



AGENDA ITEM NO.	1	V
COUNCIL MEETING	4/8/2010	
APPROVED BY		

For.

DEPARTMENT DIRECTOR

CITY MANAGER

March 18, 2010

FROM: RENE A. RAMIREZ, Director
Department of Public Utilities

BY: STEPHEN A. HOGG, Assistant Director ^{for L.M.}
Department of Public Utilities, Wastewater Management Division

SUBJECT: CONSIDER ADOPTION OF THE FINDING OF A CATEGORICAL EXEMPTION AND INTRODUCTION OF ORDINANCE AMENDING SUBSECTION (d) OF SECTION 6-303 OF THE FRESNO MUNICIPAL CODE, RELATING TO ALLOWING USE OF GRAYWATER AND GRAYWATER SYSTEMS

RECOMMENDATIONS

Staff recommends as follows:

1. Council adopt Finding of a Categorical Exemption per staff determination, pursuant to Section 15308, (Class 8) of the CEQA Guidelines for actions taken by a regulatory agency for the protection of the environment.
2. Council introduce the attached ordinance amending Subsection (d) of Section 6-303 of the Fresno Municipal Code to allow for the use of graywater and graywater systems that comply with the requirements of the current California Plumbing Code as amended and adopted by the City of Fresno.

EXECUTIVE SUMMARY

The 2007 California Plumbing Code has been updated by adding Chapter 16A to address the construction of nonpotable water reuse (graywater) systems. This was approved by the California Building Standards Commission and filed with the Secretary of State on January 27, 2010. This proposed ordinance will also update Chapter 6, Article 3 to allow for the discharge of graywater to land under very specific conditions.

BACKGROUND

On August 27, 2009, Council directed staff to return with a plan to implement new graywater reuse standards in accordance with revised state codes as directed by Assembly Bill 1258.

In 2008, the California Legislature passed AB 1258 which directed the Department of Housing and Community Development (HCD) to develop new graywater standards for residential properties for approval by the California Building Standards Commission (BSC). In June 2009, HCD finalized their submittal for the BSC and also proposed an emergency rulemaking to add Chapter 16A "Nonpotable Water Reuse Systems" into the 2007 California Plumbing Code. These proposals were approved by the BSC on July 30, 2009 and filed with the Secretary of State on August 4, 2009. Allowing for a 45-day public comment period and a subsequent 15 day comment period, the amended California Plumbing Code became permanent on January 27, 2010.

Since the City adopts the 2007 California Plumbing Code pursuant to Fresno Municipal Code, Section 11-105, the use of graywater systems is also approved. This proposed ordinance will also amend Subsection (d) of Section 6-303 to allow for the discharge of graywater to land under very specific conditions.

CEQA COMPLIANCE

Staff has performed a preliminary environmental assessment of this project and has determined that it falls within the Categorical Exemption set forth in CEQA Guidelines, Section 15308 (Class 8) which exempts actions by the City for the protection of the environment. In this case, this amendment of the Fresno Municipal Code will ensure that the use of graywater in the City will comply with the requirements of the California Plumbing Code which have been developed to ensure the use of graywater will not be detrimental to the environment, including soils and groundwater. Furthermore, staff has determined that none of the exceptions to Categorical Exemptions set forth in the CEQA Guidelines, Section 15300.2 apply to this project. Accordingly staff recommends that Council adopt Categorical Exemption Environmental Assessment No. EA-10-005 dated February 22, 2010, under California Environmental quality Act (CEQA) which is a finding of a Categorical Exemption pursuant to Section 15308/Class 8 of the CEQA Guidelines.

FISCAL IMPACT

There will be no fiscal impact with the adoption of these proposed amendments. By allowing the use of graywater for certain types of irrigation, consumption of water will decrease which is the intended purpose of enacting the legislation.

BILL NO. _____

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF FRESNO, CALIFORNIA,
AMENDING SUBSECTION (d) OF SECTION 6-303 OF THE
FRESNO MUNICIPAL CODE, RELATING TO THE DISPOSAL
OF GRAYWATER

THE COUNCIL OF THE CITY OF FRESNO DOES ORDAIN AS FOLLOWS:

SECTION 1. Subsection (d) of Section 6-303 of the Fresno Municipal code is amended to read:

(d) No person shall cause, suffer or permit the disposal of sewage, or other liquid wastes into any drainage system on any lot which is not connected the regional sewer system when such connection is required by this section [except for one- or two-family dwellings that have graywater connected to a graywater system in accordance with the requirements set forth in the current edition of the California Plumbing Code as amended and adopted by the City of Fresno].

SECTION 2. This ordinance shall become effective and in full force and effect at 12:01 a.m. on the thirty-first day after its final passage.

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STATE OF CALIFORNIA)
COUNTY OF FRESNO) ss.
CITY OF FRESNO)

I, REBECCA E. KLISCH, City Clerk of the City of Fresno, certify that the foregoing ordinance was adopted by the Council of the City of Fresno, at a regular meeting held on the _____ day of _____, 2010.

AYES :
NOES :
ABSENT :
ABSTAIN :

Mayor Approval: _____, 2010

Mayor Approval/No Return: _____, 2010

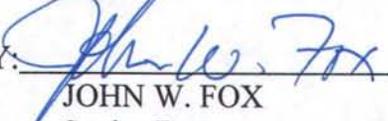
Mayor Veto: _____, 2010

Council Override Vote: _____, 2010

REBECCA E. KLISCH
City Clerk

BY: _____
Deputy

APPROVED AS TO FORM:
CITY ATTORNEY'S OFFICE

BY: 
JOHN W. FOX
Senior Deputy

DATE: 2/26/2010

**CITY OF FRESNO
ENVIRONMENTAL FINDING OF NO POSSIBILITY OF SIGNIFICANT EFFECT
ENVIRONMENTAL ASSESSMENT NO. EA-10-005**

THE PROJECT DESCRIBED HEREIN IS DETERMINED TO HAVE NO
SIGNIFICANT EFFECT ON THE ENVIRONMENT PURSUANT TO ARTICLE 19 OF THE
STATE OF CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) GUIDELINES

APPLICANT: City of Fresno
Wastewater Management
Public Utilities Department (Contact: Rosa Lau-Staggs)
5607 West Jensen Avenue
Fresno, California 93706-9458

PROJECT LOCATION: Citywide

PROJECT DESCRIPTION: An Ordinance of the City of Fresno, California, amending Section 6-302, adding Section 6-303(a)(ii), amending Section 6-303(d), and adding Section 6-321.2 to the Fresno Municipal Code, relating to a graywater ordinance of the sewer and water provisions.

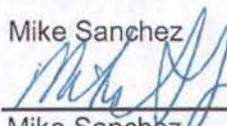
This project is exempt under Section 15308 (class 8) of the California Environmental Quality Act (CEQA) Guidelines.

EXPLANATION: ".... CEQA Class 8 consists of actions taken by regulatory agencies, as authorized by state or local ordinance, to assure the maintenance, restoration, enhancement, or protection of the environment where the regulatory process involves procedures for protection of the environment. Construction activities and relaxation of development standards allowing environmental degradation are not included in this exemption."

Date: February 22, 2010

Prepared By: Mike Sanchez

Submitted By



Mike Sanchez
Planning Manager
City of Fresno
Planning and Development Department
(559) 621-8040

