



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:** December 14, 2021  
**Placement:** Administrative  
**Estimated Time:**  
**Continued Item:** No  
**If Yes, date from:**  
**Vote Required:** Majority

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**TO:** Board of Supervisors  
**FROM:** Department Van Do-Reynoso, MPH, PhD, Director  
Director(s) Public Health Department  
Contact Info: Lars Seifert, Environmental Health Services Director  
**SUBJECT:** Memorandum of Understanding for Onsite Wastewater Treatment System  
Permitting Oversight within the City of Santa Barbara

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**County Counsel Concurrence**

As to form: Yes

Other Concurrence: Risk Management

As to form: Yes

**Auditor-Controller Concurrence**

As to form: Yes

**Recommended Actions:**

That the Board of Supervisors:

- a) Approve and authorize the Environmental Health Services Director to enter into a Memorandum of Understanding (MOU) with the City of Santa Barbara to oversee Onsite Wastewater Treatment System (OWTS) permitting within the incorporated City of Santa Barbara; and
- b) Determine that the recommended action is exempt from California Environmental Quality Act review per CEQA Guideline sections 15307 and 15308 because it consists of an action taken by a regulatory agency for the protection of natural resources and the environment where the regulatory process involves procedures for protection of the environment and direct staff to file a Notice of Exemption on that basis.

**Summary Text:**

This item is on the agenda to authorize the Director of Environmental Health Services (EHS) to enter into a Memorandum of Understanding with the City of Santa Barbara to establish local regulatory and permitting oversight for the installation and utilization of new, repair, or replacement Onsite Wastewater Treatment Systems (OWTS) (also known as septic systems) for those parcels without access to public sewer service within the City of Santa Barbara. On November 9, 2021, the City of Santa Barbara adopted the applicable sections of county ordinance for OWTS by reference and has requested oversight by the County of Santa Barbara in accordance with its existing Local Agency Management Program approved by the Central Coast Regional Water Quality Control Board (Regional Water Board) on

November 20, 2015. Currently, City of Santa Barbara building projects utilizing OWTS must seek Regional Water Board permits and approvals prior to construction, delaying project approvals and increasing costs for local residential or commercial projects not connected to public sewer.

**Background:**

In 2015, your Board authorized Environmental Health Services (EHS) to submit a Local Agency Management Program (LAMP) to the Central Coast Regional Water Quality Control Board (Regional Water Board) for approval of alternative local standards for the siting and design of OWTS within the unincorporated areas of Santa Barbara County. The LAMP was submitted and approval obtained by the Regional Water Control Board in accordance with the OWTS Policy set forth in Chapter 4.5 (commencing with Section 13290) of Division 7 of the California Water Code on November 20, 2015.

In October of 2021, the City of Santa Barbara requested approval from its City Council to designate the County as its qualified Local Agency in accordance with the County's LAMP at Section 1, Page 2: "The provisions of this LAMP will apply to the unincorporated areas of Santa Barbara County. It will not be implemented within the incorporated cities unless there is an agreement approved by the County and the City extending the authority of EHS to within the City's jurisdiction." On November 9, 2021, the Santa Barbara City Council adopted an ordinance to amend its Municipal Code by repealing the City's existing regulations for OWTS and replacing them with the provisions of Article 1 of Chapter 18C of "The Code of the County of Santa Barbara, California" except for Sections 18C-8 and 18C-10, subject to certain amendments necessary to make the provisions enforceable within the City (see Attachment A).

Approval of the Recommended Actions will allow the County to extend its authority for OWTS oversight into the City of Santa Barbara, for those existing parcels where public sewer is not yet available. The County already operates a program for the approval of the siting, design, operation and maintenance of OWTS for individual residences within the unincorporated county and has adequate staffing and technical knowledge to meet the requirements of the State OWTS Policy.

New, repair, or replacement OWTS within the City of Santa Barbara subject to this agreement shall consist of those parcels where public sewer is not available to serve the parcel and where the OWTS will:

- generate 10,000 gallons per day or less of domestic wastewater (as that term is defined in the State OWTS Policy);
- dispose of wastewater below the ground surface;
- serve single family residences, multi-family residences, and commercial buildings where the wastewater is from domestic sources (i.e., toilets, urinals, bathtubs, showers, dishwashing facilities, laundry washing, and garbage disposals); and/or
- serve buildings, which are a combination of commercial and residential, including commercial food service buildings, provided wastewater characteristics do not exceed specified high-strength limitations in the State OWTS Policy, and a properly sized and functioning oil/grease interceptor is utilized.

The MOU shall not apply to OWTS within the incorporated area of the City of Santa Barbara that discharge high-strength wastewater, industrial wastewater, or treat and reuse wastewater onsite for non-

potable uses. The Regional Water Board will remain the permitting oversight agency for these types of wastewater treatment systems within the City of Santa Barbara.

**County's Role and Responsibilities:**

Upon approval of the Recommended Actions and execution of the MOU, the County will notify the Central Coast Regional Water Quality Control Board that the City of Santa Barbara has entered an agreement to be regulated under the County's LAMP. The powers and duties of the County as the administrative authority shall be as outlined in Chapter 18C-11 of the County Code of Ordinances.

The County will review applications for new, repair, or replacement of OWTS for proper siting, design, and construction, and issue permits as authorized by Chapter 18C-4 of the County Code of Ordinances, as outlined in the MOU in Attachment 2. Such services are included in established EHS processes and the fee schedule adopted by Board Resolution 19-110 on April 2, 2019, effective July 1, 2019. Additional detailed responsibilities are outlined in the MOU in Attachment B. Based on information received from the Regional Water Board and the City of Santa Barbara, it is expected that the County will receive fewer than 15 OWTS permit applications annually.

**City of Santa Barbara's Role and Responsibilities:**

The City will provide the County with a list of all parcels within the City's jurisdiction that have no connection to the public sewer within 120 days of the effective date of this MOU, and ongoing, will notify the County when an existing OWTS is destroyed or decommissioned and connected to the public sewer.

The City shall notify the County whenever a new building with an OWTS is issued a Certificate of Occupancy or when any building permit application for a new building, remodel of an existing building, repair of an existing OWTS, or construction of any building or permanent structure which may impinge upon an OWTS or future expansion area.

The City shall not issue a building permit for a project referred to the County unless plans are first concurred with by the County. Additional detailed responsibilities are outlined in the MOU in Attachment B.

The MOU will be effective until either party (City or County) gives a written notice of termination to the other. Unless mutually agreed upon, the notice of termination of the MOU will not occur in less than 90 days from the actual termination of the services agreed upon.

**Performance Measure:**

N/A

**Contract Renewals and Performance Outcomes:**

N/A

**Fiscal and Facilities Impacts:**

Budgeted: No

**Fiscal Analysis:**

Authorizing the Environmental Health Services Director to enter into an MOU with the City of Santa Barbara to oversee OWTS permitting will not increase costs significantly or require additional staffing needs. The estimated 15 parcels annually can be incorporated into existing workload and the projected revenue, between \$10,000-\$11,000, will cover any unbudgeted costs.

OWTS project applicants within the City of Santa Barbara will make an application and submit the applicable fees to Environmental Health Services at the County of Santa Barbara for services rendered.

**Special Instructions:**

N/A

**Attachments:**

- A. City of Santa Barbara City Council Minute Order dated November XX, 2021
- B. Memorandum of Understanding Between the County of Santa Barbara and the City of Santa Barbara Regarding Onsite Wastewater Treatment Systems
- C. CEQA Notice of Exemption

**Authored by:**

Lars Seifert, Environmental Health Services Director

**cc:** Christina Dye, Chief Building Official, City of Santa Barbara  
Elias Isaacson, Community Development Director, City of Santa Barbara