

ORDINANCE NO. 10389 (N.S.)

AN ORDINANCE AMENDING TITLE 6, DIVISION 8 OF THE SAN DIEGO COUNTY CODE OF REGULATORY ORDINANCES TO ADOPT AND IMPLEMENT A LOCAL AGENCY MANAGEMENT PROGRAM FOR ONSITE WASTEWATER TREATMENT SYSTEMS

The Board of Supervisors of the County of San Diego ordains as follows:

Section 1. State legislation enacted in 2000, codified at sections 13290 to 13291.7 of the Water Code, 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. The SWRCB issued those regulations in 2012 as its "Water Quality Control Policy for Siting, Design, Operation and Maintenance of Onsite Wastewater Treatment Systems" (OWTS Policy). The OWTS Policy allows local agencies to approve alternative OWTS, based on a local ordinance, after approval of a Local Agency Management Plan (LAMP) by the Regional Water Quality Control Board (RWQCB). This ordinance implements the RWQCB-approved County LAMP. By operation of State law, the LAMP and this ordinance apply throughout San Diego County, including in incorporated cities.

This regulatory program replaces a similar preexisting County program, which was based on a delegation of authority from the RWQCB to permit some types of OWTSs in lieu of RWQCB waste discharge permits. The substantive standards under the new program are generally consistent with the standards applied in San Diego County by the County and the RWQCB in the past. However, full implementation of the OWTS Policy will transfer oversight of some larger conventional OWTS and some additional alternative OWTS from the RWQCB to the County.

Section 2: Section 68.301 of the County Code of Regulatory Ordinances (County Code) is revised to read as follows:

SEC. 68.301. PURPOSE.

County permitting of on-site wastewater treatment systems (OWTS) is based on sections 13290 to 13291.7 of the California Water Code and on State Water Resources Control Board (SWRCB) implementing regulations. Those regulations set baseline

requirements OWTS statewide, but also provide for the implementation of those regulations and additional local authorizations and requirements by qualified local agencies. The County has prepared a Local Agency Management Plan (LAMP) for OWTS permitting and regulation throughout San Diego County, and that plan has been approved by the California Regional Water Quality Control Board for the San Diego Region. This chapter is applicable throughout San Diego County, including in incorporated cities.

Water Code section 14877.2 allows a county to approve installation of a graywater system if that county determines the graywater system meets the standards of the State Department of Water Resources. Water Code section 14877.3 allows a county to adopt more restrictive standards for graywater systems. The purpose of this chapter is to implement these State laws and regulations and implement additional standards for septic systems and graywater systems that are necessary to protect the health and safety of the San Diego County community. This chapter also prohibits the improper disposal of sewage and provides regulations authorizing the Director of DEH, in the Director's capacity as the local health officer for the County, to protect public health from threats from sewage.

Section 3: Section 68.303 of the County Code is revised to read as follows:

SEC. 68.303. DIRECTOR OF DEPARTMENT OF ENVIRONMENTAL HEALTH TO ENFORCE.

The Director shall implement and enforce this chapter throughout San Diego County, including in incorporated cities. The Director shall coordinate the permitting of OWTS within incorporated cities with each city.

Section 4: Section 68.340 of the County Code is revised to read as follows:

SEC. 68.340. STANDARDS FOR ONSITE WASTEWATER TREATMENT SYSTEMS.

Standards for the siting and design of onsite wastewater treatment systems shall be as set forth in the County of San Diego's Local Agency Management Program for Onsite Wastewater Treatment Systems (LAMP). The Director shall maintain an official copy of the LAMP on the Department of Environmental Health web site.

Section 5: Section 68.341 of the County Code is revised to read as follows:

SEC. 68.341. AREA REQUIRED FOR ON-SITE WASTEWATER TREATMENT SYSTEM INSTALLATION, EXPANSION AND DIVISION OF PROPERTY AND GRADING.

(a) An applicant for an on-site wastewater treatment system shall install a system authorized by this chapter that the Director determines is adequate to accommodate the projected sewage flows from the building the system will serve and also complies with the reserve area requirements of section 68.342.

(b) No part of an on-site wastewater treatment system shall be located on any lot other than the lot that is the site of the building or structure that will be served by the on-site wastewater treatment system.

(c) A property owner with an on-site wastewater treatment system who is required to obtain: (1) a building permit for a building addition or other remodeling of an existing building or to add another stand alone building on property, or (2) the building official's approval for a change of use or occupancy of an existing building, shall also obtain the Director's approval before a building permit or other approval shall be issued. If the addition, remodeling or change of use or occupancy will likely result in a greater amount of sewage or other waste to flow into an on-site wastewater treatment system, the property owner shall obtain a permit from the Director to expand the system to accommodate the additional waste that will exceed the capacity of the existing system.

(d) A property owner in subsection (c), as a requirement for the Director's approval, shall also demonstrate as part of the permitting or approval process, that the property has an on-site wastewater treatment system that meets the current requirements for that system and has adequate reserve area as required by section 68.342.

(e) A person applying to modify a use permit on property with an on-site wastewater treatment system shall obtain the Director's approval as part of the application process. No use permit modification shall be granted without the Director's approval. If the use permit's modification will result in a greater amount of sewage or other waste to flow into an on-site wastewater treatment system the applicant shall also be required to obtain a permit from the Director to expand the system to accommodate the additional waste and shall demonstrate as part of the approval process that the property has an on-site wastewater treatment system that meets the current requirements for that system. A person applying to modify a use permit shall also demonstrate that the property has an adequate reserve area required by section 68.342 whether or not the use permit's

modification will result in the potential for a greater amount of sewage or other waste to flow into an on-site wastewater treatment system.

(f) A person applying to subdivide property or for a lot line adjustment shall demonstrate that there is an adequate area on each proposed lot for an on-site wastewater treatment system that complies with the requirements of this chapter and there is adequate reserve area on each lot to meet the requirements of section 68.342.

(g) An applicant for a grading permit to grade property where there is an existing or approved but not installed on-site wastewater treatment system, shall obtain the Director's approval as part of the grading approval process and shall demonstrate that the proposed grading will not interfere with the area where the on-site wastewater treatment system has been installed or has been approved to be installed and with the area designated for reserve area required by section 68.342.

Section 6: Section 68.342 of the County Code is revised to read as follows:

SEC. 68.342. RESERVE AREA REQUIREMENTS.

(a) No permit to install a new on-site wastewater treatment system shall be approved unless the application designates a reserve area on the property to allow for the replacement of the entire on-site wastewater treatment system if the proposed system fails. The reserve area shall be equal to 100% of the area required for the system the applicant proposes to install.

(b) If a property owner is proposing to expand an existing on-site wastewater treatment system as provided in section 68.341 the property owner shall demonstrate that the expanded system has an adequate reserve area. The reserve area shall be equal to 100% of the expanded system.

(c) If an existing building does not have the reserve area required by this section, no construction shall be allowed on the property that would remove any usable reserve area, unless the building is able to connect to public sewer.

Section 7: Section 68.343 of the County Code is revised to read as follows:

SEC. 68.343. TYPE OF ON-SITE WASTEWATER TREATMENT SYSTEM REQUIRED.

An on-site wastewater treatment system installed after RWQCB approval of the LAMP shall consist of:

- (a) A standard system that contains septic tank with effluent discharging into one of the following: (1) a leach trench disposal system, (2) a chamber disposal system or (3) a seepage pit disposal system; or
- (b) An alternative on-site wastewater treatment system with supplemental treatment; and/or.
- (c) A graywater system that meets the requirements of this chapter.

Section 8: Section 68.351 of the County Code is revised to read as follows:

SEC. 68.351. DIRECTOR MAY MODIFY REQUIREMENTS.

(a) The Director may exercise discretion to modify the requirements of this chapter for an on-site wastewater treatment system that could not otherwise be issued a permit if one of the following circumstances applies, and if the requirements in subsections (b) (c) and (d) of this section are met.

(i) The applicant proposes a smaller size system than required that will have only limited or occasional use and the proposed system is adequate to accommodate the sewage flows the buildings on the lot will produce.

(ii) It is impracticable for an applicant to comply with requirements as to the length of leach trenches or chambers, but the proposed system is able to achieve the same practical effect as the requirements by modifying leach trenches or chamber dimensions.

(iii) It is impracticable for an applicant to comply with certain requirements related to the location of system components, but the applicant is able to prevent any adverse effects by the manner in which the applicant installs the system.

(b) The Director determines that modifying the requirements will not result in any adverse effects on an underground source of water or on the public health and safety.

(c) If the Department of Environmental Health is the lead agency for the project under the California Environmental Policy Act (CEQA), the Director determines that the project is exempt from CEQA and files a Notice of Exemption; or the Director determines that approval of the project will not have a significant effect on the environment, and adopts a Negative Declaration or a Mitigated Negative Declaration.

(d) If the Department of Environmental Health is a responsible agency for the project, the lead agency has determined that the project is exempt from CEQA or has adopted a Negative Declaration or Mitigated Negative Declaration for the project, and the Department has complied with the responsible agency requirements under CEQA.

(e) The Director may deny a permit for an OWTS that meets the requirements of this Chapter if the Director determines that the system will have any adverse effects on an underground source of water or on the public health and safety.

Section 9: Section 68.353 of the County Code is revised to read as follows:

SEC. 68.353. ALTERNATIVE ON-SITE WASTEWATER TREATMENT SYSTEM.

The Director may issue a permit to install or repair an alternative on-site wastewater treatment system if the system complies with the guidelines issued by the Department of Environmental Health and approved by the Regional Board for design, installation and monitoring.

Section 10: Effective Date. This Ordinance shall take effect and be in force thirty (30) days after the date of its passage, and before the expiration of fifteen (15) days after its passage, a summary shall be published once with the names of the members voting for and against the same in San Diego Commerce, a newspaper of general circulation published in the County of San Diego.

PASSED, APPROVED, AND ADOPTED by the Board of Supervisors of the County of San Diego this 24th day of June, 2015.


BILL HORN
Chairman, Board of Supervisors
County of San Diego, State of California

The above Ordinance was adopted by the following vote:

AYES: Cox, Jacob, D. Roberts, R. Roberts, Horn

ATTEST my hand and the seal of the Board of Supervisors this 24th day of June, 2015.

DAVID HALL
Clerk of the Board of Supervisors

By 
Teresa Zurita, Deputy



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