

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD—
LAHONTAN REGION

2092 LAKE TAHOE BOULEVARD
P.O. BOX 9428
SOUTH LAKE TAHOE, CALIFORNIA 95731-2428
(916) 544-3481



March 11, 1991

Mr. Glenn Barnhill
Kern County Principal Planner
Department of Planning
2700 M Street, Suite 100
Bakersfield, CA 93301

Dear Mr. Barnhill:

AMENDED SEPTIC SYSTEM MEMORANDUM OF UNDERSTANDING

It has come to our attention that an error was made in the original wording of the above-referenced Memorandum of Understanding (MOU) between the Regional Board and Kern County. Item II. G. of the MOU should have had the word "before" rather than "after" so that the MOU would accurately reflect the intentions of the Regional Board. Pursuant to item XI of the MOU, we propose that this change be made with the mutual agreement of both parties. If you concur, please substitute the enclosed page containing this correction with the corresponding page in your copy of the agreement.

Also, please have one of the enclosed forms signed and returned to this office within 60 days of receipt. We thank you for your prompt attention to this matter. If you have any questions or comments, please contact David Himebaugh or Dr. Ranjit Gill.

Sincerely,

HAROLD J. SINGER
EXECUTIVE OFFICER

Enclosure

cc: septic system mailing list

sh

4. The project is in a class that has been designated exempt from Regional Board review in writing under signature of the Regional Board Executive Officer; or
5. The project/development has been granted an exemption by the Board and complies with the County's standards for use of septic tank wastewater disposal systems.

II. The County shall not issue construction permits without Regional Board approval for the following projects:

- A. Projects that involve domestic wastewater discharge from commercial or industrial development in excess of 500 gallon/acre/day as determined by the Board; or
- B. Projects that will have industrial wastewater discharges; or
- C. Projects that exceed the two EDU/acre density requirement for septic tank use (except in exempted areas); or
- D. Projects that do not comply with the County's standards for use of septic tank wastewater disposal systems; or
- E. Projects located within existing waste discharge prohibition areas (unless in areas exempted in I.B. above); or
- F. Projects utilizing package wastewater treatment plants with on-site disposal; or
- G. Projects that consist of a single-family home on individual lots that were created out of a subdivision before June 16, 1988 when the lot has a net area of less than 15,000 square feet.

The amendment of Item I G., changing the word "after" to "before" in the Septic System Memorandum of Understanding with the Lahontan Regional Water Quality Control Board is executed on the date of the last signature below, by the following authorized representatives of the parties.

Harold J. Singer

Harold J. Singer
Executive Officer

Date

Nov 11, 1991

Date

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD—
LAHONTAN REGION2092 LAKE TAHOE BOULEVARD
P.O. BOX 9428
SOUTH LAKE TAHOE, CALIFORNIA 95731-2428
(916) 544-3481

December 29, 1989

u *Septic System*
MOU

Mr. Glenn Barnhill
Principal Planner
Dept. of Planning and Development Services
2700 M Street, Suite 100
Bakersfield, CA 93301

Dear Mr. Barnhill:

MEMORANDUM OF UNDERSTANDING BETWEEN KERN COUNTY AND LAHONTAN
REGARDING IMPLEMENTATION OF SEPTIC SYSTEM GUIDELINES

Enclosed are two signed copies of the above referenced memorandum of understanding (MOU). Page two of the MOU contains additional language agreed upon by Supervisor Ashburn's and Regional Board staff. Please be informed that the purpose of this MOU is to expedite the overall review process and clarify the County and Regional Board operating policy for septic system permitting. The Regional Board criteria which govern the review process were approved on June 16, 1988 by the State Water Resources Control Board and have been in force since that date.

Therefore, County adoption of this MOU will not change the minimum criteria which it must legally use in septic system permitting. Rather, adoption of this MOU would save Kern County property owners from Regional Board project review periods and filing fees. Failure by the County to adopt an MOU with the Regional Board will necessitate Regional Board review of septic system applications.

Of the 16 municipalities requiring an MOU signature, Kern County is one of only four to have not yet signed this MOU. It is therefore our belief that examination of the MOU and its benefits will result in its adoption.

If you have any questions or comments on this matter, please contact David Himebaugh or Dr. Ranjit Gill at this office.

Sincerely,

Handwritten signature of Harold J. Singer in cursive.

HAROLD J. SINGER
EXECUTIVE OFFICER

Enclosures

cc: County Supervisor Roy Ashburn
Dr. Richard Dodge

sh

SEPTIC TANK GUIDELINES

Memorandum of Understanding
Between the
California Water Quality Control Board
Lahontan Region
and
Kern County

This Memorandum of Understanding is entered into by and between the California Regional Water Quality Control Board, Lahontan Region (hereinafter Board), and Kern County (hereinafter County). Its purpose is to expedite the overall review process for proposed developments and to provide a clear operating policy between the Board and the County on the implementation of the Board's guidelines for wastewater disposal from land developments.

Section 13260 of the California Water Code requires any person discharging waste or proposing to discharge waste that may affect waters of the State, except to a community sewer system, to file a report of waste discharge with the regional board of that region. Implementation of this code section has included regulation of individual waste systems wherever warranted.

In 1973 and again in 1974, the Board adopted guidelines to (1) establish the conditions under which waivers of the filing requirement would be in the public interest (pursuant to California Water Code Section 13269); (2) establish minimum criteria for the use of individual systems; and (3) prevent pollution or nuisance caused by the discharges from leaching or percolation systems.

On January 14, 1988, the Regional Board adopted revisions to the "Guidelines for Waste Disposal From Land Developments." In conjunction with these revisions, the Regional Board also adopted the "Regional Board Guidelines for Implementation of Criteria for Individual Waste Disposal Systems." These implementation guidelines list general and specific provisions in considering exemptions to the maximum density criteria (2 EDUs per acre) for individual waste disposal systems in both new and existing land developments.

This requirement also applies to domestic wastewater discharges from new commercial and industrial development with wastewater discharge volumes exceeding two EDU per acre density (500 gal/day/acre based on 250 gal/day/EDU). On June 16, 1988, the State Water Resources Control Board approved the revisions. For purposes of this Memorandum of Understanding gross acreage is that area which encompasses the entire net lot area plus any underlying fee title within the adjacent right-of-ways, if any.

The Regional Board acknowledges Kern County's concern regarding the applicability of the maximum density criteria to the entire portion of the County within the Lahontan Region. The Regional Board will review new information being generated by current or future studies to determine if modification of the density criteria is warranted.

Inasmuch as the County has incorporated into its review criteria the "Minimum Criteria for Subsurface Discharge of Sewage" contained in the Board's guidelines, and has consistently applied these criteria in its review of proposed developments, it is not against the public interest for

the Board to reduce its oversight work by eliminating redundant review of proposed projects.

It is agreed that:

- I. The County is authorized to issue construction permits for projects that utilize individual subsurface disposal systems without Regional Board approval under the following conditions:
 - A. All of the Following:
 1. The on-site soil characteristics comply with the established "Minimum Criteria for Individual Waste Disposal Systems as adopted by Resolution 6-88-15; and
 2. The discharge is composed of domestic wastewater only; and
 - B. One of the Following:
 1. The development consists of single-family residences or multiple-family residences, the density does not exceed two equivalent dwelling units (EDU) per acre (500 gallons/acre/day wastewater flow), or
 2. The development consists only of a single-family home on an individual lot which has a minimum net area of 15,000 square feet; or
 3. The development is non-residential or of mixed occupancy and the wastewater discharge does not exceed 500 gallons/acre/day as determined using Table I-2 and I-3 in the Uniform Plumbing Code and occupant loads as determined by Table 33A in the Uniform Building Code; or

4. The project is in a class that has been designated exempt from Regional Board review in writing under signature of the Regional Board Executive Officer; or
5. The project/development has been granted an exemption by the Board and complies with the County's standards for use of septic tank wastewater disposal systems.

II. The County shall not issue construction permits without Regional Board approval for the following projects:

- A. Projects that involve domestic wastewater discharge from commercial or industrial development in excess of 500 gallon/acre/day as determined by the Board; or
- B. Projects that will have industrial wastewater discharges; or
- C. Projects that exceed the two EDU/acre density requirement for septic tank use (except in exempted areas); or
- D. Projects that do not comply with the County's standards for use of septic tank wastewater disposal systems; or
- E. Projects located within existing waste discharge prohibition areas (unless in areas exempted in I.B. above); or
- F. Projects utilizing package wastewater treatment plants with on-site disposal; or
- G. Projects that consist of a single-family home on individual lots that were created out of a subdivision after June 16, 1988 when the lot has a net area of less than 15,000 square feet.

- III. The County, at its discretion, may defer consideration of projects, based on water quality impacts, to the Board for any projects even if it appears that compliance with Section I. of this Memorandum of Understanding has been achieved.
- IV. The County, at its discretion, may require the formation of a public entity (as defined in the State of California Government Code Section 53090 et seq.) to maintain septic systems in residential developments of one hundred (100) lots or more.
- V. The Board may review permits issued by the County at its discretion. Copies of permits will be made available upon request for review in County offices.
- VI. The Board, upon reviewing permits issued by the County, may require proposals be submitted and/or waste discharge requirements (permits) be obtained for all other types of waste discharges such as stormwater runoff and solid waste leachate.
- VII. The County, on its own initiative or at the request of an applicant and upon providing the information specified in the implementation guidelines, may apply for individual, large scale, or area-wide exemptions.

- VIII. The applicant, for projects found in compliance with the Board's guidelines, will be notified of acceptance by issuance of a County building permit or by issuance of a Board clearance letter.
- IX. The County shall maintain a record of all documents submitted and reviewed under this Memorandum of Understanding. This record shall be kept as a note on the construction permit for each project.
- X. This Memorandum of Understanding shall be effective immediately after execution of this agreement and shall remain in full force until terminated by a prior thirty (30) day written notice by either party.
- XI. This Memorandum of Understanding may be amended as mutually agreed to by the County and the Regional Board.
- XII. All notices and communications under this Memorandum of Understanding shall be addressed to the following:

Mr. Glenn Barnhill
Kern County Principal Planner
Dept. of Planning
2700 M Street, Suite 100
Bakersfield, CA 93301

Harold J. Singer
California Regional Water Quality
Control Board, Lahontan Region
P.O. Box 9428
South Lake Tahoe, CA 95731-2428

This Memorandum of Understanding is executed on the date of the most recent signature below, by the following authorized representatives of the parties.

County Representative
Title

Harold J. Singer

Harold J. Singer
Executive Officer

Date _____

Date Dec 20, 1989

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD—
LAHONTAN REGION**

92 LAKE TAHOE BOULEVARD
O. BOX 9428
SOUTH LAKE TAHOE, CALIFORNIA 95731-2428
(916) 544-3481



February 26, 1990

Mr. Glenn Barnhill
Principal Planner
Dept. of Planning & Development Services
2700 M Street, Suite 100
Bakersfield, CA 93301

Dear Mr. Barnhill:

SEPTIC SYSTEM MEMORANDUM OF UNDERSTANDING (MOU)

On December 29, 1989 we sent you a revised MOU concerning septic system density criteria in that portion of Kern County within the Lahontan Region. We have subsequently made several attempts to telephone you for your input concerning this revised document; however, our phone calls have not been returned.

Kern County is the only affected county or city within our region to have not signed this MOU.

Please review the enclosed material, if you have not already done so, and contact David Himebaugh or Robert S. Dodds at this office at your earliest convenience.

Sincerely,

HAROLD J. SINGER
EXECUTIVE OFFICER

Enclosure

cc: County Supervisor Roy Ashburn
Regional Board Members
Kern County Health Dept.
RWQCB, Victorville

DGH/jr

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD—
LAHONTAN REGION2092 LAKE TAHOE BOULEVARD
P.O. BOX 9428
SOUTH LAKE TAHOE, CALIFORNIA 95731-2428
(916) 544-3481

February 6, 1989

Glenn Barnhill
Principal Planner
Dept. of Planning and Development Services
2700 M Street, Suite 100
Bakersfield, CA 93301MOU BETWEEN KERN COUNTY AND LAHONTAN REGARDING IMPLEMENTATION OF
SEPTIC SYSTEM GUIDELINES

Dear Mr. Barnhill:

On January 19, 1989, the State Water Resources Control Board adopted Resolution No. 89-04 (enclosed). As a result of this Board action, the Lahontan Basin Plan amendments and implementation guidelines for septic systems are now applicable to Kern County.

Finding Number 7 of Resolution No. 89-04 includes the development of a Memorandum of Understanding (MOU) between Kern County and Lahontan to specify implementation of the amendments. Enclosed for your consideration is a copy of "Septic Tank Guidelines - Memorandum of Understanding Between the California Water Quality Control Board, Lahontan Region, and Kern County". If you agree with the septic system implementation procedures of the MOU, please obtain the appropriate Kern County signatures and return the MOU to this office for my signature.

As you know, I was authorized by the Lahontan Regional Board to grant exemptions to three North Edwards subdivisions and to allow continued development in selected areas of Kern County until the maximum septic system density has been reached. Please note that the exemption process is independent of execution of the enclosed MOU. I will authorize the exemptions by separate letter.

I look forward to the timely execution of the MOU and to a continued good working relationship with Kern County staff. If you have any questions regarding the MOU or related matters, please contact Cindy Rofer or David Himebaugh at this office.

Yours truly,

A handwritten signature in cursive script, reading "O.R. Butterfield".
O.R. BUTTERFIELD
EXECUTIVE OFFICEREnclosures SWRCB Resolution No. 89-04
MOU

ds

SEPTIC TANK GUIDELINES

Memorandum of Understanding
Between the
California Water Quality Control Board
Lahontan Region
and
Kern County

This Memorandum of Understanding is entered into by and between the California Regional Water Quality Control Board, Lahontan Region (hereinafter Board), and Kern County (hereinafter County). Its purpose is to expedite the overall review process for proposed developments and to provide a clear operating policy between the Board and the County on the implementation of the Board's guidelines for wastewater disposal from land developments.

Section 13260 of the California Water Code requires any person discharging waste or proposing to discharge waste that may affect waters of the State, except to a community sewer system, to file a report of waste discharge with the regional board of that region. Implementation of this code section has included regulation of individual waste systems wherever warranted.

In 1973 and again in 1974, the Board adopted guidelines to (1) establish the conditions under which waivers of the filing requirement would be in the public interest (pursuant to California Water Code Section 13269); (2) establish minimum criteria for the use of individual systems; and (3) prevent pollution or nuisance caused by the discharges from leaching or percolation systems.

On January 14, 1988, the Regional Board adopted revisions to the "Guidelines for Waste Disposal From Land Developments." In conjunction with these revisions, the Regional Board also adopted the "Regional Board Guidelines for Implementation of Criteria for Individual Waste Disposal Systems." These implementation guidelines list general and specific provisions in considering exemptions to the maximum density criteria (2 EDUs per acre) for individual waste disposal systems in both new and existing land developments.

This requirement also applies to domestic wastewater discharges from new commercial and industrial development with wastewater discharge volumes exceeding two EDU per acre density (500 gal/day/acre based on 250 gal/day/EDU). On January 19, 1989, the State Water Resources Control Board approved the revisions for Kern County. For purposes of this Memorandum of Understanding gross acreage is that area which encompasses the entire net lot area plus any underlying fee title within the adjacent right-of-ways, if any.

Inasmuch as the County has incorporated into its review criteria the "Minimum Criteria for Subsurface Discharge of Sewage" contained in the Board's guidelines, and has consistently applied these criteria in its review of proposed developments, it is not against the public interest for the Board to reduce its oversight work by eliminating redundant review of proposed projects.

It is agreed that:

1. The County is authorized to issue construction permits for

projects that utilize individual subsurface disposal systems without Regional Board approval under the following conditions:

A. All of the Following:

1. The on-site soil characteristics comply with the established "Minimum Criteria for Individual Waste Disposal Systems as adopted by Resolution 6-88-15; and
2. The discharge is composed of domestic wastewater only; and

B. One of the Following:

1. The development consists of single-family residences or multiple-family residences, the density does not exceed two equivalent dwelling units (EDU) per acre (500 gallons/acre/day wastewater flow), or
2. The development consists only of a single-family home on an individual lot which has a minimum net area of 15,000 square feet; or
3. The development is non-residential or of mixed occupancy and the wastewater discharge does not exceed 500 gallons/acre/day as determined using Table I-2 and I-3 in the Uniform Plumbing Code and occupant loads as determined by Table 33A in the Uniform Building Code; or
4. The project is in a class that has been designated exempt from Regional Board review in writing under signature of the Regional Board Executive Officer; or
5. The project/development has been granted an exemption by the Board and complies with the County's standards for use of septic tank wastewater disposal systems.

- II. The County shall not issue construction permits without Regional Board approval for the following projects:
- A. Projects that involve domestic wastewater discharge from commercial or industrial development in excess of 500 gallon/acre/day as determined by the Board; or
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 - E. Projects located within existing waste discharge prohibition areas (unless in areas exempted in I.B. above); or
 - F. Projects utilizing package wastewater treatment plants with on-site disposal; or
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- III. The County, at its discretion, may defer consideration of projects, based on water quality impacts, to the Board for any projects even if it appears that compliance with Section I. of this Memorandum of Understanding has been achieved.
- IV. The County, at its discretion, may require the formation of a public entity (as defined in the State of California Government Code

Section 53090 et seq.) to maintain septic systems in residential developments of one hundred (100) lots or more.

- V. The Board may review permits issued by the County at its discretion. Copies of permits will be made available upon request for review in County offices.
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- IX. The County shall maintain a record of all documents submitted and reviewed under this Memorandum of Understanding. This record shall be kept as a note on the construction permit for each project.
- X. This Memorandum of Understanding shall be effective immediately after

execution of this agreement and shall remain in full force until terminated by a prior thirty (30) day written notice by either party.

XI. This Memorandum of Understanding may be amended as mutually agreed to by the County and the Regional Board.

XII. All notices and communications under this Memorandum of Understanding shall be addressed to the following:

Glenn A. Barnhill
2700 M Street
Suite 100
Bakersfield, CA 93301

O. R. Butterfield
California Regional Water Quality
Control Board - Lahontan Region
P.O. Box 9428
South Lake Tahoe, CA 95731-2428

This Memorandum of Understanding is executed on the date of the most recent signature below, by the following authorized representatives of the parties.

Roy Ashburn
Chairman, Board of Supervisors

O. R. Butterfield
Executive Officer

Date _____

Date _____

STATE WATER RESOURCES CONTROL BOARD
RESOLUTION NO. 89-4

RECONSIDERATION OF AMENDMENTS TO THE WATER QUALITY CONTROL
PLAN FOR THE SOUTH LAHONTAN BASIN AND IMPLEMENTING GUIDELINES
FOR DISCHARGES FROM INDIVIDUAL WASTE DISPOSAL SYSTEMS
SPECIFIC TO KERN COUNTY

WHEREAS:

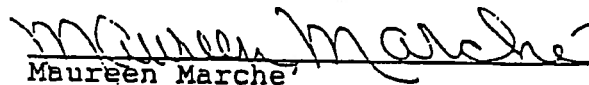
1. The California Regional Water Quality Control Board, Lahontan Region (Lahontan Regional Board), adopted the Water Quality Control Plans (Basin Plans) for the North and South Lahontan Basins in 1975. These Basin Plans were subsequently approved by the State Water Resources Control Board (State Board).
2. Division 7 of the California Water Code specifies that Basin Plans be periodically reviewed and, if appropriate, revised.
3. After several public hearings, the Lahontan Regional Board adopted revisions to the North and South Lahontan Basin Plans concerning revised criteria (Lahontan Regional Board Resolution No. 6-88-15) and guidelines for implementation of the revised criteria for individual waste disposal systems (Lahontan Regional Board Resolution No. 6-88-16) in the North and South Lahontan Regions on January 14, 1988.
4. The Lahontan Regional Board staff prepared documents and followed procedures satisfying environmental documentation requirements in accordance with the California Environmental Quality Act.
5. Sections 13245 and 13245.5 of the California Water Code specify that Basin Plan amendments and guidelines adopted by a Regional Water Quality Control Board do not become effective until approved by the State Board.
6. The Lahontan Basin Plan amendments and the implementing guidelines as adopted by the Lahontan Regional Board were approved by the State Board in Resolution No. 88-76 on June 16, 1988, with the exception that the approval did not apply to Kern County and that the Lahontan Regional Board should work with Kern County to develop an agreement to resolve their differences on the Basin Plan amendments and report to the State Board on the outcome of these efforts.
7. The Lahontan Regional Board and Kern County have reached an agreement on application of the Basin Plan amendments to Kern County. A Memorandum of Understanding between the two agencies specifying implementation of the amendments will be developed.

THEREFORE BE IT RESOLVED:

1. That the State Board approves the Basin Plan amendments and the implementing guidelines as adopted on January 14, 1988 by Lahontan Regional Board Resolution Nos. 6-88-15 and 6-88-16, respectively, as they apply to Kern County so that the amendments and guidelines apply to all counties within the Lahontan Region.
2. The Lahontan Regional Board will comply with Water Code Section 13280 et seq. whenever it denies a request for exemption from the development density criteria these amendments establish.

CERTIFICATION

The undersigned, Administrative Assistant to the Board, does hereby certify that the foregoing is a full, true, and correct copy of a resolution duly and regularly adopted at a meeting of the State Water Resources Control Board held on January 19, 1989.


Maureen Marche
Administrative Assistant to the Board

STATE OF CALIFORNIA

OFFICE MEMO

STD. 100 (REV. 10/87)

87 46331

TO:

HJS 6/19 DTA 6/24

File: Kern Co. MDA
(misc. document)

ROOM/STA. NO.

FROM:

Jack Dodge

PHONE NUMBER

ATSS

ROOM/STA. NO.

6/19 @ 4:00 pm

SUBJECT:

Kern Co. Bd of Supv
signed
agenda item ~~5~~
MOR at
their 4/9/90 meeting

a certified copy will
be in my hands
this Friday

Put your thoughts to work. Submit a MERIT AWARD SUGGESTION.

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD—
LAHONTAN REGION2092 LAKE TAHOE BOULEVARD
P.O. BOX 9428
SOUTH LAKE TAHOE, CALIFORNIA 95731-2428
(916) 544-3481*S. The*
System Mod
Misc.

November 29, 1990

Randall L. Abbott, Director
Department of Planning and Development Services
Kern County
2700 M Street, Suite 100
Bakersfield, CA 93301

Dear Mr. Abbott:

MOU BETWEEN KERN COUNTY AND LAHONTAN REGARDING IMPLEMENTATION OF SEPTIC SYSTEMS

In February 1989, we sent a copy of "Septic Tank Guidelines - Memorandum of Understanding (MOU) Between the California Water Quality Control Board and Kern County" to Glenn Barnhill of your staff (see enclosure). We requested that he obtain the appropriate Kern County signature and return a signed copy of the MOU to us for subsequent signature.

In December 1989, we sent a revised copy of the MOU to Mr. Barnhill (see enclosure). The revised copy of the MOU included additional language which had been mutually agreed upon by both Kern County Supervisor Ashburn and Regional Board staff. I signed the revised MOU and had sent it to Mr. Barnhill for the appropriate Kern County signature.

In February 1990, we sent Mr. Barnhill another copy of the MOU for the appropriate Kern County signature (see enclosure).

In early November 1990, Dr. Dodge, a Regional Board member, informed me that he had spoken with a Kern County supervisor regarding the status of the MOU. The supervisor told Dr. Dodge that the MOU had been approved approximately one year ago and that two copies were sent to us. However, we could not locate a signed copy of the MOU in either our South Lake Tahoe or Victorville offices.

My staff telephoned Mr. Barnhill on November 5, 16 and 19 to request a signed copy of the MOU. To date, Mr. Barnhill has not returned our calls.

Randall L. Abbott

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Please send us a copy of the signed MOU. We appreciate your prompt attention to this matter. If you have any questions, please contact me or Robert S. Dodds, Assistant Executive Officer, at (916) 544-3481.

Sincerely,

A handwritten signature in cursive script that reads "Harold J. Singer".

HAROLD J. SINGER
EXECUTIVE OFFICER

Enclosures (3)

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CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD—
LAHONTAN REGION2092 LAKE TAHOE BOULEVARD
P.O. BOX 9428
SOUTH LAKE TAHOE, CALIFORNIA 95731-2428
(916) 544-3481

February 6, 1989

Glenn Barnhill
Principal Planner
Dept. of Planning and Development Services
2700 M Street, Suite 100
Bakersfield, CA 93301MOU BETWEEN KERN COUNTY AND LAHONTAN REGARDING IMPLEMENTATION OF
SEPTIC SYSTEM GUIDELINES

Dear Mr. Barnhill:

On January 19, 1989, the State Water Resources Control Board adopted Resolution No. 89-04 (enclosed). As a result of this Board action, the Lahontan Basin Plan amendments and implementation guidelines for septic systems are now applicable to Kern County.

Finding Number 7 of Resolution No. 89-04 includes the development of a Memorandum of Understanding (MOU) between Kern County and Lahontan to specify implementation of the amendments. Enclosed for your consideration is a copy of "Septic Tank Guidelines - Memorandum of Understanding Between the California Water Quality Control Board, Lahontan Region, and Kern County". If you agree with the septic system implementation procedures of the MOU, please obtain the appropriate Kern County signatures and return the MOU to this office for my signature.

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I look forward to the timely execution of the MOU and to a continued good working relationship with Kern County staff. If you have any questions regarding the MOU or related matters, please contact Cindy Rofer or David Himebaugh at this office.

Yours truly,

A handwritten signature in cursive script, appearing to read "O.R. Butterfield".
O.R. BUTTERFIELD
EXECUTIVE OFFICEREnclosures SWRCB Resolution No. 89-04
 MOU

ds

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD—
LAHONTAN REGION2092 LAKE TAHOE BOULEVARD
P.O. BOX 9428
SOUTH LAKE TAHOE, CALIFORNIA 95731-2428
(916) 544-3481

December 29, 1989

Mr. Glenn Barnhill
Principal Planner
Dept. of Planning and Development Services
2700 M Street, Suite 100
Bakersfield, CA 93301

Dear Mr. Barnhill:

MEMORANDUM OF UNDERSTANDING BETWEEN KERN COUNTY AND LAHONTAN
REGARDING IMPLEMENTATION OF SEPTIC SYSTEM GUIDELINES

Enclosed are two signed copies of the above referenced memorandum of understanding (MOU). Page two of the MOU contains additional language agreed upon by Supervisor Ashburn's and Regional Board staff. Please be informed that the purpose of this MOU is to expedite the overall review process and clarify the County and Regional Board operating policy for septic system permitting. The Regional Board criteria which govern the review process were approved on June 16, 1988 by the State Water Resources Control Board and have been in force since that date.

Therefore, County adoption of this MOU will not change the minimum criteria which it must legally use in septic system permitting. Rather, adoption of this MOU would save Kern County property owners from Regional Board project review periods and filing fees. Failure by the County to adopt an MOU with the Regional Board will necessitate Regional Board review of septic system applications.

Of the 16 municipalities requiring an MOU signature, Kern County is one of only four to have not yet signed this MOU. It is therefore our belief that examination of the MOU and its benefits will result in its adoption.

If you have any questions or comments on this matter, please contact David Himebaugh or Dr. Ranjit Gill at this office.

Sincerely,

A handwritten signature in cursive script that reads "Harold J. Singer".

HAROLD J. SINGER
EXECUTIVE OFFICER

Enclosures

cc: County Supervisor Roy Ashburn
Dr. Richard Dodge

sh

SEPTIC TANK GUIDELINES

Memorandum of Understanding
Between the
California Water Quality Control Board
Lahontan Region
and
Kern County

This Memorandum of Understanding is entered into by and between the California Regional Water Quality Control Board, Lahontan Region (hereinafter Board), and Kern County (hereinafter County). Its purpose is to expedite the overall review process for proposed developments and to provide a clear operating policy between the Board and the County on the implementation of the Board's guidelines for wastewater disposal from land developments.

Section 13260 of the California Water Code requires any person discharging waste or proposing to discharge waste that may affect waters of the State, except to a community sewer system, to file a report of waste discharge with the regional board of that region. Implementation of this code section has included regulation of individual waste systems wherever warranted.

In 1973 and again in 1974, the Board adopted guidelines to (1) establish the conditions under which waivers of the filing requirement would be in the public interest (pursuant to California Water Code Section 13269); (2) establish minimum criteria for the use of individual systems; and (3) prevent pollution or nuisance caused by the discharges from leaching or percolation systems.

On January 14, 1988, the Regional Board adopted revisions to the "Guidelines for Waste Disposal From Land Developments." In conjunction with these revisions, the Regional Board also adopted the "Regional Board Guidelines for Implementation of Criteria for Individual Waste Disposal Systems." These implementation guidelines list general and specific provisions in considering exemptions to the maximum density criteria (2 EDUs per acre) for individual waste disposal systems in both new and existing land developments.

This requirement also applies to domestic wastewater discharges from new commercial and industrial development with wastewater discharge volumes exceeding two EDU per acre density (500 gal/day/acre based on 250 gal/day/EDU). On June 16, 1988, the State Water Resources Control Board approved the revisions. For purposes of this Memorandum of Understanding gross acreage is that area which encompasses the entire net lot area plus any underlying fee title within the adjacent right-of-ways, if any.

The Regional Board acknowledges Kern County's concern regarding the applicability of the maximum density criteria to the entire portion of the County within the Lahontan Region. The Regional Board will review new information being generated by current or future studies to determine if modification of the density criteria is warranted.

Inasmuch as the County has incorporated into its review criteria the "Minimum Criteria for Subsurface Discharge of Sewage" contained in the Board's guidelines, and has consistently applied these criteria in its review of proposed developments, it is not against the public interest for

the Board to reduce its oversight work by eliminating redundant review of proposed projects.

It is agreed that:

- I. The County is authorized to issue construction permits for projects that utilize individual subsurface disposal systems without Regional Board approval under the following conditions:
 - A. All of the Following:
 1. The on-site soil characteristics comply with the established "Minimum Criteria for Individual Waste Disposal Systems as adopted by Resolution 6-88-15; and
 2. The discharge is composed of domestic wastewater only; and
 - B. One of the Following:
 1. The development consists of single-family residences or multiple-family residences, the density does not exceed two equivalent dwelling units (EDU) per acre (500 gallons/acre/day wastewater flow), or
 2. The development consists only of a single-family home on an individual lot which has a minimum net area of 15,000 square feet; or
 3. The development is non-residential or of mixed occupancy and the wastewater discharge does not exceed 500 gallons/acre/day as determined using Table I-2 and I-3 in the Uniform Plumbing Code and occupant loads as determined by Table 33A in the Uniform Building Code; or

4. The project is in a class that has been designated exempt from Regional Board review in writing under signature of the Regional Board Executive Officer; or
5. The project/development has been granted an exemption by the Board and complies with the County's standards for use of septic tank wastewater disposal systems.

II. The County shall not issue construction permits without Regional Board approval for the following projects:

- A. Projects that involve domestic wastewater discharge from commercial or industrial development in excess of 500 gallon/acre/day as determined by the Board; or
- B. Projects that will have industrial wastewater discharges; or
- C. Projects that exceed the two EDU/acre density requirement for septic tank use (except in exempted areas); or
- D. Projects that do not comply with the County's standards for use of septic tank wastewater disposal systems; or
- E. Projects located within existing waste discharge prohibition areas (unless in areas exempted in I.B. above); or
- F. Projects utilizing package wastewater treatment plants with on-site disposal; or
- G. Projects that consist of a single-family home on individual lots that were created out of a subdivision after June 16, 1988 when the lot has a net area of less than 15,000 square feet.

- III. The County, at its discretion, may defer consideration of projects, based on water quality impacts, to the Board for any projects even if it appears that compliance with Section I. of this Memorandum of Understanding has been achieved.
- IV. The County, at its discretion, may require the formation of a public entity (as defined in the State of California Government Code Section 53090 et seq.) to maintain septic systems in residential developments of one hundred (100) lots or more.
- V. The Board may review permits issued by the County at its discretion. Copies of permits will be made available upon request for review in County offices.
- VI. The Board, upon reviewing permits issued by the County, may require proposals be submitted and/or waste discharge requirements (permits) be obtained for all other types of waste discharges such as stormwater runoff and solid waste leachate.
- VII. The County, on its own initiative or at the request of an applicant and upon providing the information specified in the implementation guidelines, may apply for individual, large scale, or area-wide exemptions.

- VIII. The applicant, for projects found in compliance with the Board's guidelines, will be notified of acceptance by issuance of a County building permit or by issuance of a Board clearance letter.
- IX. The County shall maintain a record of all documents submitted and reviewed under this Memorandum of Understanding. This record shall be kept as a note on the construction permit for each project.
- X. This Memorandum of Understanding shall be effective immediately after execution of this agreement and shall remain in full force until terminated by a prior thirty (30) day written notice by either party.
- XI. This Memorandum of Understanding may be amended as mutually agreed to by the County and the Regional Board.
- XII. All notices and communications under this Memorandum of Understanding shall be addressed to the following:

Mr. Glenn Barnhill
Kern County Principal Planner
Dept. of Planning
2700 M Street, Suite 100
Bakersfield, CA 93301

Harold J. Singer
California Regional Water Quality
Control Board, Lahontan Region
P.O. Box 9428
South Lake Tahoe, CA 95731-2428

This Memorandum of Understanding is executed on the date of the most recent signature below, by the following authorized representatives of the parties.

County Representative
Title

Harold J. Singer

Harold J. Singer
Executive Officer

Date _____

Date Dec 20, 1989

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD—
LAHONTAN REGION**2092 LAKE TAHOE BOULEVARD
P.O. BOX 9428SOUTH LAKE TAHOE, CALIFORNIA 95731-2428
(916) 544-3481

February 26, 1990

Mr. Glenn Barnhill
Principal Planner
Dept. of Planning & Development Services
2700 M Street, Suite 100
Bakersfield, CA 93301

Dear Mr. Barnhill:

SEPTIC SYSTEM MEMORANDUM OF UNDERSTANDING (MOU)

On December 29, 1989 we sent you a revised MOU concerning septic system density criteria in that portion of Kern County within the Lahontan Region. We have subsequently made several attempts to telephone you for your input concerning this revised document; however, our phone calls have not been returned.

Kern County is the only affected county or city within our region to have not signed this MOU.

Please review the enclosed material, if you have not already done so, and contact David Himebaugh or Robert S. Dodds at this office at your earliest convenience.

Sincerely,

A handwritten signature in cursive script that reads "Harold J. Singer".

HAROLD J. SINGER
EXECUTIVE OFFICER

Enclosure

cc: County Supervisor Roy Ashburn
Regional Board Members
Kern County Health Dept.
RWQCB, Victorville

DGH/jr



Lahontan
Regional Water
Quality Control
Board

South Lake Tahoe
Office

2501 Lake Tahoe Blvd.
South Lake Tahoe, CA
96150
(530) 542-5400
FAX (530) 544-2271

MOU
KERN Co. Septic
GENERAL Files



Pete Wilson
Governor

February 6, 1998

Steve McCalley
Kern County Health Dept.
1700 Flower St.
Bakersfield, CA 93305

Dear Mr. McCalley:

**PROPOSED DELEGATION TO LOCAL GOVERNMENTS OF ADDITIONAL
RESPONSIBILITY FOR IMPLEMENTATION OF REGIONAL BOARD
SEPTIC SYSTEM CRITERIA**

The Regional Board has expressed its desire to delegate approvals for all domestic septic system discharges (including alternative systems and exemptions from the criteria) to local governments. This delegation would not change the Board's existing septic system prohibitions, or septic system location and density criteria, and local governments would be responsible for ensuring compliance with all applicable Regional Board regulations. The Regional Board would still retain responsibility for reviewing discharges of industrial waste to septic systems.

The regulation of septic systems in Kern County is based on County regulations and siting and density criteria contained in *the Water Quality Control Plan for the Lahontan Region (Basin Plan)* (excerpts enclosed). Through a Memorandum of Understanding (MOU), the County issues septic tank permits on behalf of the Regional Board. However, the Regional Board has retained authority to approve of alternative systems and exemptions to the basic criteria. Since this procedure was implemented in 1988, it is evident to me that County staff have successfully and skillfully implemented the program.

I am therefore delegating additional authority to Kern County and am proposing to revise our MOU such that it would delegate complete authority for approvals of individual domestic waste disposal systems to Kern County. The following describes what I intend to delegate immediately to Kern County, and what I plan to delegate in the near future once we revise our MOU with you.

Delegation -- Exemptions for Alternative Systems

Pursuant to the conditions in the section titled "Permitting Authority" on page 4.4 - 20 of the Basin Plan, I am immediately delegating authority to Kern County to approve of alternative systems. My expectation is that the County will use the "Criteria for Alternative Systems" on page 4.4 - 19 and 20 of the Basin Plan.

Proposed Delegation -- Exemptions to Density and Siting Criteria

Pursuant to Sections 3 and 4 in the section titled "*Implementation of Criteria for Individual Waste Disposal Systems*" on page 4.4 - 18 of the Basin Plan, I am prepared to delegate authority in the near future to Kern County to approve of exemptions to the siting criteria and, in many circumstances, the density criteria. We are drafting a revised MOU to implement this delegation. You should expect to receive the draft of the revised MOU by February 17, 1998. This new MOU would replace the existing MOU with Kern County. The basis for such delegation would be the commitment from you that Kern County would use the Basin Plan criteria in evaluating exemption requests.

Please contact me at (530) 542-5412 if you have any comments or questions on this matter.

Sincerely,



HAROLD J. SINGER
EXECUTIVE OFFICER

Enclosures

cc: Regional Board Members w/enclosures
Kern County Planning Dept.
City of Ridgecrest Planning Dept.

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