

AMENDED IN SENATE APRIL 24, 2000  
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

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~~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.—An act to add Chapter 4.5 (commencing with Section 13299) to Division 7 of the Water Code, relating to water.~~

LEGISLATIVE COUNSEL'S DIGEST

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

(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 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—each California regional water quality control board, on or before January 1, 2002, and in consultation with the State Water Resources Control Board and other entities, to adopt, by regulation, performance, siting, operation, and construction standards for prescribed onsite sewage treatment systems that meet certain requirements. The bill would require, commencing January 1, 2003, or one year from the date of the adoption of the standards, whichever is earlier, those prescribed onsite sewage treatment systems to be subject to a permit issued by the appropriate regional board. The bill would authorize a regional board to delegate to a local enforcement agency, upon request of that agency, the authority to enforce the standards, or standards adopted by the applicable local jurisdiction that are determined by the regional board to be at least as stringent as those standards adopted by the regional board, and to issue the permits otherwise issued by a regional board. The bill would authorize a local enforcement agency to impose fees to carry out that delegated authority.~~

*The bill would require each local enforcement agency, upon appropriation of funds by the Legislature to local agencies for that purpose, to conduct a sanitary survey of onsite sewage treatment systems within the coastal zone of its jurisdiction and to present the findings of the survey to the appropriate regional board, as prescribed, thereby imposing a state-mandated local program.*



*The bill, commencing January 1, 2003, would require all private contractors, pumpers, and inspectors of onsite sewage treatment systems to be registered with the state board.*

*The bill would make a statement of legislative intent relating to assistance to private property owners with onsite sewage treatment systems.*

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

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

1 ~~SECTION 1.—Article 2.5 (commencing with Section~~  
2 *SECTION 1. Chapter 4.5 (commencing with Section*  
3 *13299) is added to Division 7 of the Water Code, to read:*

4  
5 *CHAPTER 4.5. ONSITE SEWAGE TREATMENT SYSTEMS*

6  
7 *13299. (a) (1) On or before January 1, 2002, each*  
8 *regional board, in consultation with the state board, the*  
9 *State Department of Health Services, the California*  
10 *Coastal Commission, the California Conference of*  
11 *Directors of Environmental Health, and other interested*  
12 *parties, shall adopt, by regulation, performance, siting,*  
13 *operation, and construction standards for all of the*  
14 *following onsite sewage treatment systems:*

15 *(A) A system within the coastal zone that is*  
16 *constructed on or after January 1, 2003.*

17 *(B) A system that, in the judgment of a regional board*  
18 *or a local enforcement agency, pools or discharges to the*  
19 *surface.*

20 *(C) A system that, in the judgment of a regional board*  
21 *or a local enforcement agency, discharges waste that will*  
22 *likely result in a violation of water quality objectives, will*  
23 *likely impair present or future beneficial uses of water,*



1 will likely cause pollution, nuisance, or contamination, or  
2 will likely otherwise unreasonably degrade the waters of  
3 the state.

4 (2) The standards prescribed pursuant to this  
5 subdivision shall comply with, and be incorporated into,  
6 the appropriate regional water quality control plan.

7 (3) For the purposes of this chapter, “coastal zone” has  
8 the meaning set forth in subdivision (a) of Section 30103  
9 of the Public Resources Code, except that term shall also  
10 include the area subject to the jurisdiction of the San  
11 Francisco Bay Conservation and Development  
12 Commission.

13 (b) The regulations shall be subject to all of the  
14 following requirements:

15 (1) The regulations shall include maximum  
16 contaminant levels.

17 (2) The regulations shall include standards for onsite  
18 sewage treatment systems that discharge into, or  
19 adjacent to, impaired waters identified pursuant to  
20 Section 303(d) of the Clean Water Act (33 U.S.C. Sec.  
21 1313(d)).

22 (3) The regulations shall prescribe requirements  
23 relating to the delegation of authority authorized  
24 pursuant to subdivision (d).

25 (4) The regulations shall determine what corrective  
26 action shall be taken by a regional board for onsite sewage  
27 treatment systems that fail to meet the requirements of  
28 this section.

29 (5) The regulations shall establish minimum standards  
30 for monitoring wells by regional boards to be used to  
31 determine system performance.

32 (6) The regulations shall establish guidelines for  
33 conducting onsite sewage treatment sanitary surveys  
34 pursuant to subdivision (e).

35 (c) Commencing January 1, 2003, or one year from the  
36 date of the adoption of the standards pursuant to  
37 subdivision (a), whichever is earlier, all onsite sewage  
38 treatment systems described in subdivision (a) shall be  
39 subject to a permit issued by the appropriate regional  
40 board.



1 (d) (1) A regional board may delegate to a local  
2 enforcement agency, upon request of that agency, the  
3 authority to enforce the standards adopted pursuant to  
4 subdivision (a), or standards adopted by the applicable  
5 local jurisdiction that are determined by that regional  
6 board to be at least as stringent as those standards adopted  
7 pursuant to subdivision (a), and to issue the permits  
8 otherwise issued by that regional board pursuant to  
9 subdivision (c).

10 (2) A local enforcement agency may impose fees to  
11 carry out the authority delegated pursuant to this  
12 subdivision.

13 (e) Upon appropriation of funds by the Legislature to  
14 local agencies for the implementation of this subdivision,  
15 each local enforcement agency shall conduct a sanitary  
16 survey of onsite sewage treatment systems within the  
17 coastal zone of their jurisdiction. The findings of these  
18 surveys shall be presented to the appropriate regional  
19 board, in writing, not later than two years from the date  
20 on which those funds are appropriated.

21 (f) This chapter does not diminish or otherwise affect  
22 the authority of a local enforcement agency to carry out  
23 laws, other than this chapter, that relate to onsite sewage  
24 treatment systems other than those described in  
25 subdivision (a).

26 (g) It is the intent of the Legislature to assist private  
27 property owners with existing systems who incur costs as  
28 a result of the implementation of performance standards  
29 adopted pursuant to this section by encouraging the state  
30 board to make loans under Chapter 6.5 (commencing  
31 with Section 13475) to private property owners whose  
32 costs of compliance with those standards exceeds one-half  
33 of 1 percent of the current assessed value of the property  
34 on which the onsite sewage treatment system is located.

35 13299.2. Commencing January 1, 2003, all private  
36 contractors, pumpers, and inspectors of onsite sewage  
37 treatment systems shall be registered with the state  
38 board. The state board shall establish qualifications and  
39 professional conduct standards for the registration  
40 program not later than January 1, 2002.



1 ~~117502) is added to Chapter 4 of Part 13 of Division 104~~  
2 ~~of the Health and Safety Code, to read:~~

3

4 ~~Article 2.5. Coastal Sewage Treatment Systems~~

5

6 ~~117502. (a) On or before January 1, 2001, the~~  
7 ~~department, in consultation with the State Water~~  
8 ~~Resources Control Board, the California Coastal~~  
9 ~~Commission, and the California Conference of Directors~~  
10 ~~of Environmental Health, shall adopt, by regulation,~~  
11 ~~statewide performance standards for all onsite sewage~~  
12 ~~treatment systems within the coastal zone, as defined in~~  
13 ~~subdivision (a) of Section 30103 of the Public Resources~~  
14 ~~Code.~~

15 ~~(b) The regulations shall be subject to all of the~~  
16 ~~following requirements:~~

17 ~~(1) The standards of maximum contaminant levels~~  
18 ~~shall be less than 240,000 most probable number (mpn)~~  
19 ~~for total coliform bacteria counts, 2.2 mpn for fecal~~  
20 ~~coliform bacteria counts, and 10 ppm or mg/L for~~  
21 ~~nitrates.~~

22 ~~(2) The regulations shall establish additional standards~~  
23 ~~for coastal onsite sewage treatment systems that~~  
24 ~~discharge into, or adjacent to, impaired waters, as defined~~  
25 ~~in Section 303(d) of the Clean Water Act (33 U.S.C. Sec.~~  
26 ~~1313).~~

27 ~~(3) (A) The regulations shall prescribe requirements~~  
28 ~~relating to inspections undertaken by local agencies of~~  
29 ~~onsite sewage treatment systems within the coastal zone.~~

30 ~~(B) The regulations shall authorize local agencies to~~  
31 ~~impose fees for the inspections described in~~  
32 ~~subparagraph (A).~~

33 ~~(4) (A) The regulations shall determine what~~  
34 ~~corrective action shall be taken by the local enforcement~~  
35 ~~agency for systems that fail to meet the performance~~  
36 ~~standards.~~

37 ~~(B) Any onsite system that pools or discharges to the~~  
38 ~~surface or fails, more than two times in any six-month~~  
39 ~~period, to meet the performance standards established in~~



1 ~~the regulations, shall be deemed to have failed to meet~~  
2 ~~the operational requirements.~~

3 ~~(5) The regulations shall establish minimum standards~~  
4 ~~for monitoring wells to be used to sample system~~  
5 ~~performance.~~

6 ~~(e) All onsite sewage treatment systems subject to~~  
7 ~~subdivision (a) shall comply with the standards adopted~~  
8 ~~pursuant to that subdivision not later than January 1, 2003,~~  
9 ~~or three years from the date of the adoption of the~~  
10 ~~standards, whichever is earlier.~~

11 ~~(d) It is the intent of the Legislature to assist private~~  
12 ~~property owners who incur costs as a result of the~~  
13 ~~implementation of the statewide performance standards~~  
14 ~~adopted pursuant to this section by encouraging the State~~  
15 ~~Water Resources Control Board to make loans under~~  
16 ~~Chapter 6.5 (commencing with Section 13475) of~~  
17 ~~Division 7 of the Water Code to private property owners~~  
18 ~~whose costs of compliance with those standards exceeds~~  
19 ~~one-half of 1 percent of the current approved value of the~~  
20 ~~property on which the onsite sewage treatment system is~~  
21 ~~located.~~

22 ~~SEC. 2. No reimbursement is required by this act~~  
23 ~~pursuant to Section 6 of Article XIII B of the California~~  
24 ~~Constitution because a local agency or school district has~~  
25 ~~the authority to levy service charges, fees, or assessments~~  
26 ~~sufficient to pay for the program or level of service~~  
27 ~~mandated by this act, within the meaning of Section 17556~~  
28 ~~of the Government Code.~~

