



COUNTY OF SAN MATEO
Inter-Departmental Correspondence
Health System



Date: December 21, 2015
Board Meeting Date: January 5, 2016
Special Notice / Hearing: None
Vote Required: Majority

To: Honorable Board of Supervisors

From: Louise Rogers, Chief, Health System
Heather Forshey, Director, Environmental Health Services

Subject: Adoption of an ordinance amending Chapter 4.84 of Title 4 – Sanitation and Health of the San Mateo County Ordinance Code and Sections 9300 through 9340 of Chapter 4 (San Mateo County Ordinance No. 03740) and retitling the subsequent Ordinance as Onsite Wastewater Treatment Systems

RECOMMENDATION:

Adoption of an ordinance amending Chapter 4.84 of Title 4 – Sanitation and Health of the San Mateo County Ordinance Code and Sections 9300 through 9340 of Chapter 4 (San Mateo County Ordinance No. 03740) and retitling the subsequent Ordinance as Onsite Wastewater Treatment Systems, previously introduced on December 15, 2015, and waive the reading of the ordinance in its entirety.

BACKGROUND:

The Environmental Health Services Division (EHS) of the San Mateo County Health System is responsible for setting County standards for the siting, design, installation and operation of Onsite Wastewater Treatment Systems (OWTS), also known as septic systems, consistent with standards set forth by the State Water Resources Control Board (SWRCB). These statewide standards are designed to prevent the creation of health hazards and nuisance conditions, as well as to protect surface and groundwater quality from threats of sewage. There currently are more than 8,000 OWTS in San Mateo County.

To ensure compliance, the SWRCB requires each local agency to submit documentation detailing how its local OWTS program meets the June 2012 SWRCB OWTS Policy (which became effective May 2013), as well as to develop local OWTS management protocols for areas with known contaminated waters. The latter areas in San Mateo County include watercourses with state and federal listings for bacterial pollutants, such as San Gregorio Creek, Pomponio Creek and San Vicente Creek.

The current San Mateo County OWTS Ordinance was adopted in 1996. Given the SWRCB's new OWTS policy, as well as significant changes to the standard of practice in OWTS technologies over the past 19 years, the ordinance no longer meets mandated requirements.

DISCUSSION:

Starting in 2014, EHS established a Technical Advisory Committee (TAC) to address all areas of the San Mateo County OWTS Ordinance needing updating and/or clarification were addressed. Approximately 30 technical and policy experts participated on the TAC, providing feedback and recommendations on proposed revisions. The TAC included representatives from County and town planning and building departments, the Local Agency Formation Commission, Regional Water Quality Control Board staff, environmental groups, and local septic industry professionals. EHS also reached out to various community and professional groups that may be affected by the ordinance, as well as presented the proposed changes to the Pescadero Municipal Advisory Council, Portola Valley Town Council, Town of Woodside Planning and Building Department, County Planning and Building Department, County Agricultural Advisory Committee, and the County Planning Commission.

The OWTS ordinance revisions will only affect owners of new or existing OWTS needing major repair or replacement. Therefore, if an existing OWTS is in good operating condition, no changes will be required and no costs will be incurred. As is current practice, if an existing OWTS fails and requires major repair or replacement, or if a property owner intends intensification of use (e.g., adding a bedroom), the project would need to comply with the OWTS ordinance revisions.

It has been determined by County Counsel that the proposed ordinance changes are compliant with the California Environmental Quality Act, and no further environmental impact study is required. County Counsel has reviewed and approved the revised ordinance.

Adoption of this ordinance will contribute to the Shared Vision 2025 outcome of a Healthy Community by ensuring surface waters and ground waters are not contaminated by septic waste and are safe for beneficial uses. It is anticipated that EHS will respond to 98% of reports of failing OWTS within 3 working days.

PERFORMANCE MEASURE(S):

Measure	FY 2015-16 Estimate	FY 2016-17 Projected
Percentage of EHS responses to reports of failing OWTS within 3 working days	95% (19 of 20)	98% (38 of 40)

FISCAL IMPACT:

Permit and inspection fees established by ordinance will fund this program. There is no net county cost associated with this ordinance.