



AGENCY:	City Council/MID
MEETING DATE:	August 10, 2015
DEPARTMENT:	Public Works
PRESENTED BY:	T. Varga

AGENDA ITEM SUMMARY

TITLE:

RECEIVE REPORT AND CONSIDER WAIVING THE FIRST READING AND INTRODUCING, BY TITLE ONLY, ORDINANCE 911-2015 REPEALING AND REPLACING CHAPTERS 14.08 THROUGH 14.40 OF TITLE 14 (WATER AND SEWER) OF THE FORT BRAGG MUNICIPAL CODE

ISSUE:

The Fort Bragg Municipal Improvement District (District) is working to implement a source control program as required by the District's National Pollutant Discharge Elimination System (NPDES) permit. In order to establish the necessary legal authorities to monitor and enforce source control standards, restrict discharges of toxic materials to the collection system, and inspect facilities connected to the system, changes need to be made to Fort Bragg Municipal Code Title 14 (Water and Sewers).

This Ordinance was initially introduced at the July 27, 2015 District Board meeting. Following discussion of this Ordinance, it was returned to staff for some modifications and subsequent reintroduction. The requested changes have been made and the Ordinance is returning for introduction.

RECOMMENDED ACTION:

Waive the first reading and introduce, by title only, Ordinance 911-2015 repealing and replacing Chapters 14.08 through 14.40 of Title 14 (Water and Sewer) of the Fort Bragg Municipal Code.

ALTERNATIVE ACTION(S):

1. Make minor amendments to the Ordinance prior to waiving the first reading and introducing, by title only, Ordinance 911-2015.
2. Direct staff to make further edits to the Ordinance and return at a future meeting for introduction.

ANALYSIS:

At its meeting of July 27, 2015, the District Board considered the subject Ordinance. Requests for several modifications were made and the Ordinance was returned to staff. The following changes have been made:

- §14.28.100.B.3, add a reference to include agents, (including plumbers), of the property owner or occupants that may damage a sewer lateral to ensure that such damage is the responsibility of the owner or occupant, as appropriate.
- §14.28.115.A, this paragraph was modified to require sewer lateral inspection during sewer main improvements rather than upon completion of the main improvements.
- The modifications to §14.32.020 and §14.32.050 involve public sewer construction (Chapter 14.32). During the discussion, concern was raised that some minor, private sewer improvements did not warrant the use of engineered plans or construction by a licensed

contractor. Private sewer construction is addressed in "Chapter 14.28: Sanitary Code-Lateral Sewers and Connections." This chapter does not include specific direction on engineering or licensed contractors. Rather a permit is required, that must meet the requirements of Mendocino County (Environmental Health) and the District (District standards as well as building codes). This process allows the imposition of requirements for engineered plans and/or licensed contractors when appropriate. Nevertheless, sewer laterals are normally integral pieces of construction from a building to a sewer main while crossing the property line that distinguishes between private and public improvements. The same flexibility allowed private sewer lateral improvements has been extended to the public portion of the sewer lateral at the discretion of the District Manager or designee.

- §14.32.090, this paragraph has been clarified to include standard specifications and standard plans as the minimum design and construction standards.

For ease of reference, the "ANALYSIS" from the July 27, 2015 staff report is provided below:

The District contracted with Freshwater Environmental Services to update the Sewer Use Ordinance and Enforcement Response Plan and provide NPDES compliance support to satisfy specific requirements of the Source Control Provisions required under the District's NPDES permit. Changes to Title 14 will also address industrial and commercial dischargers who release high strength waste and/or stored chemicals into the collection system. These discharges can be a threat to the operation of the wastewater facility, the public, employees, and to the beneficial reuse of the waterways.

The objectives of the Title 14 are:

1. To prevent the introduction of pollutants into the Wastewater Treatment Facility (WWTF) that will interfere with the operation of the WWTF, or which may pass through the WWTF inadequately treated, into receiving waters or otherwise be incompatible with the WWTF;
2. To ensure that the quality of the WWTF bio-solids is maintained at a level which allows use and disposal in compliance with applicable statutes and regulations;
3. To protect WWTF personnel who may be affected by wastewater and bio-solids in the course of their employment and to protect the general public;
4. To improve the opportunity to recycle and reclaim wastewater and bio-solids from the WWTF; and
5. To enable the District to comply pro-actively with its NPDES permit conditions, bio-solids use and disposal requirements, and any other federal or state laws to which the WWTF is subject.

Staff has been working with Freshwater Environmental Services on developing a Source Control Program and other amendments to Title 14 since May 2012 and a draft of the changes was presented to the Public Works and Facilities Committee on November 21, 2013. The Committee requested that a list of Frequently Asked Questions be prepared for presentation to the District board along with the proposed ordinance (see Attachment 3) to clearly identify the substantive effects of the ordinance amendments on residential property owners and commercial and industrial users.

This item was scheduled for discussion and introduction at the District Board's March 24, 2014 meeting but was pulled and referred back to the Public Works & Facilities Committee for further discussion. The Committee reviewed a second draft of changes at their meeting of April 17, 2014. Recommendations were made to look at completing lateral inspections after sewer main lines were improved instead of on transfer of property. There were also questions raised concerning exfiltration testing of laterals. A TV inspection option was added as an additional inspection method for testing. Following that meeting additional changes were made and presented to the Committee on July 17, 2014.

This item was presented to the District Board on September 8, 2014; following discussion the item was referred back to staff for further edits to the Ordinance. Staff met with Boardmember Hammerstrom to discuss his concerns and made further edits as directed at the September 8th meeting.

Subsequently, the following changes were made:

1. The District will be completing the testing of private lateral sewers when mainline improvements are completed at no cost to the customer.
2. Condominiums and apartments will be included in the list of those who will be tested.
3. A financing program will be established for those who need assistance with repair costs.
4. Repairs will be required to be completed 180 days after notification.
5. District Board will be notified prior to any business being charged with criminal charges.

The edits above as well as several clean-up items were reviewed at the April 23, 2015 meeting of the Public Works & Facilities Committee. The Committee reviewed and recommended adoption of the Ordinance without further changes.

FISCAL IMPACT:

The District's current Fats, Oils and Grease program requires significant administrative costs to operate and track a complicated permit process with changes in fees based on compliance history. The proposed amendments are based on a system of Best Management Practices that are well defined. Periodic inspections will focus on public education and making sure that grease collection devices are being properly cleaned. Effective implementation is expected to result in a reduction in the District's administrative costs.

The new code sections will protect the District's wastewater collection system by prohibiting the use of additives or enzymes in grease collection devices. In the past, the use of additives has resulted in a heavy organic loading at the WWTF that increases treatment costs and potential violations of the discharge limits. The new provisions will reduce these costs for the WWTF.

The pretreatment program for industrial discharges will be cost-neutral since the program can recover administrative costs for specific industrial discharges through required permits.

IMPLEMENTATION/TIMEFRAMES:

If introduced this evening, the Ordinance will be brought back for District adoption on August 24, 2015. The Ordinance will then become effective on September 23, 2015.

ATTACHMENTS:

1. Proposed Ordinance 911-2015
2. Title 14 Minutes Bundle
3. FAQs

NOTIFICATION:

1. Orrin Plocher, Freshwater Environmental
2. John Smith, Operations Manager

City Clerk's Office Use Only

Agency Action	<input type="checkbox"/> Approved	<input type="checkbox"/> Denied	<input type="checkbox"/> Approved as Amended
Resolution No.:	_____ Ordinance No.: _____		
Moved by:	_____ Seconded by: _____		
Vote:	_____		
<input type="checkbox"/> Deferred/Continued to meeting of:	_____		
<input type="checkbox"/> Referred to:	_____		