



1430 Chapala Street, Santa Barbara, CA 93101;  
PO Box 90106, Santa Barbara, CA 93190; Telephone (805) 965-7570; fax (805) 962-0651  
[www.healththeocean.org](http://www.healththeocean.org)

Monday, December 8, 2014

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

**Re: December 9, 2014 Agenda Item #4: Local Agency Management Program (LAMP) and Adoption of Ordinance for Onsite Wastewater Treatment Systems**

Dear Chair Lavagnino & Honorable Members of the Board:

Heal the Ocean has been before both the Board of Supervisors and the Regional Water Quality Control Board (Regional Water Board) on the proposed Local Agency Management Program (LAMP) that is before you today. As you know, we have been insisting that it include more “teeth” to grapple with the issue of septic system pollution of groundwater and surface water in Santa Barbara County.

We are pleased to express our support for the proposed Draft LAMP and the corresponding Ordinance amending the Santa Barbara County Code for Onsite Wastewater Treatment Systems (OWTS). We'd also like to offer our very enthusiastic support for the three “additional” recommendations included in the Board Letter for this agenda item and one additional recommendation related to septic tracking as described in this letter

As an active member of the LAMP Advisory Committee, we have worked now for over a year with Environmental Health Services (EHS) staff and other stakeholders to craft the Draft LAMP before your Board today. The recent addition of language to Section V of the LAMP regarding Advanced Protection Management Plans is a significant improvement from previous drafts.

This (Section V) language provides a clear path for the Regional Water Board to work together with EHS staff to identify and develop effective strategies through "Advanced Protection Management Programs" to address surface water and groundwater bodies impaired by pollution from faulty septic systems. It is Heal the Ocean's hope that the County and Regional Water Board can work in tandem to target problem areas for cleanup. Furthermore, as the recommendations included in the Board Letter illustrate, the County Board of Supervisors has the authority to take significant additional actions on its own to protect public health and the environment from contamination caused by septic systems.

Heal the Ocean supports this draft of the LAMP – with the additional recommendations – because, finally, it will get the County off its voluntary maintenance program – which only requires inspection any time a septic system is serviced, or 2) in the event of a reported failure – in which case contamination of the environment has already occurred. Additionally, the LAMP requires septic system upgrades in the event that a homeowner were to seek an expansion to a home that would increase sewage flows beyond the capacity of the existing system.

The Draft LAMP and Board Letter contain excellent measures that constitute a proactive program, including the first two additional recommendations under your Board's consideration, described below.

**First Recommendation - Point of Sale Inspection:**

Mandatory inspection prior to the sale of a property would be a significant and reasonable action to ensure proper maintenance of septic systems in the County. Such a program would guarantee that many OWTS in the County would be inspected as a matter of course – without monitoring, testing, and other tedious requirements.

It is logical that the plumbing of a home be inspected, along with termites or structural issues (roof, etc.). The real estate community assures us that such inspection is recommended as part of the contingency of a sale. But we maintain that a mandatory requirement for inspection not only protects buyers and sellers, but also that the point of sale is when all the “money is on the table” – when it is easiest to make repairs, upgrade or replacement.

Implementing such a policy in the County is a proactive and prudent step to achieve greater environmental/public health protection and institute consumer protection for prospective homebuyers.

**Second Recommendation - Inspection of OWTS in County-designated Special Problem Areas:**

In your Board Letter is a second recommendation for mandatory inspection of OWTS situated in County designated “Special Problem Areas.” This Special Problem Area list, which was established by your Board in response to physical constraints and issues related to septic systems in these areas, includes Ballard, Janin Acres, Los Alamos, Los Olivos, Sweeney Road, Hollister Avenue at Modoc Road, Mission Canyon, Naples, Shepard Mesa, and Summerland.

Potential problems that determine designation as a “Special Problem Area” include, but are not limited to, the drainage, soil, geology, and/or sewage disposal characteristics of the area. These Special Problem Areas have known issues with septic systems and wastewater disposal. In addition, many of these Special Problem Areas have been identified in the *Septic Sanitary Survey for Santa Barbara County* performed for EHS by Questa Engineering in 2003. Referred to as “2003 Sanitary Survey,” this document is included in the County's LAMP to meet the Regional Water Board's requirements for elements to be included as a part of a LAMP. In this survey are a number of areas that have a high “problem rating” due to various constraints (shallow groundwater, older homes, density of homes, evidence of surface water impact, etc.). Among the Survey's findings:

<u>Special Problem Area</u>	<u>Overall Problem Rating</u>
Ballard	Medium/High
Janin Acres	High
Los Olivos	High
Mission Canyon	Medium/High
Rincon	High

Heal the Ocean has been successful in getting public sewer into the Rincon, and we maintain that the known physical constraints on septic systems in other areas of the County designated “Special Problem Areas” warrants the implementation of a regular inspection program as outlined in the second additional recommendation in your Board Letter.

### **Third Recommendation: Supplemental Treatment Required for Seepage Pits**

We strongly urge the County to adopt this additional recommendation for supplemental treatment on seepage pits. Seepage pits do not achieve the same level of treatment as traditional septic systems and, as such, the County should place additional requirements on their continued operation.

### **Fourth Recommendation: Septage Tracking**

When a septic tank is pumped, the waste is hauled mainly to Santa Maria's wastewater treatment plants, or out of County to either Ventura or Kern. The City of Santa Barbara El Estero wastewater treatment plant accepts some of this waste, but most wastewater treatment plants can't handle the material because of the density of the material, and the sudden influx of it into the WWTP system can cause NPDES permit violations.

During the years of grappling with this issue, Heal the Ocean has heard stories (from EHS officials, yet) of unethical pumpers disposing of septage waste through sewer manholes, or worse, along the road. Heal the Ocean recommends that the County implement a comprehensive septage tracking program to provide for proper management of septic waste.

### **Fifth Recommendation: Restrictions on Porta-Potties as Permanent Facilities**

Heal the Ocean agrees that the use of portable toilet facilities on a permanent basis not be tolerated as an option for 24/7 bathroom facilities. Such usage is currently happening in Los Olivos, where saturated leachfields cannot tolerate the additional weekend load of visitors to local wineries and cafes. It is one thing for an Annual Gala event to bring in portable toilet facilities for a one-time event, but to rely on Porta-Potties as a solution to failing leachfields should not be permitted.

### **Final Comment:**

Regarding any statement by Santa Barbara County EHS that its Voluntary Inspection Program has resulted in approximately 90% of septic systems in the County being inspected since 1999, we know of entire areas that need help with OWTS management, where pollution of groundwater is taking place. We have worked steadily to help homeowner groups within these areas, even offering to help procure State funds through the Proposition 84 Integrated Regional Water Management (IRWM) grant program to help pay for either sewerage or Advanced Treatment Systems – but just one person threatening a lawsuit can hold up the entire community/area. A strong LAMP would remove the ability for such resistance!

Also, while the inspection of 90% of the County septic systems since 1999 may sound impressive, it also means that 10% of these systems are uninspected. Heal the Ocean would like to point out that none of us would tolerate 10% of our wastewater treatment plants to forgo monitoring for fifteen years, and in the same vein we should not tolerate non-inspection of a full 10% of septic systems in the County! Adopting those recommendations for the Draft LAMP as described in your Board Letter will make significant inroads in addressing the 10% of systems that have gone uninspected for some time.

### **Conclusion**

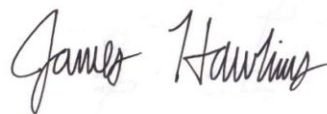
Heal the Ocean is *very happy* to be able to say to the Board of Supervisors that we like this current Draft LAMP and that we urge you to adopt it, along with the corresponding County Code, the additional three recommendations included in your Board Letter, and our additional recommendation for septage tracking. An increased rate of OWTS inspection will reduce the risk of septic system failure, and thus prevent risks of groundwater and surface water contamination. It will not only protect environmental health but increase property values and the ability of businesses to operate without fear of being shut down because of leachfield failure.

Heal the Ocean wants to express our sincere appreciation for the years of work by Santa Barbara County Environmental Health Service in grappling with septic system pollution (we have worked side by side with EHS on this issue since 1999!), and we appreciate EHS's important role in the current stakeholder process that has produced the product before you today.

Sincerely,



Hillary Hauser, executive director



James O. Hawkins, policy analyst

Cc: Jean-Pierre Wolfe, Chairman, Regional Water Quality Control Board  
Ken Harris, Executive Officer, Regional Water Quality Control Board  
Larry Fay, Santa Barbara County Environmental Health Services