

## **Development of an OWTS Operating Permit Program in the City of Trinidad**

### **WHERE WE'VE BEEN, WHERE WE'RE GOING**

#### **Introduction**

The City of Trinidad is located on the Pacific Ocean, 80 miles south of the Oregon border and 300 miles north of San Francisco. Population is approximately 362 (Census 2010). It is one of California's oldest incorporated cities and one of the smallest in size (0.5 square miles). The City was the first in the State to have an approved Local Coastal Plan certified by the CA Coastal Commission. The City has a developed public water system but relies on individual Onsite Wastewater Treatment Systems (OWTS) for wastewater disposal.

#### **History: 1970-1990**

The City of Trinidad has been concerned about the Onsite Wastewater Treatment Systems (OWTS), or septic systems, within the City for almost 40 years. Trinidad was subdivided in the 1860's into approximately 8,000 s.f. residential lots. As a result, the OWTS are at a high density. Current regulations require a minimum of one acre for new lots that will be served by and OWTS and public water. In Trinidad, most lots are smaller than ¼ acre. There are a significant number of systems that are old and unpermitted and that do not meet current standards (e.g. pit systems, redwood boxes). This puts the Trinidad area at risk for water quality and public health impacts.

The City of Trinidad, with funding and cooperation from the State Water Resources Control Board, had several studies completed on OWTS and water quality within the City's Planning Area as part of the City's General Plan creation in the mid-1970's. Poor water quality conditions at the time, including high bacterial counts, indicated the need to manage septic systems or construct a centralized sewer system. The report recommended further study and action on the part of the City, suggesting the formation of a 'Septic Maintenance District' for the region. The general consensus in the industry at that time was that the question was not "if" septic systems will fail and cause water quality problems, but "when." Regulators and environmental health professionals assumed that areas like Trinidad would have no choice but to eventually build and pay for a centralized sewer treatment plant, because septic systems eventually fail and their effectiveness decreases with increasing densities. Today however, it is recognized that septic systems can be a viable, long-term wastewater treatment option as long as they are properly constructed, installed, maintained and monitored.

Since the City itself makes up only a small portion of the developed area between Moonstone and Seawood Drive, the County participated with the City in a public outreach and meeting process to get community input, partially as a result of the above mentioned studies. Although people expressed concerns about septic systems and a desire to study and monitor water quality, they were not ready to actually form a Special District to manage OWTS. The issue then lost momentum and further studies were not completed.

However, the City's 1978 General Plan does address septic systems. It notes that a public sewer system is undesirable for the community because of its growth inducing impacts. The General Plan is based on using OWTS as the City's long-term sewage disposal method. Policies require careful study of development proposals to include sewage disposal capabilities and limits densities and certain types of high impact uses. The 1978 General Plan also

recommended a study of the feasibility of a public septic system management program, but the City never completed one.

### **History: 1990-2001**

The issue of septic systems resurfaced again in the mid-1990's. Several concerns brought this issue back to the forefront. These included continuing concerns over the quality of the bluff seepage, especially onto public beaches, mounting development pressure, especially in terms of second units and vacation rentals and a lack of coordination between the City and the County Health Department. This issue then came up at subsequent Planning Commission meetings. The motivating factor for Trinidad to be proactive in dealing with septic systems was that at such high densities, and with older systems in town, septic systems have a tendency to pollute ground and surface waters. If this were to happen, the State could step in and put a moratorium on new development until Trinidad came up with a solution to the water quality problem. This happened in the 1980's to Santa Cruz County. Trinidad must also be extra diligent because of sensitive biological and cultural resources within the City, including the Tsurai Village site and the kelp beds offshore, both of which are officially designated by the State as an Area of Special Biological Significance / State Water Quality Protection Area. Trinidad also has public beaches that need to be protected for recreational use.

In 1996 the community, City Council and Planning Commission began discussing a General Plan update. As part of this process, a series of townhall meetings and community visioning exercises were completed. These meetings were widely advertised in order to promote broad community participation. The Planning Commission made a strong effort to include representatives from all segments of the community. Over 20% of the City's entire population attended the first meeting alone; many of Trinidad's community groups and organizations were also represented. The first meeting was held in October 1997 and was facilitated by the Center for Environmental Economic Development (CEED). One of the major concerns expressed by a large portion of the community at this meeting was the status and management of OWTS in the City. Based on that input, a second Townhall meeting was held in October 1998 focusing on OWTS issues. Several Humboldt County Environmental Health Department staff attended this meeting in order to answer questions from the community; it was a very informative meeting. Finally, a third Townhall meeting was held later in 1998 to identify possible solutions and direction for addressing the community's top three priorities, including septic systems. Several ideas were brainstormed; one of the primary recommendations was the formation of a septic management district or public management program for OWTS.

On September 21, 1999, the local newspaper published an article that stated that the County Environmental Health Director informed the City Council that the Health Department could not support further development in the City until septic issues were addressed. The County indicated that a central sewer system would be required, and Health Department staff argued that although the City is not yet on the verge of a "septic disaster," it soon could be. They noted that *"lots and lots of communities have shown that eventually the groundwater will be polluted,"* and recommended more intensive water quality monitoring.

A common theme throughout this time span has been the assertion that Trinidad has two options: 1) form a septic management district or some other type of public management program, or 2) to construct a centralized sewer treatment system. Although densities in Trinidad and Westhaven are fairly high for the use of septic systems, the population does not justify the expense of construction of a sewer plant. Not only would it be prohibitively

expensive, but the community has resisted this idea because of the growth inducing potential. A central sewer system would allow higher densities and more development in Trinidad and the surrounding area. In addition, with the ASBS, it would be difficult to locate an outfall in the area. The City has also researched the feasibility of hooking into the McKinleyville CSD's sewer system, but this option would have the same urbanization type of effects and is also very expensive.

The Trinidad Planning Commission and City Council both supported the development of an OWTS Management Program. The 2001 Draft General Plan update included a policy that directed the City to develop an OWTS management program. In 2001, the Planning Commission and planning staff developed a draft OWTS ordinance that would create the basis for a comprehensive OWTS Management Program. Because of budget constraints, the project was put on hold while planning staff applied for grant funding to finish developing the program. This process has taken a long time, because it is difficult for a City of such a small size to obtain the resources necessary to develop a sound, but complex program that meets the City's and it's residents needs.

## **History: 2001-2012**

### Program Development

In 2001, City staff applied for two grants in order to keep moving the program forward. Under a State Prop 13 and a federal National Onsite Demonstration Program (NODP) grant, the City Council created an OWTS Advisory Committee to help guide staff in developing this program and to provide a public forum for these discussions. The OWTS Advisory Committee was made up of two Council members, two Planning Commissioners and one public member from the community. As determined by the Committee itself, their role was to advise and assist staff and to help guide the development of this program, especially in regards to public education and community buy-in to the program; they felt it was very important to have leadership from within the community driving the direction of this program. Their focus was on creation of the implementation ordinance. The agendas and other documents relating to the meetings were posted on the City's website through the "Official City Calendar." Some members of the public in the community attended the meetings and provided their input.

Throughout the grant period, staff continued to refine the draft ordinance with input from the OWTS Committee and the public. There were several tough and conflicting issues that the City had to figure out how to deal with. One of the main ones was how to preserve public safety and environmental health without creating an undue hardship to lower or fixed income property owners. For this reason, the ordinance allows flexibility and focuses on system performance standards rather than physical standards in order to ensure that wastewater is adequately treated. During this time, the City also closely followed the progress of AB885 adopted in 2001 that required adoption of Statewide septic regulations. Trinidad wanted to have its own OWTS Management Program in place that would comply with the new State regulations but maintain local control. The City worked closely with the Humboldt County Division of Environmental Health to design a program consistent with State law and County policies.

The ordinance that was drafted uses elements from several other ordinances regulating OWTS. Several aspects of the Sea Ranch program and ordinance were used, as was the Santa Cruz County Sewage Disposal code, Georgetown Divide program and the Stinson Beach County Water District Onsite Wastewater Management code. There were also elements

taken from the Humboldt County regulations. Much of Trinidad's ordinance was also taken from the Town of New Shoreham (Rhode Island) Waste Water Management Ordinance. However, several unique aspects were added to Trinidad's new ordinance in order to best meet the needs of the community. Most of the existing OWTS programs elsewhere were created for larger communities or large private subdivisions and development. Trinidad is a small community with specific needs and goals that were not completely met by any of the existing programs. In developing the ideal program for Trinidad, the City utilized the expertise of a variety of groups, including the California Onsite Wastewater Association, the National Onsite Wastewater Association, Rural Communities Assistance Corporation and the Regional Water Quality Control Board. The City worked closely with the Humboldt County DEH, which currently serves as the City's Health Officer, and will have a prominent role in the implementation of the new regulations.

The City held another Town Hall Workshop in November 2005 to get the community re-involved in this program, educating them about septic systems in general, and updating them on the City's developing program. The workshop was a grand success with more than 20% of the City's population in attendance, plus many people from the surrounding area. Presenters included City staff and representatives from the local septic pumper and the Rural Community Assistance Corporation. The workshop was organized and facilitated by OWTS Advisory Committee members in conjunction with planning staff. The community understood the importance of regulating septic systems and generally showed interest in and support for the proposed management program.

Some momentum on the program was lost again when the program was not adopted by the time the grant money ran out. However, two additional grants were later received that helped to fund the completion and final adoption of the regulations. Though these grants were not specifically focused on the development of OWTS regulations, they were water quality related. Therefore, some money was available to continue working on the Trinidad OWTS Management Program. One of these was a Prop 50 watershed planning grant received in 2006. This grant resulted in many benefits to the community, including the formation of the Trinidad Bay Watershed Council and the creation of the Trinidad-Westhaven Integrated Watershed Management Plan. This process included a significant public education and outreach component, and three primary threats to water quality were identified: stormwater, sediment and OWTS.

Based on the watershed planning effort described above, the City received a Clean Beaches grant in 2009 that went toward continued public outreach, finalization of the City's OWTS Management Program and repairing and replacing identified failing and improperly functioning septic systems in the Trinidad-Westhaven area. The ordinance framework was originally adopted by the City Council in December 2008, and then amended to make it more manageable in August 2010. In November 2010, the City Council adopted a set of detailed Guidelines that will be used to implement the OWTS ordinance. Finally, the permit fee schedule and updated Guidelines were adopted by the Council in October 2012. City staff continue to apply for grant funding to help property owners offset some of the costs associated with this program, but funding for improvements on private property is scarce. The City is committed to the OWTS Management Program in order to protect water quality, the environment, property values and the local economy, and the regulations will start being implemented in 2013 after another round of public outreach.