



**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

Other Concurrence: N/A

Auditor-Controller Concurrence

As to form: Yes

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