BOARD OF SUPERVISORS

AGENDA DATE: November 10, 2026

TO: Board of Supervisors

FROM: Chris Choo, Assistant Director, Community Development Agency

REVIEWED BY: Sarah Jones, Director, Community Development Agency

SUBJECT: Request to receive a presentation of progress towards revised septic regulations in Marin County and provide feedback to staff.

RECOMMENDATION: Receive a presentation from Community Development Agency on progress towards revised septic regulations in Marin County and provide feedback to staff.

SUMMARY: Marin County is in the process of updating code and regulations for onsite wastewater treatment systems (OWTS) to address required compliance with state regulations, respond to extensive public and septic industry feedback, and better align with the Board's priorities. Today's informational presentation will allow for a general update on progress and areas of alignment and allow staff to receive feedback regarding the regulatory development process and the remaining topics to be resolved. Changes to the Marin County Code and the manual, which contain the specific regulations and requirements for septic systems, will be brought to the Board in early 2027.

The shared central goal and guiding principle of Marin's septic regulations is to make system upgrades and maintenance feasible for property owners, while maintaining health and safety for the public and the environment. Through an extensive public engagement effort and ongoing coordination with septic industry professionals and Regional Water Quality Control Board (RWQCB) staff, CDA-EHS and the project consultants have identified multiple significant steps toward regulations that will achieve this purpose. With resolution of the remaining topics, Marin will be able to finalize local OWTS regulations supported by the Board of Supervisors and consistent with the standards of RWQCB.

DISCUSSION / BACKGROUND:

Background and Context

Proper management of wastewater is a public health and safety issue and directly impacts the environment. Urban and suburban areas typically rely on public sewer systems for wastewater management. In rural areas, wastewater is often managed onsite, typically using an onsite wastewater treatment system (OWTS) usually referred to as a septic system. Regulation of such systems happens at the local level, typically by a county's environmental health staff, under the oversight and delegation by the State Water Resources Control Board through its nine Regional Water Boards.

In Marin County, over 6,000 residential, agricultural, and business parcels utilize septic systems to safely treat wastewater generated from indoor uses. Significant areas varying in density, topography, and proximity to waterbodies across most of west Marin and many homes in the bayside cities and towns rely on septic systems. Areas of the county without a connection to wastewater sewer lines require a functioning OWTS somewhere on the property.

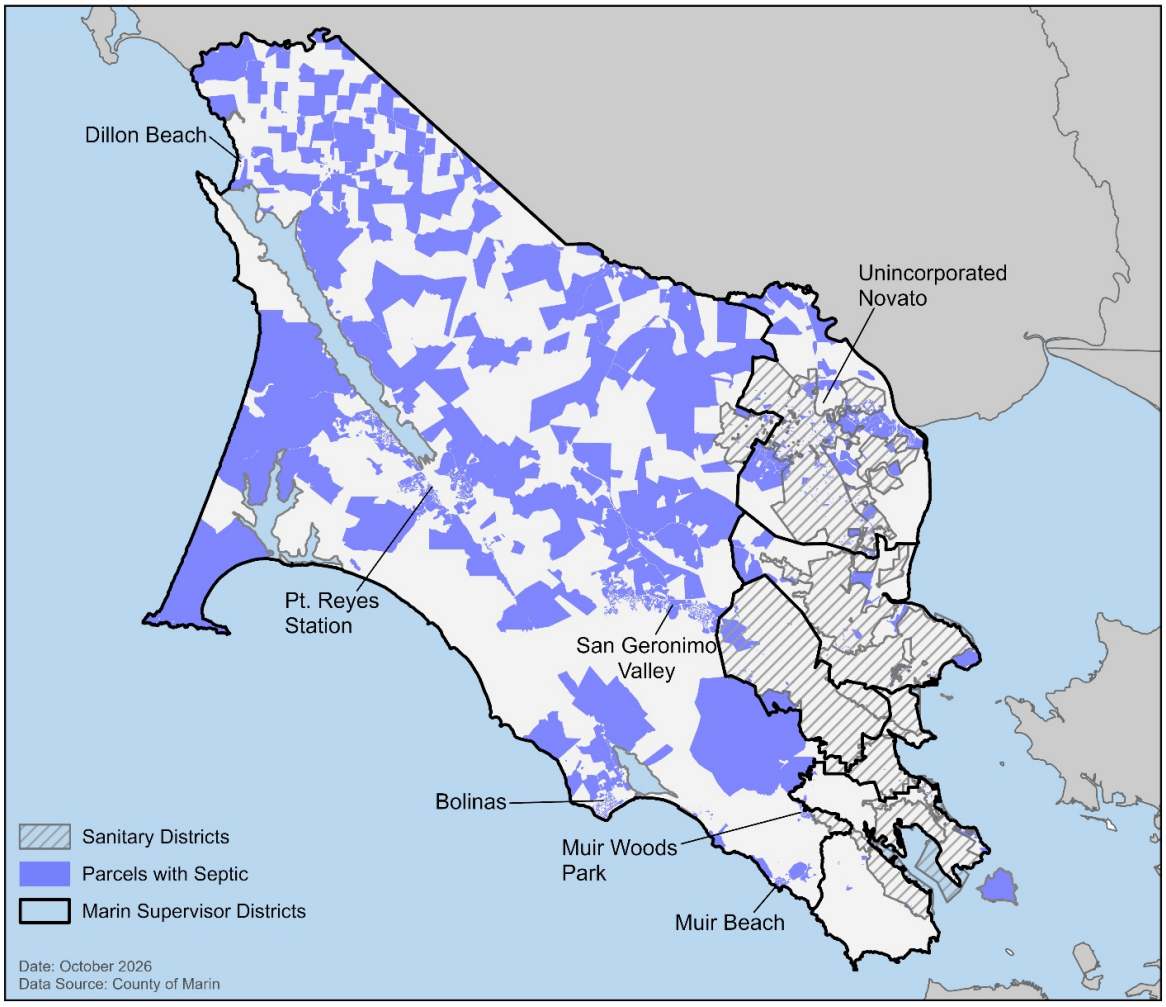


Figure 1. Map of Marin County Wastewater Systems

The Community Development Agency's Environmental Health Services Division (CDA-EHS) implements the codes related to OWTS, as designated under state law. Systems

serve private homes, including accessory dwelling units (ADUs) and vacation rentals, businesses and commercial buildings, agricultural properties, and public systems at schools, community centers, public safety buildings, and parks.

The County has a process for changes to code and regulations, but for OWTS changes, the San Francisco Regional Water Quality Control Board (RWQCB), connected to the State Water Resources Control Board (SWRCB), needs to approve the County's regulations before they can be implemented because the authority to oversee onsite wastewater management is delegated from the State.

Why Are There Septic System Regulations?

The simplest septic systems consist of an underground tank with pipes that use gravity to drain the liquids below the ground. Solids settle and need to be routinely pumped out. All the water from indoor plumbing drains to the system: bathroom and kitchen wastewater from sinks, showers, laundry, and toilets. Alternative systems might add filtration, pumps, or proprietary components to aid treatment and address limiting factors like proper soils, land area, or flat ground.

Systems must be designed to consider the amount of wastewater generated, soil types and drainage rates, and placement on the parcel to maintain distance from drinking water wells, creeks, areas of high groundwater, buildings, and parcel boundaries. Individual systems must be sited to consider the cumulative impacts of neighboring systems and be adequately distanced from each other. Trees and shrubs, or development like pools, sheds, and decks add design challenges for new systems and can cause damage to existing systems.

For all systems, property owners need to be aware of their system's location in order to limit damage from digging or excessive weight on the OWTS. Grease, oil, and trash need to be kept out of septic tanks. Replacement drainage areas need to be set aside with minimal disturbance for future repairs. All systems require ongoing maintenance and regular inspections and tanks require scheduled pumping to function properly.

How are Regulations for Septic Systems Approved?

In the early 2000s, the state began to develop its OWTS Policy, setting minimum standards for onsite wastewater treatment systems across California. The state policy specifies siting, design, operation and maintenance requirements to protect public health and water quality. It classifies systems based on risk and gives local jurisdictions the option of developing a Local Agency Management Plan (LAMP), allowing a jurisdiction to conduct its own permitting processes for septic systems. The advantage of having a LAMP is that it establishes locally tailored standards, which can be more reflective of local conditions and needs than statewide standards (known as Tier 1).

State policy includes further requirements to address the OWTS within impaired waterbodies. Marin has multiple waterbodies that exceed safe limits of pathogens and nitrogen, which are indicators of pollution from wastewater. Marin's impaired waterbodies include Tomales Bay and its tributaries: Lagunitas, Walker, and Olema Creeks; and the Petaluma River and its tributaries. Some of the County's existing

requirements are not sufficient, and additional measures are needed beyond the statewide requirements for septic systems in Marin to fully comply with the state's water quality objectives and standards.

Under the OWTS Policy, the County develops and submits the LAMP, and the applicable RWQCB reviews and approves it. Once approved, the LAMP becomes the basis for Marin County to permit new and replacement OWTS using local standards.

What is Happening Now?

Because a LAMP will "right size" septic requirements for Marin property owners, Marin County has been pursuing development of a LAMP in consultation with the applicable regional agency, the San Francisco Bay Regional Water Board. The LAMP is not just one single plan; it is a collection of documents for Marin County to permit OWTS that address local conditions, including the following:

- *Code*: Marin County Code sections on wastewater (Title 18 – Sewers and Title 7.36 – Septic Tanks and Chemical Toilets)
- *Manual*: the collective regulations (standard and alternative system regulations and residential improvement policy)
- *Summary*: a LAMP summary document for the SWRCB that summarizes a checklist of compliance requirements.

The current code and regulations have been developed over many decades responding to changing conditions. To reach a consolidated and usable LAMP, a comprehensive review and update of requirements was needed to address current conditions, state mandates, improvements to technology, data from local septic systems, community needs, and the Board's priorities.

CDA-EHS has been engaged in this process for a considerable number of years, focusing on the many technical considerations at hand in OWTS regulation. Starting in the 2025-2026 fiscal year the County moved the effort into the policy development phase, with an extensive public and technical outreach and engagement component to inform the regulations for Board of Supervisors and RWQCB consideration.

This effort is moving towards a successful conclusion, with substantial progress towards OWTS regulations that would improve feasibility for property owners across multiple land use types, and that would meet RWQCB water quality management standards. CDA-EHS has been coordinating closely with both a Board subcommittee and RWQCB staff. The purpose of today's workshop is to provide the Board and the public with understanding of how the public's input will be reflected in the proposed regulations, and to discuss remaining areas where further reconciliation is needed to come to a proposal that will reasonably achieve all stakeholder goals.

Staff anticipates bringing recommended regulations to the Board in early 2027.

Issues, Tradeoffs and Board Priorities

Septic systems are found throughout the county and in every supervisorial district. Septic system design is site-specific depending on the site conditions and the type and intensity of use of the property. Systems need to be built to adequately serve the wastewater needs of the property for decades, through changes in property ownership. Most systems can outlast a property owner. Costs are variable, but new systems range from tens of thousands of dollars to well over one hundred thousand dollars for an unglamourous, but essential utility.

The shared central goal and guiding principle of Marin's septic regulations is to **make system upgrades and maintenance feasible for property owners, while maintaining health and safety for the public and the environment.**

Connection to Board Priorities

Septic regulations have a bearing on multiple Board priorities, including affordable housing, community and economic vitality, infrastructure, climate resilience, and equity.

Accommodating wastewater treatment onsite can be an expensive and technically challenging approach, especially in Marin where unfavorable physical features and lots that are small for septic systems are prevalent. In these conditions, designing, permitting, and constructing OWTS can be an obstacle compromising homeowner and business operator goals. Examples include:

- **Homeowners** might want to add space or an ADU to accommodate family or gain rental income, but getting a permit to do so could require increased septic system capacity. If there is not room on the property, an alternative system could be needed, further increasing costs.
- **Businesses** are limited in their ability to grow and improve. Their septic systems limit dining options and can significantly impact visitor services and business vitality. This is a particularly prevalent issue in West Marin.
- **Agricultural properties** are impacted as regulations have historically been designed for residential housing and have a one-size-fits-all approach. Regulations do not accommodate farming needs like non-residential buildings or managing produce washing wastewater, and restrict the use of portables to temporary periods. Agricultural operations with complicated use profiles need to be able to manage wastewater for a variety of activities, including farmworker housing and agritourism activities such as you-pick, special events, or farm stays.

Septic Permitting

For the most part, a property owner engages with the County about their septic system at the time that they are seeking a **building permit**. Whether or not the permit includes work that would add wastewater flows to the septic system the County verifies the condition of the system at that time, and obtaining a building permit for many types of improvements can require bringing a system up to the requirements for the level of use on the property. The requirements are contained in the Residential Improvement Policy adopted by the Board in 2016. This policy was put in place at the behest of RWQCB as

a measure to achieve incremental upgrading of the septic systems prior to comprehensive regulations being established through the LAMP.

A touchpoint to confirm septic system adequacy and functionality is needed for the County to fulfill its responsibilities around public and environmental health. In many situations, the septic system has not been updated to accommodate the current structures on the property. Unpermitted additions or improvements may not be known to a property owner, or use of a property can become more intensive over time, resulting in more demand on the septic system.

The County has limited permit history for septic systems; some pre-date County records, some records have been lost, and other systems are not permitted. Septic inspections and upgrades are required to achieve several outcomes: 1) document the location and components of systems to ensure damage is not done during construction; 2) test the system for proper function, 3) make repairs to damaged or failing systems, and 4) upgrade the system to match the volume of wastewater flow. The effort to gather data and document systems, and the potential for the County to require that a system be improved to meet code, has resulted in fear and frustration both for property owners and septic professionals.

Creating a regulatory structure that ensures functional and adequate OWTS in a way that is feasible for property owners and does not discourage property owners from seeking building permits is one of the most important and most challenging aspects of this process.

Public Input

Septic systems and the County's regulations are of significant interest to property owners and business and agricultural operators. With the goal of developing regulations that will minimize barriers to feasibility, hearing from affected stakeholders was central to the development of responsive regulations. CDA and the project consultant team conducted dozens of public meetings during the first half of 2026 to gain the needed in-depth understanding.

Public feedback on the existing processes and rules led to hundreds of individual comments and suggestions. Residents, business owners, ranchers, and various partner agencies shared stories of problematic and confusing language in various documents that make up county rules, fears of the permit review process, and frustration created by a complex and inconsistent web of process and requirements.

Some of the most repeated recommendations included:

- Increased flexibility for compliance;
- An expanded list of approved septic technologies, particularly composting/waterless toilets;
- Improvements to processes for permitting, inspections, and customer service;
- Additional staff assistance with technical aspects of septic systems; and
- Financial assistance to make septic improvements.

The public asked for improved information on licensed professionals, standardized designs, potential costs, and better access to permit history. Agricultural property owners asked for support to diversify their businesses for long-term vitality on farms and ranches. Property owners, staff, and septic professionals asked for clear, common-sense requirements to reduce time and cost.

In addition to the public engagement at the start of the process, there has been ongoing engagement with local industry professionals throughout this process to ensure that proposals are consistent with their practices and expertise.

Preliminary Proposed Regulations

As described above, the County's regulations will collectively be contained in the Marin County Code, where authority and framework are codified, and in the Onsite Wastewater Manual, a newly-consolidated document describing standards and practices that will serve as a day-to-day guide for staff and industry professionals.

CDA-EHS and project consultants have put considerable thought into translating stakeholders' expressed interests into modified regulations that reduce barriers without compromising public and environmental health or the RWQCB's water quality goals. In many cases, the measures in place are only one way to achieve desired outcomes, and when they come into conflict with a property owner's needs there is a high chance of noncompliance. In developing proposed regulations and reviewing them with the RWQCB staff, CDA-EHS has sought different technical approaches that are responsive to the root cause of the stakeholders' concerns.

Areas of Alignment

CDA-EHS has identified mutually acceptable improvements to septic regulations that will be incorporated in the proposed regulations:

- Procedures allowing for **new and emerging septic technologies**.
- **Composting, incinerating,** and other waterless toilets.
- Changes and waivers proposed for **sizing and siting of systems**, based on years of monitoring data collected by property owners with alternative systems. Some of these will result in sizing credits towards additional development (ADUs or bedrooms) on existing systems.
- Pathways to legalize unpermitted systems as well as **options for incremental repair**.
- Lower costs for property owners by **reducing testing and inspection requirements** and allowing licensed professionals to submit documentation of suitable tests and reports without the need for Marin County Environmental Health staff to be present during inspections.

Outstanding Topics to Resolve

The County and Regional Board will discuss outstanding issues for septic regulations. Some of the remaining considerations include:

- Changes to the Residential Improvement Policy.

- Potential minimum lot sizes for new development.
- Ability to create small shared septic systems.
- Septic inspections at time of property sales. The Regional Board requested inspections at the time of sale.
- Waivers for agricultural lands, specifically whether parcels without agricultural activity should be eligible, and the degree of flexibility allowed in the waiver.

Other Issues

Changes to the County code and manual have been the focus of this effort, but concerns were also raised about changes to process and the need to improve customer service culture in the Environmental Health Services Division. Process and service improvements will be addressed as the code and manual are finalized. These include education and outreach, access to permit history and information during real estate transactions, improvements to customer service, and financial assistance for property owners. Changes will be brought forward throughout 2027 as staff implement the new county regulations.

POLICY FRAMEWORK: Septic regulations guide CDA-EHS staff, who have authority under the State Health and Safety Code. Registered Environmental Health Specialists permit, inspect, and monitor systems for compliance for public health and safety, and work with county planners, building inspectors, and septic professionals.

A Board Subcommittee specifically focusing on the LAMP has provided guidance on the public engagement, issues to address, feedback from constituents, and priorities for updates and changes. The existing regulations have been developed and adjusted over time, some in writing and others in practice, however, they have not been uniformly presented to the Board for approval. The Board is responsible for adopting the code and manual. The process will include a first reading of the code and then a second Board meeting to adopt the code and manual. The meeting for the first reading will include the full code language and the manual for review and comment.

Separately, as stated above, the State Water Resources Control Board, through their local office, the San Francisco RWQCB, must approve the adopted code and manual. The Regional Board requires a LAMP summary document that specifically describes how programs and policies meet the broad requirements of the state's policy.

EQUITY IMPACT SUMMARY: OWTS regulations create barriers to affordable housing in the county. The high costs for systems impact residents, businesses, and the agricultural community and those with financial constraints from repairing, replacing, or expanding existing systems. Problematic systems can be devastating financially, and help is currently limited to those who are extremely low income.

Financial assistance programs will be researched in the implementation phase after the code and manual are adopted. State and federal funding include grant programs and low-interest loans for property owners at or below 80% of California's median household income, however, these programs have funding limits that may not cover the full cost of repairs in Marin County. Assistance that reduces costs for required testing, lower fees for monitoring and permits, and allow property owners to make incremental repairs will

help. These will be evaluated in regulations and through other improvements once the code and manual are approved.

COMMUNICATIONS & COMMUNITY ENGAGEMENT: Earlier efforts to draft new regulations included limited public engagement and septic professionals provided input that had not been incorporated in the draft document. The County paused the work and restarted a process in late 2025 to solicit community feedback and to bring technical support to draft the changes based on feedback. The code and manual are in development guided by input from over 500 participants in nearly 60 community and individual meetings. The website created for the update had over 1,000 visitors, among the most popular pages on Community Development's website.

The public input spanned concerns about safety, affordable housing, repairs and improvements to property, and requests to allow for more technical options for designs. Many spoke of fear: uncertainty about the condition of their systems and genuine worry about exposing a problem that could not be easily fixed. There is concern about the costs for repairs and replacement, and the discovery of unpermitted or unknown additions that may not be compliant with the existing septic system regulations. Many raised concern about public health and environmental impacts but did not know how to address the issue. Property owners have code violations with few options to achieve compliance. People shared stories of buying problematic properties and having to make investments and improvements that would lead to financial distress. Concerns about customer service, better communications and education, and the need for staff support were also key themes.

The feedback has been collected and has informed the updates to draft code and the manual. The stories will be used as case studies to test the proposed requirements and see how changes apply to existing issues. The website will continue to provide updates and information as the educational materials and other assistance are developed in the future.

PERFORMANCE MEASURES: Not applicable.

CONTRACT RENEWALS / PERFORMANCE OUTCOMES: Not applicable.

CONTRACT RISKS: Not applicable.

CEQA ANALYSIS: Not applicable.

FISCAL, FACILITY & STAFFING ANALYSIS: Not applicable.

ALTERNATIVES: Not applicable.

ESTIMATED TIME (in minutes): 75

ATTACHMENTS: None.