

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN FRANCISCO BAY REGION**

RESOLUTION 84-12

STATING THE POLICY OF THE SAN FRANCISCO BAY REGIONAL WATER QUALITY CONTROL BOARD RELATIVE TO WAIVING OF REPORTS OF WASTE DISCHARGE FROM INDIVIDUAL WASTEWATER TREATMENT AND DISPOSAL SYSTEMS REGULATED BY THE MARIN COUNTY DEPARTMENT OF HEALTH & HUMAN SERVICES

- I. WHEREAS, on July 18, 1978, the Regional Board adopted Resolution No. 78-14, "Policy on Discrete Sewage Facilities"; within Policy 1 of Resolution No. 78-14, the Board recognized the importance of local control of discrete sewerage systems under adequate regulation - which could be established by the the adoption of new or amendment of existing ordinances; on April 17, 1979, the Board also adopted Resolution No. 79-5, "Minimum Guidelines for the Control of Individual Wastewater Treatment and Disposal Systems", to provide quidelines which will be used along with the Discrete Sewerage Policy to judge the adequacy of local ordinances for the control of individual wastewater treatment and disposal systems, and;**
- II. WHEREAS, Section 13269 of the California Water Code provides that a Regional Board may waive the filing of reports of waste discharge for certain specific types of discharge where such waiver is not against the public interest, and;**
- III. WHEREAS, on August 14, 1984, the Marin County Board of Supervisors approved a new county Ordinance and supporting Regulations For Design, Construction and Repair of Individual Sewage Disposal Systems, and;**
- IV. WHEREAS, a staff review has been made of the Ordinance and Regulations governing installation and maintenance of individual sewage disposal systems in Marin County, utilizing the Board's Discrete Sewerage Policy and "Minimum Guidelines" as criteria; the review found the County's program and ordinances in compliance with the quidelines, and;**

V. WHEREAS,

- A. Marin County has an ordinance requiring that plans for individual wastewater treatment and disposal systems be approved by the County Health Officer before construction of such installations is permitted;**
- B. The cities and towns of Marin County have designated the County Health Officer as local health officer but have not adopted the county code relative to septic systems, primarily because these areas are served by public sewers. The County Health Officer functions only in an advisory capacity.**
- C. The City of Novato is the only jurisdiction currently permitting septic systems for new development under its own ordinance and regulations**
- D. The Stinson Beach County Water District has its own properly designated maintenance district for repair and monitoring of existing septic systems. All new systems in Stinson Beach require a permit from the Marin County Health Department.**
- E. Those portions of Sanitary Districts lying in unincorporated areas are automatically subject to the same ordinance; and**

VI. WHEREAS, this Regional Board, as part of its Policy on Discrete Sewerage Facilities prepared a negative declaration in accordance with the California Environmental Quality Act (Public Resources Code, Section 21000 et seq.) and the State Guidelines, and determined that there would be no substantial adverse change in the environmental as a result of the project, and;

VII. WHEREAS, on October 17, 1984, this Board held a public hearing and heard and considered all comments pertaining to this matter, and;

VIII. WHEREAS, this Regional Board has determined that there are no State mandated local costs under Section 2231 of the Revenue and Taxation Code as a result of the foregoing regulation because such regulation is not an executive regulation by virtue of Section 2209 of the Revenue and Taxation Code, now;

IX. THEREFORE BE IT RESOLVED, that this Regional Board, pursuant to Section 13269 of the California Water Code, hereby waives the reporting of discharges of sewage from individual dwellings in any area where the disposal of sewage is regulated by the Marin County Health Department by means of the recently adopted County Ordinance and supporting Regulations and that this waiver is subject to the following conditions:

A. The sewage is to be disposed of entirely in subsurface leaching systems approved by the County Health Officer and complying with this Board's Resolution No. 81;

B. "Individual dwelling" for the purpose of this resolution, includes restroom and kitchen facilities serving:

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| 1. Restaurants | 6. Trailer camps |
| 2. Service stations | 7. Motels |
| 3. Stores | 8. Apartments |
| 4. Offices | 9. Schools |
| 5. Beaches & Parks | 10. Churches; |

C. The sewage does not contain any industrial waste; the discharge of sewage or industrial waste from any industrial site will require filing of a report of waste discharge with the Regional Board.

D. That no disposal facilities shall be permitted where the County, City or District has adopted an ordinance compelling sewer connection and the public sewer is available in accordance with the terms of the ordinance or where extension of public sewer to the proposed disposal facilities within the sphere of influence area of the local public jurisdiction is feasible as determined by the County Health Officer in accordance with a procedure jointly developed by the County, City or Special District presently providing sewerage service and Local Agency Formation Commission.

- E. That the County Health Officer advise the Regional Board at the earliest possible date of all proposals to use septic tanks and drainfield systems in new subdivisions for the disposal of sewage.**
- F. That the County Health Officer advise the Regional Board in a timely manner of any intended approvals of variances to the County Code and Regulations, or of any action before the County, City or District legislative or planning bodies to appeal the denial of an individual wastewater treatment and disposal system permit or any proposal to amend the provisions of the County Ordinances and regulations pertaining to such systems. The Board reserves the right to request a report of waste discharge for systems for which the County proposes to grant variances to its ordinances and regulations.**
- G. That the County Health Officer, acting as either County or Local Health Officer, advise the Regional Board of any new lot creations approved by County or Local Planning Commissions, which is contrary to the recommendation of the Health Officer.**
- H. That this waiver does not apply whenever the County Health Officer believes that a report of waste discharge should be filed with the Regional Board.**
- I. That this waiver shall be conditional and may be terminated at any time by the Board.**

I, Roger B. James, Executive Officer, do hereby certify the foregoing is a full, true, and correct copy of a Resolution adopted by the California Regional Water Quality Control Board, San Francisco Bay Region, on October 17, 1984.

**ROGER B. JAMES
Executive Officer**