

WHAT is an OWTS Management Program?

The City of Trinidad Onsite Wastewater Treatment System (OWTS) Management Program is a regulatory program designed to ensure that septic systems in the City area inspected, maintained and appropriately upgraded in order to protect public health and water quality. The OWTS Ordinance provides the legal framework for implementing an OWTS Management Program. This Ordinance is supplemented with detailed Definitions, Guidelines and Regulations. The Ordinance incorporates aspects of existing requirements for the design, construction and alteration of OWTS already in effect (Sewage Disposal Regulations). In addition, it creates an Operating Permit system that will require all OWTS in the City to be regularly inspected and maintained; everyone owning an OWTS in the City will be required to possess a valid operating permit.

The purpose of this document is to provide a summary of the process that the OWTS Ordinance sets forth so that it is hopefully simpler and easier to understand. This is somewhat difficult due to the amount of flexibility written into the ordinance. Each system will be evaluated on a case-by-case basis, so there is no 'one size fits all' determination.

WHY is the City adopting this program?

There are actually several good reasons for having an OWTS Management Program in Trinidad. Here are a few of the most important:

- **POLLUTION: Bacterial pollution in our creeks and groundwater.**
According to water quality sampling, our local creeks and groundwater contain almost *60 times* the bacteria levels considered safe for contact, and septic systems have been identified as the most likely source. Trinidad State Beach is listed as "impaired" for bacteria pursuant to the Clean Water Act due to the number of times that bacteria samples have exceeded the State Standards at the mouth of Mill Creek. Luffenholtz Beach and Moonstone Beach are also listed; other local beaches would probably also be listed if they were regularly sampled, because Mill Creek is one of the cleanest locally.
- **PUBLIC HEALTH: Protecting health, safety and public welfare.**
Household wastewater is loaded with disease-causing bacteria and viruses, as well as high levels of nitrogen and phosphorus. If a septic system is well-maintained and working properly, it will remove most of these pollutants. Insufficiently treated sewage from septic systems can cause groundwater contamination, which can spread disease in humans and animals. Improperly treated sewage also poses the risk of contaminating nearby surface waters, significantly increasing the chance of swimmers contracting a variety of infectious diseases, from eye and ear infections to acute gastrointestinal illness and hepatitis.
- **STATE REQUIREMENTS: Maintaining local control.**
New state regulations govern the operation, repair and installation of septic systems that will include new requirements for existing systems near impaired waters, which includes Trinidad State Beach. The State regulations are not designed to meet our local needs. If Trinidad has its own OWTS Management Program, we can retain local control.
- **TRINIDAD BAY: Protecting the ASBS.**

State standards are even stricter for lands adjacent to Areas of Special Biological Significance (ASBS), such as Trinidad Bay. These new zero discharge standards could mean that the City will have to construct a sewer system if septic pollution is not controlled.

- **ECONOMY: Finding the cheapest long-term solution.**

Polluted water and beach closures affect recreation and tourism, which could greatly impair the local economy. A sewer system, if required, would be prohibitively expensive and many people object to the idea due to its growth inducing potential. It is also cheaper to maintain your septic system than to pay sewer fees. Therefore, the City is taking a proactive approach to this problem.

- **PROPERTY VALUES: Protecting your investment.**

A failed septic system can be very costly to replace (up to \$20,000). Future or additional development could be curtailed, and bank loans are hindered by failed OWTS. The costs are compounded on small lots like those in Trinidad where there may not be room to just install a new leachfield. If septic pollution is not controlled, it can affect the local economy (tourism and fishing) as well as require a very expensive property assessment to pay for a sewer treatment plant.

- **PUBLIC INPUT: This was a bottom-up process.**

The demand for this program actually came from community citizens, starting in the late 1990's due to concerns over odors emanating from seeps on the beach, bacterial contamination, beach closures and new State regulations. The City was able to secure several grants to create this program, and it was developed by an OWTS Advisory Committee consisting of two Council members, two Planning Commissioners and one member of the public along with support from City staff. The City held several community meetings and public workshops to discuss the proposed program.

WHEN does this program start?

The final version of the OWTS Ordinance was adopted in 2010, and the Guidelines were finalized in August 2012. The program will be phased in over the first six months or so of 2013. Initial inspections will be staggered so they do not all have to be processed at once, beginning with the mostly densely developed neighborhoods.

HOW will this Operating Permit process work?

1. Everyone will have their septic system inspected by a qualified (certified) service provider. (The City has a list of providers.)
2. The Inspection Report, which rates how well your system is functioning (Good, Satisfactory, Poor, Fail) is submitted to the City as part of the application for an OWTS Operating Permit.
3. Owners fill out an OWTS Owner/User Questionnaire and turn it in to the City as the second part of an application for an Operating Permit. This form asks about the type and amount of use of the OWTS, such as how many people live there, whether you use a garbage disposal, etc. (Water use, laundry patterns, garbage disposals and chemical use or disposal affect how a system performs and how often it needs maintenance.)

4. Within 30 days, you will be issued an Operating Permit that specifies a maintenance schedule for your OWTS. An average Operating Permits will be for a period of 3 years, but may range anywhere from 1 year (rarely less) for higher risk systems to a maximum of 5 years for low risk systems. The maintenance schedule will be based on the following information:
 - Age, size and condition of your system, including whether it meets current code requirements, and its performance rating (how it is functioning). Most of this information is obtained from the Inspection Report.
 - Site conditions, such as the size of the lot and location of the system.
 - The type and intensity of the use of the system relative to its design capacity (e.g. number of people living in the residence, appliances, monthly water use, etc.). This information is contained in your OWTS Owner/User Questionnaire.
5. The City will track maintenance schedules and the terms of your Operating Permit. Each person is responsible for completing the maintenance required on their Operating Permit to renew the permit before it expires (Steps 1 through 3).
6. If new development occurs (such as a building addition), or property is transferred, the Operating Permit and OWTS will be reevaluated. This is the time that upgrades are most likely to be required for substandard systems.

WHO runs the program?

A City Staff member (currently the Planner) and the County Health Department will administer the program.

WHERE does the money go?

The program will be entirely supported by user fees, which will only be used for the Septic Program. Fees will not be mixed with the General Fund or spent on other projects.

UPGRADES – (Will I have to upgrade my system?)

To make it easier to service and inspect your septic tank, access risers must be installed at grade. All systems will also need effluent, or in-line, filters to protect the leach field from solids. Newer systems already have these features. Other than that, systems that are functioning normally (Satisfactory or Good), will generally be allowed to remain as is until something triggers a required upgrade, even if the system is not up to code. Higher risk systems will be inspected and maintained on a more frequent basis in order to prevent failures or other problems. Conditions for use (e.g. restricting garbage disposals or water use) may be placed on the Operating Permits to prevent system failure, particularly if the performance rating is 'Poor.'

There are three main situations where upgrades may be required:

- 1) When property is sold or transferred: This is an ideal time to bring a system up to code as part of the sale negotiations.
- 2) When the owner applies for a Building Permit / Coastal Development Permit: If someone spends money to improve a property with a septic system that is not to code

or not functioning properly, OWTS upgrades should be part of the improvements in order to project the property into the future.

- 3) If the system is not functioning properly and poses an immediate threat (e.g. performance rating of 'Fail'): In this case, the system must be improved to protect public health and the environment.
- At first, more frequent inspections and maintenance may be required. Groundwater monitoring wells may be installed on the property so that the quality of the effluent leaving the leach field can be assessed.
 - Other measures to reduce flows to the system include restricting water usage or disconnecting the garbage disposal.
 - Repairs or upgrades will be required if evidence shows that wastewater is not being adequately treated and is polluting surface and / or groundwater. It may not be necessary to bring the system entirely up to code, but to repair or upgrade it so it has a minimum Satisfactory performance rating.

EXCEPTIONS – (What if my property won't support a code system, or what if I can not afford upgrades?)

The ordinance provides for significant variability and allows the flexibility to accommodate almost any situation. Exceptions to standards are currently allowed by the Health Department, and this ordinance will allow that to continue. So much flexibility has been written into this program, that all sites and every OWTS will be evaluated individually. There is flexibility for the Health Officer and / or OWTS Administrator to work with individual property owners to come up with mutually agreeable solutions. The ordinance allows exceptions to be made for almost every requirement in cases of hardship as long as health and safety are still protected.

COSTS - (What will this cost me?)

- When assessing the costs of this program, costs of the alternatives should also be considered.

In general, this program will result in modest cost increases for residences but should avoid even larger costs in the future. Failed OWTS are very expensive to repair, as the leach field usually must be completely replaced (soil and all). This affects property values and the ability to add additional development on a lot. Also consider that if the City does not control septic pollution, tourism would be affected. If septic pollution is shown to be affecting the Bay and / or public health, the State could put a moratorium on building and / or require the City build a sewer treatment plant. Such a plant would entail huge expenses and would put the City into significant debt for many years, which would have to be paid back by the customers over time. It is cheaper to maintain a septic system than to pay average local sewer fees. A sewer plant also allows more dense urban development in the area, which most people in the community do not want.

Over the average term of three years for an Operating Permit, the total for septic maintenance costs would be between \$750 and \$1,250, or approximately \$250 - \$417 per year. Compare that to local sewer fees that average about \$48 per month, \$576 per year and \$1,728 over three years.