



Senate Bill 9 (SB-9) Frequently Asked Questions For Properties Served by Onsite Wastewater Treatment Systems (OWTS)

What is Senate Bill 9 (SB-9)?

Senate Bill (SB) 9 (Chapter 162, Statutes of 2021) requires ministerial approval of certain housing developments, the subdivision of certain parcels into two parcels, or both, for properties within identified single family residential zones. The law also contains detailed conditions and exceptions that should be clearly understood at the outset of any project, including conditions and exceptions relating to the requirements for parcels served by OWTS.

Where can I find out if my property qualifies for SB-9?

The County of San Diego, Planning & Development Services is the primary agency administering these types of projects in the unincorporated areas of the county and should be consulted for answers to any questions you may have. If your property is within the unincorporated area of the County of San Diego, the Planning & Development Services has provided an interactive map with defining filters and layers that can be searched using an address or Assessor Parcel Number (APN) at: [CA Senate Bill 9 \(SB9 \) \(sandiegocounty.gov\)](https://www.sandiegocounty.gov/content/dam/sdc/pds/zoning/formfields/PDS-PLN-600.pdf). Guidance with the application process and information about how the law's complexities may affect your project is at:

<https://www.sandiegocounty.gov/content/dam/sdc/pds/zoning/formfields/PDS-PLN-600.pdf>

Does my project require DEHQ review?

Yes, all projects that use OWTS for sewage disposal requires DEHQ review. DEHQ must ensure that existing and proposed OWTS comply with the minimum siting and design standards in the Local Agency Management Program (LAMP), which is available at: [Final 2025 LAMP](#). DEHQ also permits wells and ensures individual drinking water wells meets standards for potability.

Are there restrictions on lot size for subdivisions served by OWTS?

OWTS have a high potential to impact groundwater with nitrogen. This potential greatly increases with an increase in OWTS density. To mitigate nitrogen impacts from OWTS, the average density for any subdivision of property proposing to use a standard OWTS cannot exceed the values in the LAMP Table 3.7-1. For subdivisions proposing to use OWTS with supplemental treatment to reduce the nitrogen impacts, the values in LAMP Table 3.7-2 cannot be exceeded. Both tables are provided below.

Table 3.7-1: Average Allowable Densities for Lots Utilizing OWTS	
Average Annual Rainfall (in/yr)	Allowable Density (acres/single-family dwelling unit)
0 – 15	2.5
>15 – 20	2.0
>20 – 25	1.5
>25 – 35	1.0
>35	0.75

Table 3.7-2: Average Allowable Densities for Lots Utilizing OWTS with Supplemental Treatment for Nitrogen Reduction (Acres/Single-Family Dwelling Unit)					
Total Average Rainfall	2-Bedrooms (300 gpd)	3-Bedrooms (450 gpd)	4-Bedrooms (600 gpd)	5-Bedrooms (750 gpd)	6-Bedrooms (900 gpd)
0-6	1.75	2.50	2.50	2.50	2.50
>6-9	1.50	1.75	2.50	2.50	2.50
>9-12	1.00	1.50	1.75	2.00	2.50
>12-15	0.75	1.00	1.50	1.75	2.00
>15-20	0.50	0.75	1.00	1.50	1.50
>20-25	0.50	0.75	0.75	1.00	1.50
>25-30	0.50	0.50	0.75	1.00	1.00
>30-35	0.50	0.50	0.75	0.75	1.00

How can I find out if my project will comply with DEHQ requirements?

The density requirements and OWTS siting and design standards are provided in the LAMP. Both the septic tank (receives all the sewage from the home and provides separation of solids from wastewater and some additional limited treatment) and the subsurface dispersal field (the area below the ground surface that receives the wastewater from the septic tank) must be evaluated for the project. The first step is to contact an OWTS Qualified Professional (list of Qualified Professionals registered with DEHQ at: [Qualified Professional List](#)) who will evaluate the size and conditions on your parcel to determine if an OWTS design is workable for your ADU project. The Qualified Professional will prepare and submit a OWTS Layout Report to DEHQ for review. If the project meets all requirements, the Layout Report will be approved. The next step for the OWTS is to have a licensed contractor obtain the installation permit prior to doing any OWTS installation work.

What information must be included in the OWTS Layout Report?

The information must be provided using the OWTS Layout Report Template available at: [OWTS Layout Report Template](#). The layout diagram and supporting information must demonstrate that the existing residence and the ADU will be served by an OWTS that complies with the current standards in the LAMP for location, size, and design and that 100% reserve area is reserved to allow future OWTS repairs or replacement.

How is the type and size of an OWTS determined?

Soil permeability, soil depth, bedroom count, and available area, determine the OWTS design type and size. OWTS Professionals perform percolation testing to evaluate soil permeability and perform borings to ensure soil depth is adequate to meet minimum separation requirements between wastewater infiltration

How is the size of a septic tank determined?

Septic tank size is based on the number of bedrooms and is shown in the LAMP tables below.

Table 7.2-1: Minimum Septic Tank Volume Requirements-Primary Dwelling	
1-3 Bedroom single family dwelling (0-450 GPD ¹)	1000 Gallons
4 Bedroom single family dwelling (451-600 GPD)	1200 Gallons
5-6 Bedroom single family dwelling (601-900 GPD)	1500 Gallons
Duplex – 2-4 Bedrooms	2000 Gallons

Table 7.2-2: Minimum Septic Tank Volume Requirements-Multiple Dwellings		
Primary Dwelling	Second Dwelling	Minimum Tank Size
1 Bedroom	1 Bedroom	1000 Gallons
2 Bedrooms	1 Bedroom	1200 Gallons
2 Bedrooms	2 Bedrooms	1500 Gallons
3 Bedrooms	1 Bedrooms	1500 Gallons
3 Bedrooms	2 Bedrooms	1500 Gallons
4 Bedrooms	1 Bedrooms	1500 Gallons
4 Bedrooms	2 Bedrooms	2000 Gallons

How is the type and size of a subsurface dispersal system determined?

Soil permeability, soil depth, bedroom count, and available area are used to determine the subsurface dispersal system type and size. OWTS Professionals perform percolation testing to evaluate soil permeability. They also install soil borings to ensure soil is deep enough to meet minimum separation requirements between the bottom of the dispersal field and groundwater and/or shallow bedrock. The soil permeability is used with the number of bedrooms (established wastewater design volume) to determine the area needed to safely disperse the wastewater. The system must meet required setbacks to features, like structures, water wells and streams, that could be both on and off the property.

Is percolation testing required?

Percolation testing is critical for sizing dispersal areas accurately because soil permeability and depth of soil can vary significantly throughout a property. All OWTS Layout Reports must include data from percolation testing performed in the location of all proposed dispersal areas and reserve areas. DEHQ will consider existing percolation test data from a previous OWTS Layout Report that is in the location of the proposed OWTS and is of similar design.

Where can I find the regulatory requirements for OWTS in San Diego County?

The County of San Diego Local Agency Management Program (LAMP) is available at: [Final 2025 LAMP](#) and contains the minimum regulatory requirements for OWTS siting, design, and installation.

What other proactive steps can I take as the homeowner?

You can visit the DEHQ website at www.sandiegocounty.gov/deh/septic and find the lists of: OWTS Professionals, Septic Contractors, and Septic Pumpers. You can also find information on your existing OWTS using the DEHQ document library at <https://www.sandiegocounty.gov/content/sdc/deh/doclibrary>.

Any questions, correspondence or documents should be submitted using the DEHQ email: LWQDduty@sdcounty.ca.gov.

Revised 3/21/2025