



## Legislation Text

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**File #:** 16-1206, **Version:** 3

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Community Development Agency, Environmental Management Division, recommending the Board approve **Final Passage** (Second Reading) of Ordinance **5049** amending in its entirety Chapter 110.32, Ordinance 4542, of the El Dorado County Ordinance Code pertaining to private sewage disposal systems. (Cont. 2/14/17, Item 25)

**FUNDING:** N/A

### **DEPARTMENT RECOMMENDATION**

Community Development Agency, Environmental Management Division (EMD) is recommending the Board amend Title 110, Buildings and Construction, Chapter 110.32, Private Sewage Disposal Systems within the County (Ordinance 4542), in its entirety in order to comply with new state regulations. Consistent with Board Policy A-3, Ordinances - New or Amended, the Board provided conceptual approval on December 13, 2016 (Item 21) to amend Chapter 110.32 of the Ordinance Code.

### **DISCUSSION/BACKGROUND**

At their meeting of February 14, 2017 (Item 25) the Board approved Ordinance 5049 and set a public hearing for Final Passage (Second Reading) on February 28, 2017. The Board first adopted the Private Sewage Disposal Systems Ordinance (Chapter 15.32, subsequently changed to Chapter 110.32) in 1999. On September 27, 2000, Assembly Bill 885 was passed which included direction to the State Water Resources Control Board (SWRCB) to develop regulations or standards for onsite wastewater treatment systems (OWTS) to be implemented statewide by qualified local agencies. On June 19, 2012, the SWRCB adopted, by resolution, the Water Quality Control Policy for Siting, Design, Operation, and Maintenance of Onsite Wastewater Treatment Systems (State OWTS Policy), which became effective May 13, 2013.

The State OWTS Policy allows El Dorado County the option to continue to implement a local OWTS program, either under the conservative, largely prescriptive State OWTS Policy requirements or, alternatively, under more flexible, largely performance-based standards by submitting a Local Agency Management Program (LAMP) for the siting, design and installation of OWTS (also known as septic systems) to the Central Valley Regional Water Quality Control Board (RWQCB) for approval. The State OWTS Policy also requires jurisdictions wishing to maintain local control of OWTS to amend their respective local ordinance code and OWTS design requirements as necessary to comply with the new State OWTS Policy and submit the revised ordinance and design requirements along with a LAMP to their respective RWQCB for approval. The County's first draft of the LAMP, proposed ordinance revisions and design requirements were due to the Central Valley RWQCB by May 13, 2016.

On May 3, 2016, your Board authorized EMD to submit the required draft LAMP and associated documents to the Central Valley RWQCB for review (Item 16). The Central Valley RWQCB provided comments and recommended changes to the submitted documents, including the draft OWTS Ordinance, to align the County's LAMP with the State OWTS Policy. The final LAMP, OWTS

Ordinance and design requirements must be submitted to the Central Valley RWQCB by May 13, 2017, with full implementation by May 13, 2018. The proposed amendments to Chapter 110.32 incorporate the changes recommended by the Central Valley RWQCB.

EMD will be returning to the Board on February 28, 2017, for the Second Reading of Chapter 110.32 of the Ordinance Code and will also be requesting the Board's adoption of and approval to submit the final LAMP, revised OWTS Ordinance, and revised OWTS design manual to the Central Valley RWQCB.

The State OWTS Policy specifies design standards for OWTS that are more stringent than the County's current requirements. The following represent the more significant proposed changes to the County's OWTS design criteria that are incorporated into the proposed OWTS Ordinance, either directly or by incorporation of the LAMP and manual:

- 1) A decrease in allowable percolation rates for siting OWTS from two hundred and forty (240) minutes per inch to no more than one hundred and twenty (120) minutes per inch;
- 2) The establishment of a minimum parcel size, based upon historical rainfall data, ranging from 0.5 to 2.5 acres for those parcels served by OWTS; and
- 3) The establishment of an annual operating permit that includes maintenance and monitoring requirements for certain special design OWTS.

Other minor changes to the proposed OWTS Ordinance, either directly or by incorporation of the LAMP and manual, include consistency of technical and administrative information between the three documents, greater explanation of design requirements and installation procedures, and general clean up to improve content organization and defined terms.

EMD has worked with other County departments and divisions, as well as external stakeholders as appropriate, such as OWTS consultants, installers, and SAGE (Surveyors, Architects, Geologists and Engineers), on the development of the proposed amendments to Chapter 110.32 and the standards and specifications in the LAMP and manual.

## **ALTERNATIVES**

The Board may choose not to amend Chapter 110.32 of the Ordinance Code which will result in the County not seeking Central Valley RWQCB approval of a LAMP. As a result, the County would only be able to issue construction permits for new and replacement OWTS that meet the more prescriptive requirements of the State OWTS Policy, thereby significantly limiting the County's ability to approve development of parcels served by OWTS.

## **OTHER DEPARTMENT / AGENCY INVOLVEMENT**

N/A

## **CAO RECOMMENDATION**

It is recommended that the Board approve this item.

## **FINANCIAL IMPACT**

There is no fiscal impact or change to Net County Cost at this time. Future anticipated costs include annual reporting to the State associated with the OWTS program.

## **CLERK OF THE BOARD FOLLOW UP ACTIONS**

- 1) Publish the Summary Ordinance in the appropriate local newspaper(s) following Board approval of the Introduction (First Reading) of the Ordinance; and
- 2) Continue this agenda item to Tuesday, February 28, 2017 for Final Passage of the Ordinance.

## **STRATEGIC PLAN COMPONENT**

Good Governance

## **CONTACT**

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