



# County of Yolo

## DEPARTMENT OF COMMUNITY SERVICES

### Environmental Health Division

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## FAQs

### AB 885

## ON SITE WASTE WATER SYSTEM POLICY

### BACKGROUND

On September 27, 2000, Governor Gray Davis signed into law Assembly Bill 885 that required the State Water Resources Control Board (SWRCB) to adopt standards or regulations for the permitting and operation of onsite waste water systems (OWTS) by January 1, 2004. The Bill was originally written to address coastal onsite treatment systems but was later amended to address all OWTS throughout the State of California ([www.leginfo.ca.gov](http://www.leginfo.ca.gov) – AB885 1999- 2000). Draft standards or policy was released in 2005, but was not adopted due to opposition by the public and interest groups. In 2011 the organizations, Heal the Ocean (Santa Barbara) and Heal the Bay Santa Monica, filed a lawsuit against the SWRCB for failure to act. This resulted in the adoption of the statewide policy (standards).

On June 19, 2012, the State Water Resources Control Board (SWRCB) approved Resolution No. 2012-0032, adopting the Water Quality Control Policy for Siting, Design, Operation, and Maintenance of Onsite Wastewater Treatment Systems (OWTS Policy). This Policy establishes a statewide, risk-based, tiered approach for the regulation and management of OWTS installations and replacements, and sets the level of performance and protection expected from OWTS.

#### **1. What is the State Water Resources Control Board (SWRCB) and what does it regulate?**

The SWRCB is a regulatory agency created by the State Legislature in 1967. The five-member Board establishes statewide policies to protect water quality. It is the parent organization of the Regional Water Quality Control Boards. It coordinates and supports Regional Board efforts and reviews petitions contesting Regional Board actions or inactions. The State Water Board is also responsible for allocating and adjudicating surface water rights.

#### **2. What are the Regional Water Quality Control Boards (RWQCB) and what is their function?**

The nine Regional Boards are semi-autonomous and are comprised of nine part-time Board members appointed by the Governor and confirmed by the Senate. Regional boundaries are based on watersheds and water quality requirements and on the unique differences in climate, topography, geology and hydrology within each watershed. Each Regional Board makes critical water quality decisions for its region, including setting standards, issuing waste discharge requirements, determining compliance with those requirements, and taking appropriate enforcement actions. The Regional Board that governs Sacramento County is the Central Valley Regional Water Quality Control Board (CVRWQCB).

#### **3. How will the new State policy affect existing onsite wastewater treatment systems (OWTS) in Yolo County?**

Septic systems will now be called Onsite Wastewater Treatment Systems (OWTS).

The statewide OWTS policy incorporates a risk-based, tiered approach and any OWTS fall into one of 5 tiers described in the policy:

- Tier 0- Existing OWTS that are functioning properly.
- Tier 1- New, repaired, or modified OWTS that meet a specific set of “low risk” siting and design standards defined in the policy, and are not regulated under a Local Area Management Program (Tier 2).
- Tier 2- Under Tier 2, OWTS are regulated by local agencies that have an RWQCB-approved Local Area Management Program (LAMP). To have its LAMP approved, the local agency must demonstrate to the RWQCB that its LAMP is as protective of water quality and public health as the Tier 1 criteria. If a LAMP is not submitted and approved within 5 years of adoption of the statewide policy, OWTS regulation defaults to Tier 1 requirements.

Yolo County Environmental Health plans to submit a Tier 2 LAMP to the Central Valley Regional Water Quality Control Board. Until a LAMP is submitted and approved, or before the 5-year deadline, OWTS in Yolo County will be regulated by the County's "Standards, Criteria, and Regulations for Septic Tank Systems" ordinance (Article 11, Chapter 8, Title 6).

- Tier 3- Describes requirements for new, repaired, or modified OWTS located in within specified distances of impaired surface water bodies (pathogens, nitrates). Properties with new, repaired, or replacement OWTS that are within 600 ft of a 303(d) federally- listed impaired water body will be required to install supplemental treatment systems. Supplemental treatment systems will reduce the pathogens or nitrogen and chemical levels to specified levels and meet Tier 3 requirements of the State Policy.  
As of 2012, Yolo County does not have any identified water bodies impaired for pathogens and nitrogen that are subjected to Tier 3. The State Water Boards has developed a web-based map to assist property owners in determining whether they may be affected by the OWTS policy. The hyperlink is <http://gispublic.waterboards.ca.gov/webmap/owts/owtsmap.html>
- Tier 4- Failing OWTS. Failing OWTS must be repaired to comply with either Tier 1, 2, or 3 standards.

#### **4. Where can I get a copy or review this policy?**

The policy can be obtained from the State of California Water Boards website at [http://www.swrcb.ca.gov/water\\_issues/programs/owts/index.shtml](http://www.swrcb.ca.gov/water_issues/programs/owts/index.shtml)

#### **5. What are the requirements of a LAMP?**

LAMP requirements are outlined in the statewide policy sections 9.1 through 9.6. Readers may review these requirements at:

[http://www.waterboards.ca.gov/water\\_issues/programs/owts/index.shtml](http://www.waterboards.ca.gov/water_issues/programs/owts/index.shtml)

#### **6. Will I be required to sample my water well or install groundwater monitoring wells if my system is in Tier 2?**

No

#### **7. Why do we need additional State oversight over on-site wastewater treatment systems (OWTS)?**

California was only one of two states that had not adopted statewide standards for the permitting and operation of OWTS. These standards are an attempt to bring more uniformity and consistency to the program.

#### **8. Does the SWRCB or the CVRWQCB have additional authority to regulate OWTS that pose potential pollution problems?**

Yes. State Water Code Section 13260-13275 and 13280-13286.9. These code sections give the CVRWQCB the authority to prohibit discharges from OWTS provided they have substantial evidence on record indicating that the disposal of waste from the OWTS will result in a violation of water quality objectives, will impair present or future beneficial uses of water, will cause pollution, nuisance, or contamination, or will unreasonably degrade the quality of any waters of the state.

#### **9. Will I be required to connect to a public sewer system when my OWTS needs repair or replacement?**

Possibly. The statewide regulations require connection to a public sewer if the OWTS in need of repair or replacement is within 200 feet of the public sewer. However, this provision does not apply to replacement or repair of OWTS where the connection fees and construction cost are greater than twice the total cost of the replacement or repair, and the local agency determines that the discharge from the OWTS will not affect groundwater or surface water to a degree that makes it unfit for drinking or other uses.

#### **10. When did the requirements of the policy become effective?**

The OWTS Policy took effect on May 13, 2013.