

Lahontan Regional Water Quality Control Board

June 23, 2016

(LAMP) San Bernardino County

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Lahontan, Colorado River and Santa Ana Water Board Comments on the San Bernardino County Draft Local Area Management Program

The County of San Bernardino Department of Environmental Health Services (County) submitted the Draft Local Area Management Program (LAMP) to the California Regional Quality Water Quality Control Boards (Water Boards) within the County's jurisdiction, dated October 30, 2015. The County proposes a LAMP (Tier 2) for new and replacement onsite septic systems instead of Tier 1 compliance under the State Board's June 19, 2012 policy for Onsite Wastewater Treatment Systems (OWTS Policy). As the lead Water Board for review of the County LAMP, the Lahontan Water Board provides these comments following joint review by this agency, the Santa Ana Water Board, and the Colorado River Water Board. Our technical comments as Attachment 1, Santa Ana Water Board comments as Attachment 2, and Colorado River Water Board comments as Attachment 3.

Summary

The Lahontan Water Board staff finds the LAMP generally meets the intent of the OWTS Policy with one exception. The LAMP is not consistent with OWTS Policy §9.3, primarily with respect to an effective Water Quality Assessment Program that will evaluate the extent and impact of septic discharges on groundwater quality over time.

Issues of Common Concern

- A. Water Quality Assessment Program – We recognize that the single most challenging issue for the County and Water Boards is development and implementation of a meaningful, cost-effective, and adequate water quality assessment program to satisfy Policy §9.3. The proposed Water Quality Assessment Program described on draft LAMP Page 61 does not meet Policy §9.3.2 requirements, which is to “determine the general operation status of OWTS and to evaluate the impact of OWTS discharges, and assess the extent to which groundwater and local surface water quality may be adversely impacted.” The County's proposed program is too basic and general to achieve the Policy goals.

The LAMP proposes annual reporting by February 1 with a program assessment every five years as the policy requires. The assessment program is limited to: 1) sampling new individual production wells for selected constituents, 2) establishing baseline water quality using individual and community drinking water wells, and 3) distinguishing water quality degradation from OWTS and other sources.

A Policy Tier 2 LAMP involves a fundamental shift from a purely prescriptive to partially performance-based program as described in Policy §9.5 and §9.6. The monitoring and water quality assessment program should address or include the following principles:

- Be adaptive and modified over time in collaboration with affected stakeholders.
- Include basic elements that apply county-wide;
- Include specific elements for particular locales or areas of concern such as high density OWTS, areas experiencing large numbers of failing systems, or areas where water quality data indicate trends of increasing nitrate concentrations in ground or surface waters;
- Identify individual owner residential wells in areas of high density OWTS willing to participate in regional groundwater data collection;
- Identify areas with high density OWTS, especially those located in high risk areas where hydrogeological conditions, soil conditions, shallow water table, or high domestic well usage may lead to pollution from OWTS;
- Assess efforts to establish onsite maintenance districts or zones and feasibility of installing municipal sewage collection systems in areas of high density OWTS;
- Assess particular areas with high numbers of failing systems;
- Assess locations near high density OWTS where future groundwater monitoring wells should be installed, especially in areas of shallow groundwater;
- Assess water quality trends, especially with respect to nitrate concentrations;
- Clarify procedures to exchange data with other agencies and collaboration efforts that can be improved;
- Consider electronic mapping location of existing and new OWTS, focusing on areas with characteristics listed under Section 9.1 of the OWTS Policy; and,
- Identify existing supply and monitoring wells (private and public) and prioritize wells that can be used to assess water quality associated with OWTS over time.

B. Jurisdictional Area – San Bernardino County covers a large area and encompasses numerous incorporated cities and federal lands with interspersed private lands that are not under the jurisdiction of the County's septic system approval authority. Some cities retain septic system approval and others do not. We recognize that these boundaries change over time. We request clarification in the form of a map that identifies areas within the County that are subject to the proposed LAMP requirements. Please provide these data in printed format and in ArcGIS data format (shape files).

C. Septic System Discharge Density – We recognize that each Water Board has similar, although different, approaches to the OWTS discharge minimum area, or maximum density, that were developed in the late 1980's. However, since then the County subdivision minimum lot size for a single family home with OWTS discharge has generally been one-half acre. The County proposes to continue this lot size through the LAMP.

It is also generally understood that OWTS discharges pollute groundwater over time, primarily with respect to pathogens and nitrate, under various soil type, climatic, hydrogeological, and *density* conditions¹. We believe that in arid regions with closed groundwater basins, high density OWTS discharges will have long-term adverse groundwater impacts.

While we believe the County should consider increasing the minimum lot size for future subdivisions, we accept the County's proposal to continue this density standard provided there is an adequate Water Quality Assessment Program.

We also believe that certain areas of high density OWTS should be considered for municipal sewage collection systems. The Colorado River Water Board adopted Basin Plan prohibitions for the Town of Yucca Valley area. In the Lahontan Water Board jurisdiction, the community of Wrightwood, Phelan commercial core, and north Barstow have a high density of OWTS. The County should endeavor to identify areas with high density OWTS and develop plans to connect these areas to municipal or regional sewage collection systems. Treatment alternatives should include both centralized and decentralized treatment.

- D. Basin Plan Prohibitions - Policy §2.1 states that OWTS must comply with the *Water Quality Control Plan for the Lahontan Region* (Basin Plan) prohibitions. The Policy also states that if the prohibition authorizes discharges under specified conditions, the owner of OWTS must comply with those Basin Plan conditions, typically called "exemptions". Only the Regional Water Board or the State Water Resources Control Board can modify the Basin Plan. The LAMP should refer to each Water Board's Basin Plan OWTS prohibition and exemption conditions.
- E. Identifying Unauthorized Systems - We believe that the County practices and policies, including the LAMP, should describe tasks and milestones to identify and address unauthorized OWTS, including existing: cesspools, systems with flow greater than 10,000 gal/day, high-strength wastewater discharges, or inappropriately functioning grease traps.

Closing

The OWTS Policy designates the Lahontan Regional Water Quality Control Board (Lahontan Water Board) as the lead Water Board for the purposes of reviewing and approving San Bernardino County's Draft LAMP. The three Water Board staffs are available to discuss these comments at your convenience. If you have questions, please contact either of the following individuals:

- Lahontan Water Board - Mike Plaziak (760) 241-7325
mike.plaziak@waterboards.ca.gov

¹ Izbicki, John A.; Flint, Alan L.; O'Leary, David R.; Nishikawa, Tracy; Martin, Peter; Johnson, Russell D.; and Clark, Dennis A., "Storage and mobilization of natural and septic nitrate in thick unsaturated zones, California", *Journal of Hydrology*, 10.1016/j.jhydrol.2015.02.005

- Colorado River Water Board - Mary Serra (760) 776-8972
mary.serra@waterboards.ca.gov
- Santa Ana Water Board – Milasol Gaslan (951) 782-4419
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We thank you for your efforts to develop a LAMP that is protective of water quality. We would request a meeting with your staff to discuss our comments in more detail. The Policy requires the Water Boards to review and approve LAMPs by May 2017. To that end, the County's LAMP will need to be finalized by Fall/Winter 2016 in order to meet the Policy schedule.



Mike Plaziak, P.G.
Supervising Engineering Geologist
South Lahontan Basins Division

Enclosures:

1. Lahontan Water Board technical comments
2. January 15, 2016, Santa Ana Water Board comments
3. February 25, 2016, Colorado River Water Board comments

cc w/enc: Mary Serra, Colorado River Water Board, mary.serra@waterboards.ca.gov
Susan Beeson, Santa Ana Water, susan.beeson@Waterboards.ca.gov
Milasol Gaslan, milasol.gaslan@waterboards.ca.gov
Rob Tucker, Lahontan Water Board, robert.tucker@waterboards.ca.gov

Lahontan Water Board Technical Comments

Following are technical comments on the draft LAMP. Page numbers refer to the Draft LAMP.

1. General. The Draft LAMP indicates that only "Alternate Onsite Treatment Systems" are required to maintain annual operating permits from the County's Division of Environmental Health. The Building and Safety Division is responsible for issuing permits for "new construction, repair and replacement of OWTS," while Code Enforcement is responsible for inspections, operation, maintenance, and responding to failures of OWTS systems. The LAMP should include a County organizational chart, describing how the multiple County divisions will collaborate and describe inventory control and proposed data reporting methodology.
2. Page 1 - The draft LAMP indicates that only 15% of the county is subject to the LAMP requirements. We recommend the County's LAMP include a map, including but not limited to:
 - Jurisdictional areas e.g. where County has jurisdiction and where local governments or other entities have jurisdiction;
 - Locations where permits are issued for new or failing systems in the past twelve months;
 - Onsite maintenance districts or zones;
 - Water Board septic system prohibition areas;
 - Locations of impaired water bodies due to nitrogen or pathogens and impaired water bodies with an approved Total Maximum Daily Load; and,
 - Water quality assessment program features (e.g. wells included for sampling and analysis, surface water collection stations, etc.).
3. Page 2 – Definitions, Domestic Well. Please revise the last clause to read the following: "...and is not regulated by the SWRCB Division of Drinking Water (DDW)."
4. Page 4 – Definitions, Notice of Condition – Please clarify and explain the legal basis, scope, and purpose of the referenced Notice of Condition site specific document.
5. Page 10 – LAMP Standards Applicability, Requirements and Exceptions, 1st sentence. Please revise as follows: "...to protect public health, water quality, and safety."
6. Pages 8, 23, 24, 25, 26, 32, 41, 42 — Statements on these pages indicate that the County may refer selected new and replacement OWTS to the Water Board at its discretion. Please note that for OWTS that are not covered under the scope of San Bernardino County's LAMP (Policy §9.1, §2.6.1), Policy §2.6.1 requires the owner to submit a report of waste discharge to the Water Board. In addition, the owner must pay fees and obtain waste discharge requirements (Policy §12.0). We request that the LAMP clarify that County will make the initial referral to the Water Board and

include a County contact to which questions may be addressed. We have been contacted by many applicants, ostensibly referred by the County, that have no idea of the reason for their referral. The LAMP should indicate that Water Board requirements vary from region-to-region and case-by-case, but regulation by the Water Board may significantly delay the project and introduce additional requirements.

7. Page 10 — LAMP Standards Applicability, Requirements and Exceptions, Exceptions. Related to the above comment, the bottom of this page lists specific OWTS which are not included in the LAMP. Please clarify if supplemental treatment systems as defined in Policy §1.0 are included in the term "wastewater treatment plants of any kind or size". Supplemental treatment systems for small applications are not necessarily a wastewater treatment plant. The County is authorized to approve supplemental treatment systems provided there is a performance monitoring and inspection program as required in Policy § 9.4.6. We prefer the County approve supplemental treatment systems for small applications and require periodic performance monitoring and inspections. If not, applicants must submit a report of waste discharge to the Water Board (Policy 2.6.1).
8. Page 10 — The County has permitting authority for onsite wastewater disposal siting, design, operation, maintenance and has historically focused its efforts to protect public health. The OWTS Policy advocates for the additional protection of water quality. The Draft LAMP should include the County's wastewater disposal ordinance for reference, a discussion of modifications, if any, to that ordinance, and the schedule for its hearing and adoption of the final LAMP by the County's Board of Supervisors. In addition, clarification is necessary where the Draft LAMP cites "public health and safety" (such as at the bottom of page 51) as its mandate, leaving out water quality considerations. This is because Water Code §13291(a)(4), under Chapter 4.5, Onsite Sewage Treatment System", requires that county adopted regulations for onsite system must include systems that have a "a reasonable potential to cause a violation of water quality objectives ..."
9. Pages 13, 18, 25, 35, 36, 38 and Table of Contents— Please add a definition for "alternative treatment systems" and explain the relationship to the "supplemental treatment" term defined in the LAMP and OWTS Policy.
10. Page 18 — The Draft LAMP (Minimum Qualifications and Certification for OWTS Practitioners) should detail the function of a "service provider." The term service provider is listed in the definitions section on page 6 and minimum qualifications should be defined. The Draft LAMP should also detail the methodology that the County will use to either accept a national OWTS educational certification for service provider or create a program of its own.
11. Page 24 and 25, Densities and Minimum Lot Sizes. The draft LAMP proposes an equivalent dwelling unit (EDU) flow of 300 gallons per day. This is greater than Lahontan's Water Board's Basin Plan criteria of 250 gallons per day found on page

4.4-10. For projects in the Lahontan Water Board's jurisdiction, please use 1 EDU = 250 gallons per day.

12. Page 26 — Minimum Requirements for Natural Ground Slope and Percolation Rates, Natural Ground Slope. In the draft LAMP, the county proposes the owner obtain Water Board approval for proposed OWTS where the slope exceeds 25%. Water Code §13360 prohibits Water Board to stamp approve this type of report. The Policy §9.4.4 states that systems with a slope greater than 30% must be approved by a qualified professional as defined in OWTS Policy §1.0. Water Board staff recommend revision of this section in a manner to reflect the policy and Water Code §13360.

13. Page 27 — OWTS Design Table, first row after header row, second column, systems greater than 10,000 gallons per day. Please replace second bullet to read as follows: "Will be referred to the appropriate Water Board for review and permit issuance (Policy §2.6 and 2.6.2).

14. Pages 31 and 32 — Prohibitions and Exemptions. Requesting Exemptions in Prohibition Areas: The prohibitions in the County areas of the Lahontan region are presented in the *Water Quality Control Plan for the Lahontan Region (Basin Plan)*, Page 4.1-21. The Mojave Hydrologic Unit Prohibition No. 3, states the following:

"The discharge of waste from new leaching or percolation systems is prohibited in the following areas (Figure 4.1-17):

(a) The Silverwood Lake watershed.

(b) Deep Creek and Grass Valley Creek watersheds above elevation 3,200 feet.

For this prohibition, "new" systems are any installed after May 15, 1975.

An exemption to this prohibition may be granted whenever the Water Board's Executive Officer finds that the operation of septic tanks, cesspools, or other means of waste disposal in a particular area will not, individually or collectively, directly or indirectly, adversely affect water quality or beneficial uses, and that the sewerage of such area would have a damaging effect upon the environment."

Please clarify, under OWTS prohibitions, "Lahontan RWQCB Prohibition Areas 1-5", should be "Mojave Hydrologic Unit Prohibition Area 3." Under Lahontan Water Board Order No. 6-81-3 for Crestline and Lahontan Water Board Order No. 6-84-93 for Lake Arrowhead, the County is authorized to issue OWTS building permits in these exemption areas, usually without Lahontan Water Board's approval. Please add the OWTS approval process for Lake Arrowhead and Crestline exemption areas.

15. Page 40 — Alternative Treatment Systems, Wastewater Sample Requirements for Supplemental Treatment Systems. Please specify the required sampled constituents and sample locations for performance monitoring of supplemental treatment systems. For effluent, Lahontan Water Board staff suggests the

constituents listed in the Lahontan Water Board Basin Plan, page 4.4-7, to include as a minimum the following:

- nitrate (as nitrogen)
- total (Kjeldahl) nitrogen

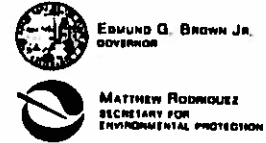
Lahontan Water Board also suggests sampling the influent for total nitrogen to determine the nitrogen removal rate. Nitrogen is important because in its oxidized state, nitrate, is very stable, and its concentration in water below the drain field may pollute groundwater.

16. Page 57 - LAMP Scope of Coverage, Site Assessment. OWTS Policy Section 9.2.6, page 30, specifies that the LAMP include, "An assessment of existing and proposed disposal locations for septage, the volume of septage anticipated, and whether adequate capacity is available." Please include a site evaluation by the Building and Safety Division to:

- Ensure the proper system design, and the existing and proposed disposal locations for septage meet the minimum requirements of the LAMP.
- Determine compliance with site suitability requirements, the volume of septage anticipated and whether adequate capacity is available for the septage disposal.

17. Page 58 — Local Watershed Management. Please clarify groundwater data collection, exchange and assessment plans with local agencies and methods to manage data and assess effectiveness of the County's water quality assessment program.

- Mojave Water Agency (MWA) groundwater data. This agency consolidates data from source agencies into a single database for the Mojave groundwater basin and Lucerne Valley.
- Crestline Sanitation District performs water quality assessments in their respective area.
- Lake Arrowhead Community Services District performs water quality assessments in their respective area.
- In Wrightwood, County Special Districts formerly collected samples from a County Service Area (CSA) 56 groundwater monitoring well in compliance with waste discharge requirements Order 6-76-38. While the Lahontan Water Board rescinded this order in 2013, the County still maintains this well and well sampling could be resumed as an element of the water quality assessment program.



Santa Ana Regional Water Quality Control Board

January 15, 2016

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Lahontan Regional Water Quality Control Board, Victorville Office
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**COMMENTS ON SAN BERNARDINO COUNTY'S PROPOSED LOCAL AGENCY
MANAGEMENT PROGRAM**

Dear Mr. Plaziak:

San Bernardino County falls within multiple Regional Water Board jurisdictions. The Lahontan Regional Water Quality Control Board (Region 6) is the designated¹ Regional Water Board, for purposes of reviewing and, if appropriate, approving the Local Agency Management Plan (LAMP) for San Bernardino County. It is our understanding that Region 6 will coordinate the comments from the three Regional Boards (Regions 6, 7, and 8) on this LAMP.

Consistent with this approach, we have the following general comments that apply to the LAMP area as a whole and specific comments applicable to areas within the Region 8 jurisdiction.

General Comments:

1. LAMP, Chapter 1, Introduction: The LAMP states that the unincorporated area under County's jurisdiction spans 1.9 million acres and encompasses 15% of the entire County. An additional 4% is directly under the control of 24 incorporated city governments.

The County LAMP should identify where the unincorporated 15% area is located and indicate if any areas under the control of the 24 incorporated city governments will be subject to this LAMP.

2. LAMP, Chapter 1, Introduction: The LAMP states that the requirements defined in Tier 1 of the Onsite Wastewater Treatment System (OWTS) Policy do not meet the future development needs of the County due to diversity. Therefore, under Chapter 3, Siting Standards, Density/Minimum Lot Size Requirements, the County proposes any new lot creations, subdivisions, etc. will require a minimum of one-half acre lot size. All other lots created prior to the LAMP adoption will be grandfathered from the one-half acre requirement. Further, the County proposes to defer those projects that may require a more stringent lot size requirement for the protection of water quality to the Regional Board offices.

¹ Attachment 3 of the Onsite Wastewater Treatment Policy,
http://www.waterboards.ca.gov/water_issues/programs/owts/docs/owts_policy.pdf.

We note that the County's approach to the proposed Density/Minimum Lot Size Requirements (MLSR) of one-half acre is somewhat consistent with the Santa Ana Region's MLSR as adopted September 8, 1989 (and subsequent amendments), and also the Memorandum of Understanding between the County and the Santa Ana Regional Board. However, Section 7.8, Tier 1 of the OWTS Policy sets the standard for low risk siting and design requirements that calls for a larger lot size based on average annual rainfall (2.5-acre lots sizes or more). LAMPs approved under Tier 2 provide an alternative to Tier 1 if such proposal will still achieve the Policy's purpose.

We agree that those lots created prior to September 7, 1989 should continue to be grandfathered from the Policy provided they meet County requirements and are not located within areas of water quality concern, including the septic system prohibition areas within Region 8. However, the County should consider the adoption of a 2.5-acre lot size requirement or Tier 1 requirements for those specific areas which are necessary in order to protect water quality and not simply defer those areas to the Regional Board.

To address diversity within the County, we are also agreeable to the County's approval of proposed one-half acre lot size requirements for any new lots being created with supporting documentation on a case-by-case basis or for specific geographic areas to be identified in the LAMP where the County had evaluated site conditions and determined that higher density will continue to protect water quality and public health. In identifying requirements different from Tier 1 for specific areas, the OWTS Policy specifies that the County consider the factors identified in Section 9.1, as well as any other conditions deemed appropriate.

3. OWTS Policy Section 9.2.6, page 30, specifies that the LAMP include, "An assessment of existing and proposed disposal locations for septage, the volume of septage anticipated, and whether adequate capacity is available."

In Chapter 7, LAMP Scope of Coverage, Site Assessment, page 57, please revise as follows:

"Site Assessment

Prior to approving the use of an OWTS, a site evaluation by the Building and Safety Division will be required to:

- Ensure the proper system design, and the existing and proposed disposal locations for septage meet the minimum requirements of the LAMP.
- Determine compliance with site suitability requirements, the volume of septage anticipated and whether adequate capacity is available for the septage disposal."

4. OWTS Policy Section 9.3.2, page 31 specifies the County's responsibility to "Maintain a water quality assessment program to determine the general operation status of OWTS and to evaluate the impact of OWTS discharges, and assess the extent to which groundwater and local surface water quality may be adversely impacted. The focus of the assessment should be areas with characteristics listed under section 9.1."

The LAMP specifies that the County will annually report the number, location, and description of permits issued for OWTS or where a variance is granted. In addition to maintaining records for newly permitted OWTS, the County should maintain an inventory of existing and new OWTS. As part of the water quality assessment program (WQAP), please map the location of existing and new OWTS, focusing on areas with characteristics listed

under Section 9.1 of the OWTS Policy. Mapping will assist in evaluating the County's rationale for the design and implementation of the WQAP specified under Section 9.3.2. The WQAP is intended to determine the general operational status of OWTS and to evaluate the impact of OWTS discharges on groundwater and surface water quality.

5. Consistent with the rationale in item 4 above, please add the following information as the fourth bulleted item on page 61 of the LAMP, Chapter 8, Reporting to the Regional Water Quality Control Boards as follows:
 - The quantity and location of complaints pertaining to OWTS in areas where this LAMP is applicable, and specifying which complaints were investigated, and how the complaints were resolved.
 - The permits issued for new and replacement OWTS, including the number, location and description of the permits, and which Tier the permit was issued under.
 - The quantity, location and description of permits issued for OWTS where a variance from the approved LAMP was granted.
 - Electronic workable file (such as an Excel spreadsheet) which contains information on all new, replaced, or current OWTS. At a minimum, please include the following information:
 - o Latitude & Longitude
 - o Parcel size
 - o Number of structures
 - o Bedrooms per Dwelling(s)/structure
 - o Estimated gallons per day of wastewater

Specific Comments Applicable to San Bernardino County Areas within Region 8 Jurisdiction:

6. LAMP, Chapter 4, OWTS Design and Construction: The County proposes to continue to defer all projects within the Fontana/Bloomington area to the Regional Board for consideration. Please advise why the County prefers to defer these OWTS projects within these specific areas to the Regional Board.
7. LAMP, Sections 9.2.8, on page 30, states that the LAMP's permitting program provide "Any consideration given to the development and implementation of, or coordination with, Regional Salt and Nutrient Management Plans."

The Salt and Nutrient Management Plan for Region 8 is now incorporated into the Basin Plan. The Basin Plan specifies surface and groundwater water quality objectives for TDS and N and identifies those groundwater basins that have no TDS assimilative capacity. The Basin Monitoring Program Task Force (BMPTF) periodically assesses the water quality for TDS and N within the region. The OWTS impact to TDS and N objectives should be included in the County's 5 year evaluation of OWTS impacts to groundwater and surface water.

8. LAMP, Chapter 8, Reporting to the Regional Water Quality Control Boards, page 61 identifies the information to be reported annually to the Regional Boards.

January 15, 2016

A majority of 303(d) listed water bodies in Region 8 are impaired for pathogens and nutrients. Some publicly owned treatment works in Region 8 have acceptance criteria for septage wastes. Hauler loads are rejected when those acceptance criteria are not met.

We recommend that the LAMP include a brief description of procedures used by the County to ensure that pumped septage wastes generated within the County are disposed of properly. An example would be for the DEHS licensing and reporting requirement for Liquid Waste Haulers to include information that would allow the County to report annually that all pumped septage have been accounted for and disposed of properly. Also, please modify the bulleted item on page 61, under "Reporting to the Regional Water Quality Control Boards" as follows:

- The number, location and results of septic tank pumper inspection reports which were received. Provide a summary of total volume generated and hauled and the corresponding disposal locations.

In closing, we appreciate Region 6's efforts in coordinating the review of the proposed Local Agency Management Plan and look forward to further discussions regarding the Santa Ana Regional Board comments, as needed. Should you have any questions, please contact me at (951) 782-4419 or at milasol.gaslan@waterboards.ca.gov or Susan Beeson at (951) 782-4902 or at susan.beeson@waterboards.ca.gov.

Sincerely,



for Milasol C. Gaslan, Chief
Wastewater Program

Cc: Jehiel Cass, Lahontan Regional Water Quality Control Board, R6V
Francis Coony, Lahontan Regional Water Quality Control Board, R6V
Mary Serra – Colorado River Regional Water Quality Control Board, R7



Colorado River Basin Regional Water Quality Control Board

Sent via email

February 25, 2016

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COMMENTS ON SAN BERNARDINO COUNTY'S DRAFT LOCAL AGENCY MANAGEMENT PROGRAM

Dear Mr. Plaziak

Colorado River Basin Regional Water Quality Control Board (Colorado River Basin Water Board) staff received a copy of the draft "Local Agency Management Program for Onsite Wastewater Treatment Systems" (Draft LAMP) from San Bernardino County, Public Health, and Environmental Health Services on November 2, 2015. The Draft LAMP was developed in response to the State Water Resources Control Board's *Water Quality Control Policy for Siting, Design, Operation, and Maintenance of Onsite Wastewater Treatment Systems* (OWTS Policy).

The OWTS Policy designates the Lahontan Regional Water Quality Control Board (Lahontan Water Board) as San Bernardino County's primary contact for the purposes of reviewing and, if appropriate, approving the Draft LAMP. Because San Bernardino County includes jurisdictional areas within the Colorado River Basin Water Board, the Lahontan Water Board staff requested written comments on the Draft LAMP. Our comments are as follows:

1. The County has permitting authority for onsite wastewater disposal siting, design, operation, maintenance and has historically focused its efforts to protect public health. The OWTS Policy advocates for the additional protection of water quality. The Draft LAMP should include the County's wastewater disposal ordinance for reference, a discussion of modifications, if any, to that ordinance, and the schedule for its hearing and adoption of the final LAMP by the County's Board of Supervisors. In addition, clarification is necessary where the Draft LAMP cites "public health and safety" (such as at the bottom of page 51) as its mandate, leaving out water quality considerations.

2. As a point of clarification, the Draft LAMP should improve its description of the extent of its jurisdictional boundaries for onsite wastewater treatment system permitting authority as it relates to the incorporated areas of Needles, Twentynine Palms and Yucca Valley.
3. The Draft LAMP should use the following text in order to improve the definition of Regional Water Quality Control Board: "Regional Water Board is any of the Regional Water Quality Control Boards designated by California Water Code Section 13200. Any reference to an action of the Regional Water Board in this Policy also refers to an action of its Executive Officer. Depending on the site specific location of the onsite wastewater treatment system, Regional Water Board reference in this document may refer to the Colorado River Basin Water Board, the Lahontan Water Board, or the Santa Ana Water Board."
4. Section 2.1 of the OWTS Policy states "All new, replacement, or existing OWTS within an area that is subject to a Basin Plan prohibition of discharges from OWTS, must comply with the prohibition." The Colorado River Basin Water Board has an onsite wastewater prohibition zone in San Bernardino County in the incorporated area of Yucca Valley.

The Draft LAMP includes an authority statement on page 12; "The Building and Safety Division requires Division of Environmental Health Safety approval on all OWTS proposals when the OWTS is located within a prohibition area." In addition, the Draft LAMP includes a discussion of Prohibitions and Exemptions beginning on page 31 that lists Yucca Valley and contains a protocol to obtain an exemption from the Basin Plan prohibition. The Colorado River Basin Water Board's Basin Plan prohibition cannot be modified by the LAMP. Only the Regional Water Board or the State Water Resources Control Board can modify the Basin Plan¹. The Colorado River Basin Water Board Basin Plan contains protocols for OWTS owners seeking an exemption.

5. The Colorado River Basin Water Board under the delegated authority of its Executive Officer requires the ability to identify new areas of special concern with regard to onsite wastewater treatment system disposal resulting from their density and threat to groundwater quality. Colorado River Basin Water Board staff recommends that the text of Chapter 4 (OWTS Design and Construction, Special Considerations) include the following text:

"Areas of Special Concern or Designated Maintenance Areas: Improper siting, design, operation and maintenance or density may subsequently be determined to be a source of pathogens or nitrogen in groundwater or surface water. The Areas of Special Concern may be identified by the

¹ A copy of the Basin Plan can be downloaded at:
http://www.waterboards.ca.gov/coloradoriver/water_issues/programs/basin_planning/

San Bernardino's Public Health Officer or the appropriate Regional Water Board's Executive Officer. The following provisions apply:

- a. No existing OWTS within the Area of Special Concern or Designated Maintenance Areas, shall be expanded or otherwise modified to accommodate new construction and/or additional wastewater generating fixtures or appliances unless that system is designed to remove no less than eighty percent (80%) of the nitrogen released in the effluent (advanced treatment, denitrifying systems).
 - b. The minimum parcel size for any new subdivision or residential lot division within an Area of Special Concern or a Designated Maintenance Areas shall be one dwelling unit per two and one half (2.5) acres.
 - c. No application for a new septic system shall be accepted for any lot within the Area of Special Concern or a Designated Maintenance Areas unless that system is designed to remove no less than eighty percent (80%) of the nitrogen released in the effluent (advanced treatment, denitrifying systems)."
6. The 2.5 acre lot size is the OWTS Policy strategy to control density within San Bernardino County for areas with low rainfall. The County might also offer an alternative strategy to control density. This might include strategies to measure and report regional density in conjunction with a one-acre or smaller lot size; or shallow groundwater monitoring in areas with overall densities greater than one dwelling unit per two and one half (2.5) acres.
 7. The Colorado River Basin Water Board does not have any Clean Water Act Section 303(d) listed impaired water bodies within San Bernardino County. As such, no comments are provided for the Draft LAMP provisions for Advanced Protection Management Program for Impaired Areas including those OWTS that neighbor 303(d) listed impaired water bodies for nitrogen or pathogens.
 8. The Draft LAMP presents cesspools in a fashion that indicates they are not under the County's purview and states on page 57: "Cesspools are no longer allowed in the County of San Bernardino. When County staff discovers a cesspool is still in use, the property owner will be required to replace the cesspool with an OWTS, which meets current standards. The timeframe for complying with this requirement will vary based on the condition of the cesspool and the potential threat it represents to public health and safety." The OWTS Policy prohibits cesspools. The Colorado River Basin Water Board staff believe cesspools pose a significant threat to groundwater water quality. Cesspools must be timely located and properly abandonment and replacement with the appropriately sited and designed onsite wastewater treatment system in accordance with the OWTS Policy.

9. The Draft LAMP indicates that only "Alternate Onsite Treatment Systems" are required to maintain annual operating permits from the County's Division of Environmental Health. The Building and Safety Division is responsible for issuing permits for "new construction, repair and replacement of OWTS," while Code Enforcement is responsible for inspections, operation, maintenance, and responding to failures of OWTS systems. The Draft LAMP should include a County organizational chart, describe how the multiple divisions will collaborate and describe inventory control and proposed data reporting methodology.
10. Page 18 of the Draft LAMP (Minimum Qualifications and Certification for OWTS Practitioners) should detail the function of a "service provider." The term service provider is listed in the definitions section on page 6 and minimum qualifications should be defined. The Draft LAMP should also detail the methodology that the County will use to either accept a national OWTS educational certification for service provider or create a program of its own.

Colorado River Basin Water Board staff are available to meet with you and support the Lahontan Water Board's efforts to coordinate the successful review and approval of the San Bernardino County LAMP. Contact me at 760-776-8972 or at mary.serra@waterboards.ca.gov, or Mr. Doug Wylie at 760-776-8960 or at doug.wylie@waterboards.ca.gov with questions or to facilitate ongoing review and approval efforts.

Sincerely,



Mary Serra
Supervising Water Resources Control Engineer

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