



Fact Sheet

Accessory Dwelling Unit Permitting Guidelines Onsite Wastewater Treatment Systems Policy (OWTS Policy)

This fact sheet addresses permitting guidelines for accessory dwelling units (ADUs) under the Water Quality Control Policy for Siting, Design, Operation and Maintenance of Onsite Wastewater Treatment Systems (OWTS Policy). The State Water Resources Control Board (State Water Board) adopted the OWTS Policy in June 2012. The OWTS Policy authorizes local agencies (e.g., county environmental health departments) to issue OWTS permits. Local agency permitting activities must be consistent with the requirements of the OWTS Policy. Proposed ADUs should be evaluated as described below; local agencies should refer questions about permitting ADUs to Regional Water Quality Control Board (Regional Water Board) staff as needed. Additional evaluation is necessary because ADUs added to an existing development changes the initial analysis of the threat to water quality performed by the Regional Water Board.

ADUs may be attached to an existing structure, or constructed as separate buildings on an existing subdivided lot. ADUs are also known as in-law units, backyard cottages, etc. The California Department of Housing and Community Development has promoted ADUs as an affordable housing option (see: <http://hcd.ca.gov/policy-research/AccessoryDwellingUnits.shtml>). For ADUs served by an OWTS (e.g., septic system), approval from the local health officer is required (Government Code 65852.2(a)(1)(D)(ix)). Local health officers must implement the requirements of the OWTS Policy when considering approval of an ADU. Additional OWTS Policy information is available at: https://www.waterboards.ca.gov/water_issues/programs/owts/

Local Agency Permitting of ADUs

Local agencies have some discretion in how they implement the OWTS Policy. They may:

- Implement the OWTS Policy default permitting program (Tier 1). Local agencies implementing Tier 1 permitting programs should refer all ADU proposals to the Regional Water Board for evaluation and permitting as appropriate.
- Implement a Regional Water Board approved local agency management program (LAMP) (Tier 2). Local agencies implementing a Tier 2 permitting program may permit ADUs consistent with the LAMP; if a LAMP does not address ADUs, then local agencies should refer all ADU proposals to the Regional Water Board for evaluation and permitting as appropriate.
- Implement a program associated with an OWTS Policy Attachment 2 listed impaired surface water body (Tier 3). An OWTS located in the geographic area associated with an impaired surface water body is subject to additional treatment, monitoring, and oversight requirements. Local agencies implementing Tier 3 permitting programs can either implement the OWTS Policy Tier 3 default permitting requirements, a Regional Water Board approved advanced protection management program (APMP), or an approved total maximum daily load (TMDL) implementation program. Local agencies implementing an APMP or TMDL program may permit ADUs consistent with the program requirements. If an APMP or TMDL does not address ADUs, or if the local agency is implementing the default Tier 3 permitting requirements, then local agencies should refer all ADU proposals to the Regional Water Board for evaluation and permitting as appropriate.

For more information please contact:

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