



TOWN OF APPLE VALLEY

TOWN COUNCIL STAFF REPORT

To: Honorable Mayor and Town Council **Date:** March 13, 2018

From: Patrick Carroll, Building Official **Item No:** 6
Building and Safety Department

Subject: ADOPT ORDINANCE NO. 497 – AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF APPLE VALLEY, CALIFORNIA, AMENDING CHAPTER 10.01, SECTION 10.01.060 OF THE APPLE VALLEY MUNICIPAL CODE TO INCLUDE THE LOCAL AREA MANAGEMENT PROGRAM (LAMP)

T.M. Approval: _____ **Budgeted Item:** Yes No N/A

RECOMMENDED ACTION:

Adopt Ordinance No. 497

SUMMARY:

The adoption of the Local Area Management Plan will allow the Town of Apple Valley to continue the approval of Onsite Wastewater Treatment Systems (OWTS) otherwise known as septic systems, in non-sewered areas of Apple Valley.

FISCAL IMPACT:

The initial fiscal impact will generally involve staff time in the collection of data that will be included in the annual report to Lahontan regarding new OWTS installations (both new and replacements), OWTS failures, and septic tank inspection reports. Costs other than staff time will be incurred during the preparation and monitoring of the Water Quality Assessment Program and Public Education Program which will include partnership with other local agencies and MWA in groundwater monitoring, and may include other special consultant services. These costs will be presented to the Town Council at a future date once they are known.

BACKGROUND:

Assembly Bill 885 (AB 885), was introduced to the California State Assembly on February 25, 1999 and approved on September 27, 2000, which directed the State Water Resources Control Board (SWRCB) to develop regulations or standards for onsite wastewater treatment systems (OWTS) to be implemented by local agencies. OWTS in the high desert area typically consist of a dual chamber septic tank with a dispersal system consisting of one or more vertical seepage pit(s).

The SWRCB adopted the Water Quality Control Policy for Siting, Design, Operation, and Maintenance of Onsite Wastewater Treatment Systems on June 19, 2012 (OWTS Policy). The policy was subsequently 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 continue the approval of OWTS after approval of a Local Agency Management Program (LAMP) by the Regional Water Quality Control Board (RWQCB).

On August 8, 2017, the Town of Apple Valley approved the Town of Apple Valley LAMP by adoption of Resolution NO. 2017-17 For submittal to RWQCB.

On January 10, 2018, the RWQCB, in a public meeting, heard and considered all comments pertaining to this action, approved the Local Agency Management Program as submitted by the Town of Apple Valley Valley.

ATTACHMENT:

Ordinance No. 497

ORDINANCE NO. 497

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF APPLE VALLEY, CALIFORNIA, AMENDING CHAPTER 10.01, SECTION 10.01.060 OF THE APPLE VALLEY MUNICIPAL CODE TO INCLUDE THE LOCAL AREA MANAGEMENT PROGRAM (LAMP)

WHEREAS, the State Water Resources Control Board adopted the Water Quality Control Policy for Siting, Design, Operation, and Maintenance of Onsite Wastewater Treatment Systems on June 19, 2012 (OWTS Policy); and

WHEREAS, the policy was subsequently approved by the Office of Administrative Law on November 13, 2012 and became effective on May 13, 2013; and

WHEREAS, the OWTS Policy defines a local agency as any subdivision of state government that has responsibility for permitting the installation of and regulating Onsite Wastewater Treatment Systems (OWTS) within its jurisdictional boundaries; and

WHEREAS, The OWTS Policy allows local agencies to continue the approval of OWTS after approval of a Local Agency Management Program (LAMP) by the Regional Water Quality Control Board (RWQCB); and

WHEREAS, the purpose of the LAMP is to allow the continued use of OWTS within the jurisdiction of the Town of Apple Valley for new subdivisions of land while addressing water quality and health issues that may be associated with the use of septic tanks and seepage pits; and

WHEREAS, The LAMP addresses proper siting, design, installation and maintenance of OWTS; and

WHEREAS, On August 8, 2017, the Town of Apple Valley approved by Resolution No. 2017-17, the Town of Apple Valley LAMP; and

WHEREAS, On January 10, 2018, the Water Board, in a public meeting, heard and considered all comments pertaining to this action and approved the Local Agency Management Program submitted by the Town of Apple Valley.

NOW, THEREFORE, THE TOWN COUNCIL OF THE TOWN OF APPLE VALLEY DOES ORDAIN AS FOLLOWS:

Section 1. Section 10.01.060 of Chapter 10.01 of Title 10 of the Town of Apple Valley Municipal Code is hereby amended in its entirety to read as follows:

“10.01.060 – Onsite Wastewater Treatment System (OWTS).

When connection to the public sewer is not required, an onsite wastewater treatment system may be installed in conformance with the State Water Resources Control Board, OWTS Policy and the Town of Apple Valley Local Area Management Program.

- A. Permits for construction and sizing requirements shall be established by the Town using requirements from the California Plumbing Code/Building Code.
- B. Private sewage disposal systems shall be operated and maintained in a sanitary manner at all times and at no expense to the Town. The property owner is responsible for all maintenance and expenses of their septic tank.
- C. Prior to connection to the public sewer the following shall be completed and inspected by the Town's Building and Safety Department:
 - 1. Septic tank and seepage pit(s) shall be pumped of all liquids and solids and the pump ticket shall be provided to the Town.
 - 2. The bottom of the septic tank shall be broken and inspected by the Town.
 - 3. The lids for the septic tank and seepage pit(s) shall be removed.
 - 4. The septic tank and seepage pit(s) shall be filled with material approved by the Town.
 - 5. When a building or structure is proposed to be placed within the required setbacks of a private sewage disposal system, as defined in the California Plumbing Code, the septic tank and/or seepage pit shall be removed entirely.

If a biological failure of a private wastewater disposal system occurs after a public sewer has become available to the property served by such system, the property shall be immediately connected to the public sewer. A biological failure is defined as collapse or saturation of the leach field, seepage pit or cesspool, or biological failure of the tank itself, or any combination of such conditions. The property owner is responsible for obtaining and paying for all permits associated with the sewer connection in advance of such connection.

Upon connection to the public sewer, all septic tanks, seepage pits and cesspools associated with the private wastewater disposal system shall be pumped of all liquids and sludge, filled with suitable materials and inspected by the Town at no cost to the Town. Under no circumstances shall this material be accepted or discharged into the Town's public sewer system.”

Section 2. Except as expressly amended hereby, all other provisions of Title 10 of the Town of Apple Valley Municipal Code shall remain in effect.

Section 3. Invalidation. The amendment by this ordinance of Chapter 10.01 of the Town of Apple Valley Municipal Code as previously in effect shall not be construed to

invalidate any entitlement exercised or proceeding taken pursuant to either of said Chapters while the same was in effect.

Section 4. Effective Date. This ordinance shall become effective thirty days from and after its adoption.

Section 5. Notice of Adoption. The Town Clerk of the Town of Apple Valley shall certify to the adoption of this ordinance and cause publication to occur in a newspaper of general circulation and published and circulated in the Town in a manner permitted under Section 36933 of the Government Code.

Section 6. Severability. If any provision of this Ordinance, or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications and, to this end, the provisions of this Ordinance are declared to be severable.

APPROVED and **ADOPTED** by the Town Council and signed by the Mayor and attested by the Town Clerk this 13th day of March, 2018.

Art Bishop, Mayor

ATTEST:

La Vonda Pearson, Town Clerk

APPROVED AS TO FORM:

APPROVED AS TO CONTENT:

John Brown, Town Attorney

Douglas B. Robertson, Town Manager