

AMENDED IN ASSEMBLY APRIL 21, 2009

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

**ASSEMBLY BILL**

**No. 580**

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**Introduced by Assembly Member Huber**  
**(Principal coauthor: Assembly Member Logue)**  
**(Coauthor: Assembly Member Chesbro)**

February 25, 2009

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An act to amend Section 13291 of the Water Code, relating to water quality.

LEGISLATIVE COUNSEL'S DIGEST

AB 580, as amended, Huber. Onsite sewage treatment systems.

Existing law, the Porter-Cologne Water Quality Control Act, on or before January 1, 2004, requires the State Water Resources Control Board, in consultation with others, to adopt regulations or standards for the permitting and operation of specified onsite sewage treatment systems. The act requires the state board to apply those regulations or standards to those systems commencing 6 months after their adoption. The act requires the regulations or standards to include exemption criteria established by the California regional water quality control boards. *The act requires the regulations to include minimum operating requirements and requires that the regulations include requirements authorizing a qualified local agency to implement the requirements adopted under the act if the local agency requests authorization.*

*This bill would require that onsite sewage treatment systems be classified into regulatory tiers based on the demonstrated risk each system poses to the public health and environment. The bill would require the regulations to include a requirement authorizing a qualified*

*agency to certify that its local ordinance will implement the requirements of the regulations adopted pursuant to existing law.*

This bill would specify that exemption criteria may also be established by the state board.

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 the following:*

2     *(a) The Legislature commends the State Water Resources*  
3     *Control Board for listening to public concerns regarding the onsite*  
4     *sewage treatment system regulatory program and responding to*  
5     *those concerns by reevaluating regulations adopted pursuant to*  
6     *Chapter 781 of the Statutes of 2000 (Assembly Bill 885 of the*  
7     *1999–00 Regular Session).*

8     *(b) The Legislature encourages the board to draft regulations*  
9     *that ensure local control, cure failing septic systems, and minimize*  
10    *cost to homeowners.*

11    *(c) It is the Legislature’s intent to assist the board’s efforts*  
12    *through clarifying legislation if necessary.*

13    ~~SECTION 1.~~

14    *SEC. 2. Section 13291 of the Water Code is amended to read:*

15    13291. (a) On or before January 1, 2004, the state board, in  
16    consultation with the State Department of Health Services, the  
17    California Coastal Commission, the California Conference of  
18    Directors of Environmental Health, counties, cities, and other  
19    interested parties, shall adopt regulations or standards for the  
20    permitting and operation of all of the following onsite sewage  
21    treatment systems in the state and *shall categorize each of the*  
22    *following systems into regulatory tiers based on the demonstrated*  
23    *risk posed to the public health and the environment by each system.*  
24    *The state board shall apply those regulations or standards*  
25    *commencing six months after their adoptions:*

26    (1) Any system that is constructed or replaced.

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

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

29    (4) Any system that, in the judgment of a regional board or  
30    authorized local agency, discharges waste that has the reasonable  
31    potential to cause a violation of water quality objectives, or to

1 impair present or future beneficial uses of water, to cause pollution,  
2 nuisance, or contamination of the waters of the state.

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

5 (1) ~~Minimum operating requirements~~ *Requirements that local*  
6 *programs include minimum operating standards* that may include  
7 siting, construction, and ~~performance requirements~~ *monitoring to*  
8 *determine system performance*.

9 (2) Requirements for onsite sewage treatment systems adjacent  
10 to impaired waters identified pursuant to subdivision (d) of Section  
11 303 of the Clean Water Act (33 U.S.C. Sec. 1313(d)).

12 (3) Requirements authorizing a qualified local agency to *certify*  
13 *that its ordinance* ~~implement~~ *implements* those requirements  
14 adopted under this chapter within its jurisdiction ~~if that local agency~~  
15 ~~requests that authorization.~~ *its jurisdiction. Based on a finding by*  
16 *a regional board that a local agency does not meet the certification*  
17 *requirements, a regional board shall have 90 days to deny the*  
18 *self-certification by the local agency.*

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

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

23 (6)

24 (5) Exemption criteria to be established by the state board or  
25 the regional boards.

26 (7)

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

29 (c) This chapter does not diminish or otherwise affect the  
30 authority of a local agency to carry out laws, other than this chapter,  
31 that relate to onsite sewage treatment systems.

32 (d) This chapter does not preempt any regional board or local  
33 agency from adopting or retaining standards for onsite sewage  
34 treatment systems that are more protective of the public health or  
35 the environment than this chapter.

36 (e) Each regional board shall incorporate the regulations or  
37 standards adopted pursuant to subdivisions (a) and (b) into the  
38 appropriate regional water quality control plans.

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