

**REGIONAL WATER QUALITY CONTROL BOARD  
SAN DIEGO REGION**

**EXECUTIVE OFFICER SUMMARY REPORT**

**MARCH 9, 2022**

**ITEM NO. 3**

**SUBJECT**

Consideration of Tentative Order No. R9-2022-0010, *An Order Rescinding Order No. 94-29, Waste Discharge Requirements for Frank and Doris Kingsbury, Sunrise Highway RV Park, San Diego County* (Tentative Order No. R9-2022-0010). (Brandon Bushnell)

**STAFF RECOMMENDATION**

Staff recommends adoption of Tentative Order No. R9-2022-0010.

**KEY ISSUES**

Tentative Order No. R9-2022-0010 (**Supporting Document 1**), if adopted, rescinds Order No. 94-29, *Waste Discharge Requirements for Frank and Doris Kingsbury, Sunrise Highway RV Park, San Diego County* (Order No. 94-29). The onsite wastewater treatment systems (OWTS) at Sunrise Highway RV Park (Facility), owned and operated by Block Builders Investment Group of Nevada, LLC (Discharger), will be regulated by the County of San Diego Department of Environmental Health (County of San Diego) under the *Local Agency Management Program for Onsite Wastewater Treatment Systems* (LAMP).<sup>1</sup>

**PRACTICAL VISION**

Tentative Order No. R9-2022-0010 is consistent with the Strategize for Healthy Waters chapter of the *San Diego Water Board Practical Vision*.<sup>2</sup> Working as partners with county government helps the San Diego Water Board focus staff resources on larger projects and facilities within the region that pose a greater threat to water quality.

**DISCUSSION**

The purpose of this item is to provide the Board with information to assist in its consideration of Tentative Order No. R9-2022-0010. If adopted, Tentative Order No.

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<sup>1</sup> County of San Diego LAMP:

[https://www.waterboards.ca.gov/sandiego/board\\_decisions/adopted\\_orders/2015/R9-2015-0008\\_LAMP.pdf](https://www.waterboards.ca.gov/sandiego/board_decisions/adopted_orders/2015/R9-2015-0008_LAMP.pdf)

<sup>2</sup> Practical Vision:

[https://www.waterboards.ca.gov/sandiego/water\\_issues/programs/practical\\_vision/](https://www.waterboards.ca.gov/sandiego/water_issues/programs/practical_vision/)

R9-2022-0010 will rescind Order No. 94-29 and transfer regulation of the Facility's OWTS to the County of San Diego.

The Facility is located at 9849 Sunrise Highway, Mount Laguna, in San Diego County (**Supporting Document 2**). San Diego Water Board staff inspected the Facility's OWTS on April 8, 2021, and did not observe any violations of the requirements specified in Order No. 94-29 during the inspection.

San Diego Water Board staff reviewed the requirements specified in Order No. 94-29 with the Discharger's annual monitoring reports and determined the Facility's OWTS is eligible for oversight by the County of San Diego under the LAMP. The purpose of the LAMP is to allow continued use of OWTS within the jurisdiction of local agencies and expand the local program to permit and regulate alternative OWTS while protecting water quality and public health. Furthermore, Order No. 94-29 is outdated and is not as protective of water quality as the County of San Diego LAMP, which was developed in accordance with the State Water Resources Control Board's *Water Quality Control Policy for Siting, Design, Operation, and Maintenance of Onsite Wastewater Treatment Systems* (OWTS Policy).<sup>3</sup> The OWTS Policy establishes a statewide, risk-based, tiered approach for regulation and management of OWTS installations and replacements and recognizes the effectiveness of local permitting agencies. The OWTS Policy allows local agencies to approve OWTS, based on a local ordinance, after the Regional Water Quality Control Board approves the LAMP. The San Diego Water Board approved the County of San Diego's LAMP on April 29, 2015.

The San Diego Water Board notified the County of San Diego on July 24, 2021, that the Facility's OWTS is eligible for regulation under the authority of the County of San Diego's LAMP. While the Discharger may request to be regulated under individual waste discharge requirements, the Facility's transfer to the County of San Diego allows the San Diego Water Board to effectively and efficiently regulate OWTS that pose a greater threat to water quality, while prioritizing the use of its limited resources.

## **SIGNIFICANT CHANGES**

The significant differences between the County of San Diego LAMP and Order No. 94-29 are:

1. The Discharger will no longer need to submit monitoring reports or pay fees to the San Diego Water Board.
2. The Discharger will be required to submit all proposed OWTS upgrades and septage pumping records, upon request, to the County of San Diego.

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<sup>3</sup> OWTS Policy:

[https://www.waterboards.ca.gov/water\\_issues/programs/owts/docs/owts\\_policy.pdf](https://www.waterboards.ca.gov/water_issues/programs/owts/docs/owts_policy.pdf)

## **COMPLIANCE RECORD**

The San Diego Water Board issued five Staff Enforcement Letters for the following violations:

- Failure to submit complete annual monitoring reports in 2001 and 2002.
- Failure to submit timely monitoring reports in 1994, 1999, 2001, and 2002.

Since the issuance of a Staff Enforcement Letter in April of 2003, no violations of Order No. 94-29 have occurred.

## **PUBLIC NOTICE**

San Diego Water Board staff sent notification of this action to the Discharger and known interested parties on November 18, 2021 (**Supporting Documents 3 and 4**). Additionally, the San Diego Water Board posted Tentative Order No. R9-2022-0010 on its website on November 18, 2021. The San Diego Water Board received no comments during the public comment period. These actions satisfy the 30-day public notification and comment period requirements of Water Code section 13167.5.

## **SUPPORTING DOCUMENTS**

1. Tentative Order No. R9-2022-0010
2. Vicinity and Facility Map
3. Transmittal Letter
4. Notice of Public Hearing and Comment Period