

AMENDED IN ASSEMBLY MAY 2, 2000  
AMENDED IN ASSEMBLY MARCH 23, 2000

CALIFORNIA LEGISLATURE—1999–2000 REGULAR SESSION

**ASSEMBLY BILL**

**No. 1865**

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**Introduced by Assembly Member Strickland**

February 10, 2000

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An act to add Section 13182 to the Water Code, relating to water.

LEGISLATIVE COUNSEL'S DIGEST

AB 1865, as amended, Strickland. Water quality: septic tank systems.

Under existing law, the State Water Resources Control Board and the California regional water quality control boards are among the principal agencies with primary regulatory authority over water quality.

This bill would create the *El Rio* Septic Tank System Replacement Fund and would authorize the state board to make grants, in the amount of *up to* \$5,000 per ~~household~~ *parcel, as defined*, to a local agency after an assessment district has been formed to reduce the pro rata share of the cost to each homeowner to hook up to a public sewer system where homeowners are prohibited from using their septic tank systems by a regional board. *The bill would limit the grant to one connection per parcel, as defined.* The bill would make related legislative findings and declarations.

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

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

1 SECTION 1. The Legislature finds and declares all of  
2 the following:

3 (a) The protection of the state’s water supplies is  
4 essential to public health, and the safety and welfare of  
5 the people of the state.

6 (b) The protection of the state’s natural resources is a  
7 paramount concern to present and future residents of the  
8 state.

9 ~~(c) It is necessary for the state to protect drinking~~  
10 ~~water quality and prevent environmental deterioration~~  
11 ~~that may be caused by septic tank failure.~~

12 ~~(d)~~

13 (c) It is the intent of the Legislature, for the purpose  
14 of preserving California’s water supplies for current and  
15 future generations, to assist ~~homeowners~~ *residents of the*  
16 *community of El Rio* who are prohibited by a regional  
17 water quality control board from using their septic tank  
18 systems to defray the costs incurred in connection with  
19 replacing those systems.

20 (d) *The community of El Rio is a low-income*  
21 *residential community located in the unincorporated*  
22 *area of Ventura County just outside the City of Oxnard.*

23 (e) *The community of El Rio is comprised of 1,642*  
24 *family homes, four multiple family homes, and three*  
25 *mobile home parks.*

26 (f) *El Rio lies over the highly sensitive Oxnard*  
27 *Forebay groundwater recharge area. The Oxnard*  
28 *Forebay recharges some 11,000,000 acre-feet of water*  
29 *stored in the aquifers of the Oxnard Plain Pressure Basin.*

30 (g) *The Oxnard Forebay is a critical groundwater*  
31 *source for the surrounding areas, including the City of*  
32 *Oxnard.*

33 (h) *Under the Water Code, a regional water quality*  
34 *control board has the authority to prohibit communities*  
35 *who rely on septic systems for wastewater disposal from*



1 continuing to use their septic system if it is found that the  
2 system is contaminating groundwater.

3 (i) The Regional Water Quality Control Board, Los  
4 Angeles region, has required that all septic systems in the  
5 Oxnard Forebay cease operation by January 1, 2008, after  
6 it was found that the forebay's water quality was being  
7 contaminated by nitrogen pollutants from the septic  
8 systems.

9 (j) As a result, the residents of El Rio, in conjunction  
10 with Ventura County, must find the financial means to  
11 construct a central sewage collection system estimated to  
12 cost fifteen million dollars (\$15,000,000).

13 (k) In addition, the residents of El Rio will be obligated  
14 to pay for the cost of connecting their homes to the public  
15 sewer line, which is estimated to cost five thousand dollars  
16 (\$5,000) per connection, along with a continuing monthly  
17 service charge.

18 SEC. 2. Section 13182 is added to the Water Code, to  
19 read:

20 13182. (a) The *El Rio* Septic Tank System  
21 Replacement Fund is hereby created. The money in the  
22 fund, upon appropriation by the Legislature, may be  
23 expended by the board to make grants to a local agency  
24 after an assessment district has been formed to reduce the  
25 pro rata share of the cost to each homeowner to hook up  
26 to a public sewer system where the homeowners are  
27 prohibited from using their septic tank systems by a  
28 regional board. The board shall allocate *up to* five  
29 thousand dollars (\$5,000) per ~~household~~ *connection* to  
30 the local agency to defray the cost of connecting the  
31 home to the public sewer system. *The grant is limited to*  
32 *one connection per parcel.*

33 (b) It is the intent of the Legislature to transfer money  
34 to the *El Rio* Septic Tank System Replacement Fund for  
35 the purpose of carrying out subdivision (a).

36 (c) As used in this section, the following definitions  
37 shall control the meaning of the terms:

38 (1) "Connection" or "connecting" includes the  
39 installation of the house lateral running from the house to



1 *the public sewer line and the destruction of the existing*  
2 *septic tank.*

3 (2) *“Parcel” is residential property including single*  
4 *family dwellings, multiple family dwellings, and mobile*  
5 *home parks.*

6 *SEC. 3. Due to unique facts and circumstances*  
7 *applicable to the community of El Rio, the Legislature*  
8 *finds and declares that a general statute cannot be made*  
9 *applicable within the meaning of Section 16 of Article IV*  
10 *of the California Constitution. Special legislation is,*  
11 *therefore, necessarily applicable to only the community*  
12 *of El Rio.*

