

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
COLORADO RIVER BASIN REGION**

INFORMATION SHEET
FOR
RESOLUTION R7-2016-0020

APPROVING THE LOCAL AGENCY MANAGEMENT PROGRAM
FOR
IMPERIAL COUNTY PUBLIC HEALTH DEPARTMENT,
DIVISION OF ENVIRONMENTAL HEALTH
IMPERIAL COUNTY

Discussion

Sections 13290 -13291.7, chapter 4.5, division 7 of the California Water Code, required the State Water Resources Control Board (State Water Board) to adopt regulations or standards for the permitting and operation of specific categories of onsite wastewater treatment systems (OWTS) in the state and apply those regulations or standards six months after their adoption. Accordingly, on June 19, 2012, with an effective date of May 13, 2013, the State Water Board adopted regulations for onsite wastewater disposal systems in a policy titled: *Water Quality Control Policy for Siting, Design, Operation, and Maintenance of Onsite Wastewater Treatment Systems* ([OWTS Policy](#)).

The OWTS Policy establishes risk-based performance and protection standards expected from OWTS and recognized responsible local agencies as the most effective means to manage OWTS on a routine basis. An important element of the OWTS Policy directs all Regional Water Quality Control Boards, among other tasks, to coordinate with local agencies and, where necessary, to improve upon existing local programs. Finally, the OWTS Policy sets forth timelines for specific actions required for compliance.

Local Agency Management Program

The OWTS Policy, Tier 2, Section 9, Local Agency Management Programs (LAMPs) for New or Replacement OWTS allows local agencies to establish criteria that may differ from the Tier 1 Low Risk New or Replacement OWTS standards to allow for continued local agency oversight. The LAMP may accommodate regional geologic and climatic conditions as well as local policy implications to continue and facilitate local agency management and appropriate regulation of OWTS. The OWTS Policy also expands the traditional local oversight emphasis from the protection of public health to include the protection of water quality. To establish a locally enforceable program that is protective of water quality, the OWTS Policy recognizes that County ordinance changes might be required.

Imperial County is a local agency that was founded in 1907. The County encompasses 4,482 square miles, and has a 2010 census population of 174,528. On May 30, 2013, Imperial County Public Health Department, Division of Environmental Health (DEH), submitted an interim strategy for the permitting of OWTS. The interim strategy included a schedule to submit a LAMP and modify Chapter 8.80, *Onsite Wastewater Treatment Systems*, of the Codified Ordinances of Imperial County (Chapter 8.80). The DEH held numerous community meetings

throughout the County, including meetings held on October 20, 2015, in Brawley, on October 21, 2015, in El Centro and on October 23, 2015, in Palo Verde, introducing the OWTS Policy and draft LAMP to its citizens. The DEH also completed an Initial Study and Negative Declaration for the adoption of the LAMP, which was processed by the State Clearing House (SCH #2016011009) and provided a 30-day public review period that ended February 4, 2016. Most recently, on April 26, 2016, the [Imperial County Board of Supervisors](#) met, adopted the Negative Declaration, approved the LAMP, including special provisions, and approved modifications to Chapter 8.80.

DEH staff and Colorado River Basin Water Board staff worked collaboratively in the development of the LAMP. Board staff has reviewed the LAMP and has determined that the LAMP addresses the required elements of the OWTS Policy and thus, recommends Board approval by adoption of Resolution R7-2016-0020.

In accordance with the OWTS Policy, Tier 2, Section 9.33, the DEH will submit its first annual report to the Colorado River Basin Water Board for staff review on or before February 1, 2017.

Advanced Protection Management Program for Impaired Areas

The OWTS Policy, Tier 3, Section 10, Advanced Protection Management Programs (APMP) for Impaired Areas allows local agencies to establish criteria to mitigate the impacts of onsite systems to nitrogen and pathogen impaired (CWA 303(d) listed) surface water bodies. The [Substitute Environmental Document](#) adopted on June 19, 2012, which was prepared for the OWTS Policy, states: "The water bodies that are specifically identified in Attachment 2 of the policy are those water bodies for which regional water board staff believe, using their professional judgment and based on currently available information, that (1) existing OWTS are sources of pathogens ... and therefore will receive loading reductions in the TMDL [total maximum daily load], and ... Existing OWTS in Tier 3 are not subject to any additional requirements under the Policy, except to the extent that a TMDL or local agency management program imposes additional requirements for that watershed. (Any such watershed-specific requirements in the local agency management program are referred to in the Policy as 'special provisions.')

The Alamo River and the Palo Verde Lagoon are listed on Attachment 2 of the OWTS Policy for pathogen impairment. The OWTS Policy Tier 3, Section 10 further directs the Colorado River Basin Water Board to adopt total maximum daily loads (TMDLs) by 2017. The development of a TMDL that appropriately identifies corrective measures for OWTS causing pathogen impairments in the Alamo River and Palo Verde Lagoon is needed. All impaired surface water bodies require a TMDL with restrictions on the sources of pollution to correct the impairment.

To address this concern, the DEH has included an Advanced Protection Management Program as special provisions within the LAMP. The LAMP requires supplemental treatment for any new or replacement OWTS within 200 feet of the Alamo River. The DEH is also leading an effort to provide a centralized wastewater system within Palo Verde servicing all existing OWTS within the lagoon and outfall drain area. On January 28, 2016, the Imperial County Local Agency Formation Commission approved the award of sewerage authority to the Palo Verde County Water District. The DEH is working with the U.S. Department of Agriculture, the U.S. Environmental Protection Agency, and the Border Environment Cooperation Commission to

identify sources of funding for the Palo Verde Waste Water Treatment Plant that is planned for completion by 2021.

A completed TMDL identifying corrective measures for OWTS for the Alamo River, the Palo Verde Lagoon or additional CWA section 303(d) listed impairments in Imperial County may require modifications to the LAMP. The Colorado River Basin Water Board may also consider Basin Plan prohibition zones for areas with water quality impacts from OWTS. There are currently no Basin Plan OWTS prohibition zones within Imperial County.

Area applicability of the LAMP

The preferred alternative to an OWTS is where a city or sanitary district sewer is available. However, where a sewer is not available, such as unincorporated areas within Imperial County, then those areas are subject to the County LAMP and Chapter 8.80. Accordingly, they must obtain an onsite permit from Imperial County. The Colorado River Basin Water Board staff encouraged the County to consider coordinating with cities and other local agencies with jurisdictional boundaries entirely within the County. In this way any incidental development requiring an OWTS would adhere to the County LAMP and Chapter 8.80 provisions and be in compliance with the OWTS Policy.

Along these lines, on February 2, 2016, the Brawley City Council heard and approved a consent calendar resolution to participate in the County LAMP and to provide written authorization for the County to administer the LAMP in the city of Brawley. The County agreed to implement the LAMP requirements within the city of Brawley. Additional incorporated cities within Imperial County that must comply with the OWTS Policy include Calexico, Calipatria, El Centro, Holtville, Imperial, and Westmorland. Thus, to qualify for Tier 2 local agency regulation of New or Replacement OWTS, these cities must submit their LAMPs by May 13, 2016 to the Colorado River Basin Water Board.

Anyone wishing relief from the County LAMP and Chapter 8.80 must form a sphere of influence or municipal service area through the provisions of the Local Agency Formation Commission (see this website for more information: <http://www.iclafco.com/>) for the specified purpose of permitting OWTS and administering the OWTS Policy. The newly formed municipal service area is then subject to the OWTS Policy and must submit a LAMP to the Colorado River Basin Water Board for review and approval.

In areas of Imperial County where no LAMP is approved by the Colorado River Basin Water Board, such as incorporated areas outside the jurisdiction of the County, all new and replacement OWTS must conform to the OWTS Policy Tier 1 Low Risk New or Replacement OWTS standards.

Existing Systems

The OWTS Policy Tier 0 (zero), Existing OWTS, extends regulatory coverage to existing systems which are properly functioning and do not need corrective action, and can otherwise comply with the criteria in the Waiver of Waste Discharge Requirements (Waiver) described in Section 12 of the OWTS Policy. For the purposes of compliance with the Waiver, the Resolution extends to the Imperial County Division of Environmental Health, which shares authority to designate that an existing system needs corrective action.

Information Sheet Resolution R7-2016-0020 Approving the Local Agency Management Program for Imperial County Public Health Department, Division of Environmental Health

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Attachments:

1. Resolution No. R7-2016-0020
2. [Imperial County LAMP](#)
3. [Chapter 8.80](#), *Onsite Waste Water Treatment*, Codified Ordinances of the County of Imperial

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