

AMENDED IN SENATE AUGUST 18, 2000
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

ASSEMBLY BILL

No. 885

Introduced by Assembly Member Jackson

February 25, 1999

An act to add Chapter 4.5 (commencing with Section 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~~ 2004, and in consultation with the State Department of Health Services, the California Coastal Commission, the California Conference of Directors

of Environmental Health, *counties, cities,* and other interested parties, to adopt, specified regulations *or standards* 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 regulations *or standards* into the appropriate regional water quality control plans.

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

3

4 CHAPTER 4.5. ONSITE SEWAGE TREATMENT SYSTEMS

5

6 13290. For the purposes of this chapter:

7 (a) “Local agency” means any of the following
8 entities:

9 (1) A city, county, or city and county.

10 (2) A special district formed pursuant to general law
11 or special act for the local performance of functions



1 regarding onsite sewage treatment systems within
2 limited boundaries.

3 (b) "Onsite sewage treatment systems" includes
4 individual disposal systems, community collection and
5 disposal systems, and alternative collection and disposal
6 systems that use subsurface disposal.

7 13291. (a) On or before January 1, ~~2003~~ 2004, 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, *counties, cities*, and other interested parties, shall
12 adopt regulations *or standards* for the permitting and
13 operation of all of the following onsite sewage treatment
14 systems in the state *and shall apply those regulations or*
15 *standards commencing six months after their adoptions:*

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

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

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

20 (4) Any system that, in the judgment of a regional
21 board or ~~designated~~ *authorized* local agency, discharges
22 waste that ~~will likely result in~~ *has the reasonable potential*
23 *to cause* a violation of water quality objectives, ~~will likely~~
24 *or to* impair present or future beneficial uses of water, ~~will~~
25 ~~likely~~ *to* cause pollution, nuisance, or ~~contamination,~~
26 ~~will likely unreasonably degrade the quality of~~
27 *contamination of the* waters of the state.

28 (b) Regulations *or standards* adopted pursuant to
29 subdivision (a), shall include, but shall not be limited to,
30 all of the following:

31 (1) Minimum operating ~~standards~~ *requirements* that
32 may include siting, construction, and performance
33 ~~standards.~~

34 ~~(2) Maximum contaminant levels, as applicable.~~

35 ~~(3) Standards requirements.~~

36 (2) *Requirements* for onsite sewage treatment
37 systems adjacent to impaired waters identified pursuant
38 to subdivision (d) of Section 303 of the Clean Water Act
39 (33 U.S.C. Sec. 1313(d)).



1 ~~(4) Requirements relating to the delegation of~~
2 ~~authority by the state to qualified local agencies to~~
3 ~~implement this chapter.~~

4 ~~(5) Corrective action to be taken by a regional board~~
5 ~~for onsite sewage treatment systems that fail to meet~~
6 ~~these standards.~~

7 ~~(6) Minimum standards for monitoring used to~~
8 ~~determine system performance, if applicable.~~

9 ~~(7) Guidelines for conducting onsite sewage sanitary~~
10 ~~surveys conducted pursuant to subdivision (c).~~

11 ~~(8) Exemption criteria to be applied by regional~~
12 ~~boards.~~

13 ~~(9) Standards for determining a system that is subject~~

14 *(3) Requirements authorizing a qualified local agency*
15 *to implement those requirements adopted under this*
16 *chapter within its jurisdiction if that local agency requests*
17 *that authorization.*

18 *(4) Requirements for corrective action when onsite*
19 *sewage treatment systems fail to meet the requirements*
20 *or standards.*

21 *(5) Minimum requirements for monitoring used to*
22 *determine system or systems performance, if applicable.*

23 *(6) Requirements for conducting onsite sewage*
24 *sanitary surveys conducted pursuant to subdivision (c).*

25 *(7) Exemption criteria to be established by regional*
26 *boards.*

27 *(8) Requirements for determining a system that is*
28 *subject to a major repair, as provided in paragraph (2) of*
29 *subdivision (a).*

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

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



1 (e) This chapter does not preempt any regional board
2 or local agency from adopting *or retaining* standards for
3 onsite sewage treatment systems that are more
4 protective of the public health or the environment than
5 this chapter.

6 (f) Each regional board shall incorporate the
7 regulations *or standards* adopted pursuant to subdivisions
8 (a) and (b) into the appropriate regional water quality
9 control plans.

10 13291.5 It is the intent of the Legislature to assist
11 private property owners with existing systems who incur
12 costs as a result of the implementation of the regulations
13 established under this section by encouraging the state
14 board to make loans under Chapter 6.5 (commencing
15 with Section 13475) to *local agencies to assist* private
16 property owners whose cost of compliance with these
17 regulations exceeds one-half of one percent of the current
18 assessed value of the property on which the onsite sewage
19 system is located.

20 13291.7. *Nothing in this chapter alters any existing*
21 *land use authority of local agencies contained in other*
22 *statutes.*

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

