



AGENDA ITEM 7B

MEETING: December 17, 2014
TO: Humboldt LAFCo Commissioners
FROM: George Williamson, Executive Officer
SUBJECT: **Confirmation of Exemption from Government Code Section 56133 for Transfer of Wastewater from a Proposed Micro-Brewery in Redway to the Garberville Sanitary District Wastewater Treatment Facility**

The Commission will consider making a finding that pursuant to Government Code Section 56133(e) the transfer of brewery wastewater for treatment is not subject to the provisions within Government Code Section 56133 requiring review and approval of the Commission.

Government Code (G.C.) Section 56133(a) states: "A city or district may provide new or extended services by contract or agreement outside its jurisdictional boundaries only if it first requests and receives written approval from the commission in the affected county." Subsection (e) of 56133 provides numerous exemptions from the requirement to obtain LAFCo approval.

BACKGROUND

LAFCo has received a property owner request to determine whether an exemption from the provisions of Government Code Section 56133 is applicable for the shipment and transfer of brewery wastewater from a proposed brewery in Redway to Garberville for treatment at the Garberville Sanitary District (GSD) wastewater treatment facility. The proposed brewery facility would include a brew-pub style restaurant and onsite micro-brewery. Based on a recent capacity study, the Redway CSD has indicated that while they can accept and treat the restaurant wastewater, the volume and constituents of the micro-brewery waste would exceed the District's wastewater treatment capacity. The project proponent has approached GSD about accepting and treating the proposed brewery waste.

DISCUSSION

Government Code Section 56133(a) states: "A city or district may provide new or extended services by contract or agreement **outside its jurisdictional boundaries** only if it first requests and receives written approval from the commission in the affected county." Thus one of the necessary preconditions to requiring LAFCo approval is that the service to be provided is "outside [the District's] jurisdictional boundaries." In this situation, the wastewater treatment facility is located wholly within GSD's jurisdictional boundaries. Moreover, GSD would not extend wastewater infrastructure outside its jurisdiction to receive wastewater. As such, GSD is not providing any services by contract or agreement outside its jurisdictional boundaries.

Many smaller breweries have needed to find innovative solutions for wastewater management. In Petaluma, California, the Lagunitas Brewing Company spends more

than \$1 million per year to ship its wastewater to Oakland for treatment at the East Bay Municipal Utility District plant since the Petaluma plant can't handle the volume and strength of the waste it produces. LAFCo staff contacted Sonoma LAFCo and confirmed that the transfer of brewery waste for Lagunitas did not require LAFCo review and approval.

According to the operator of the proposed micro-brewery, they have contacted the Redway CSD about increasing capacity. Due to the rather specific constituents and concentrations of the proposed wastewater, the District has responded that upgrading their facility to treat that waste is not being considered at this time. The wastewater that would be transported to the GSD facility for treatment and disposal is made up of sugar, yeast and protein. It is basically the three ingredients besides water that is used to make beer, the grain, hops and yeast. It is their high concentration levels that are the issue not the products themselves. Their properties from a wastewater standpoint are:

- Biochemical Oxygen Demand 600-5,500 ppm
- Chemical Oxygen Demand 1,800-5,500 ppm
- Nitrogen 30-100 ppm
- Phosphorus 30-100 ppm
- Total Suspended Solids 200-1,500 ppm

Based on the size of the proposed facility, the proposed micro-brewery wastewater would be transported by truck to the GSD facility. The travel distance is less than five miles. The GSD facility is the closest to the proposed micro-brewery that has the capacity to treat the wastewater. There will be some storage capacity at the proposed micro-brewery and it is expected that wastewater deliveries to the GSD facility will be scheduled.

RECOMMENDATION

Staff recommends the Commission confirm the Garberville Sanitary District's exemption from the provisions of Government Code Section 56133 as it negotiates the agreement to accept wastewater for treatment at its facility on the basis that it is not the extension of a District service beyond its jurisdiction requiring Commission approval under Government Code Section 56133.

The staff has included within its recommendation that a determination be included that the Garberville Sanitary District shall indemnify the Commission from any challenge arising out of this consideration.

Cc: Jennie Short, Garberville Sanitary District