



AGENDA REPORT

SAN CLEMENTE CITY COUNCIL MEETING
Meeting Date: January 15, 2019

Agenda Item 6M

Approvals:

City Manager [Signature]

Dept. Head DR

Attorney [Signature]

Finance [Signature]

Department: Utilities
Prepared By: Dave Rebensdorf, Utilities Director DR

Subject: **SUPPORT ORANGE COUNTY WATER AGENCIES PROPOSED CHANGES TO RULE 1403 - ASBESTOS EMISSIONS FROM DEMOLITION/RENOVATION ACTIVITIES BY THE SOUTH COAST AIR QUALITY MANAGEMENT DISTRICT (AQMD).**

Fiscal Impact: None at this time.

Summary: Staff recommends that the City Council authorize staff to support Orange County water agencies proposed changes to Rule 1403 – Asbestos Emissions from Demolition/Renovation by the AQMD.

Discussion: The AQMD is proposing to revise Rule 1403 requiring special inspection of asbestos material during its removal and the AQMD intends to consider adopting Rule changes on February 7, 2019. While there have been several workshops conducted by the AQMD on the proposed rule changes, revisions have not been fully communicated to the water industry. The proposed Rule will create delays in restoring water service and paving when asbestos cement pipe (ACP) failures occur due to the proposed requirement for third party inspection. The water industry is aware of the concerns when handling ACP and all City water staff working on ACP have received training to handle, cut, store and dispose of the material.

The City of Anaheim prepared the attached letter and requested agencies providing water service in Orange County become signatory to the letter. Staff is recommending the City Council authorize the City's signature on the letter in support of the following:

- Delay adoption of the Rule 1403 while additional outreach with water utilities is performed.
- The proposed Rule should explicitly include loss of water service as an emergency event.
- The proposed Rule should allow utilities to fully complete repairs, including street patching without delay.

Recommended

Action: STAFF RECOMMENDS THAT the City Council authorize the City to become signatory to the December 19, 2018 letter to the AQMD and authorize the City Manager to sign future letters to the AQMD regarding Proposed Rule Change 1403.

Attachments: December 19, 2018 jointly signed letter to the AQMD.

Notification: None. i:\c\secure\staff\admin\agenda-admin reports\2019 admins\1-15-19\1-15-19-4r aqmd rule 1403 cc support.docx

December 19, 2018

Don Hopps
South Coast Air Quality Management District
21865 Copley Drive
Diamond Bar, CA 91765

Subject: Proposed Revisions to Rule 1403 – Asbestos Emissions from Demolition / Renovation Activities

Dear Mr. Hopps:

The water agencies of Orange County recently learned that the South Coast Air Quality Management District (AQMD) is proposing to revise Rule 1403 (Asbestos Emissions from Demolition / Renovation Activities) and the AQMD intends to consider adopting the Proposed Rule on February 7, 2019. We are concerned that despite holding several workshops, revisions to this rule have not been fully communicated to the water industry. Therefore, we request that AQMD postpone adopting the Rule, as we have not had time to fully evaluate the impacts to our operations. The Proposed Rule refers to Proposed Rule 1403 dated October 31, 2018. As water utilities, the undersigned agencies use asbestos cement (AC) pipes in our water distribution systems. When handled properly, these pipelines pose no risk to our customers or the public.

We are concerned that AQMD does not explicitly define loss of water service as an emergency event. As written, it appears that the Proposed Rule would place the burden of proof on water utilities to justify that an AC pipe break is truly an emergency. We are concerned that leaving this interpretation to enforcement staff could cause water purveyors to be subject to violation. Any loss of water service is an emergency, and this should be reflected in the Rule.

We are troubled that the Proposed Rule will prohibit water purveyors from completing repairs in a timely manner. We understand AQMD expects that when a main breaks, the utility may repair the main break, but may not patch or repair the street until the site has been surveyed and AQMD has approved further work. This approach presents an unacceptable safety risk. Main breaks cannot always be safely secured. These unstable excavations can pose a risk to motorists, pedestrians, and our workers if not properly backfilled. Because trained workers would already be on-scene responding to a main break, it does not make sense to delay repairs to the street.

We understand that a revised draft will be released for public review prior adoption by your Board. We hope that AQMD intends to release a substantially revised next draft, as we have many additional concerns with the Proposed Rule as written. In the meantime, we have the following recommendations:

- Adoption of the Proposed Rule should be delayed until additional outreach has been conducted with water utilities.
- The Proposed Rule should explicitly include loss of water service as an emergency event.
- The Proposed Rule should allow utilities to fully complete repairs, including patching the street, without delay.

Water agencies of Orange County:



Anaheim Public Utilities



City of Buena Park



East Orange County
Water District



City of Fountain Valley



City of Fullerton



City of Garden Grove



Golden State Water Company



City of Huntington Beach



Irvine Ranch Water
District



City of La Palma



Mesa Water District



City of Newport Beach



City of Orange



City of Santa Ana



City of Seal Beach



Serrano Water District



City of Tustin



City of Westminster



Yorba Linda Water District



City of Brea



El Toro Water District



Emerald Bay Service District



Moulton Niguel Water District



Santa Margarita Water District



South Coast Water District



Trabuco Canyon Water District



Laguna Beach County Water District



City of San Juan Capistrano