

# County of Nevada Local Area Management Plan (LAMP) and State of California Onsite Wastewater Treatment System (OWTS) Policy

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Environmental Health Department

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# Onsite Wastewater Treatment Systems (OWTS)

In California, the authority for the regulation of Onsite Wastewater Treatment Systems (OWTS) belongs to the State Water Resources Control Board (SWRCB). The policies of the SWRCB are implemented locally through nine regional water quality control boards. Historically, each regional board developed “basin plans” that outlined water quality objectives in their respective jurisdictions as well as policies and programs to achieve those objectives.

General guidelines for the siting, design and construction of new OWTS were part of each basin plan. While the regional boards retain primacy over large and some specialized systems, direct regulatory authority for individual OWTS has been delegated to local agencies.

# Brief History – AB 885 and State Onsite Wastewater Treatment System (OWTS) Policy

The Local Agency Management Plan (LAMP) is the culmination of the actions required by Assembly Bill 885 (AB 885). AB 885 was introduced to the California State Assembly on February 25, 1999 and approved on September 27, 2000. This legislation directed the State Water Resources Control Board (SWRCB) to develop regulations or standards for Onsite wastewater treatment systems (OWTS) to be implemented by qualified local agencies.

In June 2012, the SWRCB adopted the Water Quality Control Policy for Siting, Design, Operation and Maintenance of Onsite Wastewater Treatment Systems, hereinafter referred to as the OWTS Policy.

The Policy became effective in May 2013 and for the first time, established a statewide, risk-based tiered approach for the regulation and management of OWTS.

# Brief History – AB 885 and State Onsite Wastewater Treatment System (OWTS) Policy

The SWRCB OWTS Policy provides a multi-tiered strategy for management of OWTS in California. The LAMP, presents the proposed Local Agency Management Program (LAMP) pertaining to the oversight of OWTS within the County of Nevada.

The Board of Supervisors, in adopting this LAMP, ensure that OWTS are constructed, modified, repaired, abandoned, operated, maintained, inspected and serviced in a manner that prevents environmental degradation and protects the health, safety and general welfare of all people of Nevada County.

The LAMP applies to all OWTS on parcels within Nevada County, from Truckee-Tahoe to Penn Valley and all areas in between.

# The State OWTS Policy Tiers

The OWTS Policy incorporates a risk-based, tiered approach. The 5 Tiers are as follows:

- Tier 0 = Existing OWTS that are properly functioning, and do not meet the conditions of failing systems or otherwise require corrective action (for example, to prevent groundwater impairment) as specifically described in Tier 4, and are not determined to be contributing to an impairment of surface water as specifically described in Tier 3, are automatically included in Tier 0.
- Tier 1: New or replacement OWTS that meet low risk siting and design requirements as specified in Tier 1, where there is not an approved Local Agency Management Plan per Tier 2. This means, Tier 1 is under State Jurisdiction.

# The State OWTS Policy Tiers

The OWTS Policy incorporates a risk-based, tiered approach. The 5 Tiers are as follows:

Tier 2: California is well known for its extreme range of geological and climatic conditions. As such, the establishment of a single set of criteria for OWTS would either be too restrictive so as to protect for the most sensitive case, or would have broad allowances that would not be protective enough under some circumstances. To accommodate this extreme variance, local agencies may submit management programs (“Local Agency Management Plans”) for approval by the State Jurisdictional Water Board, and upon approval then manage the installation of new and replacement OWTS under that program.

**Tier 2 allows for local oversight to remain with Nevada County vs. State**

# The State OWTS Policy Tiers

The OWTS Policy incorporates a risk-based, tiered approach. The 5 Tiers are as follows:

Tier 3: Existing, new, and replacement OWTS that are near impaired water bodies (impaired by pathogen or nitrogen loading) may be addressed by special provisions contained in a Local Agency Management Plan. New or replacement OWTS within 600 feet of impaired water bodies listed in must meet the specific requirements of Tier 3.

County of Nevada has one impaired body of water that is federally-listed (303(d)): **Wolf Creek**.

An Advanced Protection Management Program is the minimum required management program for all OWTS located near a water body that has been listed as impaired due to nitrogen or pathogen indicators pursuant to Section 303(d) of the Clean Water Act.

Tier 4: Failing OWTS. Failing OWTS must be repaired to comply with Tier 1, 2 or 3 standards

# What is the LAMP?

A comprehensive manual that incorporates the existing County of Nevada Individual Sewage Disposal System Regulations with the addition of the requirements, policies, procedures, and measures structured around the Local Agency Responsibilities per Tier 2 of the State OWTS Policy.

The LAMP manual will replace the existing County of Nevada Sewage Disposal System Regulations used to regulate and oversee the use of OWTS (aka septic systems) in Nevada County. The State OWTS Policy is part of the LAMP manual.

The LAMP manual is structured to address the items listed in the State's OWTS Policy specifically:

1. Local Agency Responsibilities and Duties (Section 3.0 of the OWTS Policy)
2. Tier 2 Local Agency OWTS Management Program (Section 9.0)
3. Tier 3 Advanced Protection Management Program for Impaired Areas (Section 10) of the OWTS Policy.



# Reporting Requirements for County of Nevada Environmental Health Department

- Per item 3.3 of Tier 2 of the OWTS Policy, an annual report shall be submitted to the CVRWQCB on or before February 1<sup>st</sup> of each year and shall include the following:
  - Number and location of complaints
  - Application and registrations (annual permits) of septage pumper trucks
  - Number, Location, description and type of all OWTS permits
  - Water Quality Monitoring identified in the OWTS Policy (9.3). Groundwater monitoring data shall be submitted in a format for inclusion into Geotracker, and surface water monitoring shall be submitted to California Environmental Data Exchange Network (CEDEN).
  - All variances from the adopted Ordinance shall be reported on an annual basis to the CVRWQCB and will include the following information:
    - Number of variances granted
    - Addresses of each location of the granted variance
    - Description of the permit and type of variance allowed
- Every 5<sup>th</sup> year, the EH Department will submit an evaluation of the monitoring program. The evaluation shall include an assessment of whether water quality is being impacted by septic systems and identify any changes in the LAMP to address identified impacts.

# LAMP FAQ's

## 1. Is there a cost to implement the new policy?

Answer: The State policy requires Nevada County to implement a mandated water quality assessment program, expand outreach and education regarding septic system maintenance, implement a maintenance and monitoring program for non-standard septic systems, collect additional data and submit an annual report to the Regional Water Quality Control Board. This additional work will require more resources and will therefore increase the costs of the septic system program. These costs must be covered by fees, general fund or a combination of both. Therefore it is proposed that a minimum ½ hour fee is collected from each permitted non-standard septic system.

## 2. How will the new requirements impact my existing septic system?

Answer: Septic systems that are functioning properly have no requirements to retrofit those systems to meet the newly adopted standards. However if the existing system fails, needs a major repair or there is a requested expansion of the septic system then the septic system would need to be brought up to the newly adopted standards.

# LAMP FAQ's

3. What happens if my septic system fails on my existing small lot and the lot is too small to meet the new requirements?

Answer: The proposed ordinance and manual allows for variances where the requirements cannot be met. Variances will be allowed where the protection of public health and environment can still be maintained. Staff will work with you and your system designer to explore all possible solutions.

4. What is the difference between a standard septic system and a non-standard system?

Answer: *A standard septic system* is a system with a septic tank and gravity-fed dispersal field. The dispersal field includes standard trenches in undisturbed native soil. A pump may be used to pump the effluent from the tank to the first distribution box of the dispersal field.

*A non-standard system* is a type of septic system that uses a method of wastewater treatment other than a standard septic tank, or a method of effluent dispersal other than a standard leach trench. These include septic systems with a supplemental treatment unit and/ or pressure distribution leach field. A non-standard system requires the owner to maintain an annual operating permit which includes certain conditions for the continued monitoring, maintenance and data reporting for the functioning of the system.

# Next steps

- Environmental Health Department:
  - Begin an outreach/education campaign and contact the 942 non-standard septic system owners of the maintenance and monitoring permitting and reporting requirements. Outreach to include Realtor Association, Nevada County Contractor's Board, Website postings and FAQ
  - Develop the framework for the first Annual Report due to the CVRWQCB February 1, 2019.
    - Establish data connection to California Environmental Data Exchange Network (CEDEN)
    - Establish communication contacts for NID and Public Water System owners/operators for emergency notification of proximity OWTS that have failed.
  - Develop the framework for the 5-year monitoring report for the CVRWQCB.

# Action Requested of the Board

Approve the Resolution to adopt the Local Area Management Plan (LAMP) and Onsite Wastewater Treatment System (OWTS) Policy and Amend the Land Use and Development Ordinance Section L-VI.

Thank you

Questions/Comments?