



Fact Sheet

STATE WATER RESOURCES CONTROL BOARD | 1001 I Street, Sacramento, CA 95814 | Mailing Address: P. O. Box 100, Sacramento, CA 95812-0100 | www.waterboards.ca.gov

Septic Systems Focus of Proposed New Statewide Policy

Latest policy effort follows two rounds of public workshops, review and feedback to ensure that surface waters and groundwater used for drinking is safe for consumption.

Overview

The State Water Resources Control Board (State Water Board) is drafting a new policy to meet the legal mandate that requires the State Water Board to develop statewide regulations or standards for septic systems. This proposed policy was rewritten in response to public comments made regarding the prior proposed regulation. This overview is to explain what the proposed policy is expected to require of owners of small, domestic septic systems and other types of onsite wastewater treatment systems that fall under the proposed policy.

In this and all documents related to the State Water Board's proposed policy, the term *Onsite Wastewater Treatment System(s) (OWTS)* is used. (OWTS are commonly referred to as septic systems or septic tanks, however other types of onsite wastewater treatment systems are occasionally used and covered by this proposed Policy.)

How Does the New Proposed Policy Affect Septic Tank Owners?

More than 95 percent of current OWTS owners that are covered by the policy are expected to experience little or no change in the manner in which their systems are regulated. If an individual OWTS is currently in good operating condition, and it is not near a stream, river, or lake that the State has identified as polluted with bacteria and/or nitrogen-related compounds – then this proposed policy would have little or no effect on that property owner. It is estimated the proposed policy will affect less than five percent of existing OWTS.

Who Will Be Affected By the Proposed Policy?

Owners of existing septic systems adjacent to an impaired surface water body, someone installing a new or replacement OWTS, and owners of an existing system that has failed.

Each state is required by federal law to routinely assess the quality of its surface waters to determine if they support the beneficial uses designated for the waters. Common beneficial uses for surface water include drinking water, support of aquatic life, and recreational contact-sports such as swimming. Owners of OWTS that are located adjacent to a surface waterbody that exceeds water quality standards for bacteria or nitrogen compounds, such as nitrates, may have to retrofit the septic system with supplemental treatment. Maps of water bodies impaired by bacteria (pathogens) or nitrogen compounds (nutrients) can be viewed on the State Water Board's website at:

http://www.waterboards.ca.gov/water_issues/programs/tmdl/integrated2010.shtml .

[Go to the tab marked "Map" and then select the type of pollutant to view.]

How is this Proposed Policy Different from the Draft Regulations Released in 2008?

This proposed policy takes a very different approach than the draft State Water Board regulations circulated for public review and comment in 2008. In 2008 and 2009, staff from the State Water Board conducted 14 stakeholder meetings around the state to gather comments on the draft regulations

released in 2008. Based on the extensive comments received at those meetings, the proposed policy takes a risk-based approach, addressing only those systems that threaten water sources serving the general public.

The new proposed policy approach now relies extensively on local county and city programs – as is currently the practice – to regulate OWTS. The proposed policy will reflect the comments of property owners, those who depend on septic tanks, and others concerned about the impact that improperly operating septic tanks pose to public health and water quality.

Why a Policy for Onsite Wastewater Treatment Systems (Septic Systems)?

In 2000, the California Legislature passed Assembly Bill 885 (Water Code § 13290) that requires the State Water Board to adopt regulations or standards for the permitting and operation of OWTS. A water quality control policy (Policy) adopted by the State Water Board contains standards, and is the equivalent of regulations.

Why is this Proposed Policy Needed?

In addition to the statutory requirement for the State Water Board to adopt regulations or standards, OWTS that do not function properly threaten both public health and the environment. The Water Code generally requires regulation of discharges of waste that affect or threaten to affect surface water or groundwater quality. OWTS not properly sited, built, or maintained can pollute groundwater and surface water, and pose a direct threat to public health due to the release of bacteria. OWTS can release soluble inorganic materials, such as nitrogen compounds, which are resistant to degradation that can pollute both groundwater and surface waters.

Public Process

The State Water Board follows a strict, legally mandated process when adopting any proposed regulation or policy. There will be multiple opportunities for public comment and discussion. Water Board members consider items for adoption at publicly-noticed (and open to the general public) hearings and meetings. A general schedule that outlines the public process for this proposed policy is located on the OWTS website listed below.

How to Stay Informed

The goal, for those who think they might be affected, is to both **stay informed** and **participate**. The State Water Board has created a website where you can find the most current information regarding development of the new proposed policy:

http://www.waterboards.ca.gov/water_issues/programs/owts/

In addition, you can subscribe to our e-mail list by using the following link:

http://www.waterboards.ca.gov/resources/email_subscriptions/swrcb_subscribe.shtml

Navigate to Water Quality topics and then subscribe to it by putting a “check” in the box:

Onsite Wastewater Treatment Systems (OWTS)-Septic Systems

All publicly-released documents, opportunities to comment, as well as meeting notices are distributed via this list by e-mail notifications.