Street, Santa Barbara, California, to take public testimony on the proposed ordinance for the Laguna County Sanitation District amending Article III of Chapter 29 of the County Code of the County of Santa Barbara regarding definitions, prohibited wastes, backflow prevention devices and the use of recycled water. A copy of the ordinance can be seen during business hours at the Santa Maria Office of the Santa Barbara County Public Works Department, 2400 Professional Parkway, Suite 150, Santa Maria, California.

The public meeting to be held on May 13, 2003 is for the purpose of taking testimony on the proposed ordinance amending the County Code.

The public hearing to be held on June 3, 2003, is for the purpose of considering all objections or protests to the adoption of the proposed amendments to the County Code as set forth or as modified by the Board of Directors at the June 3, 2003 public hearing.

Any objections or protests to the adoption of the proposed amendments to the County Code may be filed with the Clerk of the Board of Directors before the public hearing scheduled for 9:00 a.m., May 13, 2003. The address of the Clerk of the Board is: 105 East Anapamu Street, Santa Barbara, California 93101. The objections or protests may also be filed at the hearing on June 3, 2002.

- C. Clerk of the Board to forward a certified copy of the amended ordinance to Santa Barbara County, Department of Public Works, Solid Waste & Utilities Division, attention Sheila Engellenner.

Concurrence:

Auditor-Controller
County Counsel

ORDINANCE NO. _____

AN ORDINANCE FOR THE LAGUNA COUNTY SANITATION DISTRICT AMENDING ARTICLE III OF CHAPTER 29 OF THE COUNTY CODE OF THE COUNTY OF SANTA BARBARA REGARDING DEFINITIONS, PROHIBITED WASTES, THE USE OF BACKFLOW PREVENTION DEVICES, AND THE USE OF RECYCLED WATER

The Board of Supervisor's of the County of Santa Barbara, acting as the Board of Directors of the Laguna County Sanitation District, ordains as follows:

SECTION 1: Section 29-25 of the County Code of the County of Santa Barbara is amended in its entirety to read as follows:

Section 29-25. Definitions. For the purposes of this article, the following words and phrases shall have the meanings respectively ascribed to them by this section:

Backflow Prevention Device. A backwater valve or other device approved for use by the Uniform Plumbing Code used to prevent reverse flow.

Brine Waste. A concentrated solution of dissolved solids, which may be produced as a result of regeneration of a water softener exchange bed that has been used to soften water.

Discharge. To place or cause to be placed in the district's sewer system.

District. Laguna County Sanitation District.

District's Sewer System. All districts' facilities required for the conveyance of wastes to the district's treatment facility.

District Treatment Facilities. Any works, equipment or structure utilized by the district in the physical, chemical or biological treatment of waste prior to final disposal.

Manager. Manager of the Laguna County Sanitation District or his duly authorized representative.

Pretreatment Facility. Any works, equipment or structure employed by the user for the physical, chemical or biological treatment or flow limitation of waste prior to its discharge into the district's sewer system.

Properly Shredded Garbage. Solid waste derived from domestic, commercial or industrial preparation, cooking and dispensing of food which has been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in the district's sewer system.

Protective Facilities. Any works, equipment or structure required to insure that industrial waste does not have a deleterious effect on the receiving waters, the district's sewer system or treatment facilities (1) including physical, chemical and biological treatment prior to discharge to the district's sewer system, (2) storage to contain accidental spillage or eliminate sludge flows, and (3) all other facilities for the proper management of industrial wastes.

Receiving Waters. Those waters (including groundwater) to which effluent or its constituents, in total or in part, are ultimately returned after having passed through the district's sewer system and treatment facility.

Recycled Water. Water which, as a result of treatment of waste, is suitable for direct beneficial use or a controlled use that would not otherwise occur and is therefore considered a valuable resource.

Strong Concentrations. Any material not specifically mentioned in this article which is of sufficient concentration to result in deleterious effects on the district's sewer system or the receiving waters.

Unusual Strength or Character Waste. Waste treatable by the district using processes designed for domestic waste but exhibiting higher concentrations of specific constituents such as chemical oxygen demands, biochemical oxygen demand and suspended solids.

User. Any person that discharges, causes or permits the discharge of water into the district's sewer system.

Waste. Any material discharged into the district's sewer system.

Waste, Domestic. The water derived from the ordinary living processes, free from industrial waste and of such character as to permit satisfactory discharge without special treatment into the district's sewer system.

Waste Constituents and Characteristics. The individual chemical, physical, bacteriological and radiological parameters, including volume and flow rate and such other parameters, that serve to define, classify or measure the contents, quality, quantity and strength of waste.

Waste Industrial. Any waste, as distinct from domestic waste, including but not limited to liquid, solid, gaseous and radioactive material resulting from any producing, manufacturing, processing of either a commercial or industrial operation of whatever nature, discharged in the district's sewer system.

Water Softening System or Device. Any apparatus which removes compounds of calcium and magnesium from the water supply.

SECTION 2: Section 29-26 of the County Code of the County of Santa Barbara is amended in its entirety to read as follows:

Section 29-26. Prohibited Wastes

It shall be unlawful for any person to knowingly discharge any of the following described wastes into the sewer system of the district:

- (a) Any waste having a temperature higher than one hundred fifty degrees Fahrenheit (150° F).
- (b) Any waste which may contain more than one hundred milligrams per liter (100 mg/l) of fat, oil or grease.
- (c) Mineral oils, greases or other products of petroleum origins.
- (d) Any flammable or explosive waste.
- (e) Any garbage which has not been properly shredded.
- (f) Any ashes cinders, sand, mud, straw, and shavings, metal, glass, rags, feathers, tar, plastics, wood, paunch manure, viscera or other solid or viscous substances capable of causing obstruction to the flow or undue maintenance of the district's sewer system or other interference with the proper operation of the district's treatment facility.
- (g) Any waste having pH lower than 6.0 or higher than 9.0 or waste having any other corrosive properties capable of causing damage or injury to the district's sewer system or treatment facilities of district personnel.
- (h) Any waste containing algaecides, fungicides, antibiotics, insecticides, strong concentrations of oxidizing agents or strong concentrations of reducing agents.
- (i) Any noxious or malodorous gas or substance capable of creating a public nuisance either by itself or by interaction with other substances.
- (j) Any domestic or other wastes obtained from a septic tank or chemical toilet.
- (k) Any storm water, surface water, groundwater, roof runoff, subsurface drainage or uncontaminated process water.
- (l) Any waste which exhibits or causes discoloration differing from that of domestic usage.
- (m) Any waste containing in excess of any of the following:
 - 0.2 mg/l arsenic;
 - 0.2 mg/l cadmium;
 - 0.5 mg/l copper;
 - 1.0 mg/l cyanide;
 - 1.0 mg/l lead;

0.01 mg/1 mercury;
1.0 mg/1 nickel;
0.2 mg/1 silver;
0.5 mg/1 total chromium; or
2.0 mg/1 zinc.

(n) Any waste containing substances which are not amenable to treatment or which cause the treatment plant effluent to fail to meet the discharge requirements established by the California State Water Resources Control Board, the California Regional Water Quality Control Board or any other state or regulatory agency.

SECTION 3: Section 29-27.1 is added to the County Code of the County of Santa Barbara as follows:

Section 29-27.1 Backflow Prevention Devices

(a) CONNECTION TO MAIN SEWER. The side sewer from the house to the main sewer must be constructed in accordance with the Uniform plumbing Code and laid to a uniform grade of not less than one-quarter inch (1/4") per lineal foot. Where the side sewer joins or connects to the main sewer, the connection shall be made with the use of a wye fitting.

(b) OWNER RESPONSIBILITY. The owner of a property shall be responsible for ownership and maintenance of the side sewer (lateral sewer and building sewer) from the building connection to the public sewer line (sewer main) connection. The District is not responsible for damage caused by line breaks or leaks occurring to the property owner's lateral sewer or building sewer. The property owner shall be responsible for construction of laterals and connections to the main sewer in the event no existing lateral or wye connection is available.

(c) INSTALLATION OF BACKFLOW PREVENTION DEVICE, RESPONSIBILITY FOR OPERATION AND MAINTENANCE.

(1) All new building side sewers including side sewer replacements shall be equipped with a cleanout riser fitted with a backflow prevention device of type and materials meeting Uniform Plumbing Code requirements.

(2) Where existing buildings have plumbing drain outlets at an elevation that is one (1) foot or less above the ground surface of the next upstream manhole or cleanout on the main sewer, the property owner shall install a backflow prevention device. The device shall be installed on the building side sewer at the location and of the type and materials meeting Uniform Plumbing Code requirements.

(3) The responsibility for the ownership, operation, and maintenance of the backflow prevention device and its appurtenant fittings shall be that of the property owner.

SECTION 4: Section 29-39 is added to the County Code of the County of Santa Barbara as follows:

Section 29-39 Recycled Water, Use of

(a) It is the policy of the Laguna County Sanitation District that recycled water be used wherever it is available in conformance with California Water Code Sections 13550 and 13551.

(b) A person or public agency, as used in California Water Code Section 13551, shall not use water from any source of quality suitable for potable domestic use for nonpotable uses if suitable recycled water is available as provided in Section 13550.

(c) The district shall review the facts and make a preliminary determination pursuant to California Water Code Section 13550 if a parcel or parcels of land are required to comply with Section (b) above and establish a time schedule for compliance. A notice of that preliminary determination and a time schedule for compliance shall be sent to the owner of the parcel(s) using for this purpose, the last known name and address of such owners as shown upon the last assessment roll of the County of Santa Barbara. Any notice

by the district under this Section shall be deemed given when properly addressed and deposited into the United States mail with postage fully pre-paid or personally delivered to the owner. The owner may file a notice of objection which must be a writing, must specify the reasons for the objections and must be filed with the district within twenty (20) days after it is given or mailed to the owner. The preliminary determination and time schedule for compliance shall be final if the owner does not file a timely objection. The district shall meet with the owner to attempt to resolve the objections. If the objections cannot be resolved to the mutual satisfaction of the district and owner, the district shall give the owner a final determination and make a request pursuant to Article 2 (commencing with Section 648) of Chapter 1.5 of Division 3 of Title 23 of the California Code of Regulations that the State Water Resources Control Board, Regional Water Quality Control Board and any other appropriate agencies conduct a hearing to determine if the parcel or parcels must use recycled water pursuant to Water Code Sections 13550 and 13551.

SECTION 5: This ordinance shall take effect and be in force at the expiration of thirty days from and after its passage, and before the expiration of fifteen days after its passage it, or a summary of it, shall be published once, with the names of the members of the Board of Directors voting for and against the same in the Santa Maria Times, a newspaper of general circulation published in the County of Santa Barbara.

PASSED, APPROVED AND ADOPTED this _____, 2003.

AYES:

NOES:

ABSENT:

ABSTAIN:

Naomi Schwartz, Chair
Board of Directors, Laguna County Sanitation District, County
of Santa Barbara

Attest:
Michael F. Brown
Clerk of the Board

By: _____
Deputy

Approved as to form:
Stephan Shane Stark
County Counsel

By: _____
Deputy County Counsel