

August 5, 2020

STATEMENT OF PROCEEDINGS

The Minutes of the

***SANITATION DISTRICT
REGULAR MEETING***

COUNTY OF SAN DIEGO

STATEMENT OF PROCEEDINGS
COUNTY OF SAN DIEGO SANITATION DISTRICT
REGULAR MEETING
MEETING AGENDA
WEDNESDAY, AUGUST 5, 2020, 9:00 AM
BOARD OF SUPERVISORS NORTH CHAMBER
1600 PACIFIC HIGHWAY
SAN DIEGO, CA 92101

A. **REGULAR SESSION:** Meeting was called to order at 9:00 a.m.

PRESENT: Directors Greg Cox, Chairman; Jim Desmond, Vice-Chairman; Dianne Jacob; Kristin Gaspar; Nathan Fletcher; also, Andrew Potter, Clerk of the Board of Supervisors.

(Please note, California Governor Gavin Newsom issued Executive Order N-29-20 on March 17, 2020, relating to the convening of public meetings in response to the COVID-19 pandemic. Pursuant to the Executive Order, and to maintain the orderly conduct of the meeting, all members of the Sanitation District attended the meeting via teleconference and participated in the meeting to the same extent as if they were present.)

B. **Public Communication:** No Speakers

C. **Approval of the Statement of Proceedings/Minutes for the meeting of July 7, 2020 and July 8, 2020.**

ACTION:

ON MOTION of Director Jacob, seconded by Director Gaspar, the Board of Directors of the San Diego County Sanitation District approved the Statement of Proceedings/Minutes for the meeting of July 7, 2020 and July 8, 2020, on Consent.

AYES: Cox, Jacob, Gaspar, Fletcher, Desmond

NOTICE: THE BOARD OF SUPERVISORS MAY TAKE ANY ACTION WITH RESPECT TO THE ITEMS INCLUDED ON THIS AGENDA. RECOMMENDATIONS MADE BY COUNTY STAFF DO NOT LIMIT ACTIONS THAT THE BOARD OF SUPERVISORS MAY TAKE. MEMBERS OF THE PUBLIC SHOULD NOT RELY UPON THE RECOMMENDATIONS IN THE BOARD LETTER AS DETERMINATIVE OF THE ACTION THE BOARD OF SUPERVISORS MAY TAKE ON A PARTICULAR MATTER.

Agenda Items

Agenda #	Subject
1.	ADMINISTRATIVE ITEM: SECOND CONSIDERATION AND ADOPTION OF ORDINANCES: RESCIND BOARD POLICY I-113 AND AMEND SANITATION DISTRICT ORDINANCES TO LIFT RESTRICTIONS ON NEW SEWER CONNECTIONS IN THE JULIAN SERVICE AREA AND REVISE SEWER LATERAL REQUIREMENTS

2. **AUTHORIZATION TO EXECUTE A MULTI-AGENCY COST-SHARE AGREEMENT AND A CONTRACT WITH THE SOUTHERN CALIFORNIA COASTAL WATER RESEARCH PROJECT AUTHORITY TO INVESTIGATE HUMAN FECAL BACTERIA SOURCES IN THE SAN DIEGO RIVER WATERSHED
(4 VOTES)**

(RELATES TO BOARD OF SUPERVISORS AGENDA NO. 9)

**1. SUBJECT: ADMINISTRATIVE ITEM:
SECOND CONSIDERATION AND ADOPTION OF ORDINANCES:
RESCIND BOARD POLICY I-113 AND AMEND SANITATION
DISTRICT ORDINANCES TO LIFT RESTRICTIONS ON NEW SEWER
CONNECTIONS IN THE JULIAN SERVICE AREA AND REVISE
SEWER LATERAL REQUIREMENTS (DISTRICT: 1 & 2)**

OVERVIEW

On July 8, 2020 (SA2), the San Diego County Sanitation District Board of Directors introduced the Ordinances for further Board consideration and adoption on August 5, 2020.

The San Diego County Sanitation District (District) provides sewer service to approximately 36,000 customers in the unincorporated areas of the county. The Department of Public Works administers and operates the District in compliance with the District's Ordinances and Board of Supervisors Polices. To facilitate recent changes to the Julian Wastewater Treatment Plant (Julian Plant) operating permit, clarify and update provisions regarding private sewer lateral connections, and clarify delegation of authorities for administration of the District, several amendments to the ordinances are requested.

Julian Wastewater Treatment Plant Policy and Ordinance Amendments

As part of its operations, the District runs the Julian Plant to treat and dispose of wastewater from the community of Julian. The Julian Plant was constructed in 1981 and until recently operated under a permit issued by the Regional Water Quality Control Board (RWQCB) on July 18, 1983. Based on the original plant design, the 1983 RWQCB permit set a maximum discharge rate of the treated wastewater (effluent) of 40,000 gallons per day (gpd), which limited the total number of connections to the sewer system that can be served by the Julian Plant. This limitation has restricted development of vacant parcels and redevelopment of existing businesses within the Julian business district. On October 9, 2019, based on updated plant design and operating conditions, the RWQCB enrolled the Julian Plant under the State's General Order for Small Wastewater Systems. The 2019 RWQCB permit decision increased the allowable effluent discharge rate from 40,000 gpd to 80,000 gpd. This increase in the permitted discharge rate will allow the Julian Plant to accept, treat, and dispose of additional wastewater from the Julian service area, including from development of vacant parcels or redevelopment of existing businesses in compliance with the Julian Community Plan. Any request to connect from outside the Julian service area will need to follow the regular land development process and be subject to discretionary approvals.

In 1989, the Board of Supervisors adopted Board Policy I-113 to establish criteria for the District to issue a limited number of permits for new or expanded connections in Julian based on the permitted discharge rate. Additionally, the Board added provisions in the Sanitation District Ordinances to implement the policy. The policy limited new or expanded connections to parcels that had previously purchased capacity in the system or parcels with failed septic systems. In 2016, to facilitate limited development of new or expanded businesses, the Board amended the policy and ordinances to allow the transfer of sewer capacity credits from parcels within the service area that had previously purchased capacity but where not using the capacity to parcels with no or insufficient sewer capacity. However, the new operating authority eliminates the need to continue to restrict new sewer connections since the plant operating capacity has effectively been increased. To fully utilize the available capacity in the wastewater system under the 2019 RWQCB decision, Policy I-113 needs to be rescinded and the associated provisions in the Sanitation District Ordinances deleted.

Public Sewer Connections

The District Use Ordinance (Use Ordinance) establishes provisions for the use of the District’s sewer facilities, including a requirement that each residential structure have its own connection, or lateral, to the District’s sewer facilities. This requirement precludes the use of shared laterals for multi-family buildings located on the same parcel or buildings located on adjacent parcels where installation of separate laterals cannot likely be accomplished or would be unreasonably expensive. To allow the use of shared laterals for new sewer connections under specified conditions, sections of the Use Ordinance that pertain to sewer lateral connections need to be amended. These specified conditions include the requirement for an agreement, covenant, or other arrangement by the owners of each property served by the lateral that ensures the perpetual, uninterrupted sewer service to all parcels.

Delegation of Authority

The Sanitation District Use and Fee Ordinances include delegation of Board authority for certain actions related to enforcement of ordinances, purchasing and contracting, execution of improvement agreements, and acceptance of easements, However, unlike other Departments, including Public Works and Parks and Recreation, authority for certain ministerial and administrative activities, including acceptance of fixed assets or authority to act as the responsible officer or representative of the District, is not clearly delegated. Examples of routine, administrative tasks that may be delegated include the acceptance of previously approved public sewer improvements constructed by private developers as a condition of development or the certification of sanitary sewer overflow reports in compliance with State Water Resources Control Board orders. Having clear authority to perform these District functions will increase efficiency in completing land development projects that include conditions related to acceptance of public sewer infrastructure, and will allow timely response to regulatory permitting, reporting, and enforcement requirements which often are subject to short deadlines.

The actions requested today will rescind Board Policy I-113 and amend Sanitation District Ordinances to: 1) delete provisions related to the implementation of Board Policy I-113, 2) revise sewer lateral restrictions to allow the use of shared laterals under certain conditions, 3) delegate authority for certain administrative actions to the Director, Department of Public Works and 4) other non-substantive administrative clarifications within the Ordinances.

The action to amend the Ordinances will require two hearings. On July 8, 2020, the Board of Directors will introduce an amendment to the Ordinances. If the Board of Directors approves the recommendations on July 8, 2020 and the Board of Supervisors repeals Policy I-113, then on August 5, 2020 the Board of Directors will consider adopting the amended Ordinances.

**RECOMMENDATION(S)
CHIEF ADMINISTRATIVE OFFICER**

Acting as the San Diego County Sanitation District Board of Directors:

1. Submit for consideration and adoption (second reading) the Ordinance entitled: SAN DIEGO COUNTY SANITATION DISTRICT ESTABLISHING PROVISIONS FOR THE USE OF DISTRICT SEWERAGE FACILITIES.
2. Submit for consideration and adoption (second reading) the Ordinance entitled: SAN DIEGO COUNTY SANITATION DISTRICT FEES AND CHARGES FOR THE PROVISION OF SEWER SERVICE.

FISCAL IMPACT

There is no fiscal impact associated with these recommendations. There will be no change in net General Fund cost and no additional staff years. The Sanitation District will no longer process or collect an administrative fee for capacity transfer applications, since rescinding Board Policy I-113 would restrict future capacity transfers between parcels within the Julian Sewer Service Area.

BUSINESS IMPACT STATEMENT

Rescinding of Board policy limiting new sewer connections in Julian may facilitate new or expanded development in the Julian commercial district that could result in increased business activity and local tourism.

ACTION:

ON MOTION of Director Jacob, seconded by Director Gaspar, the Board of Directors of the San Diego County Sanitation District took action as recommended, on Consent, adopting the following: Ordinance No. 10681 (N.S.), entitled: SAN DIEGO COUNTY SANITATION DISTRICT ESTABLISHING PROVISIONS FOR THE USE OF DISTRICT SEWERAGE FACILITIES; and, Ordinance No. 10682 (N.S.), entitled: SAN DIEGO COUNTY SANITATION DISTRICT FEES AND CHARGES FOR THE PROVISION OF SEWER SERVICE.

AYES: Cox, Jacob, Gaspar, Fletcher, Desmond

2. **SUBJECT: AUTHORIZATION TO EXECUTE A MULTI-AGENCY COST-SHARE AGREEMENT AND A CONTRACT WITH THE SOUTHERN CALIFORNIA COASTAL WATER RESEARCH PROJECT AUTHORITY TO INVESTIGATE HUMAN FECAL BACTERIA SOURCES IN THE SAN DIEGO RIVER WATERSHED (DISTRICTS: 2, 3 & 4)**

OVERVIEW

On June 12, 2019, the San Diego Regional Water Quality Control Board (San Diego Water Board) identified the County of San Diego (County), the San Diego County Sanitation District (Sanitation District), and eight other public agencies as responsible parties required to comply with Investigative Order No. R9-2019-0014 (Order). The Order requires the 10 responsible parties to submit technical and monitoring reports to identify and quantify the sources of human fecal material entering the Lower San Diego River Watershed. Today's request is to execute a contract with the Southern California Coastal Water Research Project Authority (SCCWRP), a public research agency, to complete the required water quality studies and technical reports on behalf of all responsible parties. Today's action also requests authorization to execute an agreement with the responsible parties to equitably share the costs of conducting the required work.

The San Diego Water Board issued the Order in response to water quality data collected from the San Diego River and its tributaries indicating the presence of human fecal material in the watershed, which poses a potential health risk to people recreating in local surface waters such as rivers and the ocean. The Order alleges that potential sources of this human fecal material could be spills and leaks from the sanitary sewer system, faulty septic systems, illegal discharges to storm drains, waste from homeless encampments, and treated effluent from a water reclamation plant. The San Diego Water Board identified that the 10 named parties are all

agencies responsible for controlling one or more of the alleged sources. The intent of the Order is to identify which of the alleged sources are the most significant so that appropriate control measures can be applied to prevent future discharges.

The responsible parties formed a Steering Committee to assist in developing a robust study work plan that satisfies Order requirements. The Steering Committee includes representatives from each responsible party as well as San Diego Coastkeeper, the San Diego River Park Foundation, and San Diego Water Board staff. In addition, a Technical Advisory Committee (TAC) made up of scientists and engineers with expertise in water quality, public health, microbiology, and hydrology, was convened to provide technical feedback on the proposed study design. The San Diego Water Board accepted the proposed work plan and schedule on May 22, 2020, following several rounds of comments and input from the Steering Committee and TAC.

The Steering Committee, including the San Diego Water Board, the responsible parties, and the environmental advocacy groups collectively agreed that SCCWRP is uniquely qualified to implement the approved study work plan and to prepare the technical reports required by the Order. SCCWRP scientists have specialized expertise and play a leading role internationally in deploying novel approaches to the evaluation of sources of bacteria, particularly human fecal material, in waterways. They will be called upon to develop and deploy study methods rarely attempted before, i.e., attempting to measure leakage rates from sewer pipes.

Based on extensive experience managing water quality studies, the County volunteered to serve as the administrative lead party responsible for contracting with and overseeing SCCWRP's work. Under the proposed *Cost-Share Agreement - San Diego Regional Water Quality Control Board San Diego River Investigative Order: Technical and Monitoring Reports (Agreement)*, total costs to complete the required water quality studies and reports will not exceed \$5,195,440 through Fiscal Year 2024-25. The Agreement establishes methods to calculate each responsible party's fair share contribution and would ensure reimbursement to the County of up to \$4,014,500 over the life of the project, including \$162,740 from the Sanitation District. Therefore, the County's share of total project costs will not exceed \$1,180,940 through Fiscal Year 2024-25.

Today's action would authorize the Director of Public Works to execute the Agreement and to negotiate future extensions and modifications, as necessary. Today's action would also authorize the Department of Purchasing and Contracting to negotiate and award a contract to SCCWRP for implementation of the approved work plan according to Board Policy A-87 based on SCCWRP's unique qualifications to carry out the required study elements and subject to successful negotiations and determination of a fair and reasonable price.

RECOMMENDATION(S)

CHIEF ADMINISTRATIVE OFFICER

Acting as the Board of Directors of the San Diego County Sanitation District:

1. Transfer existing appropriations of \$162,740 from the San Diego County Sanitation District, Capital Improvement Project 1023524 Preliminary WPP CIP Costs, to Operating Transfer Out within the San Diego County Sanitation District to provide funds for the fair share cost of the Cost Share Agreement. **(4 VOTES)**

2. Authorize the Director, County of San Diego, Department of Public Works, acting on behalf of the Sanitation District, or their designee, to execute an agreement on behalf of the Sanitation District with the Cities of San Diego, Santee, El Cajon and La Mesa; Padre Dam Municipal Water District; San Diego State University; the San Diego Metropolitan Transit System; and the California Department of Transportation to provide revenue to the County to offset the costs of complying with San Diego Regional Water Quality Control Board Order No. R9-2019-0014 to investigate and quantify human sources of fecal bacteria in the Lower San Diego River Watershed, and to take all actions necessary to fulfill the County's obligations under the agreement, including negotiating future extensions and modifications to the agreement as necessary.

FISCAL IMPACT

Funds for this request are included in the Fiscal Year 2020-21 preliminary operating budget in the Department of Public Works, General Fund, under the Watershed Protection Program, and in the Sanitation District. If approved, this request will result in County expenditures on behalf of all parties of \$1,872,499 in Fiscal Year 2020-21 offset by revenue of \$1,599,587; expenditures of \$1,798,000 in Fiscal Year 2021-22 offset by revenue of \$1,414,140; expenditures of \$999,939 in Fiscal Year 2022-23 offset by revenue of \$720,919; expenditures of \$515,001 in Fiscal Year 2023-24 offset by revenue of \$272,126; and expenditures of \$10,001 in Fiscal Year 2024-25 offset by revenue of \$7,728, for a total five-year expenditure of \$5,195,440 offset by revenue of \$4,014,500, for a net cost to the County of \$1,180,940 through Fiscal Year 2024-25. If approved, net County costs of \$272,912 will be included in the Fiscal Year 2020-21 Amended

Operational Plan in the Department of Public Works, General Fund based on available prior year General Fund fund balance. Funding for Fiscal Years 2021-22 through 2024-25 will be included in future Operational Plans based on available one-time funds. Total County expenditures through Fiscal Year 2024-25 will not exceed \$5,195,440, which will be partially offset by revenue from other agencies in an amount up to \$4,014,560 (including \$162,740 in revenue from the Sanitation District), or 70% of total project costs, for a net County cost of \$1,180,940 through Fiscal Year 2024-25. There will be no change in net General Fund cost and no additional staff years.

A waiver of Board Policy B-29 is not required because the County is only responsible for those costs Department of Public Works staff has determined are fairly charged to the County. The total unrecovered cost allowed per Board Policy B-29 in Fiscal Year 2020-21 is \$272,912 and would be funded by available prior year General Fund fund balance.

San Diego County Sanitation District Fair Share Cost

Funds from the San Diego Sanitation District to support its fair share of total project costs are included in the Fiscal Year 2020-21 preliminary operating budget in the San Diego County Sanitation District based on unspent appropriations in Capital Improvement Project 1023524 Preliminary WPP CIP Costs. If approved, \$162,740 would be transferred from Capital Improvement Project 1023524 to Operating Transfers Out within the San Diego County Sanitation District and would be included in the Fiscal Year 2020-21 Amended Operational Plan. There will be no change in net General Fund cost and no additional staff years.

BUSINESS IMPACT STATEMENT

Today's proposed actions benefit local business and the community at large by identifying sources of water quality contamination so that sources of pollution can be eliminated, which contributes to a healthy environment.

(RELATES TO BOARD OF SUPERVISORS AGENDA NO. 9)

ACTION:

ON MOTION of Director Jacob, seconded by Director Gaspar, the Board of Directors of the San Diego County Sanitation District took action as recommended, on Consent.

AYES: Cox, Jacob, Gaspar, Fletcher, Desmond

There being no further business, the Board of Directors of the San Diego County Sanitation District adjourned at 12:50 p.m.

ANDREW POTTER
Clerk of the Board of Directors
of Sanitation District

Notes By: Santiago

NOTE: This Statement of Proceedings sets forth all actions taken by the County of San Diego Board of Directors of the Sanitation District on the matters stated, but not necessarily the chronological sequence in which the matters were taken up.

Approved by the Board of Directors, on Wednesday, September 30, 2020.



GREG COX
Chairman

Attest:



ANDREW POTTER
Clerk of the Board