

AMENDED IN SENATE AUGUST 8, 2000

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

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**ASSEMBLY BILL**

**No. 885**

**Introduced by Assembly Member Jackson**

February 25, 1999

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An act to add Chapter 4.5 (commencing with Section ~~13299~~ 13290) 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 the State Water Resources Control Board, on or before January 1, 2003, and in consultation with the 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 interested parties, to adopt, specified regulations for the permitting and operation of prescribed onsite sewage treatment systems that meet certain requirements.~~

The bill would require each local agency, upon appropriation of funds by the Legislature, 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~~ *regulations* 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, 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.~~

*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. Chapter 4.5 (commencing with Section~~  
2 *SECTION 1. Chapter 4.5 (commencing with Section*  
3 *13290) is added to Division 7 of the Water Code, to read:*

4  
5 *CHAPTER 4.5. ONSITE SEWAGE TREATMENT SYSTEMS*

6  
7 *13290. For the purposes of this chapter:*

8 *(a) "Local agency" means any of the following*  
9 *entities:*

10 *(1) A city, county, or city and county.*

11 *(2) A special district formed pursuant to general law*  
12 *or special act for the local performance of functions*  
13 *regarding onsite sewage treatment systems within*  
14 *limited boundaries.*

15 *(b) "Onsite sewage treatment systems" includes*  
16 *individual disposal systems, community collection and*  
17 *disposal systems, and alternative collection and disposal*  
18 *systems that use subsurface disposal.*

19 *13291. (a) On or before January 1, 2003, the state*  
20 *board, in consultation with the State Department of*  
21 *Health Services, the California Coastal Commission, the*  
22 *California Conference of Directors of Environmental*  
23 *Health, and other interested parties, shall adopt*  
24 *regulations for the permitting and operation of all of the*  
25 *following onsite sewage treatment systems in the state:*

26 *(1) Any system that is constructed or replaced on or*  
27 *after January 1, 2004.*

28 *(2) Any system that is subject to a major repair.*

29 *(3) Any system that pools or discharges to the surface.*

30 *(4) Any system that, in the judgement of a regional*  
31 *board or designated local agency, discharges waste that*  
32 *will likely result in a violation of water quality objectives,*  
33 *will likely impair present or future beneficial uses of*  
34 *water, will likely cause pollution, nuisance, or*  
35 *contamination, or will likely unreasonably degrade the*  
36 *quality of waters of the state.*

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

4 (1) Minimum operating standards that may include  
5 siting, construction, and performance standards.

6 (2) Maximum contaminant levels, as applicable.

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

11 (4) Requirements relating to the delegation of  
12 authority by the state to qualified local agencies to  
13 implement this chapter.

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

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

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

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

23 (9) Standards for determining a system that is subject  
24 to a major repair, as provided in paragraph (2) of  
25 subdivision (a).

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

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

37 (e) This chapter does not preempt any regional board  
38 or local agency from adopting standards for onsite sewage  
39 treatment systems that are more protective of the public  
40 health or the environment than this chapter.



1 (f) Each regional board shall incorporate the  
2 regulations adopted pursuant to subdivisions (a) and (b)  
3 into the appropriate regional water quality control plans.

4 13291.5 It is the intent of the Legislature to assist  
5 private property owners with existing systems who incur  
6 costs as a result of the implementation of the regulations  
7 established under this section by encouraging the state  
8 board to make loans under Chapter 6.5 (commencing  
9 with Section 13475) to private property owners whose  
10 cost of compliance with these regulations exceeds one  
11 half of one percent of the current assessed value of the  
12 property on which the onsite sewage system is located.

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

20 13299) is added to Division 7 of the Water Code, to read:

21

22 CHAPTER 4.5. ~~ONSITE SEWAGE TREATMENT SYSTEMS~~

23

24 ~~13299. (a) On or before January 1, 2003, the state~~  
25 ~~board, in consultation with the State Department of~~  
26 ~~Health Services, the California Coastal Commission, the~~  
27 ~~California Conference of Directors of Environmental~~  
28 ~~Health, the California Wastewater Training and Research~~  
29 ~~Center at California State University at Chico, and other~~  
30 ~~interested parties, shall adopt regulations for the~~  
31 ~~permitting and operation of all of the following onsite~~  
32 ~~sewage treatment systems in the state:~~

33 (1) Any system that is constructed on or after January  
34 1, 2004.

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

36 (3) Any system that, in the judgement of a regional  
37 board or designated local enforcement agency,  
38 discharges waste that will likely result in a violation of  
39 water quality objectives, will likely impair present or  
40 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 (e).

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.~~

