

Lahontan Regional Water Quality Control Board

November 15, 2016

ECM Index: LAMP- Inyo County

Marvin Moskowitz, Director
Environmental Health Services
Inyo County
207 W. South St.
Bishop, CA 93514
mmoskowitz@inyocounty.us

Water Comments – Proposed Inyo County Local Agency Management Plan

Lahontan Water Board staff has reviewed your proposed Local Agency Management Program (LAMP) for Inyo County. You submitted the proposed LAMP by email on May 12, 2016. Our comments, which are not listed in any particular order, are the following:

1. LAMP in general – The LAMP is your program to regulate onsite wastewater treatment systems (OWTS) within your jurisdiction. Therefore, the LAMP must include the entire county program, which includes codes, technical guides, and ordinances. Please submit a revised proposed LAMP that includes these items.
2. Past Local Program – OWTS Policy §9.6 states that a Water Board, in reviewing a LAMP, must consider the past performance of the local agency's program to adequately protect water quality. We interpret this to mean, in part, that local agencies may use their existing Memorandum of Understanding (MOU) agreements as a baseline for the LAMP. Therefore, please consider incorporating the existing Basin Plan MOU agreements into your LAMP as long as they meet Tier 2. Also, please provide an effectiveness evaluation of the current program to protect human health and water quality.
3. Tier 1 verses Tier 2 LAMP – Under Section "Tier 1 OWTS", you propose to use Tier 1 siting and design requirements except for selected Tier 1 percolation rates. Since you have at least one requirement that is different from Tier 1, you must have a Tier 2 LAMP. In addition, all permitted OWTS are Tier 2 systems, even if most of them meet Tier 1. Tier 1 becomes applicable only when you do not have a LAMP.
4. OWTS Projected Flow – Under LAMP section "Introduction", you state that you will issue construction permits for OWTS with a projected flow of up to and including 2500 gallons/day. The OWTS Policy allows a projected flow up to and including

AMY L. HORNE, PHD, CHAIR | PATTY Z. KOUYOUMDJIAN, EXECUTIVE OFFICER

2501 Lake Tahoe Blvd., So. Lake Tahoe, CA 96150 | 15095 Amargosa Road, Bldg 2, Ste 210, Victorville CA 92394
e-mail Lahontan@waterboards.ca.gov | website www.waterboards.ca.gov/lahontan

10,000 gallons/day. Please confirm your maximum projected flow value for both conventional and non-conventional OWTS (see Enclosure, Onsite Systems Type Hierarchy).

5. Equivalent dwelling unit flow – Please provide your selected equivalent dwelling unit flow, in gallons per day. Please justify a flow value that is greater than the existing Basin Plan value of 250 gallons per day.
6. Tier 2 LAMP options – Your LAMP has two Tier 2 options, as follows:
 - Tier 2 OWTS (Option 1)
 - Tier 2 OWTS (Option 2)

In your transmittal email of May 12, 2016, you stated one (Option 1) has more detail, and the other (Option 2) is bullet items that address OWTS Policy Section 9 items. Option 2 is probably the best approach because it is intended as you state to address the considerations of OWTS Policy Section (§) 9. Nevertheless for, either option, your LAMP must clearly and completely address OWTS Policy § 9 considerations. Based on our review, your proposed LAMP for Tier 2 does not adequately address the considerations in OWTS Policy § 9. For guidance on how to respond to this comment, see separate comment titled “Tier 2 Prescriptive Requirements.”

7. Tier 2 Prescriptive Requirements – The OWTS Policy has few prescriptive requirements for Tier 2 LAMPs. Instead, the OWTS Policy requires a local agency to address “considerations.” This means that the local agency must describe how they will meet each of the OWTS Policy considerations in a LAMP. The considerations are presented in OWTS Policy §9.1 and §9.2. Some considerations are required and others are optional. Please describe how you will address each consideration in your LAMP. Also, specific to your LAMP under section Tier 2 OWTS (Option 2), we recommend that OWTS Policy §9.1 considerations should not be addressed at the permit application state.
8. Onsite Maintenance Districts or Zones – Under your LAMP section “Tier 2 OWTS – LAMP Option 2)” please explain why there is no need to create an onsite maintenance districts or zones. Clarify that the Mustang Mesa Community Services District has onsite maintenance responsibilities, per a MOU signed in August 1993.
9. Supplemental treatment system monitoring and inspections – OWTS Policy §9.4.6 requires monitoring and inspections for supplemental treatment systems. Please provide procedures and implementing ordinances to meet this requirement.
10. Water Quality Assessment Program (WQAP) – We suggest a focused WQAP and collaboration with other agency programs.

- a. Focused areas – The suggested focus areas are Mustang Mesa and other areas yet to be identified.
 - i. Mustang Mesa – To assure the adequacy of public health and water quality, we recommend a focused WQAP for this area. The program could include inspections at a specified frequency, sampling of surface seepage if observed, evaluating sample results, and taking corrective action if needed.
 - ii. We also recommend monitoring and reporting for any other area where OWTS could affect beneficial uses of surface water or groundwater. We recommend periodic sampling, analysis, and reporting of key domestic wells and at risk surface waters. Recommended sampled constituents are pathogens and nutrients. Nutrients include nitrogen series consisting of organic nitrogen, ammonia nitrogen, nitrate, and total nitrate.
- b. Collaboration
 - i. OWTS Policy §9.3.2 states that you may use existing water quality data from other programs in your WQAP. We recommend collaboration with programs in your jurisdiction to reduce costs and resources. One example is your participation with the Bishop Creek Bacteria Data Sharing Working Group. At the data sharing group meeting of April 27, 2015, Water Board staff presented evidence, from collected data, that livestock, and not humans, was the predominant contaminant source. At the same meeting, you stated your interest in “(1) gathering more microbial source tracking data to hone in on the sources of fecal contamination in Bishop Creek, and (2) deliberating a coordinated community response to the bacterial pollution of Bishop Creek” (Lahontan Water Board Executive Officer’s Report, June 10-11 2015 Water Board meeting). This is an example where active collaboration may be used as part of your WQAP.
 - ii. Another example is participation in a Salt/Nutrient Management Plan (SNMP) development and implementation, in the event that the Inyo – Mono County Integrated Regional Water Management (IRWM) develops an SNMP for your area (<http://inyo-monowater.org/>). The program manager is Mark Drew (mdrew@caltrout.org, 760-924-1008). Therefore, please describe your commitment to a SNMP as required in OWTS Policy §9.2.8. We suggest coordination of surface water sampling in areas of high density OWTS.

One related comment is your statement in section “Tier 2 OWTS – LAMP (Option 2)” that there is no need to develop and/or implement a regional SNMP. The amendment to the State’s Recycled Water

Policy §6.b(1)(a1) states "it is the intent that every groundwater basin/subbasin in California to have a consistent salt/nutrient management plan." Therefore, we expect a SNMP will be prepared and implemented in your area of jurisdiction. We suggest replacing this text with your commitment to participate in the development and implementation of an SNMP.

11. Prohibition Areas – You present supporting arguments to modify selected Basin Plan prohibition areas, even though you acknowledge that the OWTS Policy does not affect existing Basin Plan prohibitions. We suggest these arguments be removed from the LAMP because they have no effect on your program to regulate OWTS. However, should Inyo County desire to pursue this request, please submit a separate letter to the Water Board's Executive Officer.
12. LAMP scope of its coverage (OWTS Policy §9.2) – Discharges from new or replacement OWTS that are within your scope of coverage (OWTS Policy §9.2) also receive coverage under the conditional waiver of waste discharge requirements (WDR) (OWTS Policy §2.6.1 and §12.0). Please make sure your scope of coverage is precisely defined in your LAMP, including coverage for specific kinds of conventional and non-conventional OWTS (see Enclosure, Onsite Systems Type Hierarchy). This is because owners of new and replacement systems outside your scope of coverage must submit a report of waste discharge, pay annual fees, and obtain waste discharge requirements (WDR) from the Lahontan Water Board. The WDR authorize the owner to discharge waste from their OWTS providing they meet the WDR performance requirements. Please note that we have limited staff resources to process WDRs for individual OWTS.

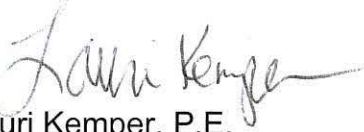
Equally important is the jurisdictional area scope of coverage. Please identify and describe your authority on US Forest Service lands, Bureau of Land Management lands, Federal reservations, and Los Angeles Department of Water and Power. Please include drawings at an appropriate scale that shows jurisdictional boundaries, such as the drawings you provided at our meeting with you and Mono County on February 27, 2015.

13. Water Board siting and design approval – State Water Code §13360 prohibits the Water Board to approve the siting and design of any OWTS. Nevertheless, Water Board staff will, upon local agency request, review the siting and design of OWTS and provide recommendations to the local agency. Please provide your procedures that for selecting and referring types of OWTS to the Water Board for recommendations.
14. LAMP effective date – The LAMP must have an effective date. The Basin Plan MOUs expire on the LAMP effective date, or May 18, 2018, whichever occurs first. Therefore, the LAMP effective date may range from the county LAMP approval date to May 18, 2018.

Closing

1. We plan to schedule your LAMP for Water Board approval at its July 2017 meeting. To meet our schedule for processing agenda items, we must assemble a complete agenda package on or before March 15, 2017. We need a week to assemble your LAMP documents into the agenda package. Therefore, you must submit the board of supervisors approved LAMP to us or before **March 10, 2017**. The LAMP must address the comments in this letter and meet the requirements of OWTS Policy Tier 2.
2. Please send all future correspondence regarding your LAMP to the Water Board's email address at Lahontan@waterboards.ca.gov.
3. Because your proposed LAMP is generally organized in the same manner as the Mono County proposed LAMP, we are sending a courtesy copy of this letter to Mono County Health Department.

If you have any questions, please call Mike Coony at (760) 241-7353 (mike.coony@waterboards.ca.gov), or Jehiel Cass, P.E., Senior Engineer, at (760) 241-2434 (jehiel.cass@waterboards.ca.gov). We are also available to hold a meeting to discuss these comments with you.



Lauri Kemper, P.E.
Assistant Executive Officer

Enclosure: Onsite Systems Type Hierarchy

cc: Louis Molina, Mono County Health Department lmolina@mono.ca.gov
Mark Drew, Inyo – Mono IRWM Program mdrew@caltrout.org
Sean McCarthy, State Division of Drinking Water Sean.McCarthy@waterboards.ca.gov

Enclosure

Onsite System Type Hierarchy

