

AB 885 at a Glance

Key Provisions of the
Proposed Statewide Wastewater Regulation (rev. 11/2008)

Prepared December 15, 2008

BACKGROUND

- Assembly Bill (AB) 885 (Chapter 781, Statutes of 2000) was approved by the California State Legislature, signed into law in September 2000, and directed the State Water Resources Control Board to promulgate a statewide wastewater regulation by the year 2004
- A draft regulation and Notice of Preparation (NOP) for CEQA were released in February 2005
- A revised draft of the regulation, waiver, and DEIR were released November 7, 2008. The (unrealistically optimistic!) timeline published with the regulation is as follows:
 - November 7, 2009 through February 9, 2009: 90 day public comment period with 12 public meetings held by the State Water Board
 - February through August 2009: State Water Board staff prepares responses to comments and makes appropriate revisions to proposed regulations, statewide waiver, and DEIR.
 - August 2009: End of the 30 day comment period culminating in adoption of EIR, regulations and waiver
 - November 2009: Office of Administrative Law completes review of the regulation
 - January 1, 2010: Effective date of the regulations
 - July 2010: The implementation date of the regulation (following completion of basin plan updates by the Regional Boards and completion of resolutions or MOUs)

EXISTING SEPTIC SYSTEMS

- Septic tank must be inspected every 5 years by a service provider and pumped if solids level is 25% of tank depth
- If parcel uses domestic well, owners must either install monitoring well 100 ft down-gradient from the septic system or monitor their domestic well. Sampling must be done every 5 years for a variety of constituents

- If the existing system uses supplemental treatment, a contract with “**service provider**” (defined as a person performing system operation, monitoring, and maintenance of septic systems and capable of inspecting the septic tank) is required

REPLACEMENT (REPAIRED) SEPTIC SYSTEMS

- If “major repair” (replacement of drainfield due to surfacing sewage), system must be designed by a “qualified professional”
- Operation and maintenance (O&M) manual prepared by “qualified professional required”
- If supplemental treatment used, contract required with “service provider” (not defined in regulation)
- Owner must retain as-built and O&M manual, and provide these documents to new buyer at point-of-sale
- Owner must retain all system inspection records for 5 years
- Septic tanks must have water-tight risers extending to within 6 inches of finished grade
- Septic tanks will need to have effluent filters
- If parcel uses domestic well, owners must either install monitoring well 100 ft down-gradient from the septic system or monitor their domestic well every 5 years for a variety of constituents (current estimated cost for sample run: \$250)
- Septic tank must be inspected every 5 years by a service provider and pumping is recommended if solids level is 25% of tank depth
- If supplemental treatment is required, must have ongoing monitoring at a frequency specified in the O&M manual or by the Regional Board
- If supplemental treatment is required, must have audible or visual alarms, telemeter (current estimated cost of telemetry \$75 per year), and a 24-hour reserve capacity is required for pump systems
- If disinfection required, must either be weekly inspections by a “service provider” or telemetry, and effluent must be sampled for total coliform quarterly. (The regulation will result in disinfection being used following supplemental treatment in the regulation for seepage pits with effluent discharging less than 2 ft above restrictive layer.)

Editorial Note: The intent of the regulation is for minimum soil requirements, bottom area requirement, application rates used for system sizing, and seepage pit requirements described for new septic systems do not apply to system repairs. The wording used, however, is somewhat ambiguous. Wording of the definitions and requirements in the regulation need to be clarified so that the stated intent cannot be misinterpreted.

NEW SEPTIC SYSTEMS (DOES NOT INCLUDE REPLACEMENT SYSTEMS)

- Site and soil evaluation required by “**qualified professional**” (professional engineer, professional geologist, or REHS)
- Unless previous site evaluation has shown groundwater to be greater than 10 ft below the ground surface, seasonal high groundwater must be determined by “qualified professional” using either soil mottling as an indicator or by installing groundwater level monitoring wells. If wells are utilized, groundwater level must be measured continuously using piezometer
- Installation must be completed by a state certified contractor, but homeowner installation allowed if inspected and an “as-built” provided
- Operation and maintenance (O&M) manual prepared by “qualified professional” required, and owner must retain as-built and O&M manual, and provide these documents to new buyer at point-of-sale
- Septic tanks must have water-tight risers extending to within 6 inches of finished grade and will need effluent filters
- Septic tank must be inspected every 5 years by a “service provider,” pumping is recommended if solids level is 25% of tank depth, and the owner must retain all system inspection records for 5 years
- Dispersal system sized using only the bottom area and application rates specified based on either soil type or percolation rate; soil permeability must be between 1 and 240 mpi
- System must have 3 ft of “**vertical separation**” (soil beneath the dispersal field) for a standard gravity system and 2 ft of vertical separation for a supplemental treatment system, with additional requirements (pressure distribution and increased soil depth or increased dispersal area) when soil has greater than 30 percent “rock” by weight. (Particles greater than 2 mm in diameter are considered “rock”)
- Pressurized distribution in 1 ½ ft of engineered fill may be used to substitute for 1 ft of vertical separation in undisturbed, natural soil
- Pump to gravity systems must be equipped with a visual alarm, audible alarm, or telemetry, 24-hour reserve capacity, and no emergency overflow discharge
- Dispersal systems must have at least 6 inches of soil cover
- Dispersal area for gravel-less chambers systems may be reduced in size by up to 30%
- Seepage pits can be used only when a “qualified professional” has determined that the site is unsuitable for other types of dispersal systems, there is at least 10 ft of vertical separation to seasonal groundwater, and the vertical separation to hardpan or fractured rock is one of the following: (1) 10 ft for septic tank effluent, (2) 2 ft for

supplemental treatment effluent, or (3) 0 ft (no separation) for supplemental treatment that has been disinfected.

- If supplemental treatment is required, ongoing monitoring is required at a frequency as specified in the O&M manual or by the Regional Board
- If supplemental treatment is required, must have audible or visual alarms, telemeter, and 24-hour reserve capacity for pump systems
- If disinfection required, must either be weekly inspections by a “service provider” or telemetry, and effluent must be sampled for total coliform quarterly (The regulation will result only in disinfection being used following supplemental treatment for seepage pits with effluent discharging less than 2 ft above fractured rock or an impermeable layer)
- If parcel uses domestic well, owners must either install monitoring well 100 ft down-gradient from the septic system or monitor their domestic well every 5 years for a variety of constituents

CREATION OF NEW PARCELS

- Soil permeability must be no slower than 120 mpi

IMPAIRED WATER BODIES

These requirements only apply to Clean Water Act Section 303(d) listed surface waters with Specified Total Maximum Daily Loads (TMDLs) for nitrates or pathogens, where septic systems are identified as contributing to the impairment. These requirements do not apply if either: (a) an existing TMDL with a wastewater management plan meeting certain conditions, or (b) owners sign, within 2 years of the TMDL, a legally binding document to connect to a public sewer system and connect within 9 years

- New systems within 600 ft of a water body impaired due to nitrates must have supplemental treatment and nitrate removal
- New systems within 600 ft of a water body impaired due to pathogens must either have 3 ft of vertical separation or utilize supplemental treatment and disinfection
- Existing systems within 600 ft of an impaired water body must be inspected by a “qualified professional” within one year of adoption of the regulations to determine whether the system: (1) is failing, (2) meets the minimum vertical separation requirements to seasonal groundwater, (3) is putting fecal coliform for nitrogen greater than 10 mg/l into the groundwater
- If the above inspection indicates fecal coliform or excessive nitrogen is entering the groundwater, the homeowner has 4 years, from the date of determination, to upgrade so as to meet the standards for new systems
- If an inspection does not take place, the homeowner has 5 years, from the date of the TMDL, to upgrade so as to meet the standards for new systems