EXHIBIT II

POLICIES REGULATING SEWAGE DISPOSAL SYSTEMS WITHIN THE SUISUN MARSH

(Note: Red = New Language, Black = Existing language and ~~Strikethrought~~ = language to be deleted)

INTRODUCTION

In 1977 the State Legislature ~~adopted~~enacted the Suisun Marsh Preservation Act ~~(AB1717)~~. ~~which mandates that~~ Local government ~~brings its~~ policies and regulations shall conform to ~~into conformity with~~ the provisions of ~~the~~ this Act and the Suisun Marsh Protection Plan. Portions of the Act and Plan ~~were~~ are directed toward maintenance of water quality through controls on individual sewage disposal systems, a responsibility of the Solano County Department of ~~Public Health~~ Resource Management, Environmental Health Services Division. This document is the Department's response to the State mandate. It is a part of Solano County's Component of the Suisun Marsh Local Protection Program.

REQUIREMENTS OF THE SUISUN MARSH PRESERVATION ACT

The specific requirement directed to the Solano County Department of ~~Public Health~~ Resource Management, Environmental Health Services Division is found in Section 29401 of the ~~following section of the~~ Suisun Marsh Preservation Act~~; *Section* 29401~~: "Within the Marsh The Local Protection Program shall include but not be limited to … [e]nforceable standards for the operation of septic tanks and wastewater discharges."

The ~~basis~~rational for and additional details regarding this requirement ~~is~~are found in Policy No. 5 of the Utilities, Facilities and Transportation Section of the Suisun Marsh Protection Plan which states;

> 5. Because septic tanks do not function properly in the wetland area, the Solano County Department of Public Health should institute a program to close out existing tanks in the wetlands and require new systems that would properly dispose of wastes as required by the Solano County Health Department and the Regional Water Quality Control Board.

The ~~Health~~ Department of Resource Management, Environmental Health Services Division has responsibilities in the Marsh ~~in addition~~ to ~~the~~ control ~~of~~ wastewater discharges from septic systems through ~~Other responsibilities include control of waste disposal sites, waste water discharges and litter-garbage disposal. These matters are important but, they are not dealt with here because either the Marsh plan does not identify them as significant problem areas or the departmental responsibility for enforcement has been preempted by the Regional Water Quality Control Board. For~~

~~example, the San Francisco Regional Water Quality Control Board has control over waste water discharges from waste disposal sites, sewage treatment plants and waste water reclamation for marsh enhancement although the Department does have permit control over various aspects of these operations~~.

~~Based upon the requirements of the Act and Marsh Plan, the Health Department's portion of the component~~ enforcement of Solano County Code Chapter 6.4,which establishes a comprehensive, uniform set of sewage disposal standards for Solano County~~. should consist of a demonstration that there is a mechanism to control waste discharges and that the Department has a program to close down malfunctioning private disposal systems in the Marsh.~~

CURRENT ~~DEPARTMENT OF PUBLIC HEALTH~~ SEWAGE DISPOSAL REGULATIONS:

In 1975, Solano County enacted an ordinance (No. 888) to regulate individual sewage disposal systems. In July of 2001 revisions to Solano County Code were approved as Chapter 6.4, Sewage Disposal Standards. These standards were amended again in December of 2004 and are applicable ~~This ordinance which was approved by the San Francisco Regional Water Quality Control Board, controls the installation and operation of septic tank/leachfield systems~~ within the Suisun Marsh. Under Chapter 6.4, a permit from the Health Services Division is required to repair, modify or construct waste disposal systems. Minimum criteria for the siting and construction of a septic tank/leachfield system include soil typing and identification, percolation rate, soil depth, depth and separation to ground water, ground slope, and adherence to setbacks, including setbacks to surface water. The use of vaults or holding tanks is allowed for specific circumstances such as for duck clubs in the primary area of the Suisun Marsh. ~~The regulation. requires a permit from the health department for the construction or alteration of any structure for human use when the structure is not connected to a public sewer system. It sets minimum criteria by which a septic tank/leachfield system may be established, including percolation rate, soil depth, depth to ground water, ground slope, minimum size building lots, and minimum disposal areas. If the criteria are not met, then an~~ Additional changes in the ordinance which help to improve environmental conditions include requirements for site evaluations by professional consultants to identify and mitigate separation to groundwater and the requirement for alternative type septic ~~disposal~~ systems Alternative systems provide improved effluent distribution throughout the disposal field, have high-level alarms in the dosing tank, require evidence of a maintenance contract with a service provider and ongoing monitoring, and may require pre-treatment devices that produce a higher quality effluent than effluent from conventional septic systems. ~~which will not contaminate may be established. The ordinance also provides a procedure for suspending or revoking permits for a number of causes~~

As indicated in the Marsh Plan, septic tank/leachfield systems do not operate at optimum efficiency in wetland areas and in general, site conditions for the primary management area of the Marsh will not meet minimum requirements for the construction of a new standard type on-site sewage disposal system. ~~However, a blanket statement cannot be made that all systems malfunction, creating a wastewater discharge. A number of systems in the Marsh have functioned properly for many years without~~

~~damage to the environment and they may continue to do so for many more years~~. An improper sewage disposal system, once identified, shall be replaced with an on-site sewage disposal system which meets the requirements of the Solano County Code. Sites which can not accommodate a conventional in-ground leaching system due to site conditions may be replaced with alternative type sewage disposal systems if conditions allow, or, as a last resort may be replaced with holding tanks. ~~Where it is demonstrated that such systems operate properly they should be allowed to continue. Systems which do not operate properly should be closed down and replaced by systems which will properly dispose of wastes. The mechanism to implement this program is embodied in the County's individual sewage disposal system ordinance.~~

~~Ordinance 888 requires the Solano County Department of Public Health to inspect waste disposal systems in the, County every five years. It further provides that inspections may be required more frequently in areas determined to be susceptible to septic tank failure. Where a system has been inspected and found to be malfunctioning, a program and timetable are established to correct the malfunction. The kind of remedial action taken depends upon the situation. In some cases, it may be necessary to replace the septic tank/leachfield system with a holding tank which is pumped out periodically. Other solutions are being tried, as well, depending upon the individual situation.~~

~~Due to staff cutbacks the Health Department has not been able to pursue its inspection program as vigorously as it would like. The Department has responded to specific requests of owners of property in the Marsh to improve systems and has worked with these people to alleviate problems. System improvements are also made when facilities are installed or expanded. It is not known at this time how soon the inspection program can be completed, however, it will be completed as soon as possible.~~

The Department of Resource Management, Environmental Health Services Division, is responsible for enforcement of Solano County Code, Chapter 6.4 Sewage Disposal Standards. These standards are applicable to individual sewage disposal systems in the Suisun Marsh:

~~DEPARTMENT OF PUBLIC HEALTH POLICIES TOWARD INDIVIDUAL SEWAGE SYSTEMS IN THE SUISUN MARSH:~~

1. Property owners within wetland areas are urged to seek departmental assistance to alleviate potential water quality problems resulting from malfunctioning individual sewage systems.

~~2. In accordance with provisions of the Solano County Code, it is departmental policy to inspect septic tank/leachfield systems in the Suisun Marsh every five years to determine whether such systems are functioning properly.~~

2. Where it is determined that an individual sewage system does not function properly, the nuisance shall be abated and if appropriate, the on-site sewage disposal system shall be repaired or replaced in accordance with Solano County Code, Chapter 6.4, Sewage Disposal Standards. ~~with a workable system.~~