



COUNTY OF HUMBOLDT

AGENDA ITEM NO.

I 3

For the meeting of: November 7, 2017

Date: October 24, 2017
To: Board of Supervisors
From: Connie Beck, Director
Department of Health and Human Services
Subject: Presentation of the final Local Agency Management Program

RECOMMENDATION(S):

- 1. Review the proposed changes to the Policy for the Use of Existing Sewage Disposal Systems (Existing Systems Policy) and approve the Department of Health and Human Services' (DHHS) recommendation to adopt the proposed changes.
2. Review the final Local Agency Management Program (LAMP) and approve DHHS' recommendation to adopt the final LAMP for implementation in Humboldt County.
3. Approve DHHS' recommendation to submit the final LAMP to the North Coast Regional Water Quality Control Board (NCRWQCB) for final approval.
4. Direct DHHS to conduct public outreach to familiarize the public with the LAMP.

SOURCE OF FUNDING:

Public Health Fund.

DISCUSSION:

Over half of Humboldt County homes are in areas not served by centralized wastewater treatment systems; thus, they depend on onsite wastewater treatment systems (OWTS), formerly called septic or sewage disposal systems, for the treatment of domestic wastewater. The California Legislature passed Assembly Bill 885 in 2000, mandating the California State Water Resources Control Board (SWRCB) to adopt state-wide standards governing OWTS permitting and operation. The SWRCB, after more than a decade of substantial public input, adopted the Water Quality Control Policy for Siting, Design, Operation, and

Prepared by DJ Wieman, Administrative Analyst
CAO Approval [Signature]
REVIEW: Auditor County Counsel [Signature] Human Resources Other

TYPE OF ITEM:
Consent
[X] Departmental
Public Hearing
Other

PREVIOUS ACTION/REFERRAL:

Board Order No. I-1, H-4, H-2
Meeting of: 4/19/16, 12/8/2015, 10/7/2014

BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT
Upon motion of Supervisor Wilson Seconded by Supervisor Fennell

Ayes Fennell, Bass, Bohn, Wilson
Nays
Abstain
Absent Sundberg

and carried by those members present, the Board hereby approves the recommended action contained in this Board report.

Dated: 11/7/17
By: [Signature]
Kathy Hayes, Clerk of the Board

*Maintenance of Onsite Wastewater Treatment Systems (OWTS Policy)* which became effective on May 13, 2013.

At the October 7, 2014 meeting, your Board approved DHHS' recommendation to implement the LAMP option for OWTS Policy compliance, and authorized DHHS to proceed with LAMP development. In addition, your Board directed DHHS to conduct public outreach to ensure diverse stakeholder input into the LAMP development process. Two public informational meetings and seven meetings with stakeholder working group members were held in 2015. DHHS presented an update to your Board on December 8, 2015 and, at that time, notified your Board that changes to the Humboldt County Code (HCC) and the *Humboldt County Sewage Disposal System Regulations* would be necessary to make them clear and correct, and to enable Humboldt County to become compliant with the OWTS Policy.

Following public informational meetings and meetings with stakeholder working group members, DHHS released for 60-day public comment a draft LAMP, along with proposed changes to Title VI of the HCC and the draft *Humboldt County Onsite Wastewater Treatment System Regulations and Technical Manual (RTM)* which replaces the *Humboldt County Sewage Disposal System Regulations*. Changes to these two latter documents are necessary for clarity, correctness, implementation of the LAMP, and to achieve full compliance with the OWTS Policy.

In April 2016, the draft LAMP was presented to your Board and approved for submittal to the NCRWQCB for review and comment. The NCRWQCB tentatively approved the draft LAMP in May 2017, contingent upon DHHS' consideration of NCRWQCB's recommendations.

The vast majority of County codes, requirements, and procedures currently in effect are proposed to remain the same. Three proposed changes warrant specific mention, however:

1. Before your Board today are proposed changes to the Existing Systems Policy approved by the Board of Supervisors on October 23, 1984 (Attachment 1). The Existing Systems Policy is intended to provide direction to the staff at DHHS's Division of Environmental Health (DEH) and to the public when a project proposes to continue using an existing OWTS to serve a structure remodel, replacement, or change in use. The proposed changes clarify meaning and intent, eliminate repetitive or conflicting language, and apply consistent policy to all situations where the subject OWTS was installed prior to January 1, 1980. Staff has included the revised version of the Existing Systems Policy before you today as Appendix F of the RTM (the RTM is Appendix 1 of the LAMP).
2. Properties near bodies of water that have been identified by the State as impaired by bacteria are required by the OWTS Policy to receive particular attention in an effort to reduce bacterial contamination. Tier 3 of the OWTS Policy provides prescriptive standards that apply (in effect since 2013) to each new and replacement OWTS within 600' of each identified water body. As in the draft LAMP approved by your Board in April 2016, the final LAMP proposes an alternate strategy, one that implements public education and engagement, risk assessment, and identification of bacterial source types. When the final LAMP is approved, this alternate strategy will remain effective until 2020, the timeline dictated in the OWTS Policy for the NCRWQCB to develop implementation plans for each of these impaired water bodies. These implementation plans will specify standards for attainment of water quality.
3. An additional change is the identification of generalized areas within the County that exhibit conditions which are less than optimal for OWTS performance and for which the OWTS Policy requires special consideration. These are termed Variance Prohibition Areas (VPAs) and are shown

on Table 1 (page 20) of the LAMP. Within VPAs, DHHS staff must be present to confirm OWTS site evaluators' observations. While the term "Variance Prohibition Area" is new, prohibiting variances to standards when new construction is proposed in these areas is an established practice.

The final LAMP before your Board today presents each OWTS Policy requirement a local agency must meet, followed by Humboldt County's methodology to meet that requirement. Appendix 1, the RTM, is a new document that replaces the *Humboldt County Sewage Disposal System Regulations*. The RTM provides the authority to carry out portions of the LAMP and will provide clear guidance to DHHS staff, OWTS owners, designers, and installers. Pursuant to the HCC, the Health Officer is charged with issuing and revising regulations; thus, Dr. Donald Baird's signature appears on the cover page of the RTM. Also, pursuant to the HCC, such regulations become effective when filed with the County Clerk. DHHS plans to file the RTM with the County Clerk following your Board's approval of the LAMP. Appendix 2 of the LAMP contains the portions of the HCC which provide the Health Officer's broad authority for regulating OWTS, as well as specific authority for portions of the LAMP. Please note that a second agenda item, specific to the adoption of the proposed changes to the HCC, also appears on your Board's agenda today.

When approved by your Board, the final LAMP will be submitted to the NCRWQCB for final approval at a publicly noticed Board meeting, scheduled for January 2018. The deadline for implementation of a local program that is fully compliant with the OWTS Policy is May 13, 2018.

#### FINANCIAL IMPACT:

As previously reported to your Board at the October 7, 2014, December 8, 2015, and April 19, 2016 meetings, the costs associated with development of a LAMP was included in the approved County Budget for Fund 1175, Budget Unit 486 – Land Use, for Fiscal Years 2014-15, 2015-16, and 2016-17. The approval of a LAMP will likely occur in Fiscal Year 2017-18; LAMP implementation will follow approval.

The cost for implementation will be evaluated and incorporated into DEH's Land Use program's fee schedule and budget. It should be noted that implementation of a LAMP after its approval by your Board and the NCRWQCB will likely result in significant additional costs to the County. Due to increased review, monitoring, and reporting requirements, and the anticipated transfer of some state-permitted OWTS to local jurisdiction (annual state fees for these permits currently range from \$1800 to \$9500), it is anticipated that DEH's Land Use program will need to hire one to two additional Environmental Health Specialists to implement the LAMP. The cost of additional staff plus overhead would be, at a minimum, an estimated \$200,000 increase to DEH's Land Use's annual budget. These costs are estimates only and subject to upward adjustment. These increased departmental costs will be passed along as fees to the regulated community. If fees are not paid by the regulated community, they must be paid by taxpayers generally.

The proposed final LAMP supports the Board's Strategic Framework by creating opportunities for improved safety and health.

#### OTHER AGENCY INVOLVEMENT:

NCRWQCB is the state approval agency. Cities subject to the OWTS Policy were offered the opportunity to participate in working group meetings and to consult with DHHS staff on the LAMP development process. Four cities have expressed their intention to adopt Humboldt County's LAMP via their respective municipal codes to comply with the State OWTS Policy.

#### ALTERNATIVES TO STAFF RECOMMENDATIONS:

1. The Board may choose to direct DHHS to make further revisions to the LAMP.

ATTACHMENTS:

1. Proposed changes to the *Policy for the Use of Existing Sewage Disposal Systems*
2. Final Local Agency Management Program