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# THE BOARD OF SUPERVISORS OF MARIN COUNTY

August 24, 2004

Honorable Terrence R. Boren
Presiding Judge
Marin County Superior Court
3501 Civic Center Drive
San Rafael, CA 94903

Dear Judge Boren:

Forwarded herewith is the Board of Supervisors' response to the 2003-04 Grand Jury Report *"Septic System Regulation in Marin"*. The Grand Jury requested Board responses to all Findings (1 – 2) and all Recommendations (1).

Respectfully submitted,

Steve Kinsey
President, Board of Supervisors

cc: Civil Grand Jury

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**Report Title: Septic System Regulation in Marin**

**Report Date: June 2, 2004**

**Response by: Marin County Board of Supervisors**

## FINDINGS

- We agree with the finding numbered: 2.
- We disagree partially with the finding numbered: 1.

## RECOMMENDATIONS

- Recommendation number 1 requires further analysis.

Date: 08/24/04

Signed: _____
Steve Kinsey, President

Number of pages attached: 2

# Marin County Board of Supervisors
# Response to Civil Grand Jury Report:
# Septic System Regulation in Marin (June 2, 2004)

## Findings

**Finding 1.** There is no complete and accurate inventory of individual septic systems in Marin County (permitted or not permitted).

**Board Response:** The Board disagrees partially with this finding.

While a house-by-house physical inventory has not been completed, a comprehensive septic system inventory using Geographic Information Systems (GIS) technology was completed during 2002. We believe the inventory accurately estimated the number and location of parcels in Marin that are served by individual onsite wastewater systems. A new computer database is in service and the permit information on onsite systems is being continuously updated.

**Finding 2.** The biennial inspection of all individual septic systems mandated by Marin County Code section 18.06 is not being accomplished.

**Board Response:** The Board agrees with this finding.

Biennial inspection of all individual onsite waste water systems in Marin, regardless of their condition, location and associated risk factors, has thus far not been practical or cost effective (estimated costs are approximately $1 million per year, excluding enforcement expenses). Nothing in Marin County Code Section 18.06 guarantees access to inspect all septic systems.

However, inspection of many onsite wastewater systems is being accomplished through other mechanisms, such as building permit reviews, data collected during repairs and new septic system construction, and enforcement actions. Currently, a grant-funded program that provides inspections at no cost to homeowners of high-priority systems near waterways is being expanded to potentially provide up to 350 additional inspections. In addition, all reports from septage haulers are reviewed and alternative septic systems are monitored. Marin County is currently working in partnership with the community of Marshall to establish a County Service Area to relocate septic systems away from the shoreline of Tomales Bay and provide septic monitoring capabilities. A "West Marin Septic Management; Organizational Options and Feasibility Analysis" was also completed in 2003 regarding the feasibility of forming a county-wide septic management district.

## Recommendations

**Recommendation 1.** That the Marin County Board of Supervisors initiate those actions necessary to effect compliance with the provisions of Marin County Code 18.06 (.100).

**Board Response**: The Board considers that this recommendation requires further analysis in a time frame not to exceed six months.

The provisions of the Marin County Code should be reviewed and amended as needed to enable the inspection and monitoring of onsite septic systems in a comprehensive and cost-effective manner. However, due to the following factors, it would be unwise to implement an un-funded, compulsory inspection program without further study.

Firstly, the science behind onsite wastewater treatment has advanced considerably in the last two decades and a more cost effective septic system inspection program should be designed proportional to the risks posed by particular systems. For example, while biennial inspections of older septic systems near surface or groundwater may be appropriate, lower risk systems may require much less frequent inspections. As noted above, formation of a County Service Area has been recently studied and could provide several advantages, such as cost economies and improved access to individual septic systems, over the unfunded inspection program currently contained in the Marin County Code.

Additionally, statewide septic system regulations authorized by the passage of AB885 (2002) are currently under review. These new regulations will supersede most or all of our existing local codes related to septic systems, and the initial regulatory drafts have all contained a mandate to conduct a standardized inspection and monitoring process. Further, the San Francisco Regional Water Quality Control Board (RWQCB) is preparing a Total Maximum Daily Load Program for several bodies of water in Marin County. It is anticipated that this program will also include septic system inspection requirements. County staff are presently consulting with the RWQCB on the details of this requirement.