

STATE OF CALIFORNIA
REGIONAL WATER QUALITY CONTROL BOARD
SAN FRANCISCO BAY REGION

STAFF SUMMARY REPORT (Blair Allen)
MEETING DATE: November 12, 2014

ITEM: 6A

SUBJECT: **Process for Review and Approval of Local Agency Management Programs under the Onsite Wastewater Treatment Systems Policy – Information Item**

CHRONOLOGY: The Board has not considered this item before.

DISCUSSION: This item describes Board staff's approach to facilitating local oversight of Onsite Wastewater Treatment Systems (OWTS) in a manner consistent with the State Board's *Water Quality Control Policy for Siting, Design, Operation, and Maintenance of Onsite Wastewater Treatment Systems*, more commonly called the OWTS Policy. OWTS are used to treat and dispose of sanitary waste from individual homes and other buildings when a property is not connected to a community wastewater collection and treatment system. Despite the largely urban image of the San Francisco Bay Region, we have an estimated 100,000 individual OWTS around the region. Historically, OWTS have been regulated at the local level, primarily by county governments through environmental health, building, and/or planning department permit processes.

OWTS Policy

The OWTS Policy, as adopted by the State Board in June 2012 and effective May 13, 2013, includes several paths for local agencies to regulate OWTS. One path is to follow a set of basic prescriptive requirements for siting, design, and operation of OWTS, similar to those found in many county codes. This path, also called Tier 1, is suitable for conventional OWTS, commonly called septic tank and leachfield systems. In brief, a conventional OWTS is the settling and separation of wastewater solids in an onsite watertight tank, followed by the distribution of the clarified wastewater into the soil, typically through perforated pipe installed below ground within an array of gravel-filled long narrow trenches.

LAMP Process

Another path, called Tier 2 or the Local Agency Management Program process, allows a local agency to propose its own customized OWTS regulatory program. This path accommodates existing and future county programs that allow for a wider variety of OWTS design, construction, and operation options, including supplemental advanced treatment and or engineered site-specific distribution systems. The core of this path is a programmatic document called the Local Agency Management Program or LAMP.

The overall concept of the LAMP is that a county prepares and provides a complete description of its plans, policies, codes, regulations, permitting, and

followup processes for managing OWTS in its jurisdiction. Each LAMP will thus include both technical criteria for siting, design, and construction of systems and regulatory protocols for permits, investigations, monitoring, inspection, and reporting practices. The OWTS Policy mandates that a LAMP address certain topics and recommends that it address others. The LAMP must also comply with the Water Board's Basin Plan.

LAMP Review and Approval – Regionwide Perspective

The OWTS Policy requires that each LAMP be reviewed and approved by a Water Board. The San Francisco Bay Region encompasses nine counties, each of which—with the exception of San Francisco—currently has OWTS programs. All eight counties with OWTS programs plan to follow the OWTS Policy's Tier 2 pathway and submit a LAMP to us for approval.

The OWTS Policy allocates to specific Water Boards the review and approval responsibility for those counties that span multiple regions. The San Francisco Bay Regional Water Board is responsible for six counties: Marin, Napa, Contra Costa, Alameda, Santa Clara, and San Mateo. Sonoma County will submit a LAMP to the North Coast Regional Water Board, and Solano County will submit a LAMP to the Central Valley Regional Water Board. We will have an opportunity to consult with our neighboring Boards prior to their approval of these LAMPs and will likewise consult with the Central Coast Regional Water Board prior to approval of the Santa Clara County LAMP and the Central Valley Regional Water Board prior to approval of the Napa and Contra Costa County LAMPs.

The OWTS Policy establishes a May 2016 due date for the submittal of all LAMPs. The OWTS Policy includes time schedule elements after LAMP submittal, including that a Water Board shall review and act on a submitted LAMP within 12 months. The Policy also requires that the process include a noticed hearing with the opportunity for public comment. The OWTS Policy leaves flexibility for the Water Boards to determine specific protocols for review and approval.

Review and Approval Process for Individual LAMPs

For the San Francisco Bay Region, the following is an outline of the review and approval process Board staff plans to follow. In brief, the process will include the following steps:

1. The local agency develops a draft LAMP.
2. The local agency holds a public hearing on the LAMP to solicit and respond to comments. This hearing may be conducted as a joint local agency/Water Board Executive Officer hearing.
3. The local agency submits its LAMP to the Water Board along with documentation of the public hearing it held, responses to any concerns raised, and an interested parties list.
4. Board staff reviews the LAMP in coordination with neighboring Water Boards and the State Water Board's Division of Drinking Water and

recommends approval of the LAMP once it is complete.

5. Within nine months of the submittal of a complete LAMP, staff will publicly notice a Memorandum of Recommended LAMP Approval for 21 days. Interested parties may request a hearing on the matter. If so requested, the Executive Officer will conduct a hearing prior to considering LAMP approval or recommend an approval hearing before the Board.
6. For LAMPs approved at the Executive Officer level, the Board will be informed of LAMP approvals via the monthly Executive Officer's Report.

In reviewing LAMPs for approval, Water Board staff will consider the following:

1. Compliance with the OWTS Policy;
2. Compliance with the Basin Plan;
3. Regulatory program appropriateness;
4. Adequate and reliable technical criteria and procedures for siting, design, installation, and operation of OWTS; and,
5. Protocol for consideration of groundwater quality and potential impacts, including cumulative impacts of multiple sources in areas of particular groundwater sensitivity.

Anticipated Schedule

Santa Clara County formally submitted a LAMP on September 10, 2014. This is the first of six LAMPs that our Board is responsible to review and approve.

With respect to the other LAMPs that we will need to review, most of the local agencies in our region anticipate formal submittals in early 2016, except Alameda County, which projects to submit a LAMP in the first half of 2015. We will keep the Board informed of LAMPs as they are submitted and, as noted, approved at the Executive Officer level.

RECOMMEN- DATION:

This item is for information only – no action is necessary.

APPENDICES:

none