

**A RESOLUTION OF THE CITY COUNCIL OF
THE CITY OF EL PASO DE ROBLES AUTHORIZING THE MAYOR AND
THE CITY CLERK TO SIGN A MEMORANDUM OF UNDERSTANDING WITH
THE REGIONAL WATER QUALITY CONTROL BOARD-CENTRAL COAST REGION,
ADOPTING A FEE FOR THE ISSUANCE OF PERMITS ALLOWING
THE INSTALLATION OF A PRIVATE ON-SITE SEWAGE DISPOSAL SYSTEM, AS
WELL AS AN ANNUAL FEE TO MONITOR AND REGULATE PRIVATE ON-SITE
SEWAGE DISPOSAL SYSTEM**

WHEREAS, in the past, individuals wishing to install a private sewage disposal system were required to obtain approval for such construction from the California Regional Water Quality Board (CRWQCB) - Central Coast Region; and

WHEREAS, in accordance to Section 13269 of the State of California Water Code permits the CRWQCB to waive regulatory provisions as to a specific type of discharge where such waiver is in the public interest; and

WHEREAS, the CRWQCB encourages regulation by individual cities where such policy is mutually beneficial; and

WHEREAS, the CRWQCB will delegate regulatory authority to individual cities provided the City administrative authorities enforce the CRWQCB - Central Coat Basin (Basin Plan - Resolution No. 83-12), prohibitions governing installation of individual sewage disposal systems and otherwise assuring favorable conditions where Basin Plan individual sewage disposal systems installation recommendations are not met; and

WHEREAS, City staff has met and worked with the CRWQCB staff to establish cooperative roles with respect to the regulation of on-site sewage disposal systems as outlined in the Memorandum of Understanding (MOU); and

WHEREAS, the City will now be the agency who will review, issue permits and inspect the construction of an on-site private sewage disposal system; and

WHEREAS, the City, as part of the MOU, has agreed to monitor system effluent quality and determine if surfacing or plumbing backup is occurring twice per year for three (3) years; and

WHEREAS, the City, as part of the MOU, has agreed to continue monitoring the sewage system once every three (3) years thereafter.

WHEREAS, additional City Staff time will be incurred to administer permit issuance as well as monitoring of on-site private sewage disposal systems; and

NOW, THEREFORE, the City Council of the City of El Paso de Robles, hereby finds, determines, orders and resolves as follows:

Section 1: The City Council authorizes the Mayor and the City Clerk to sign the Memorandum of Understanding shown as Exhibit "A".

Section 2: The City Council adopts a permit application fee for the construction of a private on-site disposal system as shown in attached Exhibit "B".

Section 3: The City Council adopts a fee to recover staff time to monitor private on-site sewage disposal system once every three (3) years thereafter as shown in attached Exhibit "B".

Section 4: The City Clerk shall certify to the passage and adoption of this Resolution.

PASSED, APPROVED AND ADOPTED this 16th day of August, 1994, by the following vote:

AYES: Heggarty, Iversen, Martin, Picanco, and Macklin

NOES: None

ABSENT: None

ABSTAIN: None

CITY OF EL PASO DE ROBLES:

Walter J. Macklin
WALTER J. MACKLIN, Mayor

ATTEST:

Richard J. Ramirez
RICHARD J. RAMIREZ, City Clerk

**MEMORANDUM OF UNDERSTANDING
REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL COAST REGION AND CITY OF EL PASO DE ROBLES**

I. BACKGROUND

Section 13260 of the California Water Code authorizes the Regional Water Quality Control Board, Central Coast Region, (Regional Board), to regulate all discharges which could affect the quality of waters in the State, including discharges from individual sewage disposal systems. However, Section 13269 of the California Water Code permits the Regional Board to waive regulatory provisions as to a specific type of discharge where such a waiver is in the public interest.

Pursuant to the delegation of authority in Regional Board Resolution No. 70-1, the Executive Officer has waived reporting of waste discharges under specific conditions, including single family dwellings having individual on-site waste disposal systems.

The Regional Board encourages direct regulation by individual cities where such a policy is mutually beneficial. For dwellings involving five-family units or less, the Regional Board will waive consideration of discharge permit to city authorities. Waiver is conditional upon city administrative authorities enforcing the Regional Water Quality Control Plan, Central Coast Basin (Basin Plan - Resolution No. 83-12), prohibitions governing installation of individual sewage disposal systems and otherwise assuring favorable conditions wherever Basin Plan individual sewage disposal systems installation recommendations are not met.

The City of El Paso de Robles Sewage System Operations Code (specifically Article 7, of said Code), portions of the Uniform Plumbing Code, as modified by the City's Municipal Code, have been revised to permit individual sewage disposal systems, provided they are constructed and maintained in accordance with said regulations. Said revisions were developed with the intent of bringing the City's Codes sections into substantial conformity with the Basin Plan and that they be equal to or exceed waste discharge requirements that the Regional Board would require.

It is the City's stated policy that all sanitary sewage facilities associated with any residence, industrial, commercial or public building, be connected to the City's wastewater collection system. However, there are extenuating conditions where exceptions may be

deemed appropriate for either temporary or quasi-permanent approval based on the merits of each request.

In the City of El Paso de Robles, the Public Works Director is the administrator of the individual sewage disposal regulations.

II. PURPOSE

This Memorandum of Understanding defines cooperative roles for the City of El Paso de Robles and the Regional Board with respect to regulation of on-site sewage disposal systems and compliance with the purpose and intent of the Basin Plan and applicable City ordinances and regulations.

III. MANAGEMENT AND ADMINISTRATION

1. The City representative responsible for the administration of the applicable individual sewage disposal system ordinances and regulations shall assure that all approved systems comply fully with such ordinances and regulations.
2. When permits issued for individual sewage disposal systems comply fully with applicable City ordinances and regulations, the Regional Board need not be notified nor consulted.
3. When exception is being sought from Municipal Code from individual sewage disposal system regulation or where compliance with such regulation may be questionable or subject of dispute, the Regional Board's staff shall be consulted.
4. At any time that the City representative responsible for the administration of the individual sewage disposal system regulations feels the need to consult with or refer matters contained in the Memorandum of Understanding to the Regional Board, the Regional Board staff agrees to provide assistance.
5. No individual sewage disposal system approvals shall be issued which are not consistent with the State Water Quality Control Plan, Central Coast Basin ("Basin Plan") prohibitions unless prior approval of the Regional Board's Executive Officer is obtained.
6. The Regional Board shall assume jurisdiction for all community sewage collection, treatment, and disposal

systems. Such community sewage and disposal systems are defined as any systems having more than five dwellings served by a common treatment and disposal system or any combination of commercial, industrial, or dwelling units having a total discharge in excess of 2,500 gallons per day regardless of the mode of treatment and disposal.

All industrial on-site discharges shall be notified to submit a Report of Waste Discharge and attendant fee to the Regional Board. Operation of such discharge shall not commence until Board approval is received and conditions of approval met.

7. The City must demonstrate it has adequately trained personnel and administrative procedures to properly implement those portions of its ordinance pertaining to private septic systems. The City is responsible for maintaining written "in-house" procedures for: a) Inspecting the septic system site and construction details, b) Complying with Basin Plan and City ordinance in cases of repair of failing or sub-standard systems.
8. The Regional Board and the City agree to keep each other informed of proposed changes in regulations or guidelines relative to individual sewage disposal systems and to allow adequate time for review, comment and consultation.
9. Individual sewage treatment and/or disposal systems alternatives to conventional septic tanks, leach fields, seepage pits and absorption beds, such as mound or evapotranspiration systems, will be evaluated according to guidelines from the State Water Resources Control Board and other applicable requirements and recommendations contained in the Water Quality Control Plan (Basin Plan).

Approval of such alternative treatment and/or disposal systems shall be given only if the proponent is a Registered Civil Engineer and is competent in sanitary engineering. The Engineer must sign and seal all plans and calculations prior to approval of septic system construction plans. It is intended that such Engineered System be installed at only a few selected locations and shall provide adequate research and monitoring to demonstrate the efficiency of such alternative system. In addition, proponents shall provide bonds or other forms of indemnity, satisfactory to the City and sufficient to replace, repair or otherwise provide waste treatment and/or disposal for the properties involved.

The property owner shall make adequate financial arrangements with the City to assure that adequate funds

will be deposited with the City to cover anticipated monitoring costs. Final acceptance of such alternate systems shall rest with the City after consultation with the Regional Board staff.

The City will monitor system effluent quality and determine if surfacing or plumbing backup is occurring twice per year for three (3) years. The City will continue to monitor the system once every three years thereafter.

10. This agreement shall be renegotiable upon the request of either party.

APPROVED:

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD

By _____
CHAIRMAN

Date _____

CITY OF EL PASO DE ROBLES

By _____
WALTER J. MACKLIN, MAYOR

Date _____

ATTEST:

RICHARD J. RAMIREZ, CITY CLERK

EXHIBIT "B"

Pursuant to the provisions contained in the City of Paso de Robles Municipal Code, Sections 22.16.160, 22.24.030, Section 7.6 of the Sewerage Systems Operation Code and Resolution No. _____ the City has established the following fees to be paid by individuals requesting to construct an on-site private sewage disposal system. These fees are to be paid at time of permit application.

Application Permit Fee:

<u>Time</u>	<u>Personnel</u>	<u>Description</u>	<u>Amount</u>
3-hours	Engineering Technician III	Plan/Permit Review	\$105
2-hours	City Engineer	Plan/Permit Review and Approval	\$ 90
1-hour	Engineering Secretary	Administration	\$ 25
1-hour	Public Works Office Clerk	Administration	<u>\$ 25</u>
Sub-total.....			\$240

Annual Monitoring Inspection Fee:

<u>Time</u>	<u>Personnel</u>	<u>Description</u>	<u>Amount</u>
3-hours	Wastewater Superintendent	Inspection	\$120
2-hours	City Engineer	Inspection and Review	\$ 90
2-hours	Engineering Secretary	Administration	\$ 50
1-hour	Public Works Office Clerk	Administration	<u>\$ 20</u>
Sub-total.....			\$280
TOTAL.....			\$520