

AMENDED IN SENATE JUNE 13, 2011

AMENDED IN ASSEMBLY APRIL 12, 2011

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

ASSEMBLY BILL

No. 955

Introduced by Assembly Member Huber
(Principal coauthor: Assembly Member Logue)
(Principal coauthor: Senator Gaines)
(Coauthors: Assembly Members Chesbro and Nielsen)

February 18, 2011

An act to amend Section 13291 of the Water Code, relating to water quality.

LEGISLATIVE COUNSEL'S DIGEST

AB 955, as amended, Huber. Onsite sewage treatment systems.

Existing law, the Porter-Cologne Water Quality Control Act, on or before January 1, 2004, requires the State Water Resources Control Board, in consultation with other entities, to adopt regulations or standards for the permitting and operation of specified onsite sewage treatment systems. The act requires the state board to apply those regulations or standards to those systems commencing 6 months after their adoption. The act requires the regulations or standards to include exemption criteria established by the California regional water quality control boards. The act requires the regulations to include minimum operating requirements and requires that the regulations authorize a qualified local agency to implement the requirements adopted under the act if the local agency requests authorization.

This bill would require the regulations or standards to consist of a risk-based, tiered approach. The bill would specify that the exemption

criteria to be contained in the regulations or standards may also be established by the state board in addition to the regional boards. The bill would delete from the local agency implementation provision the condition that the local agency request authorization.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. The Legislature finds and declares the following:
- 2 (a) The Legislature commends the State Water Resources
- 3 Control Board for listening to public concerns regarding the onsite
- 4 sewage treatment system regulatory program and responding to
- 5 those concerns by reevaluating regulations adopted pursuant to
- 6 Chapter 781 of the Statutes of 2000 (Assembly Bill 885 of the
- 7 1999–2000 Regular Session).
- 8 (b) The Legislature encourages the board to draft regulations
- 9 that ensure local control, cure failing septic systems, and minimize
- 10 cost costs to homeowners.
- 11 (c) It is the intent of the Legislature to assist the board’s efforts
- 12 through clarifying legislation if necessary.
- 13 SEC. 2. Section 13291 of the Water Code is amended to read:
- 14 13291. (a) On or before January 1, 2004, the state board, in
- 15 consultation with the State Department of Public Health, the
- 16 California Coastal Commission, the California Conference of
- 17 Directors of Environmental Health, counties, cities, and other
- 18 interested parties, shall adopt regulations or standards that consist
- 19 of a risk-based, tiered approach for the permitting and operation
- 20 of all of the following onsite sewage treatment systems in the state,
- 21 and shall apply those regulations or standards commencing six
- 22 months after their adoptions:
- 23 (1) Any system that is constructed or replaced.
- 24 (2) Any system that is subject to a major repair.
- 25 (3) Any system that pools or discharges to the surface.
- 26 (4) Any system that, in the judgment of a regional board or
- 27 authorized local agency, discharges waste that has the reasonable
- 28 potential to cause a violation of water quality objectives, or to
- 29 impair present or future beneficial uses of water, or to cause
- 30 pollution, nuisance, or contamination of the waters of the state.

1 (b) Regulations or standards adopted pursuant to subdivision
2 (a), shall include, but shall not be limited to, all of the following:

3 (1) Requirements that local programs include minimum
4 operating standards that may include siting, construction,
5 performance requirements, and monitoring to determine system
6 performance.

7 (2) Requirements for onsite sewage treatment systems adjacent
8 to impaired waters identified pursuant to subdivision (d) of Section
9 303 of the federal Clean Water Act (33 U.S.C. Sec. 1313(d)).

10 (3) Requirements authorizing a qualified local agency to
11 implement the requirements adopted under this chapter within its
12 jurisdiction.

13 (4) Requirements for corrective action when onsite sewage
14 treatment systems fail to meet the requirements or standards.

15 (5) Exemption criteria to be established by the state board or
16 the regional boards.

17 (6) Requirements for determining a system that is subject to a
18 major repair, as provided in paragraph (2) of subdivision (a).

19 (c) This chapter does not diminish or otherwise affect the
20 authority of a local agency to carry out laws, other than this chapter,
21 that relate to onsite sewage treatment systems.

22 (d) This chapter does not preempt any regional board or local
23 agency from adopting or retaining standards for onsite sewage
24 treatment systems that are more protective of the public health or
25 the environment than this chapter.

26 (e) Each regional board shall incorporate the regulations or
27 standards adopted pursuant to subdivisions (a) and (b) into the
28 appropriate regional water quality control plans.