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## AGENDA REPORT CITY OF MAYWOOD

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**DATE:** JUNE 13, 2018

**TO:** HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL

**FROM:** DONALD J. WAGNER, INTERIM CITY ADMINISTRATOR 

**BY:** DAN GARCIA, CITY ENGINEER

**SUBJECT:** PUBLIC HEARING TO CONSIDER THE ADOPTION OF AN ORDINANCE TO ESTABLISH A SEWER SERVICE CHARGE PURSUANT TO CALIFORNIA STATE WATER RESOURCES CONTROL BOARD ORDER NO. 2006-0003-DWQ

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### RECOMMENDATION

Staff recommends that the City Council approves and thereby adopts the attached ordinance to establish a Sewer Service Charge Ordinance pursuant to California State Water Resources Control Board order no. 2006-0003-DWQ.

### FISCAL IMPACT

There is no fiscal impact associated with this action.

### BACKGROUND

The California State Water Resources Control Board (SWRCB) implemented Board Order No. 2006-0003-DWQ in 2006 and Maywood enrolled in this Order's associated Monitoring and Reporting Program, and its amendment, State Board Order No. WQ 2013-0058-EXEC. Collectively known as the SSS WDR.

Maywood has reported seventeen (17) Sanitary Sewer Overflows (SSO's) into the California Integrated Water Quality Control System (CIWQS) database, in accordance with the SSS WDR between September 12, 2009 and March 11, 2018. This resulted in approximately 6,900 gallons of untreated wastewater being discharged. Of that total, 5,200 gallons of wastewater was recovered and 1,600 gallons were discharged to surface waters, and for Maywood that would be the Los Angeles River. That 1,600 gallons was from six (6) of the seventeen (17) reported SSO's.

COUNCIL AGENDA

ITEM No. 4

On August 7, 2016, an SSO occurred on 4031 East 58th Street prompting an October 10, 2016 Notice of Violation (NOV) and a February 9, 2017 Inspection by State Board and Regional Board staff. As a result of this Inspection and review of Maywood's Sewer Management Program, the Los Angeles Regional Water Quality Control Board (LARWQCB) found Maywood deficient in many areas regarding the responsibility of maintaining, operating and taking responsibility for the Maywood Sewer System. This resulted in another NOV dated July 26, 2017. Although Maywood provided a response to this NOV on August 22, 2017, Maywood failed to provide the necessary steps and funding mechanisms for permanent fixes to the sewer infrastructure and management.

On March 8, 2018, the LARWQCB passed Resolution No. R18-001 to authorize referral to the California Attorney General for judicial enforcement under California Water Code Sections 13350, 13385, 13386, and appropriate injunctive relief against the City of Maywood for alleged violations of SWRCB Order No. 2006-0003-DWQ. Thus, Maywood must comply with this Order or face substantial penalties for non-compliance.

## **DISCUSSION**

On August 9, 2017, City Council passed the Maywood Sanitary Sewer Management Plan (SSMP). This document provides legislative remedies for City staff to enforce, take responsibility for design, maintenance and operations of the City's Sewer System. It gives the City and outline on how to manage this City infrastructure. As part of the SSMP, the Fats, Oils and Grease (FOG) Program was also incorporated into and is a component of this document.

Since the passage of the SSMP, staff has been implementing many of its components such as initiating a Sewer Service Charge, obtaining a contractor to manage, respond to Sewer Emergencies, Maintenance of the Sewer System, gathering sewer information for a Sewer System Evaluation Study (SSES) and implementing an on-going Sewer Flushing and Documentation Project.

At their regular meeting on April 11, 2018, the City Council introduced this ordinance by title, and a notice of this public hearing was published in the Wave newspaper on May 31, 2018.

The overall goal of the FOG Program and the City's water quality control program is to prevent and control pollution and protect and foster human health and the environment. The specific purpose of this chapter of the Municipal Code is to prevent the discharge of fats, oils and grease into the sewers.

In order to incorporate the FOG Program into the City of Maywood Municipal Code as required by SWRCB Order No. 2006-0003-DWQ, the City Council must adopt an Ordinance for this purpose.

Attachment 1: Proposed Ordinance

ORDINANCE NO. 18-05

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MAYWOOD  
ESTABLISHING THE SEWER SERVICE CHARGE PURSUANT TO CALIFORNIA  
STATE WATER RESOURCES CONTROL BOARD ORDER NO. 2006-0003-DWQ.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MAYWOOD DOES ORDAIN AS  
FOLLOWS:

**SECTION 1.** Section 6-14.01 through 6-14.04 of Chapter 14 of Title 6 of the Maywood  
Municipal Code as follows:

**Article 1. General Provisions**

**6-14.01 Purpose.**

The purpose of this chapter is to provide financing for the ongoing maintenance and  
operation of the sanitary sewer system in the City, including capital replacement costs.

**6-14.02 Fee levied.**

- A. Commencing with fiscal year 2018-19, an annual sewer service charge is levied  
upon each parcel of real property, which is connected to the City's sewer system,  
based on water meter size as follows:

<b>Water Meter Size</b>	<b>Annual Charge for Fiscal Year 2018-19</b>	
5/8 / 3/4-inch	\$	60.00
1-inch	\$	104.11
1-1/4-inch	\$	162.69
1-1/2-inch	\$	262.70
2-inch	\$	445.97
3-inch	\$	735.02
4-inch	\$	939.29

- B. Notwithstanding subsection A of this section, for any parcel of residential real  
property that that shares the use of a water meter with another parcel of residential  
real property, the annual sewer service charge shall be the sewer service charge for  
a 5/8-inch water meter.
- C. Notwithstanding subsection A of this section, for any parcel of nonresidential real  
property that shares the use of a water meter with another parcel of nonresidential  
real property, the annual sewer service charge for each parcel shall be the sewer  
service charge for the size of the shared water meter divided by the number of  
parcels sharing the water meter.
- D. For any parcel of real property for which the water service provider has not provided  
water meter size information, the City will designate the water meter size for that  
parcel. The designated water meter size shall be the estimated water meter size

based on the best information available to the City or the actual water meter size based on an inspection of the water meter.

- E. Commencing with July 1, 2019 and on each July 1 thereafter, through and including July 1, 2022, the annual sewer service charge may be increased annually by an amount equal to the annual increase in the Engineering News Record Construction Cost Index for the Los Angeles Area (the "ENRLA"), as of February of each year. For any fiscal year that the sewer service charge is not increased by the allowable increase in the ENRLA for that year, the City may add the increase for that year to the ENRLA increase in subsequent years.

**6-14.03 Collection of fee.**

- A. Commencing with fiscal year 2018-19, the annual sewer service charge shall be collected for each fiscal year on the County of Los Angeles tax roll in the same manner, by the same persons, and at the same time as, together with and not separately from, the general taxes of the City; provided, however, in any year the City Council may, by resolution, provide for an alternative procedure for collection of the sewer service charge.
- B. For any parcel of real property for which the sewer service charge is not collected on the tax roll for the then current fiscal year, the City may collect all or a portion of the sewer service charge for such year either: (1) on the tax roll in the following fiscal year or years; or (2) by directly billing the owner of the parcel during such year.

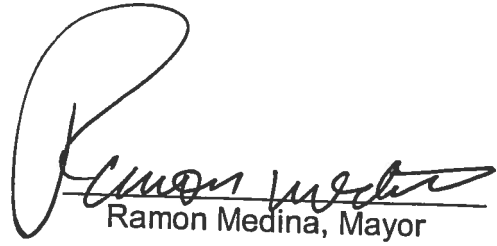
**6-14.04 Deposit of fee revenues.**

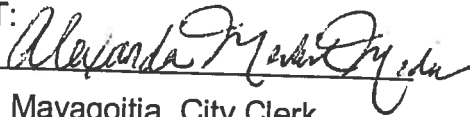
Upon receipt of moneys representing sewer service charges, the City Treasurer shall deposit the moneys in the City treasury to the credit of the sewer enterprise fund and the moneys shall only be expended for facilities and services furnished by the City in connection with its sewer system.

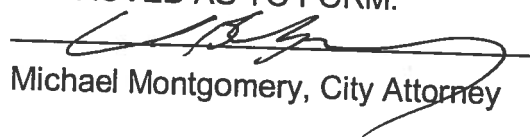
PASSED, APPROVED and ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

*See next page*

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Ramon Medina  
Mayor  
City of Maywood

  
Ramon Medina, Mayor

ATTEST:   
Gerardo Mayagoitia, City Clerk

APPROVED AS TO FORM:   
Michael Montgomery, City Attorney

STATE OF CALIFORNIA  
COUNTY OF LOS ANGELES  
CITY OF MAYWOOD

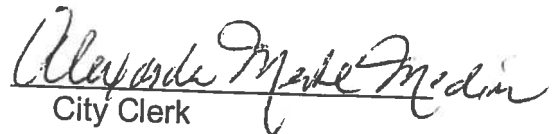
I, Gerardo Mayagoitia, City Clerk of the City of Maywood, California, do hereby certify that the above and foregoing is a true and correct copy of Resolution No. ~~18-05~~ introduced for the first reading on June 13, 2018 and adopted at a regular meeting of the City Council of the City of Maywood on this June 13, 2018, by the following vote, to-wit:

AYES: De La Riva, Alvarez, Villarreal, and Medina

NAYES: None

ABSENT: Joaquin Lanuza

ABSTAIN: None

  
City Clerk