

THE BOARD OF SUPERVISORS OF THE COUNTY OF STANISLAUS
ACTION AGENDA SUMMARY

DEPT: Environmental Resources

BOARD AGENDA # *B-1

Urgent Routine

AGENDA DATE May 6, 2014

CEO Concurs with Recommendation YES NO
(Information Attached)

4/5 Vote Required YES NO

SUBJECT:

Approval to Submit a Letter of Commitment to Develop a Local Agency Management Plan to Comply with Assembly Bill 885: Onsite Sewage Treatment Systems

STAFF RECOMMENDATIONS:

Authorize the Director of Environmental Resources, or designee, to submit a Letter of Commitment to develop a Local Agency Management Plan to comply with Assembly Bill 885: Onsite Sewage Treatment Systems.

FISCAL IMPACT:

There is no immediate fiscal impact associated with this item. The Department of Environmental Resources (DER) Fiscal Year 2014-2015 Final Budget will include sufficient funding to cover the start-up costs associated with developing a Local Agency Management Plan (LAMP). After developing the LAMP, DER proposes to return to the Board of Supervisors before May 2016 for approval of the proposed LAMP prior to it being submitted to the Regional Water Quality Control Board (Regional Board). DER will also return to the Board in early 2017 with proposed fees that reflect the implementation costs, as well as ongoing inspections, enforcement, and administrative costs associated with the LAMP.

BOARD ACTION AS FOLLOWS:

No. 2014-211

On motion of Supervisor Monteith, Seconded by Supervisor Chiesa

and approved by the following vote,

Ayes: Supervisors: O'Brien, Chiesa, Withrow, Monteith, and Chairman De Martini

Noes: Supervisors: None

Excused or Absent: Supervisors: None

Abstaining: Supervisor: None

1) X Approved as recommended

2) _____ Denied

3) _____ Approved as amended

4) _____ Other:

MOTION:

ATTEST: CHRISTINE FERRARO TALLMAN, Clerk

File No.

Approval to Submit a Letter of Commitment to Develop a Local Agency Management Plan to Comply with Assembly Bill 885: Onsite Sewage Treatment Systems

DISCUSSION:

The State Water Resources Control Board (SWRCB) protects water quality by setting statewide policy, coordinating and supporting the nine Regional Water Quality Control Board (Regional Board) efforts, and reviews petitions that contest Regional Board actions.

On September 27, 2000, Governor Gray Davis signed into law Assembly Bill (AB) 885 which required the SWRCB to adopt regulations for the permitting and operation of Onsite Wastewater Treatment Systems (OWTS) by January 1, 2004. The Bill was originally written to address coastal onsite treatment systems but was later amended to address all OWTS throughout California.

After multiple delays, on June 19, 2012, the SWRCB adopted regulations entitled "Water Quality Control Policy for the Siting, Design, Operation, and Maintenance of Onsite Wastewater Treatment Systems (Policy)." On November 13, 2012, the Office of Administrative Law approved the Policy which established an effective date of May 13, 2013. By May 13, 2014, local jurisdictions intending to prepare a Local Agency Management Plan (LAMP) must submit a Letter of Commitment (Letter) to their respective Regional Board. The Letter identifies how the county standards, which take into consideration unique local conditions, differ from the standards in the Policy which are referred to as Tier 1 OWTS standards.

The Department of Environmental Resources is the enforcement agency for OWTS installations in Stanislaus County, and staff recommends submitting the Letter to allow the continued use of standards that address conditions that are unique to the County. Selecting this approach, which is referred to as the Tier 2 option, will require the development of the LAMP by May 13, 2016.

A draft Letter is included as Attachment A. The Department is requesting authorization to submit the Letter which identifies the elements of the County's existing OWTS program that differ from the State's Tier 1 requirements. An example of a Stanislaus County standard that differs from Tier 1 is as follows: a horizontal separation of 100' from a public water well to a septic tank or leach field is required whereas Tier 1 requires a 150' separation where the depth of the effluent dispersal system does not exceed 10 feet. If the Regional Board disagrees with any of the elements of the County's OWTS program, revisions to our local program standards may be necessary.

Approval to Submit a Letter of Commitment to Develop a Local Agency
Management Plan to Comply with Assembly Bill 885: Onsite Sewage Treatment
Systems

POLICY ISSUES:

The recommended action is consistent with the Board's priorities of a Safe Community, A Healthy Community, and the Efficient Delivery of Public Services and supports the Department's mission to promote a safe and healthy environment and improve the quality of life in the community through a balance of science, education, partnerships, and environmental regulation.

STAFFING IMPACTS:

Environmental Resources staff will develop the Local Agency Management Plan.

CONTACT PERSON:

Jami Aggers, Director of Environmental Resources
Telephone: 209-525-6770



DEPARTMENT OF ENVIRONMENTAL RESOURCES

3800 Cornucopia Way, Suite C, Modesto, CA 95358-9494
Phone: 209.525.6700 Fax: 209.525.6774

DRAFT

DATE

Ms. Anne L. Olson
Central Valley Regional Water Quality Control Board
11020 Sun Center, Suite 200
Rancho Cordova, CA 95670-6114

RE: LETTER OF COMMITMENT TO DEVELOP AND SUBMIT A LOCAL AGENCY MANAGEMENT PLAN (LAMP)
FOR STANISLAUS COUNTY ON-SITE WASTEWATER TREATMENT SYSTEMS (OWTS)

Dear Ms. Olson:

The Stanislaus County Department of Environmental Resources intends to submit a Local Area Management Plan (LAMP) meeting the Tier 2 requirements of the State Water Resources Control Board's *Policy for the Siting, Design, Operation, and Maintenance of Onsite Wastewater Treatment Systems*.

The Stanislaus County liquid waste program adopted and enforces Part 5, Title 24 of the California Code of Regulations (effective January 1, 2014) and Environmental Health policies/guidance documents for OWTS. Areas where our current onsite wastewater program diverges from the Tier 1 requirements are as follows:

- Our program recognizes a "seepage pit" to be a horizontal, unlined trench typically three feet (3') wide with varying lengths and depths, filled with washed drain rock and perforated pipe. The minimum separation from the bottom of the trench to groundwater shall be a minimum of 10'. The 2013 California Plumbing Code (CPC) defines a seepage pit as a, "lined excavation in the ground which receives the discharge of a septic tank so designed as to permit the effluent from the septic tank to seep through its bottom and sides." Our program does not allow for the construction of drill pits, except in extreme hardship situations. As specified in the definitions of the State Water Resources Control Board's Policy, a seepage pit is defined as a, "*drilled or dug excavation, three to six feet in diameter, either lined or gravel filled, that receives the effluent discharge from a septic tank or other OWTS treatment unit for dispersal.*"
- Our program conducts site evaluations upon request, but not as specified in Section 7 of Tier 1 requirements. Site evaluations may be performed for reasons such as: to examine soil textures, to evaluate groundwater levels, or to obtain additional information. Site evaluations are conducted by Environmental Health staff, mechanical engineers, civil engineers, or licensed septic installers (in possession of C-36, C-42, Class A, and/or Class B licenses). As specified in Section 7.1 of Tier 1 requirements, a qualified professional shall perform all necessary soil and site evaluations for all new OWTS and for existing OWTS where the treatment or dispersal system will be replaced or expanded.
- Our program requires a horizontal separation of 50' from a private, monitoring, and agricultural/irrigation water well to a septic tank or leach field. Additionally, our program requires a horizontal separation of 100' from a private, monitoring, and agricultural/irrigation water well to a horizontal seepage pit. As specified in Section 7.5.2 of Tier 1 requirements, minimum horizontal setbacks from any OWTS treatment component and dispersal system shall be 100' from water wells and monitoring wells.

ATTACHMENT A

- Our program requires an engineered design for installation proposals adjacent to unstable land masses or any areas subject to earth slides. As specified in Section 7.5.3 of Tier 1 requirements, any OWTS treatment component and dispersal systems shall be 100' from unstable land masses or any areas subject to earth slides.
- Our program requires a horizontal separation of 50' from all surface water bodies (i.e., vernal pools, wetlands, lakes, ponds, or other surface water bodies where the edge of the water body high water mark for lakes and reservoirs) to a septic tank. Additionally, our program requires a horizontal separation of 200' from all surface water bodies to leach fields/horizontal seepage pits. As specified in Section 7.5.5 of Tier 1 requirements, any OWTS treatment component and dispersal systems shall be 200' from surface water bodies.
- Our program requires a horizontal separation of 100' from a public water well to a septic tank or leach field. Additionally, our program requires a horizontal separation of 150' from a public water well to a horizontal seepage pit. As specified in Section 7.5.6 of Tier 1 requirements, minimum horizontal setbacks from any OWTS treatment component and dispersal system shall be 150' from a public water well where the depth of the effluent dispersal system does not exceed 10'.
- Our program setbacks to water bodies are established as required by the California Plumbing Code (CPC), RWQCB guidelines (adopted into Stanislaus County Code under Title 20 Section 20.56.170), and Bulletin 74-81. Expanded setbacks to public water system surface water intakes are currently not specified in Stanislaus County. Current setback requirements of an OWTS to a lake or reservoir are a minimum of 50' to the tank and a minimum of 200' to any portion of the drain field (to the high line of the water's edge). As specified in Section 7.5.7 of the Tier 1 requirements, effluent dispersal systems within 1200' of an intake point for a surface water treatment plant for drinking water shall be 400' from the high water mark of the reservoir, lake or flowing water body. As specified in Section 7.5.8 of the Tier 1 requirements, effluent dispersal systems located 1200'-2500' of an intake point for a surface water treatment plant for drinking water and upstream shall be a minimum 200' from the high water mark of the reservoir, lake or flowing water body.
- Our program does not allow dispersal systems to be installed where the ground slope exceeds 30%. As specified in Section 7.7 of Tier 1 requirements, natural ground slope in all areas for effluent disposal shall not be greater than 25%.
- Our program does not have requirements specifying subdivision density based on rainfall, as shown in Table 1 of the Tier 1 requirements. Subdivision density requirements are based on soil type, groundwater elevation, and water source. As specified in Section 7.8 of Tier 1 requirements, allowable average densities shall be based on average annual rainfall.
- Our program does not have expanded vertical separation to groundwater based on higher rates of percolation. Vertical separations from the bottom of the trench to groundwater are as follows: a minimum of 5' separation for a leach field and a minimum of 10' separation for a horizontal seepage pit. As specified in Section 8.1.5 of Tier 1 requirements, the minimum depth to the anticipated highest level of groundwater below the bottom of a leaching trench shall be based on percolation rates.

- Our program currently requires a minimum of 5' vertical separation from the bottom of a dispersal system trench to groundwater and a minimum of 10' vertical separation from the bottom of a seepage pit to groundwater. As specified in Section 8.1.5 of Tier 1 requirements, separation to groundwater shall be based on percolation rates.
- Our program currently allows horizontal seepage pits to be installed for new development in some geographic areas. As specified in Section 8.1.6 of Tier 1 requirements, seepage pits may only be authorized for repairs where siting limitations require a variance.
- Our program allows for the occasional installation of a dispersal system wider than 3' in the form of a leach bed system. This dispersal system is permitted with prior approval and design of no more than 12" of rock below the perforated pipe. As specified in Section 8.1.6 of Tier 1 requirements, trench width shall be no wider than 3'.
- Our program allows for the installation of a dispersal system in the form of a leachfield with 3-7 square feet of infiltrative surface per linear foot. As specified in Section 8.1.6 of Tier 1 requirements, no more than 4 square feet of infiltrative surface per linear foot shall be allowed.
- Our program refers to the CPC's *Design Criteria of Five Typical Soils* (Table H 2.1(2)), known soil textures and established percolation tests to determine maximum soil application rates. As specified in Section 8.1.6 of Tier 1 requirements, maximum soil application rates shall be based on percolation rates and existing soil textures.
- Our program allows dispersal systems and replacement areas to be covered by an impermeable surface, but requires the dispersal field to be doubled. As specified in Section 8.1.9 of Tier 1 requirements, dispersal systems or replacement areas shall not be covered by an impermeable surface.
- Our program currently allows an increased allowance for permitted International Association of Plumbing and Mechanical Officials (IAPMO) certified dispersal systems, such as Infiltrator Systems. As specified in Section 8.1.11 of Tier 1 requirements, increased allowances for IAPMO certified dispersal systems shall not be allowed.
- Our program does not currently require watertight risers at access openings. As specified in Section 8.2.2.1 of Tier 1 requirements, access openings shall have watertight risers.
- Our program does not currently require the installation of new or replacement OWTS septic tanks capable of preventing solids in excess of three-sixteenths (3/16) of an inch in diameter from passing to the dispersal systems. As specified in Section 8.2.4 of Tier 1 requirements, new and replacement OWTS septic tanks shall be designed to prevent solids in excess of 3/16 of an inch in diameter from passing to the dispersal systems.

We look forward to working with you in the coming months to develop a Tier 2 LAMP based on our local onsite wastewater program.