

City of Hesperia

STAFF REPORT



DATE: March 20, 2018

TO: Mayor and Council Members
Chair and Board Members, Hesperia Water District

FROM: Nils Bentsen, City Manager

BY: Michael Blay, Assistant City Manager
Tina Souza, Management Analyst

SUBJECT: Local Agency Management Program (LAMP)

RECOMMENDED ACTION

It is recommended that the City Council and Board of Directors of the Hesperia Water District introduce and place on first reading Ordinance No. 2018-04 amending Hesperia Municipal Code (HMC) Title 14, Chapter 14.08, Section 14.08.040 to include the City of Hesperia Local Agency Management Program (LAMP) regarding the use of onsite wastewater treatment systems (OWTS).

BACKGROUND

On February 1, 1990, the City Council approved the Septic Tank Guidelines Memorandum of Understanding (MOU) between the California Water Quality Control Board Lahontan Region (Lahontan) and the City of Hesperia. The purpose of the MOU was to establish an operating policy for implementation of wastewater disposal from land development. The City has been operating in accordance with the requirements of the MOU for onsite wastewater treatment systems (OWTS).

Assembly Bill 885 (AB 885) was introduced to the California State Assembly on February 25, 1999, and approved by Governor Gray Davis on September 27, 2000. This legislation directed the State Water Resources Control Board (SWRCB) to develop regulations or standards for OWTS to protect water quality, public health and the environment. The SWRCB adopted the Water Quality Control Policy for Siting, Design, Operation, and Maintenance of Onsite Wastewater Treatment Systems (OWTS Policy) on June 19, 2012. Subsequently, the policy was approved by the Office of Administrative Law on November 13, 2012 and became effective on May 13, 2013.

The OWTS Policy allows local agencies to adopt a LAMP regulating the use of OWTS. A local agency, as defined by the OWTS Policy is any subdivision of state government that has responsibility for permitting the installation of, and regulating OWTS within its jurisdictional boundaries. In compliance with the OWTS policy, LAMPs must be in effect no later than May 13, 2018. On November 7, 2017, the City Council and Board of Directors of the Hesperia Water District adopted Resolution No. 2017-053 and HWD 2017-18 approving the City of Hesperia LAMP and rescinding the MOU between Lahontan and the City upon approval of the LAMP by Lahontan.

Subsequently, the LAMP was submitted to Lahontan for review, public comment, and board approval. The Lahontan Board of Directors approved the City of Hesperia LAMP on January 10, 2018.

ISSUES/ANALYSIS

Ordinance 2011-06 adopted Title 14, Chapter 14.08, Section 14.08.040 of the HMC in July of 2011. The subject Ordinance amends the current Ordinance by including the LAMP by reference, which addresses OWTS, otherwise referred to as community collection and disposal systems, individual or private sewage disposal systems, or more commonly, septic systems. The LAMP was prepared in accordance with the OWTS Policy and allows for the continued use of OWTS within the jurisdiction of the City of Hesperia while addressing proper design, placement, installation, maintenance, and assessment of OWTS for the purpose of protecting groundwater, surface water bodies and public health.

Tremendous effort was made to remain as consistent as possible with the MOU regulations. There are however unavoidable changes required by the OWTS Policy and/or Lahontan contained in the LAMP. A brief summary of the guidelines contained in the LAMP are as follows:

- Quantification of minimum parcel size required to accommodate OWTS
- Identification of high risk areas
- Mapping Requirements
- Regulations for Supplemental Treatment Systems
- Deviations that may only be authorized by the RWQCB
- Maintenance and assessment standards for OWTS
- Data collection, reporting, and public education requirements
- Water quality monitoring and assessment

Adoption of the proposed Ordinance is exempt from the California Environmental Quality Act (CEQA) under CEQA Guidelines, Section 15061(b)(3), where it can be seen with certainty that there is no significant effect on the environment.

Revisions to Section 14.08.040 – Private sewage disposal systems are contained in Exhibit “A”.

FISCAL IMPACT

There is no immediate fiscal impact associated with approval of the recommended action. The extent of future fiscal impacts, especially those related to water quality monitoring requirements of the OWTS Policy are undetermined at this time. Future fiscal impacts will be mitigated to the extent possible by utilizing existing staff and resources for the various record keeping, reporting, outreach, and monitoring requirements.

ALTERNATIVE(S)

1. Forego adoption of this Ordinance to include the LAMP and default to the regulations of the SWRCB OWTS policy.
2. Provide alternative direction to staff.

ATTACHMENT(S)

1. Ordinance No. 2018-04
2. Exhibit A –Proposed Section 14.08.040 – Private sewage disposal systems