



# Fact Sheet

## ***Frequently Asked Questions: Wastewater Consolidation Program***

### **What is the Wastewater Consolidation Program?**

The State Water Resources Control Board (State Water Board) and the Regional Water Quality Control Boards (Regional Water Boards) recognize that improperly sited, designed, operated, and/or maintained onsite sewage treatment systems are a key source of bacteria and nitrate to surface and ground waters that serve as drinking water sources. In 2018, Governor Brown signed SB 1215 into law, establishing funding and the regulatory framework for a statewide program to facilitate the consolidation of inadequate onsite sewage treatment systems with existing sewer systems. This legislation is novel because it provides a pathway for compliance with other State and Regional Water Board initiatives such as the Onsite Wastewater Treatment System Policy (OWTS Policy) and the Central Valley Salinity Alternatives for Long-Term Sustainability (CV-SALTS). Please visit the [Wastewater Consolidation Program webpage](https://www.waterboards.ca.gov/centralvalley/water_issues/wastewater_consolidation/) ([https://www.waterboards.ca.gov/centralvalley/water\\_issues/wastewater\\_consolidation/](https://www.waterboards.ca.gov/centralvalley/water_issues/wastewater_consolidation/)) for more information.

SB 1215 modifies the Porter-Cologne Water Quality Control Act (California Water Code Chapter 4.3, commencing with Section 13288) to authorize Regional Water Boards to encourage, and if necessary, mandate the provision of sewer service to disadvantaged communities with inadequate onsite sewage treatment systems. This authority will be executed either through collaboration with local sewer providers, or through enforcement orders to establish a timeline for connection to local sewer systems.

Because the Central Valley region encompasses nearly 40% of the state of California, the Central Valley Regional Water Board is taking the lead on implementing the mandate of SB 1215 through the establishment of the Wastewater Consolidation Program. Still, multiple Regional Water Boards are already implementing numerous consolidation projects statewide.

### **What is an onsite sewage treatment system?**

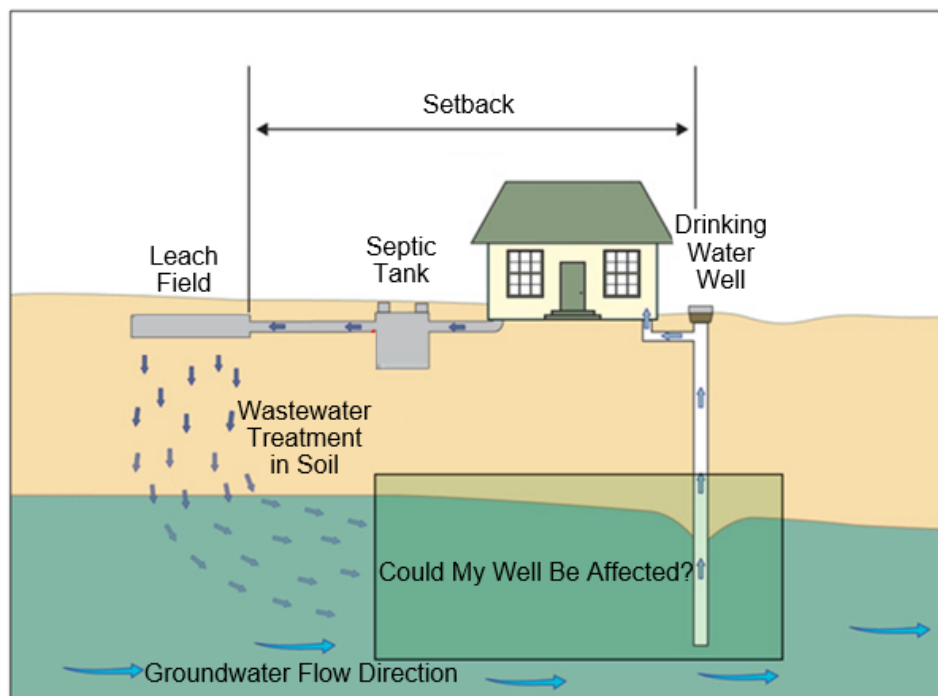
Onsite sewage treatment systems are individual or community collection and dispersal systems that rely on subsurface disposal of domestic wastewater. Examples of onsite

sewage treatment systems include, but are not limited to, septic tanks, cesspools, leach fields, and seepage pits.

Inadequate and aging or failed septic systems have been identified as sources of increased nitrate contamination in public and private drinking water supply wells throughout the state. Per California Water Code Section 13288, an onsite sewage treatment is considered inadequate if it has the reasonable potential to cause a violation of water quality objectives, impair present or future beneficial uses, of water, or cause pollution, nuisance, or contamination of waters of the state.

In 2012, the State Water Board took an initial step toward addressing the threat of onsite wastewater treatment systems by adopting the OWTS Policy. The OWTS Policy requires County Health Departments to develop local standards or a Local Area Management Plan (LAMP) to ensure that onsite wastewater treatment systems are regulated and monitored.

The OWTS Policy and the Wastewater Consolidation Program are closely aligned but differ in scope. The OWTS Policy covers wastewater treatment systems that rely on subsurface wastewater treatment or treatment by the unsaturated soil that overlays the groundwater table, including septic tanks. The Wastewater Consolidation Program covers all treatment technologies under the OWTS Policy and then some, including cesspools. While the purview of the two programs differ slightly, their respective goals dovetail with one another as wastewater consolidation offers one possible compliance solution to OWTS Policy requirements. In fact, Regional Water Boards will use County LAMP data collected under the OWTS Policy to help identify communities affected by inadequately performing onsite sewage treatment systems as potential candidates for consolidation projects.



**Image 1.** Adapted from the [EPA Septic Systems and Drinking Water webpage](https://www.epa.gov/septic/septic-systems-and-drinking-water) (https://www.epa.gov/septic/septic-systems-and-drinking-water). Accessed June 2020.

## What is the scope of the Wastewater Consolidation Program's enforcement authority?

Water Code Section 13289 provides the Regional Water Boards with discretionary enforcement authority to coordinate with local sewer providers for the expansion of sewer service to disadvantaged communities. State Water Board funding is available to the community and sewer providers to offset the costs associated with consolidation. Wherever possible, Regional Water Board staff will encourage voluntary consolidation as the most cost-effective approach to providing sewer service to disadvantaged communities. However, in situations where sewer providers are unwilling to extend sewer services, Water Code Section 13289 authorizes the Regional Water Board to require the extension of sewer service to disadvantaged communities through the issuance of enforcement orders. Time Schedule Orders or Cease and Desist Orders are two such enforcement orders that the Regional Water Boards can use to order a receiving sewer system to provide sewer service to a disadvantaged community. Section 13289 also outlines steps that the Regional Water Board must complete before issuing an order, including a publicly noticed meeting where parties can give testimony. The Regional Water Board's enforcement authority is limited to projects involving disadvantaged communities that are at or within a three-mile radius of a public or municipal receiving system.

## Who is eligible for the program?

The Wastewater Consolidation Program extends to all disadvantaged communities served by one or more inadequate onsite sewage treatment systems. California Water Code Section 79505.5 defines a disadvantaged community as "a community with an annual median household income that is less than 80 percent of the statewide annual median household income". Eligible communities include, but are not limited to, housing developments relying on aging individual septic systems, privately-owned communities such as mobile home parks, migrant housing centers, and California Native American Tribal Communities.

Receiving sewer systems in partnership with disadvantaged communities are also eligible for funding through the Wastewater Consolidation Program. Funds awarded can be used by sewer service providers for various consolidation project costs including upgrades to their facilities to accommodate the additional flow and address compliance issues.

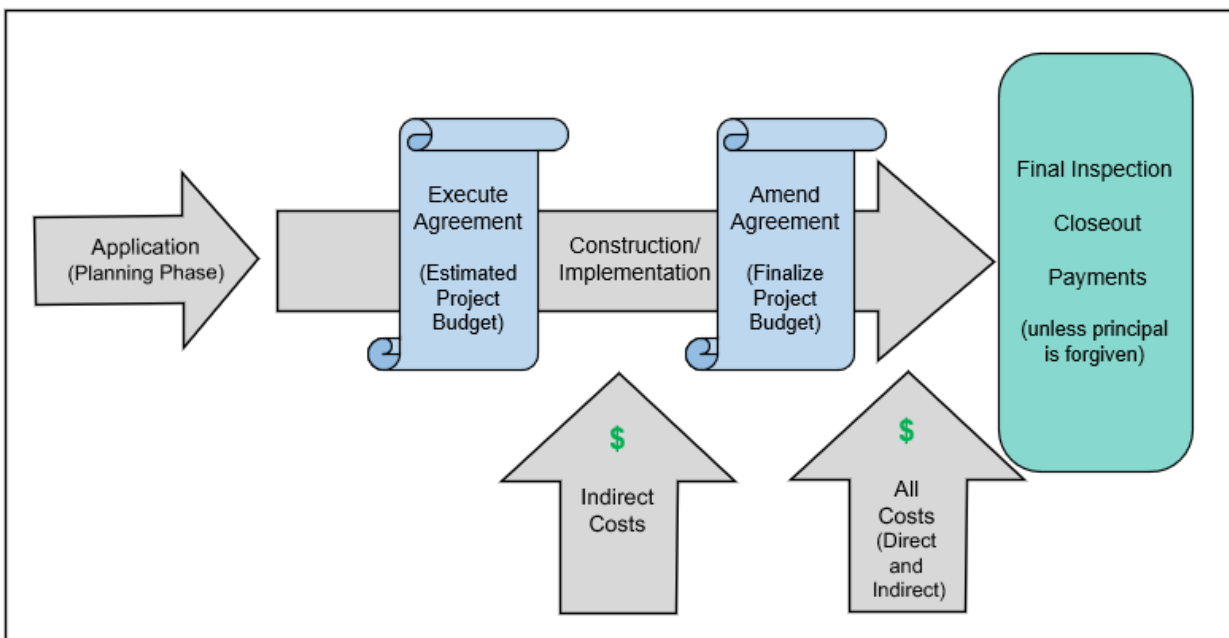
## What funding is available for the program?

State Water Board's Division of Financial Assistance is responsible for administering the funding for wastewater consolidation projects under this program. Funding for this program comes in the form of grants allocated from the Clean Water State Revolving Fund, specifically the Small Community Grant Fund, which is available for eligible disadvantaged community consolidation projects. The maximum allowable funding for an individual consolidation project is \$8 million or up to \$75,000 per household connection.

## How are the funds distributed?

The Division of Financial Assistance manages funding through a phased Financial Assistance Application process. For the purposes of this program, the applicant can opt for three categories of funding disbursement through three separate applications.

Funding distribution can be divided into three main categories corresponding to each of the three following Financial Assistance Applications: 1) Planning; 2) Construction; and 3) Technical Assistance. Eligible activities for planning grants include engineering feasibility reports, rate studies, etc. Eligible activities for construction grants include decommissioning septic tanks, installing new or connecting to existing sewer lines, obtaining permits, etc. If communities do not have a representative that can help with the application process, the Division of Financial Assistance can provide technical assistance grants. Eligible activities for technical assistance grants include engineering and environmental analysis, legal assistance, coordination and development of capital improvement projects, facilitation of operation and maintenance, etc.



**Image 2.** Application Process adapted from the [State Water Board's Clean Water State Revolving Fund Application Process Presentation](https://www.waterboards.ca.gov/water_issues/programs/grants_loans/srf/docs/forms/application_process.pdf) ([https://www.waterboards.ca.gov/water\\_issues/programs/grants\\_loans/srf/docs/forms/application\\_process.pdf](https://www.waterboards.ca.gov/water_issues/programs/grants_loans/srf/docs/forms/application_process.pdf)). Accessed June 2020.

If project planning is further along, an agency can submit a Financial Assistance Application for Construction. Within that one application, the applicant may request funding for construction costs, as well as other project allowances (planning, design, administrative costs, construction management, land acquisition, permits, etc.)

Grant applicants can choose which of the three applications are applicable for their particular project. The grant applicant will submit the relevant application(s) using the online Division of Financial Assistance's Application Submittal Tool (FAAST), which is available from the [FAAST webpage](https://faast.waterboards.ca.gov/) (<https://faast.waterboards.ca.gov/>). Upon approval,

the grant applicant will be designated as the Responsible Party for contracting all project tasks. To ensure all the application requirements are met, a lien will be placed on the Responsible Party until the project is completed. It is important to note that the Division of Financial Assistance cannot contract with private entities. Therefore, local receiving sewer service providers or agencies will likely serve as the Responsible Party for consolidation projects.

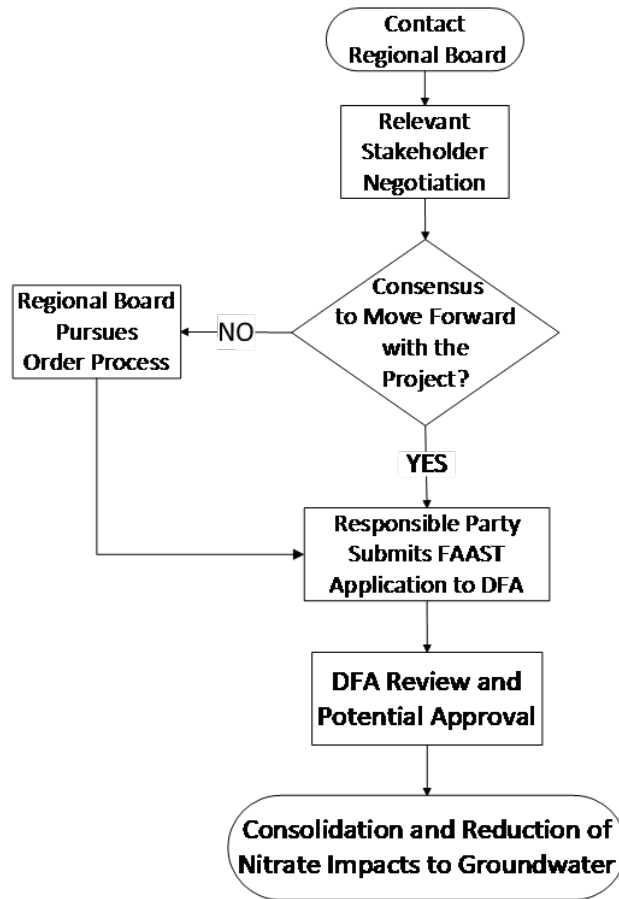
Individual consolidation projects may receive grants of up to \$8 million dollars for all funding application categories combined or any combination thereof. For the construction application, the Responsible Party can opt for a “contingency request,” which amounts to approximately 10% of the cost the overall project. The “contingency request” could account for unforeseen events during construction. For each application phase, the Division of Financial Assistance will disburse funds after the project cost has been incurred and the Responsible Party has submitted the associated invoice. The Division of Financial Assistance will release funds within 60 days of invoice receipt.

### What is the process to apply for/participate in the program?

The Regional Water Board’s Wastewater Consolidation Program is responsible for facilitating the voluntary, and if necessary, mandatory, consolidation between eligible disadvantaged communities and nearby receiving sewer systems.

Applicants can initiate the process by contacting the Wastewater Consolidation Program staff. Regional Water Board staff will then mediate negotiation among the relevant stakeholders. Once a consensus is reached, Regional Water Board staff will contact the Division of Financial Assistance to notify them of the incoming application. Simultaneously, the designated Responsible Party will apply for funding using the FFAST tool. Upon receipt of the application, the Division of Financial Assistance will assign a project grant manager to review the scope of work and budget. The project manager will work with the Responsible Party to facilitate approval and ensure completion of project requirements. Regional Water Board staff will be available to advocate for the project throughout the process.

If a consensus cannot be reached, Regional Water Board staff will issue an order to the receiving sewer system, requiring them to provide sewer service to the identified disadvantaged community. The receiving sewer system will still be eligible to apply for grant funding through the Division of Financial Assistance to defray costs associated with the provision of sewer service ordered by the Regional Water Board. Once the Responsible Party has submitted the FFAST application, the process will continue as described in the previous paragraph. The completion of approved sewer provision projects will result in the reduction of nitrate impacts to groundwater and the protection of sustainable drinking water.



## Who can I contact for more information/to start the process?

The Wastewater Consolidation Program currently has two designated staff, both located in the Central Valley Regional Board office. For those community members who prefer to converse and ask questions in Spanish, please contact our certified Spanish speaker, Dania Jimmerson. Program staff contact information is included below:



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