

AMENDED IN ASSEMBLY MAY 13, 1999

AMENDED IN ASSEMBLY APRIL 8, 1999

CALIFORNIA LEGISLATURE—1999–2000 REGULAR SESSION

ASSEMBLY BILL

No. 885

Introduced by Assembly Member Jackson

February 25, 1999

An act to add Article 2.5 (commencing with Section 117502) to Chapter 4 of Part 13 of Division 104 of the Health and Safety Code, relating to sewage, ~~and making an appropriation therefor.~~

LEGISLATIVE COUNSEL'S DIGEST

AB 885, as amended, Jackson. Coastal onsite sewage treatment systems.

Existing

(1) *Existing* law authorizes a California regional water quality control board to prohibit, under specified circumstances, the discharge of waste from individual disposal systems or community collection and disposal systems that use subsurface disposal.

This bill would require the State Department of Health Services, on or before January 1, 2001, in consultation with the State Water Resources Control Board, the California Coastal Commission, and the California Conference of Directors of Environmental Health, to adopt, by regulation, statewide performance standards for all onsite sewage treatment systems within the coastal zone, as defined. The bill would

require the regulations to include specified provisions, including requirements relating to prescribed inspections and enforcement actions undertaken by local agencies. By imposing requirements on local agencies, the bill would impose a state-mandated local program. The bill would require all affected onsite sewage treatment systems to comply with the standards not later than January 1, 2003, or 3 years from the date of the adoption of the standards, whichever is earlier. ~~The bill would appropriate \$50,000 from the General Fund to the department to carry out these provisions.~~ The bill would make a statement of legislative intent that encourages the State Water Resources Control Board to make prescribed loans to private property owners who incur costs as a result of the implementation of the statewide performance standards adopted pursuant to the bill.

(2) *The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.*

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: $\frac{2}{3}$ majority. Appropriation: ~~yes~~ no. Fiscal committee: yes. State-mandated local program: ~~no~~ yes.

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

1 SECTION 1. Article 2.5 (commencing with Section
2 117502) is added to Chapter 4 of Part 13 of Division 104
3 of the Health and Safety Code, to read:

4

5 Article 2.5. Coastal Sewage Treatment Systems

6

7 117502. (a) On or before January 1, 2001, the
8 department, in consultation with the State Water
9 Resources Control Board, the California Coastal
10 Commission, and the California Conference of Directors
11 of Environmental Health, shall adopt, by regulation,
12 statewide performance standards for all onsite sewage
13 treatment systems within the coastal zone, as defined in

1 subdivision (a) of Section 30103 of the Public Resources
2 Code.

3 (b) The regulations shall be subject to all of the
4 following requirements:

5 (1) The standards of maximum contaminant levels
6 shall be less than 240,000 most probable number (~~m.p.n.~~)
7 (*mpn*) for total coliform bacteria counts, 2.2 ~~m.p.n.~~ *mpn*
8 for fecal coliform bacteria counts, and 10 ppm or mg/L
9 for nitrates.

10 (2) The regulations shall establish additional standards
11 for coastal onsite sewage treatment systems that
12 discharge into, or adjacent to, impaired waters, as defined
13 in Section 303(d) of the Clean Water Act (33 U.S.C. Sec.
14 1313).

15 (3) (A) The regulations shall prescribe requirements
16 relating to inspections undertaken by local agencies of
17 onsite sewage treatment systems within the coastal zone.

18 (B) The regulations shall authorize local agencies to
19 impose fees for the inspections described in
20 subparagraph (A).

21 (4) (A) The regulations shall determine what
22 corrective action shall be taken by the local enforcement
23 agency for systems that fail to meet the performance
24 standards.

25 (B) Any onsite system that pools or discharges to the
26 surface or fails, more than two times in any six-month
27 period, to meet the performance standards established in
28 the regulations, shall be deemed to have failed to meet
29 the operational requirements.

30 (5) The regulations shall establish minimum standards
31 for monitoring wells to be used to sample system
32 performance.

33 (c) All onsite sewage treatment systems subject to
34 subdivision (a) shall comply with the standards adopted
35 pursuant to that subdivision not later than January 1, 2003,
36 or three years from the date of the adoption of the
37 standards, whichever is earlier.

38 (d) It is the intent of the Legislature to assist private
39 property owners who incur costs as a result of the
40 implementation of the statewide performance standards



1 adopted pursuant to this section by encouraging the State
2 Water Resources Control Board to make loans under
3 Chapter 6.5 (commencing with Section 13475) of
4 Division 7 of the Water Code to private property owners
5 whose costs of compliance with those standards exceeds
6 one-half of 1 percent of the current approved value of the
7 property on which the onsite sewage treatment system is
8 located.

9 ~~SEC. 2. The sum of fifty thousand dollars (\$50,000) is~~
10 ~~hereby appropriated from the General Fund to the State~~
11 ~~Department of Health Services to carry out Article 2.5~~
12 ~~(commencing with Section 117502) of Chapter 4 of Part~~
13 ~~13 of Division 104 of the Health and Safety Code.~~

14 *SEC. 2. No reimbursement is required by this act*
15 *pursuant to Section 6 of Article XIII B of the California*
16 *Constitution because a local agency or school district has*
17 *the authority to levy service charges, fees, or assessments*
18 *sufficient to pay for the program or level of service*
19 *mandated by this act, within the meaning of Section 17556*
20 *of the Government Code.*

