



## Legislation Text

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**File #:** 20-523, **Version:** 1

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*Report Prepared by: Ken F. Elwin, PE, Director of Public Works*

**SUBJECT:** Approval of a Memorandum of Understanding with the County of Merced, Department of Public Health, Division of Environmental Health Regarding On-Site Wastewater Treatment Systems Located in the City of Merced

### REPORT IN BRIEF

Considers approving a memorandum of understanding with the County of Merced, Department of Public Health, Division of Environmental Health regarding on-site wastewater treatment (septic) systems.

### RECOMMENDATION

**City Council** - Adopt a motion approving the memorandum of understanding with the County of Merced, Department of Public Health, Division of Environmental Health regarding on-site wastewater treatment systems; and, authorizing the City Manager or the Assistant City Manager to execute the necessary documents.

### ALTERNATIVES

1. Approve, as recommended by staff;
2. Approve, subject to conditions outlined by Council;
3. Refer to staff for reconsideration of specific findings;
4. Continue to a future meeting;
5. Deny.

### AUTHORITY

City of Merced Charter, Section 200.

### CITY COUNCIL PRIORITIES

As provided for in the 2020-21 Adopted Budget.

### DISCUSSION

#### History and Past Actions

The State of California adopted Assembly Bill 885 in September 2000, which required the State Water Resources Control Board (SWRCB) to adopt regulations or standards for the permitting and operation of on-site wastewater treatment systems (OWTS).

The SWRCB subsequently adopted policy effective May 2013 which established low-risk OWTS

siting and design requirements and allowed for a waiver of Waste Discharge Requirement (WDR) permits for OWTS systems meeting the policy criteria. The policy also authorized local agencies to submit to the Regional Water Quality Control Board a Local Agency Management Program (LAMP) for approval of alternative methods of OWTS siting and design to achieve the same purpose.

The LAMP submitted by the County of Merced (County) was approved by the Central Valley Regional Water Quality Control Board on April 7, 2017. As a result, a Conditional Waiver of WDRs for all OWTS complying with the LAMP was granted. Merced County Code, Chapter 9.54, "Regulation of On-site Waste Water Treatment Systems", was adopted in December 2016 to implement the requirements of the LAMP.

Within the City of Merced, there are existing on-site wastewater treatment systems, otherwise referred to as septic systems, and areas without access to the City's sewer system infrastructure. Merced Municipal Code (MMC) Section 15.24.030 "Private sewage disposal systems-Temporary permit" and MMC Section 15.24.040 "Private sewage disposal system-In annexed territories" allow for the continued use of private septic systems under specific and limited conditions.

The County currently operates an OWTS program and has adequate staffing with the technical knowledge to meet the requirements of the State OWTS policy. In the proposed Memorandum of Understanding (MOU), the County would be designated as the permitting and inspecting agency and would implement the County's approved LAMP for the siting, design, operation, and maintenance of certain OWTS within the City's incorporated area. The MOU would be limited to OWTS that generate less than 10,000 gallons per day of domestic wastewater. The City would be responsible to pay for the County's staff time spent on permitting, inspections, and other tasks as outlined in the MOU; these costs would generally be a pass-through to the property owner unless it is considered an unsubstantiated OWTS failure. If County staff time is charged to the City the Wastewater Operations Fund 553 would pay those costs. City Staff will have a plan in place to avoid these occurrences as much as possible.

In the best interest of protecting the public's health and the quality of the groundwater within the City, staff recommends entering into the Memorandum of Understanding with the County as it relates to OWTS.

## **IMPACT ON CITY RESOURCES**

No appropriation of funds is needed. Funding for County staff time as stipulated in the MOU would generally be a pass-through cost to the customer unless it is considered an unsubstantiated OWTS failure. If County staff time is charged to the City the Wastewater Operations Fund 553 would pay those costs if needed.

## **ATTACHMENTS**

1. Memorandum of Understanding