

SEPTIC TANK GUIDELINES

Memorandum of Understanding
Between the
California Water Quality Control Board
Lahontan Region
and the
County of Placer

This Memorandum of Understanding is entered into by and between the California Regional Water Quality Control Board, Lahontan Region (hereinafter Board), and the County of Placer (hereinafter County). Its purpose is to expedite the overall review process for proposed developments and to provide a clear operating policy between the Board and the County on the implementation of the Board's guidelines for wastewater disposal from land developments.

Section 13260 of the California Water Code requires any person discharging waste or proposing to discharge waste that may affect waters of the State, except to a community sewer system, to file a report of waste discharge with the regional board of that region. Implementation of this code section has included regulation of individual waste systems wherever warranted.

In 1973 and again in 1974, the Board adopted guidelines to (1) establish the conditions under which waivers of the filing requirement would be in the public interest (pursuant to California Water Code Section 13269); (2) establish minimum criteria for the use of individual systems; and (3) prevent pollution or nuisance

Memorandum of Understanding

Page 2

caused by the discharges from leaching or percolation systems.

On January 14, 1988, the Regional Board adopted revisions to the "Guidelines for Waste Disposal From Land Developments." In conjunction with these revisions, the Regional Board also adopted the "Regional Board Guidelines for Implementation of Criteria for Individual Waste Disposal Systems." These implementation guidelines list general and specific provisions in considering exemptions to the maximum density criteria two equivalent dwelling units (EDU) per acre for individual waste disposal systems in both new and existing land developments.

This requirement also applies to domestic wastewater discharges from new commercial and industrial development with wastewater discharge volumes exceeding two EDU per acre density (500 gal/day/acre based on 250 gal/day/EDU). On June 16, 1988, the State Water Resources Control Board approved the revisions. For purposes of this Memorandum of Understanding gross acreage is that area which encompasses the entire net lot area plus any underlying fee title within the adjacent right-of-ways, if any.

Memorandum of Understanding

Page 3

Inasmuch as the County has incorporated into its review criteria the "Minimum Criteria for Subsurface Discharge of Sewage" contained in the Board's guidelines, and has consistently applied these criteria in its review of proposed developments, it is not against the public interest for the Board to reduce its oversight work by eliminating redundant review of proposed project.

It is agreed that:

I. The County is authorized to issue construction permits for projects that utilize individual subsurface disposal systems without Regional Board approval under the following conditions:

A. All of the following:

1. The on-site soil characteristics comply with the established "Minimum Criteria for Individual Waste Disposal Systems" as adopted by Resolution 6-88-15; and
2. The discharge is composed of domestic wastewater only; and

B. One of the Following:

1. The development consists of single-family residences or multiple-family residences, the density does not exceed two EDU per acre (500

Memorandum of Understanding

Page 4

gallons/acre/day wastewater flow), or

2. The development consists only of a single-family home on an individual lot which has a minimum net area of 15,000 square feet; or
3. The development is non-residential or of mixed occupancy and the wastewater discharge does not exceed 500 gallons/acre/day as determined using Table I-2 and I-3 in the Uniform Plumbing Code and occupant loads as determined by Table 33A in the Uniform Building Code; or
4. The project is in a class that has been designated exempt from Regional Board review in writing under signature of the Regional Board Executive Officer; or
5. The project/development has been granted an exemption by the Board and complies with the County's standards for use of septic tank wastewater disposal systems.

II. The County shall not issue sewage disposal system construction permits without Regional Board approval for the following projects:

Memorandum of Understanding

Page 5

- A. Projects that involve domestic wastewater discharge from commercial or industrial development in excess of 500 gallon/acre/day as determined by the Board; or
- B. Projects that will have industrial wastewater discharges; or
- C. Projects that exceed the two EDU/acre density requirement for septic tank use (except in exempted areas); or
- D. Projects that do not comply with the County's standards for use of septic tank wastewater disposal systems; or
- E. Projects located within existing waste discharge prohibition areas (unless in areas exempted in I.B. above); or
- F. Projects utilizing package wastewater treatment plants with on-site disposal.

III. The County, at its discretion, may defer consideration of projects, based on water quality impacts, to the Board for any projects even if it appears that compliance with Section I. of this Memorandum of Understanding has been achieved.

Memorandum of Understanding

Page 6

- IV. The County, at its discretion, may require the formation of a public entity (as defined in the State of California Government Code Section 53090 et seq.) to maintain septic systems in residential developments of one hundred (100) lots or more.
- V. The Board may review permits issued by the County at its discretion. Copies of permits will be made available upon request for review in County offices.
- VI. The County, on its own initiative or at the request of an applicant and upon providing the information specified in the implementation guidelines, may apply for individual, large scale, or area-wide exemptions.
- VII. The applicant, for projects found in compliance with the Board's guidelines, will be notified of acceptance by issuance of a County building permit or by issuance of a Board clearance letter.
- VIII. The County shall maintain a record of all documents submitted and reviewed under this Memorandum of Understanding.

Memorandum of Understanding

Page 7

This record shall be kept as a note on the construction permit for each project.

IX. This Memorandum of Understanding shall be effective immediately after execution of this agreement and shall remain in full force until terminated by a prior thirty (30) day written notice by either party.

X. This Memorandum of Understanding may be amended as mutually agreed to by the County and the Regional Board.

XI. All notices and communications under this Memorandum of Understanding shall be addressed to the following:

Richard Swenson, Director
Placer County Environmental Health Department
11484 "B" Avenue
Auburn, CA 95603

O.R. Butterfield, Executive Officer
California Regional Water Quality Control Board
Lahontan Region
P.O. Box 9428
South Lake Tahoe, CA 95731-2428

Memorandum of Understanding

Page 8

This Memorandum of Understanding is executed on the date of the most recent signature below, by the following authorized representatives of the parties.

O. R. Butterfield

O. R. Butterfield

Executive Officer

Date 3.31.89

Alto Ferreira

Chairman,

Board of Supervisors

Date April 18, 1989

JPS:jaa

THE FOREGOING INSTRUMENT IS A CORRECT COPY OF THE ORIGINAL ON FILE IN THIS OFFICE ATTEST

4-19-89
GEORGIA FLAKE

Clerk of the Board of Supervisors of the County of Placer, State of California

Barbara Brogdon
DEPUTY CLERK



California Regional Water Quality Control Board

Lahontan Region



Winston H. Hickox
Secretary for
Environmental
Protection

Internet Address: <http://www.mscomm.com/~rwqcb6>
2501 Lake Tahoe Boulevard, South Lake Tahoe, California 96150
Phone (530) 542-5400 • FAX (530) 544-2271

Gray Davis
Governor

August 23, 2000

Brad Banner, Director
Placer County Department of Health
Division of Environmental Health
11454 "B" Avenue
Auburn, CA 95603

Tim Snellings, Director
Nevada County Community Development Agency
Department of Environmental Health
950 Maidu Avenue
Nevada City, CA 95959

RESPONSE TO MAY 30, 2000 LETTER REGARDING SEWAGE DISPOSAL SYSTEMS IN THE TRUCKEE RIVER HYDROLOGIC UNIT

On July 7, 2000, we received your letter dated May 30, 2000, regarding differences in Placer and Nevada County Septic Ordinances and Regional Board Criteria for Individual Waste Disposal Systems. The letter also addresses Regional Board staff processing time for requests for variances to the prohibition on new septic systems in the Truckee River Hydrologic Unit, as specified in the Regional Board's *Water Quality Control Plan for the Lahontan Region* (Basin Plan). You also present a proposal allowing the Counties to permit septic systems that do not meet the Regional Board's criteria. The proposal is based upon language contained in the Basin Plan amendments that were recently adopted by the Regional Board and are awaiting review and approval by the State Water Resources Control Board, the Office of Administrative Law, and the U.S. Environmental Protection Agency, prior to becoming effective.

At present, the Basin Plan requires a minimum of five feet of effective soil depth for standard septic systems, while County ordinances require a minimum of four feet of effective soil depth for the same systems. We agree that differences between Regional Board and County criteria create an unfortunate situation. Our agencies share jurisdiction for regulating these on-site systems. To the extent that our criteria are the same in a geographic area, property owners are subject to consistent and efficient regulation and the public is assured that we are protecting water quality and public health.

You have proposed allowing the Counties to continue implementing their septic ordinances that permit a minimum of four feet of effective soil depth for the remainder of the 2000 construction season. You have also proposed updating the current Memorandum of Understanding (MOU) between the Regional Board and Counties to continue this process indefinitely, based upon language contained in the Basin Plan amendments, which allow the Regional Board to delegate the ability to waive certain individual criteria to the Counties.

California Environmental Protection Agency

I want to express my appreciation of the Counties' willingness to accept additional authority and responsibility regarding septic system regulation. However, the delegation of additional authority as specified in the Basin Plan amendments, a delegation that I expect to make, would not allow the Counties to automatically waive the minimum five-foot effective soil depth criteria for standard septic systems. The Basin Plan only allows waiving of criteria as follows:

"1. Waiver of one or more individual criteria may occur if:

- a. The area beneath the proposed septic system discharge has no significant amount of ground water having present or future beneficial uses; or
- b. It can be proven that no pollution, nuisance or unreasonable degradation of either surface or ground waters will occur as a result of the proposed septic system density when considered individually or cumulatively with other discharges in the area; or
- c. Construction of a community collection, treatment, and disposal system is imminent. Short-term, interim use of individual waste disposal systems may be allowed."

There are very few locations that would satisfy the above-referenced criteria within the Truckee River Hydrologic Unit.

The issue of effective soil depth was discussed by our staffs at the time Nevada County revised its ordinance. We informed Nevada County that, given other protective aspects of the County program, we did not object to the change in minimum effective soil depth for areas of the County outside of the Truckee River Hydrologic Unit septic prohibition area, or for lots and parcels in the Truckee River Hydrologic Unit that are exempt from the septic prohibition under Board Order 81-7. We specified that we would not change our minimum effective soil depth for lots and parcels subject to the prohibition. We stated that we would continue to review requests for variances to the septic prohibition on a case-by-case basis and that we would continue to apply the Regional Board's policies, variance criteria and minimum criteria in such cases.

Implementation of the minimum 5-foot effective soil depth in the Truckee River Hydrologic Unit is consistent with both Nevada County's ordinance and Regional Board Criteria. Nevada County's ordinance states that 4-feet is the **minimum** effective soil depth for standard systems throughout the County. The implication of a minimum standard, including Regional Board minimum criteria, is that in some areas a more protective limit is appropriate. The Truckee River Hydrologic Unit, where the Regional Board has a long-established prohibition on new septic systems, is such an area. For this area, the Regional Board established prohibition variance criteria more stringent than the minimum criteria used in most of the region. The minimum parcel size for standard septic systems in the Truckee River is 2.5 acres, compared to 0.5 acres elsewhere. The larger parcel size limits cumulative impacts to underlying groundwater and the Truckee River and its tributaries.

At this time we must implement and we ask that the Counties implement the five-foot requirement for **standard** septic systems for lots and parcels subject to the Basin Plan prohibition

and variance criteria in the Truckee River Hydrologic Unit. We request that the Counties implement this standard until such time that the Counties present area-wide information to support either a Basin Plan amendment to change the criteria or a Regional Board resolution supporting waiver criteria 1.b above. Under the existing MOU, the Counties will be able to waive minimum criteria under waiver condition 1.c. should the Regional Board delegate waiver authority. In such instances, I request that the Counties require that the applicant, prior to septic permit approval, pay the established or projected connection fee to the local sanitation agency and meet any other conditions that the local agency may require to facilitate future connection.

With the forgoing in mind, I suggest that our staffs review together any information, data, or regional studies that the Counties have developed to support a reduction in effective soil depth for standard septic systems. If our staffs and other stakeholders agree that a change in the Regional Board's criteria is appropriate, we will initiate the Basin Plan amendment or Regional Board resolution process for the Truckee River prohibition area.

With respect to processing time for applications for a variance to the Truckee River septic prohibition, I acknowledge that in some cases there have been delays in processing requests. These delays were caused by the addition of new staff and our attention to other higher priority tasks based on funding provided in the budget. At present, there are no outstanding requests for variances and we anticipate no further delays. I recommend that our staffs meet to discuss/review our joint septic system review process to ensure expedient and effective regulation of septic systems within our jurisdictions. The meeting could also be used to discuss additional issues our staffs may identify.

I would also like to take this opportunity to discuss another septic system situation that has come to our Regional Board staff's attention. It appears that within Placer County, several parcels were subdivided and some of the resultant smaller parcels no longer meet Regional Board criteria for minimum lot size (2 ½ acres) for standard septic systems in the Truckee River area. People have purchased these parcels with the understanding that these small parcels can be served by standard septic systems. Unfortunately, these parcels are not suitable for standard systems. In some cases, these parcels can be developed with a relatively short extension of existing sewage collection systems. In other cases, the owners will be able to develop using an engineered on-site system that discharges a total nitrogen concentration of 9 mg/l or less. We are prepared to work with you to develop acceptable engineered systems thereby minimizing the impact on lot owners and reducing approval times.

Regional Board staff are devoting additional resources to the Truckee River Hydrologic Unit to protect the existing ground and surface water quality in an area that is under increasing development pressure. New demands are being placed on the Martis Valley aquifer, which provides the Town of Truckee and surrounding areas with the majority of its drinking water (municipal and domestic supply beneficial use). The potential for adverse impacts on surface water quality is also increasing due to existing and new development. Wastewater treatment and disposal is one of the components that potentially could adversely impact both ground and surface water quality.

Thank you for bringing these issues to our attention. I believe that both of our well-qualified staffs will continue to effectively protect ground and surface water quality within the Truckee River Hydrologic Unit. If you have any questions regarding this matter, please call Greg Zentner, Associate Water Resources Control Engineer, at (530) 542-5434 or Scott Ferguson, Senior Water Resources Control Engineer, at 542-5432.

Sincerely,



HAROLD J. SINGER
EXECUTIVE OFFICER

cc: Regional Board Members
Norm Greenberg, Nevada County Department of Environmental Health
Alison Carlos, Placer County Division of Environmental Health
Craig Wood, General Manager, Tahoe-Truckee Sanitation Agency
Oz Butterfield, General Manager, Truckee Sanitation District
Peter Holzmeister, General Manager, Truckee-Donner Public Utility District
Judith Unsicker, Ph.D., Lahontan Regional Water Quality Control Board
Elizabeth Janes, US EPA Region IX

GZ/shT:Placer-Nevada Septic Response
[Placer County Septic Tank MOU]
[Nevada County Septic Tank MOU]