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Monday, November 3, 2014

Board of Supervisors
 County of Santa Barbara
 105 E. Anapamu St.
 Santa Barbara, CA 93101

Re: November 4, 2014 Agenda Item #7: Santa Barbara County draft Local Agency Management Program (LAMP) for the Management of Onsite Wastewater Treatment Systems (OWTS)

Dear Chair Lavagnino & Honorable Members of the Board:

On August 1, 2014, the Regional Water Quality Control Board (RWQCB) met in Santa Barbara, and at this hearing Heal the Ocean aired our concerns about the Local Area Management Program (LAMP) for the regulation of septic systems in Santa Barbara County.

The LAMP as written does not help Santa Barbara County get at existing septic systems that are polluting groundwater and surface water.

At that Regional Board hearing, members of the RWQCB agreed with us, and recommended that the Regional Board convene in the immediate future to consider the following:

- 1) Timeline for addressing problematic areas (RWQCB Board members Young, Jordan, Vice-Chair Hunter, and Chair Wolff);
- 2) Point of Sale: (RWQCB Board members Delgado, and Chair Wolff);
- 3) Establishment of inspection/maintenance programs: RWQCB Board members Delgado, and Chairman Wolff (who noted some counties have ordinances for such programs).

And all Board members agreed that a low interest loan program should be established for septic system upgrade.

At the August 1, 2014 hearing, the Regional Board concluded by deciding to hold a workshop to identify a framework for addressing problematic areas of septic systems in Santa Barbara County. (Minutes of the August 1, 2014 RWQCB hearing are attached, that shows its intent.)

For ease in locating the specific words from those minutes, here is the direct quote (emphasis ours):

"...Water Board members provided initial feedback for Santa Barbara County staff, the development of the LAMP, the process, and expectations. More specifically, the Water Board requested that the LAMP contain a discussion of focus/problematic areas (areas identified to have existing system with less than favorable conditions) and establish timelines in an effort to address potential or exiting water quality concerns. Further, the Water Board expressed that funding for such improvement should also be addressed. Chair Wolff expressed that the definition of a failed system should incorporate significant contributions to groundwater impacts and could be identified by further monitoring or the use of existing groundwater monitoring data.

Members of the public provided comment on the County's draft LAMP asking the County to consider existing problem areas and the County strategic approach to address the areas, which would include funding for system repairs. Additional discussion between the Water Board members and staff continued. Santa Barbara County staff concluded by explaining that the draft LAMP is still in the process of development and that the requests and expectations from the Water Board will be considered. Finally, Mr. Harris suggested that a LAMP workshop be provided to the Water Board members. Water Board staff would invite all local agencies to the workshop for the opportunity to review draft LAMPS and discuss basic expectations for LAMPS. This workshop would be conducted in late 2014..."

Because of Regional Board concerns stated at this hearing, recorded in the above-mentioned Minutes, HTO does not agree with the statement in your Staff report for today's agenda item on this issue that states: "***Most of the comments received were editorial in nature or sought clarification of certain sections of the document. Overall the CCWB was 'very pleased' with the document...***" (Emphasis ours.)

This statement flies in the face of what members of the Regional Board said at its August 1, 2014 hearing.

The Regional Board WILL have some sort of particular discussion on the Santa Barbara County LAMP, and Heal the Ocean intends to urge the RWQCB to follow through on its intent to conduct a critical review of the Santa Barbara County LAMP!

HTO is certain the Regional Board welcomes the input of the County Board of Supervisors on the draft LAMP, and likewise, HTO is most interested in the Supervisors' opinion, given that most all of the Supervisors know all the troubles Heal the Ocean went through to get the Rincon septic-to-sewer project built. In any case, the Regional Board will have the final say on the LAMP, and it is our hope that the decisions made today by the Board of Supervisors jibe with the concerns of the Regional Board.

We respectfully request the Board of Supervisors to require EHS Staff to work with the Regional Board to address the following issues:

1. Management and Inspection of Systems in Problematic Areas

The LAMP, as written, is built around a voluntary inspection/maintenance program, with no requirements for inspection/upgrade unless there is a reported system failure or addition/remodel to a home. At minimum, the County should require inspections in areas that have been identified as most problematic for septic systems due to various constraints.

2. Point of Sale Inspection

The easiest mechanism for septic system inspection is when a house sells. This is when a list of contingencies are examined, including roof, termites, etc., and it is when there is "money on the table" for the fixing of problems. Therefore, HTO recommends a "point of sale" inspection requirement for septic systems, as many California communities have implemented.

3. Septage Tracking System

Proper handling and disposal of the "septage" pumped from septic systems during regular inspections is crucial to an effective management program. The LAMP's Septage Management section should also include provisions for a reporting and tracking system for septage disposal to complement the existing registration system for septage pumpers. A tracking and reporting program will protect against improper disposal of septage via storm drain or other modes and further prevent contamination of the environment.

4. Low Interest Loan Financing

Heal the Ocean is committed to working with County Environmental Health to institute an effective Low Interest Loan Financing Program that can help property owners finance repair or replacement of faulty septic systems.

Concluding Remarks:

Heal the Ocean participated in the Sacramento workshops that crafted AB 885, which established Septic System regulations for the State of California. The process which started after the bill was written in 2000, was contentious and broke down repeatedly. The final round, encouraged by a "friendly lawsuit" filed by Heal the Ocean and Heal the Bay, Santa Monica against the State Water Resources Control Board, and was "friendly" in that both of our organizations wanted to get AB 885 into law.

In Sacramento, every participant, had to undergo *much* compromise to get AB 885 finalized, and HTO encouraged Heal the Bay to drop our lawsuit, by promoting the idea that our concerns could be better tailored to the needs of each County in individual LAMPS as set up in the Tier 2 section of AB 885.

Therefore, HTO was rather frustrated during the year we participated as a stakeholder in the SB County EHS Technical Advisory Committee (TAC) to craft the LAMP for Santa Barbara County, because we are not satisfied that the LAMP in its current form will get at septic system pollution problems in Santa Barbara County.

And now we wonder whether or not we should have led a compromise, and encouraged Heal the Bay that we drop the lawsuit to toughen the language of AB 885. We explained to EHS Director Larry Fay, and his staff, that after a year of the TAC process, we were not happy with the LAMP, and it is our understanding that Mr. Fay has advised each County Supervisor that this is the case.

The Rincon septic-to-sewer project is now finished – after 15 years of wrangling through the courts and through the political and permitting processes, and with legal bills in excess of \$300,000. There was nothing out there to help us, like a strong LAMP, to keep the few dissident homeowners from suing again and again. Now, with the Draft LAMP, a homeowner has to request a remodel, or there has to be a *reported* failure, for a polluting septic system to be addressed. These are the only triggers that would instigate corrective action or even an inspection.

This is unacceptable.

HTO has been working, along with EHS with the downtown area of Los Olivos, which is on septic systems that have been identified as contributing nitrates to groundwater – and there is nothing in this LAMP (short of a remodel or reported failure) that compels these property owners to install advanced systems, or hook to sewer, or do anything about their situation – even though EHS and HTO together have been working to help them receive as much as \$2 million in State grant funding to get the downtown upgraded.

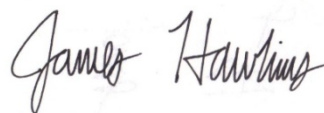
This is also unacceptable.

Please consider our request for your Board to direct EHS Staff to work with the Regional Water Quality Control Board on incorporating their concerns aired during the August 1, 2014 meeting, and to come back to you with another draft in 2015.

Sincerely,



Hillary Hauser, Executive Director



James Hawkins, Policy Analyst

Central Coast Regional Water Quality Control Board

MEETING MINUTES

**Central Coast Regional Water Board
REGULAR MEETING**

**Thursday, July 31, 2014, 8:30 a.m. - 5:00 p.m.
Friday, August 1, 2014, 9:00 a.m. - 5:00 p.m.**

**Santa Barbara County Offices
Supervisors' Board Hearing Room – 4th floor
105 East Anapamu Street, Santa Barbara**

Chair Dr. Jean-Pierre Wolff called the meeting to order on July 31, 2014, at 8:30 a.m.

Board Business

1. Roll Call

Tammie Olson, Clerk to the Board

Water Board Members Present:

Jean-Pierre Wolff, Chair, Monica Hunter, Vice Chair, Bruce Delgado, Russell Jeffries, Michael Johnston, Michael Jordan, and Jeffrey Young.

2. Introductions:

Kenneth A. Harris Jr., Executive Officer

Mr. Harris introduced Jessica Jahr, Board Counsel, and Michael Thomas, Assistant Executive Officer.

3. Approval of May 22, 2014 Meeting Minutes

Motion: Water Board Member Jeffries moved to approve

Second: Water Board Member Hunter

Carried: (7-0) Unanimous

Correction: Mr. Young – Reports by Boards Members – Mr. Young met with the growers and shippers on May 5th.

Motion: Water Board Member Jeffries moved to approve the corrected minutes

Second: Water Board Member Hunter

Carried: (7-0) Unanimous

4. Report by Regional Water Board Members

- Water Board Member **Bruce Delgado**: On July 7, 2014, met with Perry Klassen and Abbie Silvia Taylor regarding the Central Coast Ground Water Coalition concerns about agenda item 13.

- Water Board Member **Michael Jordan**: On July 30, 2014, met with Perry Klassen of the Central Coast Ground Water Coalition and the members of the Grower Shipper Association.
- Water Board Vice Chair **Monica Hunter**: On July 30, 2014, met with Perry Klassen of the Central Coast Ground Water Coalition and members of the Grower Shipper Association. Dr. Hunter also gave a brief report on the committee for Environmental Justice for Safe Drinking Water.
- Water Board Member **Jeffrey Young**: Nothing to report at this time.
- Water Board Member **Michael Johnston**: On July 30, 2014, met with Perry Klassen of the Central Coast Ground Water Coalition and members of the Grower Shipper Association. On July 22, 2014, attended a Stakeholder meeting in Watsonville to start the TMDL process for nutrients and toxic algae at Pinto Lake.
- Water Board Member **Russell Jeffries**: On June 30, 2014, met with Grower-Shipper Association.
- Water Board Chairman **Jean-Pierre Wolff**: Met with the Ground Water Coalition on June, 23, 2014. In June and July he met with the Central Coast Salmon Enhancement to discuss various projects. He went to a meeting sponsored by the Country Board of Supervisors to try to help mitigate the problems of the Paso water basin with the San Luis Obispo County Agriculture Advisory Board. He met with some stakeholders of the Paso Robles groundwater coalition. He had a meeting with the Coastal San Luis San Luis Resources Conservation district.

5. Report by State Water Resources Control Board Liaison

Steve Moore gave an overview of several recent State Water Board actions, focusing on drought related activities.

6. Drought Conditions Update by Regional Liaison to Water Rights Division [Lisa McCann 805/549-3132] Ken Harris, Executive Officer, gave a summary of drought related activities in the Central Coast Region.
7. Meet and Greet Southern California Section Chief, Division of Drinking Water [Kurt Souza 805/566-4745] Kurt Souza gave an overview of the Division of Drinking Water.

8. Uncontested Items

9. Reissue Waste Discharge Requirements for Class I Waste Water Surface Impoundments and Renewal of Exemption to the Toxic Pits Cleanup Act
Dynergy Moss Landing LLC, Moss Landing Power Plant, Moss Landing, Monterey County [David Schwartzbart 805/542-4643; David.Schwartzbart@Waterboards.ca.gov]

There was no discussion

Motion: Water Board Member Jeffries moved to approve all uncontested items
Second: Water Board Member Delgado
Carried: (7-0) Unanimous

Discussion/Informational Items

10. ~~TMDL Program Update~~ This item was not heard due to limited time.

[Chris Rose, 805/542-4770, Chris.Rose@waterboards.ca.gov]

11. CCAMP-Groundwater Assessment and Protection (GAP) Update and Summary of Groundwater Basin Data with Respect to Nitrate

[Matthew Keeling 805/549-3685; Matt.Keeling@Waterboards.ca.gov]

Matthew Keeling, Water Resources Control Engineer, presented an overview and summary of the groundwater and drinking water nitrate data from the Item No. 11 staff report, and responded to several general questions from various Board members about the data and follow-up actions. Claire Wineman, with the Grower Shipper Association of Santa Barbara County, provided public comments associated with the agricultural communities commitment to address the nitrate problem and concerns over how the nitrate non-detect data were evaluated. Board members Jeff Young and Mike Johnston suggested that staff provide the nitrate drinking water information to county health officials and follow-up with periodic updates in an effort to get the counties to act on the public health threats, issue a press release, and collaborate with the State Water Board's Drinking Water Program staff. Chair Dr. Wolff, confirmed Board member consensus to provide this direction to staff, and Executive Officer Ken Harris reiterated the directive for the record.

Speakers:

- Kay Mercer, KMI
- Claire Wineman, Grower-Shipper Association

Watershed Management and Planning

12. Recommendations for Expenditure of Guadalupe Settlement Funds

[Matthew Keeling 805/549-3685; Matt.Keeling@Waterboards.ca.gov]

Matthew Keeling, Water Resources Control Engineer, provided an overview of the Central Coast Water Board's priorities and goals, and the State Water Board's priorities and initiatives, and summarized how the Groundwater Assessment and Protection (GAP) program is implementing these priorities and initiatives. Mr. Keeling recommended that the Board allocate all remaining Guadalupe Settlement Funds to the GAP program. Mr. Keeling also provided a general introduction to the Pismo Preserve Project, and indicated that land acquisition projects for conservation purposes could be in alignment with Water Board priorities and the Guadalupe Settlement Fund criteria as long as they resulted in tangible water quality benefits. Matthew Keeling further stated the Board would need to apply appropriate conditions and restrictions on the allocation of settlement funds to the Pismo Preserve Project to document and realize tangible water quality benefits.

Kaila Dettman, Executive Director of the Land Conservancy of San Luis Obispo County, gave a presentation describing the Pismo Preserve Project and requested that the Board allocate \$800,000 to the project. Members of the Land Conservancy and the public comments in favor of allocating Guadalupe Settlement Funds to the project. San Luis Obispo County Board of Supervisor, Adam Hill, also provided testimony in support of the Board allocating funds to the project.

Jeanette Pantoja, California Rural Legal Assistance (CRLA), read a letter by Colin Bailey, Executive Director of the Environmental Justice Coalition for Water, in support of funding

the GAP program. Pearl Kahn, with CRLA, provided public testimony in support of allocating the funds to the GAP program.

After deliberation, the Board member Bruce Delgado put forth a motion to allocate \$350,000 to the Pismo Preserve Project and the remaining balance to the GAP program. Jessica Jahr, Water Board staff legal counsel suggested adding to the motion that the remaining balance of the funds would be allocated to the GAP program if the Pismo Preserve Project fell through. The Board agreed and member Russ Jeffries seconded the motion. All remaining Board members voted in favor of the motion, except member Mike Johnston who voted no. As discussed during the Board's deliberation, this motion would require staff legal counsel to coordinate with the Land Conservancy to develop and put in place appropriate conditions and restrictions to ensure the project resulted in tangible water quality benefits and indemnified the Water Board from any responsibilities or potential liabilities associated with the ongoing maintenance and management of the project.

Speakers:

- Wende David, Director of Development, Land Conservancy Staff
- Daniel Boulman, Land Conservancy
- Steph Wald, Central Coast Salmon Enhancement/Land Conservancy
- Christopher Helenius, Land Conservancy
- Greg Bettencourt, Central Coast Concerned Mountain Bikers
- Herb Kandel, Land Conservancy
- Penny Rappa, Land Conservancy
- Bok Rhohard, Land Conservancy
- Josh Esporaz, Nipomo High School/Land Conservancy
- May Bettencourt, Cayucos Land Conservancy
- Peter Jenny, Land Conservancy
- Supervisor Adam Hill, San Luis Obispo Board of Supervisors

- Jeanette Pantoja, CLRA
- Kay Mercer, KMI
- Claire Wineman, Grower-Shipper Association

Motion: Water Board Member Delgado moved to allocate \$350,000 to the Pismo Preserve Project and the remaining balance to the GAP program

Second: Water Board Member Jeffries

Carried: (6-1) Water Board Member Johnston voted no.

13. Irrigated Lands Regulatory Program: Water Board Review of Central Coast Groundwater Coalition's Drinking Water Notification Process

[Hector Hernandez 805/542-4641; Hector.Hernandez@Waterboards.ca.gov]

John Robertson and Hector Hernandez, Water Board staff, introduced and summarized the item, and reiterated staff's recommendation to make the CCGC's drinking water notification process equivalent to the Water Board's notification process for individual growers. The Board heard a presentation from Parry Klassen and Tim Borel, and heard comments from Tess Dunham, Abby Taylor-Silva, Claire Wineman, Steve Schimick, Kenia Acevedo, and Pearl Kan. The Board asked questions of Water Board staff, Parry Klassen, Abby Taylor-Silva, Tess Dunham, Tim Borel, and Kenia Acevedo regarding the CCGC's Drinking Water

Notification process. The Board did not complete discussion of the item and indicated that discussion concerning this item will resume during the September Board meeting. In the interim, the Board asked Water Board staff to work with CCGC staff to reach consensus concerning this item.

Speakers:

- Jeanette Pantoja, CLRA
- Tim Borel, Chair, Central Coast Ground Water Coalition
- Kara Stuart, Membership Manager, Central Coast Ground Water Coalition
- Tess Dunham, Legal Counsel, Samach Simmons Dunn/Central Coast Ground Water Coalition
- Pearl Kan, California Rural Legal Assistance, Inc.
- Steve Shimek, The Otter Project
- Perry Klassen, Executive Director, Central Coast Ground Water Coalition
- Kay mercer, KMI
- Norm Groot, Executive Direction, Monterey County Farm Bureau
- Clair Wineman, President, Growers-Shipper Assoc.
- Abbgly Taylor-Silva, Vice President, Grower Shipper Assn

14. This Item Intentionally Left Blank

15. **Closed Session** – Discussion of Cases in Litigation, and Personnel Issues.
[Staff Counsel Jessica Jahr]

Friday, August 1, 2014, 9:00 a.m.

Board Business

16. Roll Call

[Tammie Olson, Clerk to the Board 805/549-3140, Tammie.Olson@Waterboards.ca.gov]

Water Board Members Present:

Jean-Pierre Wolff, Chair, Monica Hunter, Vice Chair, Bruce Delgado, Michael Johnston, Michael Jordan, and Jeffrey Young.

Water Board Members Absent:

Russell Jeffries

17. **Public Forum**

There were no speakers for the Public Forum

18. Santa Barbara County Local Agency Management Plan for Onsite Wastewater Treatment Systems

[David LaCaro 805/549-3892; David.LaCaro@Waterboards.ca.gov]

Staff Environmental Scientist David LaCaro introduced the item providing a brief introduction on the onsite wastewater treatment policy (OWTS Policy), the current status of Santa Barbara County staff efforts to develop a local agency management plan (LAMP)

as allowed by the OWTS Policy, and the stakeholder advisory committee process utilized to develop the draft LAMP. Mr. LaCaro explained that a copy of the County's draft LAMP was not available for the Water Board members as the LAMP has not formally gone through the County's public vetting process. However, the LAMP, once approved by the Santa Barbara County Board of Supervisors, would require review and approval by the Water Board at a later date. Santa Barbara staff continues to fine tune the draft LAMP with the help of the stakeholder advisory committee.

Mr. LaCaro added that Santa Barbara County Environmental Health Services staff, Mr. Larry Fay, would be providing a short presentation on the County's LAMP efforts to date. Hillary Hauser, Executive Director of Heal the Ocean, was present to provide a brief presentation on the Rincon Septic to Sewer Project.

During the presentations, Water Board staff answered questions from Water Board members requesting clarification on the OWTS Policy and Tiers 1 and 2, timelines for LAMP implementation, and specific issues related to the draft language of the LAMP. Staff explained that Tier 2 OWTS Policy allows for a local agency (such as Santa Barbara County) to develop a LAMP, which would be used to manage new and existing onsite wastewater treatment systems in its unincorporated areas. Further, local agencies that elect not to develop a LAMP would be subject to the siting and design criteria established in Tier 1 of the OWTS Policy, which are very restrictive. Further, local agencies have 3 years from the effective date of the policy to develop and submit a LAMP to the Water Board for review and approval (~June 2016). Staff explained that Santa Barbara County was the furthest along in the development process.

Water Board members provided initial feedback for Santa Barbara County staff, the development of the LAMP, the process, and expectations. More specifically, the Water Board requested that the LAMP contain a discussion of focus/problematic areas (areas identified to have existing system with less than favorable conditions) and establish timelines in an effort to address potential or exiting water quality concerns. Further, the Water Board expressed that funding for such improvement should also be addressed. Chair Wolff expressed that the definition of a failed system should incorporate significant contributions to groundwater impacts and could be identified by further monitoring or the use of existing groundwater monitoring data.

Members of the public provided comment on the County's draft LAMP asking the County to consider existing problem areas and the County strategic approach to address the areas, which would include funding for system repairs. Additional discussion between the Water Board members and staff continued. Santa Barbara County staff concluded by explaining that the draft LAMP is still in the process of development and that the requests and expectations from the Water Board will be considered. Finally, Mr. Harris suggested that a LAMP workshop be provided to the Water Board members. Water Board staff would invite all local agencies to the workshop for the opportunity to review draft LAMPS and discuss basic expectations for LAMPS. This workshop would be conducted in late 2014.

Ms. Hillary Hauser provided a presentation regarding the Rincon Septic to Sewer Project to the water Board. The presentation discussed the history of the project, funding, and completion dates (August 2014). Water Board members acknowledged Heal the Ocean and Carpinteria Sanitary District in their efforts to improve water quality in the coastal area of Carpinteria.

This item was informational and no Board action was taken.

Speaker list:

Hillary Hauser, Executive Director, Heal the Ocean - presenter

James Hawkins, Heal the Ocean

Clay Barks, CEO, Clays Septic

Lawrence Fay, Director of Environmental Health, Santa Barbara County

David Brummond, Supervisor, Onsite Wastewater Program, Santa Barbara County

Enforcement

19. State Water Board Office of Enforcement Report: Discussion Regarding Settlement Negotiation Process and Enforcement Policy Update
[Cris Carrigan, Director]

Cris Carrigan provided a summary of the enforcement settlement process. The Water Board directed staff to schedule formal settlement conferences by changing the written hearing procedures to include a new requirement for the parties to meet for a mandatory settlement conference 3 working days prior to the submission deadline for rebuttal.

20. Consideration of a Resolution Updating the Central Coast Water Board's Delegation of Authority to its Executive Officer
[Harvey Packard 805/542-4639, Harvey.Packard@waterboards.ca.gov]

Mr. Harris introduced the item. Board member Jordan asked how staff would report on actions taken by the Executive Officer pursuant to his delegated powers. Mr. Harris responded that the enforcement report in each agenda would include information on actions taken by the Executive Officer.

Motion: Water Board Member Johnston moved to adopt resolution
Second: Water Board Member Delgado
Carried: (7-0) Unanimous

21. Enforcement Report
[Harvey Packard 805/542-4639, Harvey.Packard@waterboards.ca.gov]
The Board accepted the report as written. No discussion.

Discussion/Informational Items

Information items are items presented to the Board for discussion only and for which no Board action or vote is taken. The Board may, however, provide direction to staff. The Board usually will hear a presentation by staff, and comments by interested persons shall also be allowed. Time limits may be imposed on interested persons.

22. Executive Officer's Report
[Kenneth A. Harris Jr., 805/549-3140, Ken.Harris@waterboards.ca.gov]
23. Central Coast Water Board Strategic Planning Discussion
[Kenneth A. Harris Jr., 805/549-3140, Ken.Harris@waterboards.ca.gov]

The Board may discuss discretionary, non ex parte meetings with stakeholders including blackout periods prior to agendized board meetings. The chair directed staff to add the following wording to all X-Parte communication request that go through the Clerk of the Board.


If this is an agenda item with allowable ex parte communications- By way of courtesy and fairness we encourage you to please make an effort to include every board member in either a meeting or a communication related to the topic that you are asking to discuss with the board member.

It is our intent to include all board members in all communication pertinent to items that are on the agenda.

Closed Session

24. Discussion of Cases in Litigation, and Personnel Issues. [Staff Counsel Jessica Jahr]

Chair Wolff adjourned the meeting at approximately 2:23 p.m. August 1, 2014. The next regularly scheduled Water Board meeting will be held on September 25, 2014, 2014 in San Luis Obispo.


Dr. Jean-Pierre Wolff, Chair



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: October 14, 2014
Placement: Set Hearing
Estimated Tme: First Reading (D) on
11/4/14 (20 minutes)
Second Reading (A) on
12/2/14
Continued Item: No
If Yes, date from:
Vote Required: Majority

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: Approval of Local Agency Management Program (LAMP) and Adoption of Ordinance for Onsite Wastewater Treatment Systems with Related Administrative Cleanup of County Code

County Counsel Concurrence

As to form: Yes

Auditor-Controller Concurrence

As to form: Yes

Other Concurrence: N/A

Recommended Actions:

That the Board of Supervisors consider the following recommendations:

- a) Receive and file a presentation regarding the Environmental Health Services' Onsite Wastewater Treatment System Ordinance;
- b) Approve the introduction (first reading) of an Ordinance amending Chapters 18, 18C, 24A and 19 of the Santa Barbara County Code by repealing sections 18-2, 18-4, 18-7, 18-7.1, 29-6 through 29-20, and amending Chapters 18C and Chapter 24A;
- c) Read the titles of the Ordinances into the record and waive full reading of the Ordinances; and
- d) Set a hearing on the Administrative Agenda for December 2, 2014 to consider recommendations, as follows:
 - i) Accept and approve the Santa Barbara County Local Agency Management Program (LAMP) to establish County policy regarding Onsite Wastewater Treatment Systems within Santa Barbara County

and direct the Environmental Health Services Director to submit the LAMP to the Regional Water Quality Control Board for approval;

ii) Consider the adoption (Second Reading) of an Ordinance amending Chapters 18, 18C, 24A and 29 of the Santa Barbara County Code by repealing sections 18-2, 18-4, 18-7, 18 7.1, 29-6 through 29-20, and amending Chapters 18C and Chapter 24A; and

iii) Find that the actions of accepting and approving the LAMP and amending the Ordinances 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.

Summary Text:

This item is on the agenda to adopt an Ordinance establishing Onsite Wastewater Treatment System (OWTS) regulations within the County Code. As a result of adopting the OWTS Ordinance, other areas of the County Code will become null and void while others will require minor edits. Chapters within the County Code affected by said Ordinance are: Chapter 18, Chapter 18C, Chapter 24A, and Chapter 29.

Additionally, Board approval is being requested for the formal acceptance of a LAMP to establish County policy regarding the regulation of OWTS.

The LAMP must be approved by the Regional Water Quality Control Board (RWQCB). The LAMP and, subsequently, the implementing ordinance will not become operative until it has been reviewed and approved by the RWQCB. Should the RWQCB request substantive changes, EHS will bring the LAMP and ordinance back to 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 AB885, 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 Local Agency Management Program (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 will enable the County to address conditions specific to Santa Barbara County.

On September 10, 2013, your Board granted authorization for the Director of the Public Health Department to submit a letter of intent addressed to the Regional Water Quality Control Board (RWQCB) stating the County's intention to develop a Local Agency Management Program (LAMP).

The proposed LAMP includes substantial revisions to the County's OWTS Ordinance. The proposed revisions:

- Reflect comments and suggestions received from the advisory committees;
- Update the code to address new technologies and practices; and
- Codify certain administrative practices and policies.

The proposed Ordinance addresses the use of “alternative” systems and supplemental treatment as a mitigation measure on severely constrained lots that would preclude the use of a standard OWTS. The use of an alternative system will require that the property owner obtain an operating permit with required ongoing maintenance, monitoring and reporting.

Development of the LAMP and the associated Ordinance included a substantial level of community participation. Environmental Health Services (EHS) organized several advisory committees that met multiple times to solicit input on both technical and policy level issues. In addition, general community meetings were held throughout the County to explain the LAMP and to answer questions.

The State Water Board’s OWTS Policy requires that a LAMP must be approved by the appropriate regional water board. Environmental Health Services consulted regularly with staff of the Central Coast Water Board (CCWB) during the development of the LAMP. In addition, CCWB staff attended several advisory committee meetings. An advance copy of the DRAFT LAMP was forwarded to the CCWB for review and comment prior to its release to the members of the advisory committees. Most of the comments received were editorial in nature or sought clarification of certain sections of the document. Overall the CCWB was “very pleased” with the document and the process used by the County to develop its management program. Upon your Board’s approval of the attached LAMP, it will be submitted for final CCWB approval.

Adoption of the OWTS Ordinance (Chapter 18C) will result in necessary changes to other chapters within the Santa Barbara County Code. In the interest of efficiency and clear public direction regarding official Santa Barbara County regulations, EHS is proposing County Code changes as outlined below:

Chapter	Needed Changes	Reason
Chapter 18: Health and Sanitation	Repeal Article I, Sections 18-2, 18-4, 18-7, and 18-7.1	Sections relating to “Privies”, “cesspools” and “potable water” will be replaced by updated sections within the new Chapter 18C – <i>Onsite Wastewater Treatment Systems</i> . Section relating to <i>County Code references to the local health officer</i> is outdated and no longer needed.
Chapter 18C: Environmental Health Services Division	Adopt new Chapter 18C, Article I – Onsite Wastewater Treatment Systems.	Chapter 18C has been reserved for Environmental Health Services since the repeal of Ordinance No. 4180 on 1/17/95.
Chapter 24A: Administrative Fines	Amend Sections 24A-1, 24A-2, 24A-3, and 24A-7	Sections updates required to reference the new Chapter 18C and to remove references to the repealed sections of Chapter 29.
Chapter 29: Storm Drains and Sanitary Sewers	Repeal Article II - <i>On-Site Sewage Disposal Systems</i> in its entirety.	Entire article shall be replaced by Chapter 18C – <i>Onsite Wastewater Treatment Systems</i>

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 any Recommendation.

Special Instructions:

1. Request the Clerk of the Board to publish notice of this hearing, per the attached Notice, in newspaper of general circulation, five (5) and ten (10) days prior to the hearing, in accordance with Government Code §6062a.
2. Request the Planning and Development Department to post the Notice of Exemption for the ordinance in the County Planning and Development Department at least six (6) days prior to consideration of the activity by the Board of Supervisors to comply with the County CEQA guidelines.
3. Request the Clerk of the Board to publish in a newspaper, within 15 days of passage of the ordinance, the ordinance along with names of members voting for and against the ordinance, in accordance with Government Code section 25124(a), stating that the ordinance will become operative upon Water Board approval of the LAMP. Once Water Board has approved the LAMP, PHD will notify the Clerk of the Board, which will then publish again in a newspaper the ordinance and a statement that the ordinance is now operative.
4. Return one original of each Adopted Ordinance and one Certified Minute Order to Public Health. Email PHDcu@sbcphd.org when materials are ready for pick-up.

Attachments:

1. Public Notice.
2. Powerpoint presentation on LAMP, OWTS Ordinance and Related Code Amendments.
3. Ordinance Amending Santa Barbara County Code, Chapter 18 – Health and Sanitation, Chapter 18C – Environmental Health Services Division, Chapter 24A – Administrative Fines and Chapter 29 – Storm Drains and Sanitary Sewers.
4. Mark-Up Version of code in Chapters 18, 18C, 24A and 29 that is being changed.
5. 2014 Onsite Wastewater Treatment Systems, Local Agency Management Program (LAMP)
6. CEQA Notice of Exemption

Authored by:

Larry Fay, Environmental Health Services Director