

**MEMORANDUM  
PLACER COUNTY HEALTH AND HUMAN SERVICES  
Environmental Health Division**

**TO:** Honorable Board of Supervisors

**FROM:** Richard J. Burton, M.D., M.P.H.  
Placer County Health Officer and Director of Health & Human Services  
Jill Pahl, R.E.H.S., Director of Environmental Health

**DATE:** March 10, 2009

**SUBJECT:** Support Assembly Bill 268, Repealing Water Code Sections Regarding Septic Systems Regulations.

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**ACTION REQUESTED:**

Authorize the Chairman to sign a letter in support of Assembly Bill 268 that would repeal provisions of state statute regarding septic systems regulations.

**BACKGROUND:**

In 2000, AB 885 (Jackson, Statutes of 2000) was enacted to require the State Water Resources Control Board to promulgate regulations or standards for the permitting and operation of onsite wastewater treatment systems by January 1, 2004. The State Water Resources Control Board released draft regulations for public comment in November 2008, eight years after enactment of the legislation. The draft regulations would create onerous requirements on municipalities and property owners and do not recognize the differing complex geography, hydrogeology, and other characteristics of communities throughout the state.

On January 27, 2009, in response to the draft regulations, the Board took several actions including authorizing staff to coordinate with Placer County's state advocate and legislative delegation requesting their assistance with regulatory and/or legislative relief.

Assembly Member Gaines has introduced Assembly Bill 268 to provide legislative relief by repealing the Water Code sections previously added by AB 885 and recognizing that the statutory and regulatory framework prior to AB 885 ensured the protection of public health and the environment. Assembly Members Logue, Nielsen, Cook, Jeffries and Niello have coauthored the Assembly Bill.

**PROBLEM STATEMENT:**

Draft regulations to implement AB 885 (Jackson, Statutes of 2000) were released for public comment in November 2008 and would create onerous and unnecessary requirements on municipalities and property owners without recognizing the differing complex geography, hydrogeology, and other characteristics of communities throughout the state.

**FISCAL IMPACT:**

Implementation of above referenced provisions of the State Water Code will result in significant negative impacts on property owners, municipalities, and regional and state water quality control agencies without maximizing public health protections. Property owner impacts include unnecessary monitoring costs of septic tank solids and wells (approximately \$750 every five years), expensive onsite wastewater treatment system upgrades with ongoing monitoring costs (approximately \$25,000 for installation and \$500 per year). Municipalities will incur additional costs in responding to assistance with compliance, developing septage treatment facilities, and responding to illegal septage disposal and illegal repairs of onsite wastewater treatment systems. AB 268 would remove those fiscal impacts while ensuring public health through existing local and state water quality protections.

**ATTACHMENTS:**

Assembly Bill No. 268  
Letter of Support for Assembly Bill No. 268.

**ASSEMBLY BILL**

**No. 268**

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**Introduced by Assembly Member Gaines**  
**(Principal coauthors: Assembly Members Logue and Nielsen)**  
**(Coauthors: Assembly Members Cook, Jeffries, and Niello)**

February 11, 2009

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An act to repeal Chapter 4.5 (commencing with Section 13290) of Division 7 of the Water Code, relating to water quality.

LEGISLATIVE COUNSEL'S DIGEST

AB 268, as introduced, Gaines. Onsite sewage treatment systems.

Existing law, the Porter-Cologne Water Quality Control Act, on or before January 1, 2004, requires the State Water Resources Control Board, in consultation with others, to adopt regulations or standards for the permitting and operation of specified onsite sewage treatment systems. The act requires the board to apply those regulations or standards to those systems commencing 6 months after their adoption.

This bill would repeal those provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

- 1 SECTION 1. Chapter 4.5 (commencing with Section 13290)
- 2 of Division 7 of the Water Code is repealed.

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# County of Placer Board of Supervisors

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District 4

JENNIFER MONTGOMERY  
District 5



March 10, 2009

The Honorable Ted Gaines  
California State Assembly  
Sacramento, CA 95814

**RE: Support: - Assembly Bill 268 –Septic System Regulations**

Dear Assemblyman Gaines:

The Placer County Board of Supervisors (Board) has voted unanimously to support your Assembly Bill 268 that would repeal Chapter 4.5 commencing with Section 13290, of Division 7 of the California State Water Code regarding onsite wastewater treatment systems regulations.

In 2000, AB 885 (Jackson, Statutes of 2000) was enacted to require the State Water Resources Control Board to promulgate regulations or standards for the permitting and operation of onsite wastewater treatment systems by January 1, 2004. In November 2008, eight years after enactment of the legislation, the State Water Resources Control Board released draft regulations for public comment. Unfortunately, the draft regulations would create onerous requirements on municipalities and property owners and would not recognize the differing complex geography, hydrogeology, and other characteristics and needs of communities throughout the state.

Placer County has existing onsite wastewater treatment system standards to assure that onsite wastewater treatment systems do not impact local and regional water quality. The Placer County local ordinance was specifically adopted to address local geographic and hydrogeological conditions while assuring the protection of public and environmental health.

The Board values and supports the protection of our unique resources and believes that the statutory and regulatory framework in place prior to AB 885 is working. Assembly Bill 268 recognizes that and would ensure the protection of public health for onsite wastewater treatment systems in the county.

On behalf of the Board, I thank you for introducing this important legislation.

Sincerely,

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F.C. "Rocky" Rockholm, Chairman  
Placer County Board of Supervisors

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cc: Governor Arnold Schwarzenegger  
State Senator Sam Aanestad, 4<sup>th</sup> District  
State Senator Dave Cox, 1<sup>st</sup> District  
State Assembly Member Dan Logue, 3<sup>rd</sup> District  
State Assembly Member Jim Nielsen, 2<sup>nd</sup> District  
State Assembly Member Paul Cook, 65<sup>th</sup> District  
State Assembly Member Kevin Jeffries, 66<sup>th</sup> District  
State Assembly Member Roger Niello, 5<sup>th</sup> District  
Regional Council of Rural Counties  
California State Association of Counties  
Placer County Water Agency  
Placer-Nevada County Medical Society  
Don Peterson, Placer County Advocate