

State of California  
Regional Water Quality Control Board  
San Diego Region

REVISED  
EXECUTIVE OFFICER SUMMARY REPORT  
May 9, 2007

ITEM: 9

SUBJECT: Rescission of Waste Discharge Requirements – The Regional Board will consider rescinding Order No. R9-2004-0015, Lake Cuyamaca Recreation and Park District, Lake Cuyamaca Public Recreation Area Southeast of Julian, San Diego County, and allowing commencement of a proposed discharge of sewage waste to groundwater through a subsurface disposal system at the Lake Cuyamaca Public Recreation Area under a waiver of waste discharge requirements. (Tentative Order No. R9-2007-0067) (*Michelle Mata*)

PURPOSE: ~~To rescind existing waste discharge requirements (Order No. R9-2004-0015) and defer regulation of the Lake Cuyamaca Public Recreation Area to the County of San Diego Department of Environmental Health.~~

**To allow the Regional Board to take testimony on the appropriate method for regulating the proposed discharge of waste from the Lake District by means of subsurface disposal.**

PUBLIC NOTICE: The Agenda notice for the May 9, 2007 Regional Board meeting serves as the required 10-day public notice for this item. Note that the 30-day public noticing requirements contained in California Water Code § 13167.5., Notice of Orders, do not apply to rescission of waste discharge requirements.

DISCUSSION: On June 10, 2004 this Regional Board adopted Order No. R9-2004-0015 for the Lake Cuyamaca Recreation and Park District (Lake District or discharger) treatment and disposal of sewage by means of a septic system and subsurface disposal leach field infiltration system north of Lake Cuyamaca. Installation of the disposal facilities was completed on October 18, 2004, but the Lake District has been unable to use the disposal facilities. Based on

groundwater data submitted by the Lake District prior to initiation of the discharge, the Regional Board informed the Lake District that it would be in violation of the discharge specifications contained in the WDRs for certain constituents.

**At the May 10, 2005 Regional Board Meeting, the Regional Board expressed its desire to explore alternative regulatory schemes to allow the District to commence discharge to the subsurface disposal system other than specifically in accordance with Order No. R9-2004-0015.**

The Regional Board requested that the Lake District provide a report of alternatives being considered to comply with Order No. R9-2004-0015. In August 2006, the Lake District provided a status report of the project including a discussion of alternatives. These alternatives include wastewater treatment, use of deeper wells for determining compliance, and a Basin Plan Amendment. All alternatives were explored, but were found not to be feasible for this facility.

On April 5, 2007 the Lake District submitted a Wastewater System Compliance Report and Nitrate Mixing Analysis. The compliance plan identifies steps that have been taken to demonstrate that the disposal system now meets the conditions for waiver of waste discharge requirements pursuant to the Regional Board's waiver policy, specifically Waiver No. 2 and Waiver No. 4.

The discharger has proposed to use the approach outlined in Guidelines for New Community and Individual Sewerage Facilities (Basin Plan, 4-24) to comply with the Basin Plan Objective for nitrate. The approach requires ample land area to provide sufficient mixing of septic tank effluent and recharge water provided by precipitation. To meet the land requirements, the discharger has developed a memorandum of understanding (MOU) with the California State Parks, Colorado Desert District (State Parks).

The MOU identifies an area designated as a Septic System Limitation Zone. This area would be set aside for the operation of a single septic system serving the Lake District and no additional septic system will be allowed within this area. The total area included in the limitation zone is 263-acres.

In addition to the increased land area, the discharger has taken measures to further reduce impacts. Flows have been reduced from an average of 2,450 gallons per day (GPD) to 1,600 GPD. The District has proposed to further reduce flows to 1,200 GPD (as a 12-month average). In addition, by letter dated April 10, 2007, the County of San Diego Department of Environmental Health (DEH) acknowledged the discharger has demonstrated to the satisfaction of DEH that all of the conditions in the Basin Plan have been met.

Calculations submitted in the Wastewater System Compliance Report and Nitrate Mixing Analysis indicates that the nitrogen concentration in groundwater would be 0.51 mg/l. Calculations assume a septic system limitation zone of 263 acres, annual rainfall of 35 inches, recharge rate of 18%, and a flow of 1,200 GPD as an annual average.

The Regional Board has reviewed all the information submitted by the discharger and confirmed, given the assumptions described above, the discharger meets the conditions of the waiver policy. As such, regulation of the Lake Cuyamaca Public Recreation area will be deferred to the County DEH. The rescission of this Order is based upon the information submitted to this Regional Board in the report dated, March 23, 2007. The discharger has been informed that the waiver is conditional and any changes to the parameters used in determining compliance could be a violation of the California Water Code Section 13350 and subject to civil liabilities.

**The Regional Board has received written comments from the Sierra Club San Diego Chapter, including a copy of the settlement agreement between the Lake District and Save Our Forest and Ranchlands (SOFAR). Although no other written comments have been received, other interested parties have verbally expressed their concern about the limited amount of time the Rescission Order was made available for public review.**

**Written Response to Comments document has been prepared and provided to interested parties by email and through regular mail in a letter dated May 4, 2007. This Reponse to Comments document is included in this supplemental mailing.**

KEY ISSUES: An increase in the average discharge waste flow to the disposal system or reduction of the Septic System Limitation Zone from those described in the Wastewater System Compliance Report and Nitrate Mixing Analysis could contribute to exceedances of water quality objectives in the underlying groundwater. The County DEH has indicated they will coordinate with the Regional Board to develop appropriate monitoring and reporting for evaluating discharger compliance.

LEGAL CONCERNS: None

SUPPORTING DOCUMENTS

1. Location Map
2. Transmittal letter for Tentative Order No. R9-2007-0067
3. Tentative Order No. R9-2007-0067
4. Memorandum of Understanding between Lake Cuyamaca Recreation and Park District and California State Parks, Colorado Desert District
5. Order No. R9-2004-0015
- 6. Department of Environmental Health letter dated April 10, 2007 to the Regional Board**
- 7. Lake Cuyamaca Recreation and Park District Wastewater System Compliance Report and Nitrate Mixing Analysis, Section 3**
- 8. Letter from the Sierra Club dated May 1, 2007 to the Regional Board**
- 9. Settlement Agreement between the Lake Cuyamaca Recreation and Park District and Save Our Forest and Ranchlands**
- 10. Regional Board Transmittal Letter dated May 4, 2007 and Response to Comments document**

RECOMMENDATION(S): Adoption of Tentative Order No R9-2007-0067 rescinding Order No. R9-2004-0015 and deferring regulation of the disposal system to the County DEH is recommended. **It is recommended that the Regional Board take testimony on the appropriate method for regulating the discharge of waste from the Lake District by means of subsurface disposal.**