

**SUBMITTAL TO THE BOARD OF SUPERVISORS
 COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**

924



FROM: Department of Environmental Health

SUBMITTAL DATE:
 March 3, 2016

SUBJECT: Initiation of Amendments to Riverside County Ordinance 650, which governs the discharge of sewage in the unincorporated areas of the County

RECOMMENDED MOTION: That the Board of Supervisors:

1. Approve the initiation of amendments to Riverside County Ordinance (RCO) No. 650; and
2. Direct the Department of Environmental Health (Department) to prepare and process the amendments to RCO No. 650.

BACKGROUND:

Summary

Riverside County Ordinance 650 governs the discharge of sewage in the unincorporated areas, including the requirements for the construction and maintenance of onsite wastewater treatment systems, (OWTS) also referred to as septic systems. On September 27, 2000, Assembly Bill 885 was signed into law, requiring the State Water Resources Control Board (SWRCB) to adopt standards or regulations for the permitting and operation of OWTS by January 1, 2004. Draft standards were released in 2005, but not adopted due to opposition from the public and interest groups.

SVS:JW:BD

Steve Van Stockum
 Steve Van Stockum
 Director

FINANCIAL DATA	Current Fiscal Year:	Next Fiscal Year:	Total Cost:	Ongoing Cost:	POLICY/CONSENT (per Exec. Office)
COST	\$ 7500	\$ 2500	\$ 10000	\$ 0	Consent <input type="checkbox"/> Policy <input checked="" type="checkbox"/>
NET COUNTY COST	\$ 0	\$ 0	\$ 0	\$ 0	

SOURCE OF FUNDS: Adequate funds exist in current budget to pay staff costs associated with this item.

Budget Adjustment: No
For Fiscal Year: 15/16

C.E.O. RECOMMENDATION:

APPROVE

BY: *Steven C. Horn*
 Steven C. Horn

County Executive Office Signature

MINUTES OF THE BOARD OF SUPERVISORS

☐ A-30 ☐ Positions Added
☐ 4/5 Vote ☐ Change Order

Prev. Agn. Ref.:

District: All

Agenda Number:

3-13

**SUBMITTAL TO THE BOARD OF SUPERVISORS, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA
FORM 11: Initiation of Amendments to Riverside County Ordinance 650**

DATE: March 3, 2016

PAGE: 1 of 1

BACKGROUND:

Summary (continued)

In 2011, a lawsuit was filed against SWRCB for failure to act. This resulted in the adoption of Resolution 2012-0032, the statewide policy also known as the "OWTS Policy," on June 19, 2012, with an effective date of May 13, 2013. The purpose of the Policy is to allow the continued use of OWTS, while protecting water quality and public health. The Policy establishes a statewide, risk-based, tiered approach for the regulation and management of OWTS installations and replacements and sets the level of performance and protection expected from OWTS. Under this Policy, OWTS are classified into Tiers 0-4. Tier 0 is an existing properly functioning OWTS; Tier 1 is considered low risk due to its location and design; Tier 2 allows for OWTS to be installed in areas unsuitable for a Tier 1 by applying alternative methods to achieve the same level of protection; Tier 3 OWTS involve areas near impaired water bodies and are under the jurisdiction of the SWRCB; Tier 4 OWTS are in failure and require corrective action.

Currently, Riverside County Environmental Health approves many new and replacement OWTS which would fall into the Tier 2 category. Tier 2 OWTS allow alternative methods, such as advanced treatment, seepage pits and alternative lot densities to achieve the same level of protection as a Tier 1. Many of the unique and challenging geologic conditions in the County require specialized siting, construction and maintenance of OWTS that can only be achieved under Tier 2. To be in compliance with this Policy, and to be able to retain our oversight and approval of Tier 2 OWTS in Riverside County, local authorities such as Environmental Health, are required to submit a Local Area Management Program (LAMP) to the SWRCB for approval by May, 2016. Without an approved LAMP, Riverside County would be limited to Tier 1 OWTS approvals only, greatly impacting many homeowners, developers and businesses.

The Department has developed a LAMP which will be submitted to the State Water Resources Control Board for review. However, amendments to RCO 650 are necessary to incorporate the State mandated changes to the way the Department regulates, approves, and enforces OWTS within unincorporated areas of the County and cities which contract with Environmental Health for these services. As part of its LAMP review process, the SWRCB will review and comment on the proposed Ord 650 amendments; therefore, a final amended version of RCO 650 will be submitted after review and comment by the SWRCB.

The amendment also implements new registration requirements for Qualified Service Providers (QSP) and Professionals of Record (PR). A QSP performs activities related to OWTS, including performing percolation tests and certifying the performance of OWTS, consistent with the LAMP. A PR is certified by the State of California as a Professional Engineer (PE), Professional Geologist (PG) or Registered Environmental Health Specialist (REHS) qualified to design OWTS consistent with the LAMP. The Department currently maintains a courtesy list of QSPs and PRs. Implementing a registration for these professionals will be consistent with other professional registrations currently in place such as well drillers, backflow testers, and body art practitioners. It will also provide an enforcement mechanism for professionals who do not perform their duties in a manner consistent with the LAMP or this Ordinance.

Impact on Residents and Businesses

The approval of the ordinance amendments will allow the Department to continue its approval process for residents and businesses in the unincorporated areas of the County and contracted cities while complying with the State OWTS Policy. The QSP and PR registration will ensure that the residents and businesses utilizing OWTS have the benefit of a professional who has specific training in OWTS design, installation and maintenance to comply with the LAMP. The Department anticipates minimal staff time required to monitor the professional registration performance and qualifications, but may need to return to the Board at a later date to propose a minimal registration fee to cover these costs, if necessary.