

AMENDED IN SENATE JUNE 29, 2000

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

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. 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 ~~each California regional water quality control board~~ *the State Water Resources Control Board*, on or before January 1, ~~2002~~ *2003*, and in consultation with the ~~State Water Resources Control Board~~ *State Department of Health Services, the California Coastal Commission, the California Conference of Directors of Environmental Health, the California Wastewater Training*



~~and Research Center at California State University at Chico, and other entities, to adopt, by regulation, performance, siting, operation, and construction standards specified regulations for the permitting and operation of~~ 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 would require each regional board to incorporate the state board's regulation standards into the appropriate regional water quality control plans.*

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. 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, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.*

*This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.*

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. Chapter 4.5 (commencing with Section  
2 13299) is added to Division 7 of the Water Code, to read:

3

4

CHAPTER 4.5. ONSITE SEWAGE TREATMENT SYSTEMS

5

6 ~~13299. (a) (1) On or before January 1, 2002, each~~

7 13299. (a) *On or before January 1, 2003, the state*  
8 *board, in consultation with the State Department of*  
9 *Health Services, the California Coastal Commission, the*  
10 *California Conference of Directors of Environmental*  
11 *Health, the California Wastewater Training and Research*  
12 *Center at California State University at Chico, and other*  
13 *interested parties, shall adopt regulations for the*  
14 *permitting and operation of all of the following onsite*  
15 *sewage treatment systems in the state:*

16 (1) *Any system that is constructed on or after January*  
17 *1, 2004.*

18 (2) *Any system that pools or discharges to the surface.*

19 (3) *Any system that, in the judgement of a regional*  
20 *board or designated local enforcement agency,*  
21 *discharges waste that will likely result in a violation of*  
22 *water quality objectives, will likely impair present or*  
23 *future beneficial uses of water, will likely cause pollution,*



1 nuisance, or contamination, or will likely unreasonably  
2 degrade the quality of waters of the state.

3 (b) Regulations adopted pursuant to subdivision (a),  
4 shall include, but shall not be limited to, all of the  
5 following:

6 (1) Minimum operating standards that may include  
7 siting, construction, and performance standards.

8 (2) Maximum contaminant levels, as applicable.

9 (3) Standards for onsite sewage treatment systems  
10 that discharge into, or adjacent to, impaired waters  
11 identified pursuant to subdivision (d) of Section 303 of  
12 the Clean Water Act (33 U.S.C. Section 1313(d)).

13 (4) Requirements relating to the delegation of  
14 authority by the state to qualified local agencies.

15 (5) Corrective action to be taken by a regional board  
16 for onsite sewage treatment systems that fail to meet  
17 these standards.

18 (6) Minimum standards for monitoring wells used to  
19 determine system performance, if applicable.

20 (7) Guidelines for conducting onsite sewage sanitary  
21 surveys conducted pursuant to subdivision (c).

22 (8) Exemption criteria to be applied by regional  
23 boards.

24 (9) Qualifications and professional conduct standards  
25 for the registration of private onsite sewage contractors,  
26 pumpers, and inspectors pursuant to Section 13199.2.

27 (c) Upon appropriation of funds by the Legislature to  
28 local agencies, each local agency shall conduct a sanitary  
29 survey of onsite sewage treatment systems within the  
30 coastal zone of its jurisdiction. The findings of these  
31 surveys shall be presented to the appropriate regional  
32 boards, in writing, not later than two years from the date  
33 on which the funds are appropriated.

34 (d) This chapter does not diminish or otherwise affect  
35 the authority of a local enforcement agency to carry out  
36 laws, other than this chapter, that relate to onsite  
37 treatment systems.

38 (e) This chapter does not preempt any regional board  
39 or local authority, by ordinance, from adopting standards



1 for onsite systems that are more protective of the public  
2 health or the environment than this chapter.

3 (f) Each regional board shall incorporate the  
4 regulating standards adopted pursuant to subdivisions  
5 (a) and (b) into the appropriate regional water quality  
6 control plans.

7 13299.1. It is the intent of the Legislature to assist  
8 private property owners with existing systems who incur  
9 costs as a result of the implementation of the regulations  
10 established under this section by encouraging the state  
11 board to make loans under Chapter 6.5 (commencing  
12 with Section 13475) to private property owners whose  
13 cost of compliance with these regulations exceeds one  
14 half of one percent of the current assessed value of the  
15 property on which the onsite sewage system is located.

16 13299.2. Commencing January 1, 2003, all private  
17 contractors, pumpers, and inspectors of onsite sewage  
18 treatment systems shall be registered with the state  
19 board.

20 SEC. 2. Notwithstanding Section 17610 of the  
21 Government Code, if the Commission on State Mandates  
22 determines that this act contains costs mandated by the  
23 state, reimbursement to local agencies and school  
24 districts for those costs shall be made pursuant to Part 7  
25 (commencing with Section 17500) of Division 4 of Title  
26 2 of the Government Code. If the statewide cost of the  
27 claim for reimbursement does not exceed one million  
28 dollars (\$1,000,000), reimbursement shall be made from  
29 the State Mandates Claims Fund.

30 ~~regional board, in consultation with the state board, the~~  
31 ~~State Department of Health Services, the California~~  
32 ~~Coastal Commission, the California Conference of~~  
33 ~~Directors of Environmental Health, and other interested~~  
34 ~~parties, shall adopt, by regulation, performance, siting,~~  
35 ~~operation, and construction standards for all of the~~  
36 ~~following onsite sewage treatment systems:~~

37 (A) ~~A system within the coastal zone that is~~  
38 ~~constructed on or after January 1, 2003.~~



1 ~~(B) A system that, in the judgment of a regional board~~  
2 ~~or a local enforcement agency, pools or discharges to the~~  
3 ~~surface.~~

4 ~~(C) A system that, in the judgment of a regional board~~  
5 ~~or a local enforcement agency, discharges waste that will~~  
6 ~~likely result in a violation of water quality objectives, will~~  
7 ~~likely impair present or future beneficial uses of water,~~  
8 ~~will likely cause pollution, nuisance, or contamination, or~~  
9 ~~will likely otherwise unreasonably degrade the waters of~~  
10 ~~the state.~~

11 ~~(2) The standards prescribed pursuant to this~~  
12 ~~subdivision shall comply with, and be incorporated into,~~  
13 ~~the appropriate regional water quality control plan.~~

14 ~~(3) For the purposes of this chapter, “coastal zone” has~~  
15 ~~the meaning set forth in subdivision (a) of Section 30103~~  
16 ~~of the Public Resources Code, except that term shall also~~  
17 ~~include the area subject to the jurisdiction of the San~~  
18 ~~Francisco Bay Conservation and Development~~  
19 ~~Commission.~~

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

22 ~~(1) The regulations shall include maximum~~  
23 ~~contaminant levels.~~

24 ~~(2) The regulations shall include standards for onsite~~  
25 ~~sewage treatment systems that discharge into, or~~  
26 ~~adjacent to, impaired waters identified pursuant to~~  
27 ~~Section 303(d) of the Clean Water Act (33 U.S.C. Sec.~~  
28 ~~1313(d)).~~

29 ~~(3) The regulations shall prescribe requirements~~  
30 ~~relating to the delegation of authority authorized~~  
31 ~~pursuant to subdivision (d).~~

32 ~~(4) The regulations shall determine what corrective~~  
33 ~~action shall be taken by a regional board for onsite sewage~~  
34 ~~treatment systems that fail to meet the requirements of~~  
35 ~~this section.~~

36 ~~(5) The regulations shall establish minimum standards~~  
37 ~~for monitoring wells by regional boards to be used to~~  
38 ~~determine system performance.~~



1 ~~(6) The regulations shall establish guidelines for~~  
2 ~~conducting onsite sewage treatment sanitary surveys~~  
3 ~~pursuant to subdivision (c).~~

4 ~~(e) Commencing January 1, 2003, or one year from the~~  
5 ~~date of the adoption of the standards pursuant to~~  
6 ~~subdivision (a), whichever is earlier, all onsite sewage~~  
7 ~~treatment systems described in subdivision (a) shall be~~  
8 ~~subject to a permit issued by the appropriate regional~~  
9 ~~board.~~

10 ~~(d) (1) A regional board may delegate to a local~~  
11 ~~enforcement agency, upon request of that agency, the~~  
12 ~~authority to enforce the standards adopted pursuant to~~  
13 ~~subdivision (a), or standards adopted by the applicable~~  
14 ~~local jurisdiction that are determined by that regional~~  
15 ~~board to be at least as stringent as those standards adopted~~  
16 ~~pursuant to subdivision (a), and to issue the permits~~  
17 ~~otherwise issued by that regional board pursuant to~~  
18 ~~subdivision (e).~~

19 ~~(2) A local enforcement agency may impose fees to~~  
20 ~~carry out the authority delegated pursuant to this~~  
21 ~~subdivision.~~

22 ~~(e) Upon appropriation of funds by the Legislature to~~  
23 ~~local agencies for the implementation of this subdivision,~~  
24 ~~each local enforcement agency shall conduct a sanitary~~  
25 ~~survey of onsite sewage treatment systems within the~~  
26 ~~coastal zone of their jurisdiction. The findings of these~~  
27 ~~surveys shall be presented to the appropriate regional~~  
28 ~~board, in writing, not later than two years from the date~~  
29 ~~on which those funds are appropriated.~~

30 ~~(f) This chapter does not diminish or otherwise affect~~  
31 ~~the authority of a local enforcement agency to carry out~~  
32 ~~laws, other than this chapter, that relate to onsite sewage~~  
33 ~~treatment systems other than those described in~~  
34 ~~subdivision (a).~~

35 ~~(g) It is the intent of the Legislature to assist private~~  
36 ~~property owners with existing systems who incur costs as~~  
37 ~~a result of the implementation of performance standards~~  
38 ~~adopted pursuant to this section by encouraging the state~~  
39 ~~board to make loans under Chapter 6.5 (commencing~~  
40 ~~with Section 13475) to private property owners whose~~



1 ~~costs of compliance with those standards exceeds one-half~~  
2 ~~of 1 percent of the current assessed value of the property~~  
3 ~~on which the onsite sewage treatment system is located.~~

4 ~~13299.2. Commencing January 1, 2003, all private~~  
5 ~~contractors, pumpers, and inspectors of onsite sewage~~  
6 ~~treatment systems shall be registered with the state~~  
7 ~~board. The state board shall establish qualifications and~~  
8 ~~professional conduct standards for the registration~~  
9 ~~program not later than January 1, 2002.~~

