

MEMORANDUM

TO: Chairman Rabbitt and Members of the Board

FROM: Tennis Wick, AICP, Director 
Nathan Quarles, P.E., Deputy Director 

CC: Sheryl Bratton, Chief Administration Officer
Bruce Goldstein, County Counsel
Jennifer Klein, Chief Deputy County Counsel
Verne Ball, Deputy County Counsel

RE: Clarification of On-site Waste Water Treatment System (OWTS) Manual
Revision as it Relates To California Plumbing Code Revision

DATE: 10 June 2019

On 4 June 2019, the Board of Supervisors directed staff to revise the OWTS Manual Section 6 Building Permits so that reserve areas would be evaluated only when new or additional wastewater is proposed under a building permit. Staff has implemented this direction by deleting various provisions that previously required the reserve areas to be evaluated for building projects which proposed to add land encumbrance in the form of new structural footprints but did not increase wastewater flows. These sections include:

- Section 6.4.C.2.b – New accessory dwelling units utilizing a bedroom swap.
- Section 6.4.D.1.c – New accessory structures with plumbing that do not increase wastewater flow.
- Section 6.4.D.2.b – New accessory structures without plumbing.
- Section 6.4.E.2.b – New guest houses utilizing a bedroom swap.
- Section 6.5.B.2 – Building additions that do not increase wastewater flow.

While staff have implemented these changes, it is important to note the completely independent requirements detailed below so that there is not a misunderstanding of the result.

The California Plumbing Code (CPC) Appendix H section H 101.6 Design requires that no structure shall be erected on a lot where the structure impairs the usefulness of the 100 percent expansion area.

CPC section H 101.7 Capacity requires that a site cannot be developed beyond its capacity to properly absorb sewage effluent.

Development can be broken down into three categories relative to waste flow and footprint:

1. New wastewater flow only (e.g. conversions);
2. New structural footprint only (e.g. second dwelling units with bedroom swaps, additions, pools, garages); and
3. New wastewater flow and new structural footprint (e.g. dwelling units, bedroom additions)

The draft OWTS Manual proposed to evaluate reserve areas for all three categories. For categories 1 and 3, reserve areas were required, meaning site work and a preliminary design. For category 2, the reserve areas were only required if the site was constrained by setbacks and development (50% land encumbrance).

Per the Board's direction, we have eliminated the evaluation of reserve areas for category 2. However, the requirements of the CPC continue independent of the OWTS Manual, and modifications of the OWTS Manual have no effect on the CPC.

The CPC states that no structure shall be erected if the structure impairs the reserve area. To implement the CPC, the County will need to know that a reserve area exists and its location prior to authorizing a structure to be erected. Staff did not want there to be a misunderstanding about the effect of the changes in the OWTS Manual. Staff will implement these requirements in a manner that minimizes processing burdens on our customers while upholding the state code requirements.

