

ITEM: 7

SUBJECT: Onsite Waste Treatment Systems (OWTS) Policy Update - Implementation to Date

BOARD ACTION: *Information Item*

BACKGROUND: California has ~1.2 million Onsite Wastewater Treatment Systems (OWTS) in areas without centralized wastewater treatment. Most do not threaten human health or the environment. However, failing OWTS can pollute groundwater and threaten public health including drinking water supplies.

In 2000, Governor Davis signed California Water Code section 13290 et seq., which directed the State Board to adopt standards or regulations for OWTS by 1 January 2004. In 2005, the State Board released draft standards, but did not adopt them due to strong public opposition. Environmental activist groups then sued the State Board due to lack of action. In 2012, the State Board adopted Resolution 2012-0032, with the OWTS Policy. On 13 May 2013, the Policy went into effect, and allows conditional waivers of Waste Discharge Requirements subject to CWC §13269. The Policy allows Local Agencies to remain regulatory leads for OWTS, with increasing requirements for changes in local codes and ordinances based on risk tiers. Tiers 0 and 1 are properly functioning existing OWTS, and low-risk new and replacement OWTS, respectively. These require no changes. Tier 2 OWTS are new and replacement systems that do not meet Tier 1 standards. For these, Local Agencies can propose Local Agency Management Programs (LAMPs), Tier 1-equivalent standards, subject to Board approval. Tiers 3 and 4 are; OWTS that are within 600 feet of 303(d) listed impaired surface water due to nitrates or pathogens; and failing OWTS that require corrective action.

Central Valley Water Board staff expects to receive 30 LAMPs by 13 May 2016, and will have one year to review them for Board approval. Staff is working with the State Board and Local Agencies to meet this schedule.

ISSUES: Local Agencies have ongoing concerns regarding implementation of the OWTS Policy, largely due to requirements for reporting. Regional Board staffing challenges are expected based on future workload surges for staff, dependent on LAMP submittal dates and document contents.

RECOMMENDATION: Continue to work with Local Agencies during development of LAMPs and on developing tools for simplified, consistent reporting. Continue to monitor Regional Board staff workload and shift resources as appropriate to provide timely LAMP reviews.

Mgmt. Review: BJS
Legal Review: ASD

October 1-2, 2015
11020 Sun Center Drive, Suite 200
Rancho Cordova, CA 95670-6114