

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: April 7, 2009

SUBJECT: Support Assembly Bill 916, Modifying Water Code Sections Regarding Septic Systems Regulations.

ACTION REQUESTED:

Authorize the Chairman to sign a letter in support of Assembly Bill 916 that would modify 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 Logue has introduced Assembly Bill 916 to provide legislative relief by modifying the Water Code sections previously added by AB 885 (Jackson, Statutes of 2000) and recognizing that the statutory and regulatory framework prior to AB 885 ensured the protection of public health and the environment. Specifically, AB 916 will modify the AB 885 regulations to remove the mandate and make them permissive.

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), and 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. By making the regulations permissive, AB 916 would remove those fiscal impacts while ensuring public health through existing local and state water quality protections.

ATTACHMENTS:

Assembly Bill No. 916 and Letter of Support for Assembly Bill No. 916.

County of Placer

Board of Supervisors

175 FULWEILER AVENUE
AUBURN, CALIFORNIA 95603
530-889-4010 • FAX: 530-889-4009
PLACER CO. TOLL FREE # 800-488-4308

F. C. "ROCKY" ROCKHOLM
District 1

ROBERT M. WEYGANDT
District 2

JIM HOLMES
District 3

KIRK UHLER
District 4

JENNIFER MONTGOMERY
District 5



April 7, 2009

The Honorable Dan Logue
California State Assembly
Sacramento, CA 95814

RE: Support - Assembly Bill 916 – Septic System Regulations

Dear Assemblyman Logue:

The Placer County Board of Supervisors (Board) has voted unanimously to support your Assembly Bill 916 that would modify 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. By making the AB 885 regulations permissive, Assembly Bill 916 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,

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

cc: Governor Arnold Schwarzenegger
State Senator Sam Aanestad, 4th District
State Senator Dave Cox, 1st District
State Assembly Member Ted Gaines, 4th District
State Assembly Member Jim Nielsen, 2nd District
State Assembly Member Paul Cook, 65th District
State Assembly Member Kevin Jeffries, 66th District
State Assembly Member Roger Niello, 5th 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

ASSEMBLY BILL

No. 916

Introduced by Assembly Member Logue

February 26, 2009

An act to amend Sections 13291 and 13291.5 of the Water Code, relating to water quality.

LEGISLATIVE COUNSEL'S DIGEST

AB 916, as introduced, Logue. Onsite sewage treatment systems: recommended standards.

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 other persons and entities, 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, instead, would require the state board, in consultation with other persons and entities, to adopt recommended standards for the permitting and operation of those systems.

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. Section 13291 of the Water Code is amended to
- 2 read:
- 3 13291. (a) ~~On or before January 1, 2004, the~~ *The* state board,
- 4 in consultation with the State Department of ~~Health Services~~ *Public*

1 *Health*, the California Coastal Commission, the California
2 Conference of Directors of Environmental Health, counties, cities,
3 and other interested parties, shall adopt ~~regulations~~ or
4 *recommended* standards for the permitting and operation of all of
5 the following onsite sewage treatment systems in the state ~~and~~
6 ~~shall apply those regulations or standards commencing six months~~
7 ~~after their adoptions.~~

8 (1) Any system that is constructed or replaced.

9 (2) Any system that is subject to a major repair.

10 (3) Any system that pools or discharges to the surface.

11 (4) Any system that, in the judgment of a regional board or
12 authorized local agency, discharges waste that has the reasonable
13 potential to cause a violation of water quality objectives, or to
14 impair present or future beneficial uses of water, to cause pollution,
15 nuisance, or contamination of the waters of the state.

16 (b) ~~Regulations or standards~~ *Recommended standards* adopted
17 pursuant to subdivision (a) ~~shall include~~, but shall not be limited
18 to, all of the following:

19 (1) Minimum operating requirements that may include siting,
20 construction, and performance requirements.

21 (2) Requirements for onsite sewage treatment systems adjacent
22 to impaired waters identified pursuant to subdivision (d) of Section
23 303 of the Clean Water Act (33 U.S.C. Sec. 1313(d)).

24 (3) Requirements authorizing a qualified local agency to
25 implement those requirements adopted under this chapter within
26 its jurisdiction if that local agency requests that authorization.

27 (4) Requirements for corrective action when onsite sewage
28 treatment systems fail to meet the requirements or standards.

29 (5) Minimum requirements for monitoring used to determine
30 system or systems performance, if applicable.

31 (6) Exemption criteria to be established by regional boards.

32 (7) Requirements for determining a system that is subject to a
33 major repair, as provided in paragraph (2) of subdivision (a).

34 (c) This chapter does not diminish or otherwise affect the
35 authority of a local agency to carry out laws, other than this chapter,
36 that relate to onsite sewage treatment systems.

37 (d) This chapter does not preempt any regional board or local
38 agency from adopting or retaining standards for onsite sewage
39 treatment systems that are more protective of the public health or
40 the environment than this chapter.

1 (e) Each regional board shall incorporate the ~~regulations or~~
2 *recommended* standards adopted pursuant to subdivisions (a) and
3 (b) into the appropriate regional water quality control plans.

4 SEC. 2. Section 13291.5 of the Water Code is amended to read:
5 13291.5. It is the intent of the Legislature to assist private
6 property owners with existing *onsite sewage treatment* systems
7 who incur costs as a result of the implementation of the ~~regulations~~
8 *recommended standards* established under ~~this section~~ Section
9 13291 by encouraging the state board to make loans under Chapter
10 6.5 (commencing with Section 13475) to local agencies to assist
11 private property owners whose cost of compliance with these
12 ~~regulations~~ *recommended standards* exceeds one-half of one
13 percent of the current assessed value of the property on which the
14 onsite sewage system is located.