



Monterey County Board of Supervisors

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1st Floor
Salinas, CA 93901
831.755.5066

Board Order

Upon motion of Supervisor Phillips, seconded by Supervisor Adams and carried by those members present, the Board of Supervisors hereby:

Adopted Resolution 18-094 to:

- a. Certify that the County used and considered the State Water Resources Control Board's Onsite Wastewater Treatment System Policy Final Substitute Environmental Document;
- b. Adopt the Monterey County Local Agency Management Program ("LAMP") for Onsite Wastewater Treatment Systems;
- c. Direct staff to submit the LAMP to the Regional Water Quality Control Board, Central Coast Regional, for approval; and
- d. Direct staff to return to the Board of Supervisors with proposed amendments to the Monterey County Code to make Chapter 15.20 congruent with the requirements and technical specifications in the LAMP.

PASSED AND ADOPTED on this 3rd day of April 2018, by the following vote, to wit:

AYES: Supervisors Alejo, Salinas, Phillips, Parker and Adams

NOES: None

ABSENT: None

I, Nicholas E. Chiulos, Acting Clerk of the Board of Supervisors of the County of Monterey, State of California, hereby certify that the foregoing is a true copy of an original order of said Board of Supervisors duly made and entered in the minutes thereof of Minute Book 80 for the meeting April 3, 2018.

Dated: April 27, 2018
File ID: RES 18-035

Nicholas E. Chiulos, Acting Clerk of the Board of Supervisors
County of Monterey, State of California

By Donise Hanceck
Deputy

**Before the Board of Supervisors in and for the
County of Monterey, State of California**

Resolution No. 18-094

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WHEREAS, Assembly Bill 885 was enacted on September 27, 2000 to amend Water Code Sections 13290 through 13291.7 that concerns onsite wastewater treatment systems ("OWTS"), more commonly known as septic systems;

WHEREAS, the State Water Resources Control Board ("SWRCB") has authority to regulate all discharges that could affect the waters of the State, and its policies are implemented locally by the State's nine Regional Water Quality Control Boards;

WHEREAS, the SWRCB adopted the Water Quality Control Policy for Siting, Design, Operation and Maintenance of Onsite Wastewater Treatment Systems ("OWTS Policy") and adopted the Onsite Wastewater Treatment System Policy Final Substitute Environmental Document ("Substitute Environmental Document") for the OWTS Policy;

WHEREAS, the OWTS Policy includes prescriptive standards for new and replacement OWTS that do not take into consideration local geology or environmental factors (Tier 1), but also provides an avenue for local jurisdictions to adopt a LAMP for OWTS that is equally protective of groundwater, surface water and the environment (Tier 2);

WHEREAS, the Regional Water Quality Control Board, Central Coast Region ("Central Coast Water Board") has delegated authority to Monterey County to regulate domestic waste discharge in conformance with Water Quality Control Plan for the Central Coast Basin ("Basin Plan");

WHEREAS, the Basin Plan was amended on January 21, 2014 to incorporate the OWTS Policy (Basin Plan, Chapter 4, Section 4.8.4.1);

WHEREAS, in accordance with Tier 2 of the OWTS Policy, the County has prepared a LAMP for Monterey County;

WHEREAS, the LAMP provides standards and guidance for the appropriate design, installation, operation, and ongoing monitoring of OWTS throughout Monterey County, with the

aim of protecting groundwater and surface water resources, public health, safety and welfare, and the environment;

WHEREAS, the LAMP must be approved by the Central Coast Water Board, and the proposed LAMP has been developed in consultation with Central Coast Water Board staff;

WHEREAS, Monterey County submitted a draft LAMP to the Central Coast Water Board on May 10, 2016;

WHEREAS, staff has revised the draft LAMP in consideration of comments from the Central Coast Water Board staff, and in consideration of technical feedback from local onsite wastewater stakeholders during seven technical advisory committee meetings and of public comments;

WHEREAS, staff intends to submit the Monterey County's final LAMP for consideration and approval by the Central Coast Water Board at its May 10, 2018 public meeting and thereby enable enactment of the LAMP in place of the Tier 1 standards of the OWTS Policy, which would otherwise take effect in the County on May 13, 2018;

WHEREAS, the LAMP will become effective immediately on the day following approval by the Central Coast Water Board;

WHEREAS, the LAMP is consistent with and implements Policy PS-4.8 of the 2010 Monterey County General Plan which provides that specific criteria for sewage disposal systems to serve individual uses when new lots are being created and where connection to a wastewater treatment facility is not feasible shall be developed;

WHEREAS, the LAMP is consistent with General Plan Policy PS-4.10 which provides that alternative OWTS may be considered for repairs to existing systems and new systems on existing lots of record; however, the County does not have authority to issue these permits for new development on existing lots of record unless a LAMP is first approved by the Central Coast Water Board;

WHEREAS, the LAMP meets the intent of and implements General Plan Policy PS-4.12 which states that the Environmental Health Bureau shall develop Onsite Wastewater Management Plans for areas with high concentrations of development that are served primarily by individual sewage systems such as El Toro, Prunedale, Carmel Highlands, and Carmel Valley because, based on the State's OWTS Policy adopted since enactment of the General Plan, the LAMP includes a section entitled Special Areas of Concern that considers each of the four areas identified by PS-4.12;

WHEREAS, pursuant to section 15253 of the California Environmental Quality Act (CEQA) Guidelines (14 CCR § 15253), the County has used and considered the Substitute Environmental Document adopted by the SWRCB; and

WHEREAS, reliance on the Substitute Environmental Document is appropriate under CEQA Guidelines section 15253 because all of the following conditions are met:

1. The SWRCB approved the Substitute Environmental Document on June 19, 2012 as the certified agency and was the first agency to grant discretionary approval;
2. The County of Monterey, which is a responsible agency, was provided opportunity to review and comment on the Substitute Environmental Document prepared for the OWTS Policy;
3. The environmental analysis contained in the Substitute Environmental Document identifies that the implementation of the OWTS Policy will protect the environment by ensuring that discharges from OWTS occur in a manner that will not pollute groundwater or surface water;
4. The SWRCB exercised the powers of a lead agency by considering all the significant environmental effects and incorporated into the OWTS Policy mitigation measures identified in the Substitute Environmental Document; and
5. The SWRCB established a consultation period with responsible agencies that was as long or longer than the period allowed for public review of the Substitute Environmental Document.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of the County of Monterey does hereby:

- a. Find that the Recitals set forth above are true and correct and incorporated herein;
- b. Certify that the County used and considered the State Water Resources Control Board's Onsite Wastewater Treatment System Policy Final Substitute Environmental Document;
- c. Adopt the Monterey County Local Agency Management Program ("LAMP") for Onsite Wastewater Treatment Systems;
- d. Direct staff to submit the LAMP to the Regional Water Quality Control Board, Central Coast Regional, for approval; and
- e. Direct staff to return to the Board of Supervisors with proposed amendments to the Monterey County Code to make Chapter 15.20 congruent with the requirements and technical specifications in the LAMP.

PASSED AND ADOPTED upon motion of Supervisor Phillips, seconded by Supervisor Adams and carried this 3rd day of April 2018, by the following vote, to wit:

AYES: Supervisors Alejo, Phillips, Salinas, Parker and Adams

NOES: None

ABSENT: None

I, Nicholas E. Chiulos, Acting Clerk of the Board of Supervisors of the County of Monterey, State of California, hereby certify that the foregoing is a true copy of an original order of said Board of Supervisors duly made and entered in the minutes thereof of Minute Book 80 for the meeting on April 3, 2018.

Dated: April 27, 2018
File Number: RES 18-035

Nicholas E. Chiulos, Acting Clerk of the Board of Supervisors
County of Monterey, State of California

By Denise Hancock
Deputy