



COUNTY OF SONOMA

575 ADMINISTRATION
DRIVE, ROOM 102A
SANTA ROSA, CA 95403

SUMMARY REPORT

Agenda Date: 6/6/2023

To: Board of Supervisors

Department or Agency Name(s): Permit Sonoma and Department of Health Services

Staff Name and Phone Number: Alex Rosas, (707) 565-3507 and Christine Sosko, (707) 565-6521

Vote Requirement: Majority

Supervisorial District(s): Countywide

Title:

1:45 P.M. Amendment to the Sonoma County Code to Repeal Legacy Provisions in Chapters 24 and 27, And To Make Clarifications and Technical Changes to Chapter 24

Recommended Action:

Adopt a resolution introducing, reading the title of and waiving further reading of an ordinance to:

- A) Repeal Chapter 27 ("Transport of Water for Domestic Use");
- B) Amend Chapter 24 ("Sewers and Sewage Disposal") of the Sonoma County Code to repeal obsolete code provisions and clarify other code provisions;
- C) And determine that the ordinance amendment is exempt from the California Environmental Quality Act.

Executive Summary:

The Board of Supervisors' Onsite Waste Treatment System (OWTS) ad hoc has recommended removing septic monitoring requirements that are no longer required by State law. The proposed ordinance removes these legacy requirements. Additionally, staff proposes repeal of legacy provisions in Chapter 24 and Chapter 27 that are obsolete, as explained below. The proposed ordinance also revises and clarifies the remaining provisions in Chapter 24, also as explained below. □

Discussion:

Proposed Update of Chapter 24, Article II

The California State Water Resources Control Board (SWRCB) has adopted an onsite wastewater treatment system (OWTS) policy that exempts OWTS owners from obtaining Regional Water Quality Control Board (RWQCB) permits (known as Waste Discharge Requirements) if OWTS policy standards are met. Historically, the two RWQCBs required Sonoma County to adhere to its regional Basin Plans as part of the county's OWTS permitting program. The Basin Plans required Sonoma County to conduct post-construction monitoring of all non-standard OWTS and any OWTS that utilized supplemental treatment. To comply with Basin Plan requirements, Sonoma County adopted Article II of Chapter 24 which requires property owners obtain operational permits (OPR), in addition to the construction permit for the system itself. The OPRs allowed the county to monitor the operation and performance of non-standard OWTS and any OWTS that utilized supplemental treatment beyond final construction. □

The SWRCB OWTS Policy is now in effect statewide and supersedes the old regional requirements. Section 9.4.6 of the OWTS Policy only requires long-term monitoring of OWTS that utilize supplemental treatment. To align local requirements with revised State requirements, and in line with the recommendations of the Board of Supervisors Committee on OWTS' recommendations, staff recommends the proposed Chapter 24 edits to only require OPRs (and monitoring) for OWTS utilizing supplemental treatment.

Staff further recommends revising the code such that the standards adopted by the Director of Permit Sonoma only become effective upon the concurrence of the Board of Supervisors by resolution and clarifying the language in Chapter 24 regarding revocation and enforcement of OPR permits.

Proposed Repeal of Other Legacy Provisions of Chapter 24

Much of the current contents of Chapter 24 of the County Code is an obsolete carry-over from when the County owned and operated public sewer systems in the unincorporated areas. When the Board transferred this responsibility to Sonoma Water, the Legislature made Chapter 24 of the County Code the operative codes for Sonoma Water and the County Sanitation Districts by statute. (Ch. 1089 (1994).) The Sonoma Water and County Sanitation District boards then promptly repealed and replaced what had been Chapter 24. However, although Chapter 24 is no longer a Sonoma Water or County Sanitation District ordinance, the legacy code provisions remained on the books as part of the County Code and were never repealed.

Chapter 24 currently has these legacy provisions that regulate sewers (which are no longer enforced), provisions governing septic hauling that are administered under the direction of the Health Officer, and the provisions related to OWTS that are administered by Permit Sonoma.

None of the specific provisions in Chapter 24 concerning the regulation of the collection systems are currently being enforced. Staff proposes to retain only the general provisions from these sections of the code that provide an enforcement mechanism for the County to protect water quality. These provisions continue to provide enforcement tools that still are used for egregious violations, such as in a recent case where a septic hauler was dumping sewage directly into a stream. The Sonoma Water and County Sanitation District ordinances will not be impacted by this repeal.

Proposed Update of Chapter 24 Sanitation Hauling Provisions

Under the California Health and Safety Code, the Health Officer must issue permits for sanitation hauling, and this authority is delegated in Sonoma County to the Director of Environmental Health. Portions of Chapter 24 implement this authority. Staff proposes edits to update these provisions to make it clear that these permits must be obtained in the city limits as well as in the unincorporated area, and to clarify the enforcement process. The proposed edits also clarify that hauling waste from composting toilets requires a permit from the Department of Health Services.

Proposed Repeal of Chapter 27

Chapter 27 of the County Code was enacted in 1976 and provides that the Health Officer shall issue permits for the "Transport of Water for Domestic Use." However, since 1987 the California Department of Public Health has regulated in this area pursuant to statutory direction, and the State requires its own licenses for the hauling of potable water. At a now unknown point in the past, the Health Officer stopped enforcing the

duplicative requirements in Chapter 27 of the County Code. Staff recommends the complete repeal of Chapter 27. It is not being enforced and is duplicative of State permitting requirements.

California Environmental Quality Act

Adoption of the proposed ordinance is exempt pursuant to the categorical exemptions provided at California Environmental Quality Act (CEQA) Guideline sections 15307 and 15308 for Actions by Regulatory Agencies for Protection of Natural Resources and the Environment because the amendments are regulatory in nature and are designed to protect natural resources and the environment. The ordinance is also exempt pursuant to section 15061(b)(3) because clarifications and the repeal of unenforced code provisions will not impact the environment. It can be seen with certainty that there is no possibility that this ordinance may have a significant effect on the environment.

Strategic Plan:
Not Applicable

Racial Equity:

Was this item identified as an opportunity to apply the Racial Equity Toolkit?
No

Prior Board Actions:
Not Applicable

FISCAL SUMMARY

Expenditures	FY 22-23 Adopted	FY23-24 Projected	FY 24-25 Projected
Budgeted Expenses		\$400,000	
Additional Appropriation Requested			
Total Expenditures		\$400,000	
Funding Sources			
General Fund/WA GF			
State/Federal			
Fees/Other		\$400,000	
Use of Fund Balance			
Contingencies			
Total Sources		\$400,000	

Narrative Explanation of Fiscal Impacts:

Staff anticipated the removal of a significant number of non-standard OWTS from the operational monitoring permit program and adjusted the fiscal year 2023-2024 budget accordingly. The timing of the removal was intended to coincide near the end of fiscal year 2022-2023 to avoid fiscal impacts.

For fiscal year 2023-2024, it is anticipated approximately 1,150 OWTS systems will remain in the monitoring

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program. The anticipated workload is over 800 inspections per year and a projected revenue of over \$400,000. The current staffing levels of two full time equivalent positions is appropriate for this workload and revenue.

Narrative Explanation of Staffing Impacts (If Required):

Not Applicable

Attachments:

Attachment 1: Board Resolution

Attachment 2: Stricken Version of Ordinance

Attachment 3: Clean Version of Ordinance

Attachment 4: Staff PowerPoint

Attachment 5: Draft Notice of CEQA Exemption

Related Items "On File" with the Clerk of the Board:

Not Applicable