



Monterey County

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Board Report

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Receive a report regarding the development of a Local Agency Management Plan to implement regulations concerning Onsite Wastewater Treatment Systems pursuant to California Assembly Bill 885 and the State Water Resources Control Board's Onsite Wastewater Treatment System Policy.

RECOMMENDATION:

It is recommended that the Board of Supervisors:

Receive a report regarding the development of a Local Agency Management Plan to implement regulations concerning Onsite Wastewater Treatment Systems pursuant to California Assembly Bill 885 and the State Water Resources Control Board's Onsite Wastewater Treatment System Policy.

SUMMARY:

On September 27, 2000, Assembly Bill 885 ("AB 885") was enacted which added Water Code Sections 13290 through 13291.7 that concern onsite wastewater treatment systems, more commonly known as septic systems.

On June 19, 2012, the State Water Resources Control Board ("State Water Board") adopted Resolution No. 2012-0032, which adopted the Water Quality Control Policy for Siting, Design, Operation and Maintenance of Onsite Wastewater Treatment Systems ("OWTS Policy"). On June 3, 2014, the Central Coast Regional Water Quality Control Board's ("Central Coast Water Board") Central Coast Basin Plan that incorporated the standards established in the OWTS Policy was approved. In accordance with the OWTS Policy and Central Coast Basin Plan, the Environmental Health Bureau ("EHB"), as the local agency, must adopt a Local Agency Management Program ("LAMP") in conformance with Tier 2 standards of the OWTS Policy, which will allow for consideration of local geology and environmental conditions, or it will be required to implement Tier 1 standards of the OWTS Policy which sets forth prescriptive standards that do not take into consideration local geology and environmental conditions.

Currently, staff is developing a LAMP and will receive input from General Plan consultants through the development of a LAMP Guidance Document. The Central Coast Water Board has up to one year to review the proposed LAMP and take action regarding revisions to, denial of or approval of the proposed LAMP. The EHB must submit the draft LAMP to the Central Coast Water Board by May 13, 2016.

DISCUSSION:

AB 885 was codified into law on September 27, 2000 and directed the State Water Board to adopt regulations or standards for the permitting and operation of onsite sewage treatment

systems.

On June 19, 2012, the State Water Board adopted Resolution No. 2012-0032, which adopted the OWTS Policy and approved the supporting environmental documentation. The administrative record for the OWTS Policy was approved by the Office of Administrative Law on November 13, 2012 and the OWTS Policy became effective on May 13, 2013.

On May 30, 2013, the Central Coast Water Board incorporated the standards established in the OWTS Policy into the Central Coast Basin Plan. On January 21, 2014, the State Water Board approved the amendments to the Central Coast Basin Plan and the Office of Administrative Law approved the regulatory action on June 3, 2014.

The OWTS Policy sets forth standards that are in 5 Tiers (0 - 4). Tier 0 covers existing systems that are not in failure; Tier 1 covers prescriptive standards that do not take into consideration local geology or environmental factors and are the default standards; Tier 2 is a LAMP that allows the local agency to propose equivalent standards to Tier 1 that take into consideration local geology and environmental factors and are as protective of public health and the environment as Tier 1; Tier 3 covers standards for OWTS that are within 600 feet of impaired water bodies listed in the OWTS Policy, if not addressed by a LAMP; and Tier 4 describes what constitutes a failing OWTS and the responsibility of the owner of the OWTS to bring the OWTS back into compliance.

Implementation of the OWTS Policy will be overseen by the State Water Board and the Central Coast Water Board, and the EHB has the opportunity to implement a LAMP approved by the Central Coast Water Board.

The Central Coast Water Board has designated Howard Kolb as their contact with the EHB in the development of the LAMP. Mr. Kolb has requested that EHB share its draft work product of the LAMP as it is developed to minimize revisions or amendments that may be requested by the Central Coast Water Board when the draft LAMP is officially submitted.

Policy PS-4.12 of the General Plan directs staff to develop Onsite Wastewater Management Plans ("OWMP") for individual sewage systems for El Toro, Prunedale, Carmel Highlands, and Carmel Valley as indicated in the 1984 Central Coast Basin Plan. An OWMP has been developed for the Carmel Highlands and is being implemented. Subsequent to the adoption of the 2010 General Plan, the OWTS Policy came into effect and instead of developing OWMPs, a LAMP for the County must be developed. Recommendations from the Carmel Highlands OWMP will be part of the LAMP. General Plan consultants have drafted a LAMP Guidance Document that should be finalized by mid-March. The current standards and regulations (Monterey County Code 15.20) will remain in effect while the LAMP is being developed.

A LAMP must be submitted to the Central Coast Water Board by May 13, 2016 or Tier 1 standards will be in effect by default. Staff will return to the Board of Supervisors in April 2016 to request authorization to submit the draft LAMP to the Central Coast Water Board. Once submitted, the Central Coast Water Board will have up to one year to review and approve the proposed LAMP or require amendments if it is determined that the proposed LAMP does not conform to the standards in Tier 2. While the Central Coast Water Board considers the

draft LAMP, staff will complete environmental review. Prior to returning to the Board of Supervisors to recommend approval of the LAMP and corresponding environmental documents, staff will conduct several public meetings to present the LAMP and obtain public comment. Once the LAMP is approved, staff will return to the Board of Supervisors at a later date with proposed amendments to Monterey County Code Chapter 15.20, to make it congruent with the approved LAMP, and with an administrative manual.

OTHER AGENCY INVOLVEMENT:

County Counsel has reviewed this report and concurs with its content.

FINANCING:

There is no financial impact with the acceptance of this report.

Prepared by: John Ramirez, Director, Environmental Health Bureau, 4539

Approved by: Ray Bullick, Director of Health, 4526

Attachments:

PowerPoint presentation on file with the Clerk of the Board