



BOARD OF SUPERVISORS  
AGENDA LETTER

Agenda Number:

Clerk of the Board of Supervisors  
105 E. Anapamu Street, Suite 407  
Santa Barbara, CA 93101  
(805) 568-2240

**Department Name:** Public Health  
**Department No.:** 041  
**For Agenda Of:** August 25, 2015  
**Placement:** Set Hearing on August 25, 2015 for D item on September 1, 2015  
**Estimated Tme:** 30 minutes on September 1, 2015  
**Continued Item:** No  
**If Yes, date from:**  
**Vote Required:** Majority

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**TO:** Board of Supervisors  
**FROM:** Department Takashi M. Wada, MD, MPH, Director  
Director Public Health Department  
Contact Info: Lawrence Fay, Jr., Environmental Health Director (346-8463)  
**SUBJECT:** Update to Local Agency Management Program (LAMP)

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**County Counsel Concurrence**

As to form: Yes

**Auditor-Controller Concurrence**

As to form: N/A

**Other Concurrence:** N/A

**Recommended Actions:**

That the Board of Supervisors consider the following recommendations:

Set a public hearing on the Departmental Agenda of September 1, 2015 to consider recommendations regarding updates to the Local Agency Management Program, as follows:

- a) Accept and approve the most recent version of the Environmental Health Service's "Local Agency Management Program" (LAMP) (Attachment B) for onsite wastewater treatment systems that incorporates revisions recommended by the Central Coast Regional Water Quality Control Board and direct the Environmental Health Services Director to submit the LAMP to the Regional Water Quality Control Board for approval.
- b) Find that the actions of receiving this update of the LAMP is exempt from California Environmental Quality Act (CEQA) review pursuant to CEQA Guidelines section 15307 and 15308 because these actions are for the protection of natural resources and the environment, and direct staff to file a Notice of Exemption (Attachment D).

**Summary Text:**

On January 6, 2015, your Board formally approved and accepted the Environmental Health Services' (EHS) Local Agency Management Program (LAMP) for onsite wastewater treatment systems (OWTS)

and adopted an ordinance establishing regulations for these systems within the County Code. Although effective upon approval by your Board, implementation of the ordinance was dependent upon approval of the LAMP by the Central Coast Regional Water Quality Control Board (Water Board).

The LAMP was officially submitted to the Water Board for their review on January 12, 2015. Staff at the Water Board have completed their review and subsequently requested revisions to the text that was approved by your Board.

**Background:**

AB 885 (adopted in 2000) directed the State Water Resources Control Board (State Water Board) in consultation with other interested parties, to develop and adopt regulations and standards for the permitting and operation of onsite wastewater treatment systems. In 2012, pursuant to AB 885, the State Water Board adopted the Water Quality Control Policy for the Siting, Design, Operation and Maintenance of Onsite Wastewater Treatment Systems (OWTS Policy). The OWTS Policy set base standards and requirements for OWTS. Local jurisdictions may adopt standards that are different from those contained in the OWTS Policy by developing a LAMP. LAMP standards must provide the equivalent level of public health and water quality protection as the default state standards. The establishment of a LAMP enables the County to address conditions specific to Santa Barbara County.

In accordance with the OWTS Policy, EHS wrote a LAMP after soliciting and receiving substantial stakeholder input. The “final” draft was approved by your Board during the January 6, 2015 hearing. The associated ordinance was adopted on January 6, 2015 and became effective on February 6, 2015 with the stipulation that it would “...become operative and be in full force upon approval of the Local Agency Management Program by the Central Coast Regional Water Quality Control Board or the State Water Resources Control Board.” (Ordinance Number 4909, Section 5: Concerning Adoption of Ordinance).

The LAMP was officially submitted to the Water Board on January 12, 2015. At the conclusion of their review, Water Board staff requested clarifications and revisions to several sections of the LAMP. The significant changes are outlined below with actual changes identified in Attachment A, “LAMP with track changes”. Additionally, although some changes were initially recommended for the Ordinance, the Water Board, in mutual agreement with EHS, agreed to forego any changes to the Ordinance at this time.

**Overview of Changes to LAMP:**

The 2003 Sanitary Survey listed a number of areas within the County as focus areas because of the high density of OWTS in use in the area and/or because the physical conditions present rendered the area not particularly suitable for the use of OWTS. The Water Board repeatedly commented that the LAMP did not propose special requirements for OWTS in the focus areas, particularly for Los Olivos and Janin Acres. Consequently, wording was added stating that if the Water Board made a finding that a water body, including groundwater, was negatively impacted by the use of OWTS, the enhanced requirements specified in the OWTS Policy would be implemented. Or as allowed by the Policy, in lieu of those enhanced requirements, EHS would work in conjunction with the Water Board to develop a management plan specifically for that defined area.

After review and internal discussion, the Water Board proposed revising this section. While the proposed revision is much more expansive than the original wording, EHS does not consider it a significant change as it simply lists what such an enhanced management plan might contain in order to be approved by the Water Board. These changes are found in Section V, pages 40 – 41 of the LAMP.

The OWTS Policy requires an assessment plan to determine if the LAMP is attaining its objective of protecting water quality and it listed a variety of sources that could be used to obtain data for the assessment plan. Accordingly, EHS proposed to use the water quality monitoring data submitted by selected public water systems for this element of the LAMP. At the behest of the Water Board, wording was added to Section III, page 26 that states the County will use data from available sources consistent with the State OWTS Policy.

The OWTS Policy requires submittal of an annual report listing permit activities and complaints. In addition, every 5 years, the annual report is to include an evaluation of the water quality monitoring program. Internally, EHS acknowledged the requirement for these reports and was committed to meeting that obligation but had failed to make such a statement in the LAMP. Consequently, wording was added explicitly saying that annual reports would be submitted in a format acceptable to the Water Board in Section XI, page 57.

Finally, the Water Board developed a Checklist to assist them in determining whether the LAMP included all of the elements contained in the State OWTS Policy. The Checklist has been included as Appendix 8 (pages 149-152) and acts as a cross reference between the State OWTS Policy, the LAMP and County Code.

**Fiscal and Facilities Impacts:**

Budgeted: N/A

**Fiscal Analysis:**

There is no fiscal impact associated with the LAMP or ordinance recommendations. The current Environmental Health fee structure for OWTS is consistent with many of the outlined changes. Thus, there will be no immediate changes to fees as a result of approving the recommendations. The Liquid Waste program fees, which include the OWTS, will be re-evaluated when EHS undertakes its regular review of all program fees. At that time, it is anticipated that one new OWTS category may be calculated and added to the Liquid Waste program fee schedule: a renewable operating permit for supplemental treatment.

**Staffing Impacts:**

There is no increase or decrease in staff associated with this Recommendation.

**Special Instructions:**

Please send an electronic copy of the minute order to: [phdcu@sbcphd.org](mailto:phdcu@sbcphd.org).

**Attachments:**

- Attachment A – LAMP with tracked changes
- Attachment B – LAMP Final Version
- Attachment C – Letter from Water Board
- Attachment D – Notice of CEQA Exemption
- Attachment E – LAMP Presentation

Subject: LAMP Update with Recommended Changes from Water Board.  
Agenda Date: Set Hearing on August 25, 2015; Department Item on September 1, 2015  
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**Authored by:**

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