

**STATE OF CALIFORNIA
REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL COAST REGION**

STAFF REPORT FOR REGULAR MEETING OF NOVEMBER 19-20, 2015

Prepared on October 28, 2015

ITEM NUMBER: 19

**SUBJECT: CONSIDERATION OF SANTA BARBARA COUNTY'S LOCAL AGENCY
MANAGEMENT PROGRAM (LAMP) FOR ONSITE WASTEWATER
TREATMENT SYSTEMS**

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THIS ACTION: Adopt Resolution No. R3-2015-0037

SUMMARY

The State Water Board's *Water Quality Control Policy for Siting, Design, Operation, and Maintenance of Onsite Wastewater Treatment Systems* (OWTS Policy) establishes statewide regulations for onsite systems. It sets minimum performance standards and allows for continued local agency oversight. To accommodate regional geologic and climatic conditions, the OWTS Policy allows local agencies to propose local agency management programs (LAMPs). LAMPs allow local agencies to establish criteria that may differ from the minimum standards set in the OWTS Policy.

On September 1, 2015, the Santa Barbara County Board of Supervisors approved the County's LAMP. The proposed LAMP incorporates Central Coast Regional Water Quality Control Board (Water Board) comments. The OWTS Policy requires that a LAMP must be approved by the appropriate regional water quality control board in a public hearing to be effective.

DISCUSSION

Santa Barbara County has worked with Water Board staff as well as a local advisory committee stakeholder group to develop its LAMP. On January 6, 2015, the Santa Barbara County Board of Supervisors approved the LAMP. Water Board staff received the LAMP on January 20, 2015. Water Board staff reviewed the LAMP and met with County Environmental Health Services (EHS) staff on March 5, 2015. On June 19, 2015, Water Board staff sent the County a letter containing issues to be addressed in the LAMP and additional issues to be addressed in future updates of the Santa Barbara County LAMP and County ordinance.

Water Board staff recommended several revisions to the Santa Barbara County LAMP:

1. **LAMP Completeness Checklist** - Water Board staff shared a LAMP Completeness Checklist with Santa Barbara County staff and asked County staff to provide additional information regarding their LAMP. Information requested included cross-referencing the

LAMP with the County ordinance, the OWTS policy, and other relevant codes relied on by the County for OWTS regulation. County staff provided a completed checklist and a final version of the County LAMP September 1, 2015.

The proposed LAMP addresses most of Section 3 (Local Agency Requirements and Responsibilities) and Section 9 (Tier 2 - Local Agency Management Program (LAMP)) of the OWTS Policy and proposes a Tier 2-compatible program. The proposed LAMP does not address Section 3.5¹ of the OWTS policy nor are there provisions in the County ordinance that address Section 3.5 (Notifications to Municipal Water Suppliers); however, the County does not allow the placement of municipal wells in close proximity to OWTS.

The Santa Barbara County LAMP conforms with all of the applicable Tier 2 criteria listed in Section 9 of the State Policy including adherence to the prohibitions contained in section 9.4.

2. **Onsite Wastewater Treatment Systems in Degraded Basins** - The proposed LAMP incorporated language recommended by the Water Board to specifically address degraded groundwater basins as discussed in Section 9.1 of the OWTS Policy. The County amended Section V, Requirements for Existing Onsite Wastewater Treatment Systems to include the language below.

a) Section V, page 40, new sub-section:

Onsite Wastewater Treatment Systems in Degraded Basins

If the Central Coast Water Board identifies a groundwater basin or sub-basin in the County where the use of OWTS is causing or contributing to exceedances of nitrate or pathogen maximum contaminant levels (MCLs), the County will develop an Advanced Groundwater Protection Management Program (AGPMP) in close consultation with and approved by the Central Coast Water Board. The AGPMP shall provide the same level of protection as the Tier 3 standards in the Policy and may include but not be limited to: supplemental treatment for all new and replacement systems, mandatory, routine inspections and maintenance, connection to the public sewer, shallow groundwater monitoring or other appropriate actions.

The County will require conformance with current standards (Section 18C of the County Code), including supplemental treatment standards, to the greatest extent practicable. The requirements for existing systems will be consistent with Tier 4 of the Policy. Supplemental treatment standards will be equivalent to those contained in Tier 3. Variances from the prohibitions specified in sections 9.4.1 – 9.4.9 of the Policy are not allowed in areas covered by an AGPMP.

b) Section V, page 41, revised sub-section, second paragraph:

Advanced Protection Management Plan

¹ 3.5 A local agency shall notify the owner of a public well or water intake and the California Department of Public Health as soon as practicable, but not later than 72 hours, upon its discovery of a failing OWTS as described in sections 11.1 and 11.2 within the setbacks described in sections 7.5.6 through 7.5.10.

If a water body in the county is designated by the Central Coast Water Board as “impaired” or significantly degraded as a result of the use of OWTS, Santa Barbara County will develop an Advanced Protection Management Program (APMP) in accordance with the established TMDL. In the absence of an approved TMDL, the APMP will be developed in close consultation with the Central Coast Regional Water Quality Control Board and may include but not be limited to requirements for supplemental treatment for existing systems and mandatory, routine inspections as determined by the Central Coast Water Board in order to be consistent with the Policy. In the absence of a TMDL or an APMP approved by the Central Coast Water Board, the provisions of Tier 3 of the Policy shall apply to OWTS adjacent to water body segments listed in Attachment 2 of the Policy.

3. **County-Wide Groundwater Monitoring** - Water Board staff encouraged the County to consider implementation of a county-wide shallow groundwater monitoring program consistent with sections 9.3.2 through 9.3.2.9 of the OWTS Policy.

The LAMP program focuses on groundwater basins located beneath areas with a large number or a high density of OWTS where the use of these systems could impact or is thought to have impacted groundwater quality. The LAMP program uses data from water systems operated by cities, special districts, small public, and semi-public entities in Santa Barbara County consistent with sub-section 9.3.2.3. Most of these smaller systems utilize groundwater exclusively and perform routine water quality monitoring as a condition of their domestic water supply permits. Santa Barbara County Environmental Health Services utilizes these data, specifically, bacteria, nitrate and nitrite results, to measure OWTS impacts on groundwater.

Although the County’s proposed groundwater monitoring program does not propose to use all data sources identified in sections 9.3.2 through 9.3.2.9 of the OWTS Policy, it is a positive first step. For long-term assessment of groundwater quality, the County may need to expand its monitoring program county-wide and use more of the data sources listed in sections 9.3.2 through 9.3.2.9 of the OWTS Policy, including the installation and monitoring of shallow groundwater wells.

4. **Areas Not Covered by the LAMP** – Water Board staff encouraged the County to consider coordinating with cities, community service districts, and other local agencies with jurisdictional boundaries within the County LAMP area to obtain coverage for their jurisdictional areas through a signed agreement with the County. Coverage means a separate local agency (e.g., the County) shall implement the LAMP requirements and provide oversight to all OWTS within a defined area (e.g. city boundary).

The LAMP does not contain specific language regarding agreements with local agencies, but Santa Barbara County is amenable to working with local agencies and is willing to craft agreements as necessary.

5. **Revision of the County Ordinance** – There is information in the Santa Barbara County LAMP that may need to be incorporated into Santa Barbara County Code to support LAMP implementation consistent with the OWTS policy. Conversely, existing parts of the Santa Barbara County Code may need revision to support LAMP implementation. Water Board staff encouraged the County to revise and present edits

to the ordinance in parallel with review and consideration of edits to the LAMP to avoid questions concerning the consistency of the Code and the LAMP. Santa Barbara County is willing to edit both the LAMP and County ordinance in parallel as necessary.

Santa Barbara County delivered the revised LAMP to the Water Board on July 29, 2015. The OTWS Policy requires that Water Board staff forward the documents and solicit comments from the State Water Resources Control Board Division of Drinking Water (hereafter DDW) regarding a LAMP's proposed policies and notifications to water purveyors. On August 4, 2015, Water Board staff provided DDW with the draft LAMP and supporting documents. DDW did not comment.

On September 1, 2015, the Santa Barbara County Board of Supervisors approved the revised LAMP. The revised LAMP incorporates the LAMP Completeness Checklist and language to specifically address degraded groundwater basins. The revised LAMP did not incorporate suggestions for modification of the proposed county-wide shallow groundwater monitoring, nor did it specifically address working with local agencies.

It is clear that development and implementation of the LAMP is an iterative process that will continue after adoption and with future LAMP and county ordinance revisions. The proposed LAMP is a positive step towards enhanced protection of groundwater quality and improved local oversight of onsite wastewater treatment systems.

RECOMMENDATION

Adopt Resolution No. R3-2015-0037 as proposed.

ATTACHMENTS

1. Resolution No. R3-2015-0037
2. Santa Barbara County LAMP

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Task:

File: Santa Barbara County LAMP

ECM: 814120