

Santa Cruz County Local Agency Management Program
Response to Comments

This document contains joint County of Santa Cruz Environmental Health Division (Santa Cruz County) and Central Coast Water Board staff responses to comments received on Santa Cruz County’s final draft of the Local Agency Management Program (LAMP).

| Comment | Commenter(s) | Response | Revision Made to Final Draft LAMP |
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| The proposed standards contained in the LAMP regarding minimum acreage requirements, inspection upon transfer, involvement of a “qualified professional”, enhanced treatment system monitoring and maintenance, groundwater separation, sandy soils nitrogen removal, karst protection and stream setbacks, and related requirements are invaluable in protecting the beneficial use of not only the City of Santa Cruz municipal water supply, but also rare, threatened or endangered species and other beneficial uses of Santa Cruz County watersheds. | City of Santa Cruz Water Department | Santa Cruz County and Central Coast Water Boards staff concur with this statement. | None. |

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| Do the current groundwater separation testing requirements adequately respond to the dynamic groundwater elevation fluctuations that might be observed in wet winters? | City of Santa Cruz Water Department | Yes, Santa Cruz County has a history of very wet winters, and the County reports the LAMP's required testing approaches have been working effectively. The use of piezometers with multiple readings allows the range of fluctuation to be captured and taken into consideration. The required groundwater separations provide some protective buffer and the majority of time the required groundwater separations will be greatly exceeded. | None. |
| Do stream setbacks refer to the horizontal distance from the ordinary high-water mark in all cases? | City of Santa Cruz Water Department | Yes. Appendix A has been clarified. | Santa Cruz County revised Appendix A, section 7.38.130 (I) to state horizontal distance will be measured to the mean rainy season flowline. |

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| <p>The LAMP needs more specific definitions for significant rainfall, seasonal drainageway, to the greatest extent possible, and qualified professional.</p> | <p>City of Santa Cruz Water Department</p> | <p>Wording has been added for clarity to the LAMP Appendix A for significant rainfall and drainageway.</p> <p>Qualified professional is defined in Appendix, A, 7.38.030(X) and 7.38.215.</p> <p>In several places in the LAMP, the LAMP states that a condition will be met to greatest extent possible/practicable. Where this is used in the LAMP, the LAMP typically includes language that describes what the homeowner needs to do to mitigate possible impacts because the condition wasn't met fully. For example, the LAMP states in section 2.3.2 that OWTS must meet horizontal separations to the greatest extent practicable and if the separation isn't met, the homeowner must install enhanced treatment to ensure water quality is being adequately protected even though the setback wasn't met. Like other counties in the region, Santa Cruz County staff will, in some cases, need to make a judgement call to determine if a design meets the requirements to the greatest extent possible/practicable depending on the specific site conditions and potential threat to water quality.</p> | <p>Revisions were made to Appendix A, section 7.38.030 (H) to clarify the definition of a 'Drainageway' and also provides the characteristics of significant rain.</p> |
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| The summary of changes provided for the public outreach meeting that describes the changes from the first draft of the LAMP to the second draft of the LAMP is not clear about allowances for upgrades near a watercourse. | City of Santa Cruz Water Department | Standards are provided in Appendix A, section 7.38.150(B)(9). | None. |
| Properties in Santa Cruz county have many site-specific unique situations (e.g., slope, distance to surface or groundwater) that make replacing or upgrading existing OWTS systems. For repairs of existing OWTS systems located on these constrained parcels, the LAMP should provide additional design flexibility and allow deeper trenches 10 feet or more with 10 square foot/linear foot or more of infiltrative surface. | Gobler | There are many limitations to the repair and upgrade of existing systems, many of which occur on properties that could not meet current standards for conventional OWTS. The LAMP includes several allowances to facilitate repair of failing systems. Repairs on small parcels have the option of using a low flow system, enhanced treatment system, or nonconforming interim system. | None. |
| Please allow the implementation of LAMP standards prior to adoption of the LAMP so applicants do not need to go to Central Coast Water Board for a permit. | Gobler | The OWTS policy does not allow the County to implement the LAMP until the LAMP is approved by the Central Coast Water Board. | None. |
| The Santa Cruz LAMP should be unique and not tied to other LAMPS in Region 3 because of Santa Cruz County has unique limitations that are unlike other parts of the Region. | Gobler | Central Coast Water Board staff worked with the Santa Cruz County staff to ensure the LAMP was as protective of water quality as the other adopted LAMPs. The Santa Cruz County LAMP was tailored for Santa Cruz County and has many aspects that are different than the other approved LAMPs. The Staff Report describes some of the County-specific requirements of the LAMP. | None. |

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| The willingness of Santa Cruz County and the Central Coast Water Board to consider feedback from the first draft LAMP released last year and incorporate it into the June 2021 Draft LAMP is appreciated. The final documents will be protective of resources and public health, while providing needed flexibility in the field especially when replacing and upgrading existing septic systems. | Gobler | Comment noted. | None. |
| Can perc testing be done by the qualified professional without County oversight? | Gobler | Yes, percolation testing can be done by a qualified professional on a case-by-case basis with approval by the Santa Cruz County Environmental Health Division. | None. |
| The LAMP allows a system with enhanced treatment to have a smaller leachfield by allowing the calculated application rate to be doubled. The LAMP also allows a low-flow system to have a smaller leachfield because the design flow is less. Can a system be both low-flow, and have further reduction in size because it has enhanced treatment? | Gobler | No. Low flow systems with enhanced treatment would not be eligible to also double the application rate, and further reduce the size of the dispersal area. See LAMP Table 3-3. | None. |

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| <p>The LAMP, public presentation, and summary information was too detailed and confusing and the effect of LAMP changes is not clear.</p> | <p>Thryft</p> | <p>Santa Cruz County staff will continue to provide outreach and assistance to members of the public and technical service providers with their questions on the LAMP. Santa Cruz County staff are available to assist the public with their OWTS projects and to discuss specific site characteristics in relation to the LAMP requirements. After LAMP adoption, Santa Cruz County staff will continue to meet with the working group of qualified professionals, contractors, service providers, and realtors to discuss the specifics of LAMP implementation. Workshops with the general public will also be considered if there is interest and need.</p> | <p>None.</p> |
| <p>How will a homeowner know if some of the requirements of the LAMP apply to them and the cost impacts of specific site constraints? For example, if the site is on a 30% slope or not, and how do the changes in design flows and percolation rate nuances impact a specific site and potential costs for OWTS work?</p> | <p>Thryft</p> | <p>Designs for repairs, upgrades, and replacement OWTS systems require a qualified professional. Homeowners are directed to work with a qualified professional to determine site specific impacts associated with the selection of various design decisions to assist the homeowners in selecting a preferred option. In addition, Santa Cruz County staff are available to discuss details of specific sites and requirements with the public.</p> | <p>None.</p> |

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| <p>The LAMP will significantly increase OWTS costs for people in Santa Cruz County that cannot afford it. We've heard that enhanced treatment systems cost over \$70,000 and the maintenance costs is \$100,000 per year. This will force people out of the County. Provide a chart of homeowner costs as a result of the LAMP. Homeowners in Santa Barbara County can more easily afford strict requirements, and Santa Cruz should not be held to the same standards.</p> | <p>Winegarden/ Thryft</p> | <p>Santa Barbara County has been implementing their LAMP since 2015 and reported recently that typical cost to install an enhanced treatment system for a 3-4 bedroom residence in Santa Barbara County have remained steady at approximately \$30,000. Reported costs for enhanced treatments systems in Santa Cruz County have increased dramatically in the past several years. Santa Cruz County staff are currently working with service providers to assess the source of cost increases and to seek out additional technologies, providers, or other measures to reduce costs. Providers of OWTS maintenance contracts in Santa Cruz County report typically annual costs are approximately \$700 per year.</p> <p>Provisions are made in the LAMP for repairs in financial hardship situations declared by property owners. In such cases, a declaration on the property deed is required stating that the OWTS has been repaired in a non-conforming manner. The deed restriction will require the upgrading of the OWTS to conforming status at the time of property transfer. The County is also evaluating options to provide financial assistance.</p> | <p>None.</p> |
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| | | <p>A table of costs is challenging to do as there are many different factors and situations, and costs are dependent on each site-specific condition and the private sector market. Santa Cruz County staff are currently working on a chart of average costs as part of an effort to assess affordability that is being funded by a disadvantaged communities grant.</p> <p>All counties have homeowners that are financially challenged and having adequate sewage disposal is important. The State Water Board offers many forms of financial assistance for projects that protect water quality. Santa Cruz County is looking into these programs to assist homeowners financially to repair failing OWTS.</p> | |
| <p>Will the proposed continuation of the Boulder Creek Wastewater system up Highway 236 be affordable?</p> | <p>Thryft</p> | <p>Santa Cruz County reports that the proposed project is in the early design and feasibility assessment phase. Various construction techniques are being considered to potentially reduce cost. The County is also pursuing a number of opportunities for grant assistance.</p> | <p>None.</p> |

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| <p>Although we were being reassured throughout the public outreach webinar that various options exist for non-conforming systems when owners couldn't afford to replace them right away with Enhanced Treatment systems, I just can't believe that will really be true.</p> | <p>Thryft</p> | <p>Santa Cruz County already implements provisions to allow the use of non-conforming systems for repair of failures to protect water quality. This program will continue under the LAMP.</p> | <p>None.</p> |
| <p>I think this document and its approach is badly flawed and needs major revision.</p> | <p>Thryft</p> | <p>Significant work, review, and revision has gone into the LAMP over the last several years. The current LAMP proposed for approval reflects many significant revisions in response to comments throughout the process. For example, a draft LAMP was posted for a 30-day public comment in November 2020, and the LAMP was revised significantly in response to those comments. Updated standards are necessary to ensure water quality protection and to comply with the statewide OWTS Policy.</p> | <p>None.</p> |

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| <p>The public should have been notified about the drafting of the LAMP in 2019 or 2020.</p> | <p>Thryft/Winegar den</p> | <p>Santa Cruz County provided multiple opportunities for the public to learn about the proposed LAMP and to provide input on LAMP development over the last several years. This included Technical Advisory Committee (private professionals) meetings, Water Advisory Commission (public agencies) meetings, County Board of Supervisors meetings, meetings with realtors, issuance of a public notice in the local newspaper, and a public webinar.</p> <p>The draft LAMP was discussed at the following meetings:</p> <p><u>Onsite Sewage Disposal Technical Advisory Committee</u> (Meeting notice sent to broad list of consultants, contractors, service providers, realtors, and water agencies)</p> <ul style="list-style-type: none"> • January 31, 2018 • March 6, 2018 • November 7, 2019 • December 9, 2020 <p><u>Santa Cruz County's Water Advisory Commission</u> (Meeting notices are publicly posted, included in Board of Supervisors Agendas, and sent to a list of 40</p> | <p>None.</p> |
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| | | <p>members of the public and agency representatives interested in water issues.</p> <ul style="list-style-type: none"> • August 1, 2018 • December 4, 2019 • February 5, 2020 • August 5, 2020 • October 7, 2020 • December 16, 2020 • February 3, 2021 <p><u>Board of Supervisors Meetings</u> (Publicly noticed and covered in local papers)</p> <ul style="list-style-type: none"> • February 3, 2019 • March 9, 2021 <p>Article in Santa Cruz Mountains Bulletin, March 2019 (online and print newspaper) https://www.santacruzmountainbulletin.net/2019/03/04/septic-slowdown-until-september/</p> <p>There were also a number of outreach meetings to realtor groups done by Cheryl Wong and John Ricker, at least four per year between 2018-2020.</p> | |

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| Provide a strike-out version of changes that were made to the first draft LAMP. | Winegarden | Santa Cruz County staff provided a strike-out version on July 7, 2021, of the changes between the first draft LAMP and the final draft LAMP. Modifications were made in only Appendix A County Code Chapter 7.38. The strike-out version shows the current sewage disposal requirements in County Code Chapter 7.38 to what the changes will be under the proposed LAMP. Key changes were summarized and posted on the Santa Cruz County website | None. |
| I support a sewer for Boulder Creek and Highway 236 corridor. Maybe streets can be dug up at same time water lines are going in. | Huston | Comment noted. The County reports that consideration will be given to minimizing disruptive excavation, but it is not clear that this could be coordinated due to differences in timing and requirements for maintaining separation between sewer lines and drinking water lines. | None. |

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| Property owners that lost their homes in the CZU fire complex or other calamity should be exempt from the LAMP requirements | Steinbruner | There are special provisions for calamity rebuilds in Santa Cruz County Code Section 7.38.080(C), however, the system must meet or be upgraded to at least meet the OWTS repair standards. If somebody wants to significantly enlarge their home compared to the structure that was there prior to the fire, they must meet the OWTS upgrade requirements. If new structures are being built to meet current code, the sewage disposal system should also meet current code as needed for water quality protection. Residents report that many insurance policies will cover the cost of code upgrades, including the sewage disposal system. | None. |
| Enhanced treatment systems will reduce groundwater recharge and the impact of that should be evaluated through CEQA (California Environmental Quality Act) and SGMA (Sustainable Groundwater Management Act). | Steinbruner | Reduction in groundwater recharge is not expected due to installation of enhanced treatment because the enhanced treatment systems do not reduce volume of wastewater disposed of. Enhanced treatment systems are considered beneficial for groundwater recharge because the wastewater being disposed of is of a higher quality than with conventional OWTS systems. | None. |

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| Stream setback requirements limit repairs and new development, which is a taking. | Steinbruner | Stream setback limits on new development is already required by Santa Cruz County. There is a mechanism to perform repairs and upgrades for existing development with reduced stream setback using enhanced treatment. The enhanced treatment mitigates for the anticipated water quality impacts of placing OWTS near streams. | None. |

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| <p>What is process for application and appeal of decisions by Regional Board relating to groundwater separation less than 2 ft?</p> | <p>Steinbruner</p> | <p>The state OWTS policy prohibits any LAMP from authorizing OWTS where groundwater separation is less than 2 feet.</p> <p>A person may apply to the Central Coast Water Board for authorization of new, upgraded, or repaired onsite wastewater treatment systems that are not permittable under the Santa Cruz LAMP or local ordinances. Please contact the Central Coast Water Board at RB3-WDR@waterboards.ca.gov or (805) 549-3147 for more guidance on this process and please visit this website at https://www.waterboards.ca.gov/centralcoast/water_issues/programs/septics/permits.html</p> <p>If a permit for an OWTS is being sought from the Central Coast Water Board, and an application is submitted, any person who is aggrieved by an action, or a failure to act, on the application (e.g., issuance or denial of a permit) by the Central Coast Water Board may file a petition for review with the State Water Resources Control Board. For more guidance on this process, please visit this website at https://www.waterboards.ca.gov/public_notices/petitions/water_quality/wqpetition_instr.shtml</p> | <p>None.</p> |
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| Please provide a mechanism for shared community enhanced systems. | Steinbruner | Currently, community systems are allowed if the system is maintained by a public entity such as a Community Services Agency (CSA) with the Santa Cruz Department of Public Works. Communities interested in this type of system should work with Santa Cruz County on this option. | None. |
| What is the process to determine if a backhoe trench is required? Can it be appealed? | Steinbruner | LAMP Appendix F describes the specific conditions where backhoe trenching would not be required. Generally, this decision is made by Santa Cruz County staff. An appeal could be made to the County of Santa Cruz Program Manager or County of Santa Cruz Environmental Health Director. | None. |

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| <p>The LAMPs requirement that parcels must have a less than 30% slope for new development is a taking.</p> | <p>Steinbruner</p> | <p>Sloped lots provide significant challenges for successful OWTS installation and therefore many jurisdictions have limits on how steep the slope can be. The 30% limit is not new for Santa Cruz County. Current Santa Cruz County ordinance language prohibits installation of effluent leaching systems in or on slopes greater than 30%. The new language in the LAMP and proposed Santa Cruz County ordinance language is broader than the existing ordinance and allows for leachfields to be installed on slopes greater than 30% up to 50% if a slope stability report is prepared by a civil engineer or professional geologist and approved by the County geologist.</p> <p>Whether a regulation is a regulatory taking and deprives a landowner of all or part of the property's economically beneficial or productive use of land is a fact-specific inquiry, and the comment is too general to address whether a specific taking will occur as a result of the LAMP requirements. Nevertheless, given that limits on development of slopes 30% or more have been in place for many years and the LAMP provision is broader than the existing language, it is unlikely that the LAMP</p> | <p>None.</p> |
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| | | provisions effectuate a regulatory taking. | |
| Why does the LAMP not allow hand auger soil evaluation instead of backhoe excavation? | Steinbruner | Hand augering is allowed in specific circumstances but backhoe testing provides a much better assessment of soil conditions. | None. |
| System flow requirements in LAMP Appendix C from EPA are inconsistent. | Steinbruner | Recommendations came from EPA as a guideline. Alternative flow estimates are allowed under Santa Cruz County Ordinance Chapter 7.38.160(A) | Appendix C was revised to show alternative flows can be provided by qualified professional with justification. |
| <p>Biosphere Consulting provided a marked-up version of LAMP Appendix F, providing a number of suggested refinements of soil and percolation testing procedures, including:</p> <ul style="list-style-type: none"> • additional conditions under which a hand auger excavation could be done in lieu of a backhoe excavation; • minimum number and spacing of percolation test holes, and frequency of observation; and • guidelines for interpretation of percolation results and calculation of average percolation rates. | Biosphere | Santa Cruz County staff met with Biosphere Consulting staff and further discussed and refined their suggestions, which provide more specific guidance and clarity for percolation testing. | Appendix F was modified to provide more explicit guidance for soil evaluation and percolation testing. |