




Date: August 24, 2018

To: Board of Supervisors

From: Chris Farnitano, M.D., Health Officer 

Subject: Rescission of Septic System Moratoria

This memorandum concerns six septic system moratoria in the following areas of unincorporated Contra Costa County:

- The service area of the former San Pablo Sanitary District (North Richmond, East Richmond Heights and El Sobrante);
- The Rodeo Creek watershed drainage area;
- The unincorporated area of Canyon;
- The area served by Sanitation District 15 on Bethel Island;
- The Muir Oaks-Vine Hill Way area of Martinez; and
- The El Toyonal area of Orinda.

The above moratorium areas were established by a series of memoranda by the County health officer from 1964 to 1977. Each memorandum established a moratorium on new septic system development by declaring that certain applications (i.e., to conduct site testing or install new systems) would no longer be accepted. The moratorium area in the Rodeo Creek watershed drainage area was subsequently modified by the health officer in a 1992 memorandum. A Health Services land use policy, LU-2011-1, was adopted in 2011 to expand the moratorium area established within the former San Pablo Sanitary District to the service area of the West County Wastewater Service Area. All of the above memoranda and the policy are attached hereto and incorporated herein by this reference, and will be referred to collectively as the "Moratoria."

The Moratoria were established for various reasons, including poor soil conditions, other restrictive conditions such as steep slopes and hills, and the proximity of areas to reservoirs. The Bethel Island moratorium area was established in response to a December 14, 1973, resolution of the California Water Quality Control Board, Central Valley Region (Resolution 74-125), adopting discharge prohibitions in that area.



The proposed Health Officer Regulations for Sewage Collection and Disposal (“Regulations”) to be presented to the Board for adoption on September 11, 2018, include site and soil criteria and testing standards to be utilized in determining the suitability of a site for the construction of a septic system, on a case by case basis. These criteria and standards were developed for the purpose of protecting water quality and public health. Based on my review of the Regulations, I have determined that the Moratoria are no longer necessary.

Accordingly, I hereby rescind the Moratoria in their entirety, effective upon the effective date of Ordinance 2018-25 and the Regulations.

cc: John Kopchik, Conservation and Development Director

Attachments:

- September 21, 1964 – *Ban on Applications for Private Sewage Disposal Systems Within The Ultimate Service Area of the San Pablo Sanitary District*
- October 10, 1968 – *Moratorium on Septic Tank Installations (Muir Oaks – Vine Hill Way Area)*
- July 1, 1969 – *Moratorium on Septic Tank Installations (Proposed Canyon Community Services District Area)*
- July 31, 1970 – *Moratorium on Septic Tank Installations (Lake Orinda Highlands, Orinda Villa Park, El Toyonal Area Orinda)*
- January 3, 1974 – *S.T. Prohibition Sanitation District 15 Bethel Island Area*
- February 15, 1977 – *Moratorium – Prohibition of Application for Private Sewage Disposal Systems within the Rodeo Creek Watershed Drainage Area*
- December 11, 1992 – *Rodeo Watershed Moratorium*
- October 31, 2011 – *Policy LU-2011-1*

HEALTH DEPARTMENT
Contra Costa County
P.O. Box 871, Martinez

TO: Sanitation Division, Richmond Office

Date: September 21, 1964

FROM: Dr. Kent, Chief Assistant
Health Officer

Subject: Ban on Applications for Priv
Sewage Disposal Systems Within The
Ultimate Service Area of the San Pablo
Sanitary District

No further applications for individual sewage disposal systems will be accepted in this area until further notice.

Poor soil conditions, numerous failures, poor percolation and costly repairs of existing sewage systems; inability of numerous unimproved properties to meet the minimum regulations for individual sewage system installations (slopes, etc.), in addition to inadequate water systems and supply in some areas has forced this decision.

The attached map delineates the area of the ban.

GWK:EJW:blh

cc: Thomas McMorrow, Director of Sanitation
Frank Angelo, Supervising Sanitarian
Paul Soltow, Engineer Mgr., San Pablo Sanitary District

HEALTH DEPARTMENT
Contra Costa County

TO: Board of Supervisors
Contra Costa County

DATE: October 10, 1968

FROM: Glen W. Kent, M.D.
Acting Health Officer

SUBJECT: MORATORIUM on Septic Tank
Installations
(Muir Oaks - Vine Hill Way Area)

Glen W. Kent M.D.

Effective this date no further applications for Individual Sewage Investigations in the Muir Oaks - Vine Hill Way area will be accepted by the Health Department until further notice.

The boundaries of this area are delineated on a map on file in the Martinez office of the Health Department. The area in general is bounded on the north by the California Riding Trail, on the east by the California Riding Trail, on the south by a line 1500 feet south of Vine Hill Way and on the west by Pleasant Hill Road and Pleasant Hill Road East.

As the Acting Health Officer of Contra Costa County I can no longer willingly participate in the continuation of septic tank installations where experiences have demonstrated that such installations lead only to the creation of public nuisances and private and public property damage.

Many years of septic tank installation investigations in this area have revealed a consistent prevalence of heavy tight clay soils, ledge rock, adverse contours and slopes which preclude such installations. A number of those installations which were attempted have failed resulting in the flow of sewage to the surface of the ground. Repairs and extensions of these systems has not resulted in permanent corrections.

GWK:TMcM:kb

RECEIVED
OCT 17 1968
COUNTY HEALTH DEPT.
SANITATION DIVISION

HEALTH DEPARTMENT
Contra Costa County

TO: Board of Supervisors
Contra Costa County

DATE: July 1, 1969

FROM: Glen W. Kent, M.D.
Acting Health Officer

SUBJECT: Moratorium on Septic Tank
Installations (Proposed
Canyon Community Services
District Area)

Glen W. Kent M.D.

Effective this date no further applications for individual sewage investigations within the boundaries of the proposed Canyon Community Services District area will be accepted by the Health Department until further notice.

The boundaries of this area are delineated on a map on file in the Martinez office of the Health Department. The area in general is bounded on the North by the boundaries of the Moraga Redwood Heights subdivision, on the West by the Sacramento Northern Right of Way, on the East by the western boundary of property owned by McKosker.

As the Acting Health Officer of Contra Costa County I can no longer willingly participate in the continuation of septic tank installations where a threat to a drinking water supply storage reservoir is apparent. A number of individual septic tank installations in the past have failed and attempts to repair such systems have provided only interim solutions. Further repairs and extensions of these systems cannot result in a permanent solution.

GWK:TMG:ss

RECEIVED
JUL 29 1976
COUNTY HEALTH DEPT.
DIV. ENV. HEALTH
RICHMOND AREA OFFICE

Board of Supervisors
Contra Costa County

July 31, 1970

Glen W. Kent, M. D.
Health Officer

MORATORIUM on Septic Tank
Installations (Lake Orinda
Highlands, Orinda Villa
Park, El Toyonal Area Orinda)

Effective this date no further applications for Individual Sewage Investigations in the Lake Orinda Highlands and Orinda Villa Park Area will be accepted by the Health Department until further notice.

The boundaries of this area are delineated on a map on file in the Martinez office of the Health Department. The area in general is bounded by East Bay Municipal Utility District watershed on the North, on the East by El Toyonal and Canon Drive, on the South by East Bay Municipal Utility District property, on the West by lands belonging to the East Bay Regional Park.

As the Health Officer of Contra Costa County I can no longer willingly participate in the continuation of septic tank installations where experiences have demonstrated that such installations lead only to the creation of public nuisances and private and public property damage.

Many years of septic tank installation investigations in this area have revealed a consistent prevalence of water saturated, heavy tight clay soils, adverse contours and slopes which preclude such installations. A number of those installations which were attempted have failed resulting in the flow of sewage to the surface of the ground. Repairs and extensions of these systems has not resulted in permanent corrections.

GWK:TMG:bl

cc: County Building Department
County Counsel
Public Works Department
County Administrator
County Assessor's Office
Central Contra Costa Sanitary District
Pleasant Hill Office
Richmond Office

HEALTH DEPARTMENT
Contra Costa County

TO: Chief Clerk
Board of Supervisors

DATE: January 3, 1974

FROM: Glen W. Kent, M.D.
Health Officer

SUBJECT: S.T. Prohibition
Sanitation District 15
Bethel Island Area

The State of California, California Regional Water Quality Control Board, Central Valley Region, by Resolution 74-125 dated 12-14-73 adopted discharge prohibitions applicable to Contra Costa County Sanitation District 15. These prohibitions prohibit the discharge of wastes from leaching or percolation systems installed after January 1, 1974. Therefore, effective 1-1-74, the Contra Costa County Health Department will not accept applications for, or issue permits for, individual sewage disposal systems designed to utilize subsurface means of sewage disposal. Additionally all individual sewage disposal system permits issued prior to January 1, 1974 are revoked except for those systems where construction of the sewage system or above ground house or other structure was commenced prior to January 1, 1974. Any person requesting an exemption to this order is directed to contact:

Mr. Paul Jepperson
State of California
Calif. Regional Water Quality Control Board
Central Valley Region
3201 S Street
Sacramento, California 95816

GWK:JB:lc

Attachment - San. District 15 Map

cc: Mr. E.A. Linscheid, Supervisor, District #5
Mr. A.A. Dehaesus, Director of Planning
Mr. R.J. Kraintz, Building Inspector
Mr. L.J. McCleary, Oakley Building Inspection
Mr. E.F. Wanaka, Assessor
Mr. V.W. Sauer, Director Public Works
Martinez Environmental Health
Mr. Robert W. Jornlin, Human Resources

HEALTH DEPARTMENT
Contra Costa County

TO: Honorable Warren N. Boggess, Chairman DATE: February 15, 1977
and Members of the Board of Supervisors

FROM: Orlyn H. Wood, M.D.
Health Officer

Orlyn Wood, M.D.

SUBJECT: MORATORIUM - Prohibition
of Application for Private Sewage
Disposal Systems within the Rodeo
Creek Watershed Drainage Area

* * * * *

As the Health Officer of Contra Costa County, I can no longer willingly participate in the continuation of septic tank installations where experiences have demonstrated that such installations lead only to the creation of public nuisances and private and public property damage.

Impervious soil conditions, individual system failure resulting in costly repairs to existing sewage systems, and inability of numerous unimproved properties to meet the regulations for individual sewage system installations (slopes, depth, etc.), have brought about this decision.

Therefore, effective this date, no further applications for individual sewage disposal systems will be accepted by the Health Department for those properties located within the boundaries of the moratorium, as delineated on the attached map, and which is on file in the Martinez office of the Health Department.

OHW:WH:mw

Attachment

- cc: County Planning Department
- County Building Department
- County Counsel
- Public Works Department
- County Administrator
- County Assessor's Office
- Rodeo Sanitary District
- Pleasant Hill - Env. Health
- Martinez - Env. Health
- Richmond - Env. Health

Walker

copy



Contra Costa County Health Services Department

William B. Walker, M.D.
Medical Director and
County Health Officer

DATE: December 11, 1992
TO: Environmental Health Staff
FROM: William B. Walker, M.D. *Walker*
Health Officer
SUBJECT: Rodeo Watershed Moratorium


The above referenced moratorium area has been reviewed. Based on recommendations from Environmental Health, the moratorium is hereby modified pursuant to the following conditions:

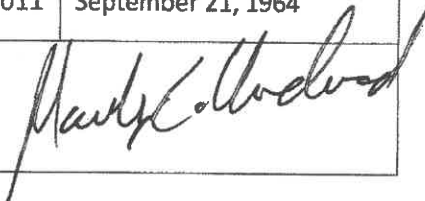
1. Moratorium remains unchanged for the area 1,000 feet on either side of the Highway 4 corridor.
2. Each proposal will be evaluated on a parcel by parcel basis and must completely adhere to current County sewage code and regulations.
3. Thorough soil evaluation shall be conducted on each parcel including soil profile analyses, seasonal high water table determination and percolation testing.

Within the unchanged area (1,000 feet on either side of Highway 4 corridor) applications for new septic systems and increases in projected waste water flow will not be accepted.

WW/GN:slt

s2: morat.ww

 CONTRA COSTA HEALTH SERVICES	Title: Moratorium on Individual Septic Systems Within the former Service Area of the San Pablo Sanitary District, now a part of the West County Wastewater District Service Area		
	Document #: LU-2011-1	Date Effective: October 31, 2011	Supersedes: Memo dated September 21, 1964
Document Type: Policy- Land Use	Approved by: Marilyn C. Underwood, PhD, REHS Director, Environmental Health		



PURPOSE/OBJECTIVE: This policy is intended to update the 1964 memo only in defining the area that the ban applies. The ban on applications for parcels in the area that formerly defined the San Pablo Sanitary District and are now encompassed in the West County Wastewater District Service Area still exist under this policy. This policy is updated so that any changes in the areas that define the sanitary district will automatically become the relevant map for this ban.

SCOPE: Many parts of the county contain poor soil conditions for individual sewage disposal systems. In the mid-1960s, the Contra Costa Health Department, the "Department," instituted a ban on receiving applications for private sewage disposal systems within the ultimate service area of the San Pablo Sanitary District. The poor soil conditions were causing numerous sewage disposal system failures and costly repairs of existing sewage systems in that area of the county. Since the boundaries of the sanitary district area represent the ultimate area that is expected to be served by that utility, banning septic systems would honor the sanitary districts service area and decrease the number of septic system failures.

A map that was cited in the 1964 memo has been the basis of land use decisions since then. However there have been changes in the boundaries that define the sanitary sewer service district area since then. The West County Wastewater Service Area now includes the land formerly part of the San Pablo Sanitary District and the latest map of the West County Wastewater Service Area has different boundaries than those that existed in 1964 for those areas that were part of the ban. The Department recognizes that there may be additional changes to the service area boundaries in the future.

POLICY: No applications for individual sewage disposal systems will be accepted in the current West County Wastewater District that generally coincides with the area that was formerly the San Pablo Sanitary District.

AUTHORITY: California Water Code, Division 7 – Water Quality, Chapter 4, Article 5 – Individual Disposal Systems and save Contra Costa County Health Officer Regulations 420-6.206b.

PROCEDURE: Policy will be posted on the Contra Costa County Environmental Health Division website, made available at the EH offices and to those who inquire, and shared with the West Contra Costa County Sanitary System.

Any individual inquiring about the construction of an individual sewage disposal system in this area of the county will be advised that they need to inquire first with the West County Wastewater District to

Moratorium on Individual Septic Systems Within the former Service Area of the San Pablo Sanitary District, now a part of the West County Wastewater Service Area (Policy # LU-2011-1) Page 2 of 3

see if the property is contained within the sanitary sewer district service area. If so, CCEHD will not accept an application for the individual sewage disposal system.

If the parcel is outside the West County Wastewater Service District boundary, then the applicant shall submit a letter to CCEHD from the Sanitary Sewer District stating that sewer service is not available to the parcel (see Health Officer Regulations 420-6.204), and follow other CCEHD septic system application guidelines (see Health Officer Regulations Chapter 420.6).

Map will be updated on the policy when changes in the West County Wastewater Service Area changes.

DEFINITIONS

Department means the Environmental Health Division of the Health Services of the Health Services Department, as the Health Officer's designees, which can be revoked anytime by the Health Officer. Health Officer Regulations Chapter 420-6.

Individual sewage disposal system- means a system which consists of (1) the drainage pipes of a structure and the septic tank and subsurface absorption system to which they are connected; or (2) any alternative system designed for the disposal of sewage and acceptable to the Health Officer.

Sanitary sewer district- An entity recognized by state law to provide sewer service and geographically defined by a Sphere of Influence boundary that shows the ultimate area that is expected to be served.

REFERENCES:

Contra Costa County General Plan 2005-2020, January 2005, Section 7. Public Facilities/Services Elements, Contra Costa County General Plan

Contra Costa County Ordinance, Chapter 420-6- Subdivisions and Individual Systems, Contra Costa County Subdivisions & Individual Systems Ordinance

Contra Costa County Health Officer Regulations Chapter 420-6. Subdivisions & Individual Systems, October 3, 2000, Contra Costa County health officer regulations chapter 420-6

Contra Costa Health Department Memo from Dr. Kent, Chief Assistant Health Officer, to Sanitation Division, Richmond office. Ban on Applications for Sewage Disposal Systems Within the Ultimate Service Area of the San Pablo Sanitary District. September 21, 1964

West County Wastewater Service District Area map, latest map can be obtained from West County Wastewater Service District