

Lahontan Regional Water Quality Control Board

October 26, 2016

(LAMP) San Bernardino County
Hesperia

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Lahontan Water Board Comments on the City of Hesperia Draft Local Agency Management Program, San Bernardino County

The City of Hesperia (City) submitted a Draft Local Agency Management Program (LAMP) to the Regional Water Quality Control Board, Lahontan Region (Water Board), dated May 13, 2016. The City proposes a LAMP (Tier 2) for new and replacement onsite wastewater treatment systems (OWTS) instead of Tier 1 compliance under the State Board's OWTS Policy. Our comments are presented in the body of this letter.

Issues of Concern

- A. Water Quality Assessment Program (WQAP) – We recognize that the single most challenging issue for the City and Water Board is implementing a meaningful, cost-effective, and adequate WQAP to satisfy OWTS Policy §9.3. The City identifies the Salt and Nutrient Management Program (SNMP) for identification of existing groundwater data sources. However, the proposed program does not describe how the City will select and use the data to meet OWTS Policy §9.3.2 requirements to assess the impact of OWTS on surface and groundwater.

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

- Be adaptive and modified over time in collaboration with affected stakeholders.
- Include specific elements for particular areas of high risk to water quality impairment 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. In Hesperia, these areas may include the following.

1. Areas with shallow groundwater, particularly the Mojave River flood plain aquifer (see Enclosure, Area "1").

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

2. High density ($\frac{1}{2}$ acre or less lot size) areas that are not sewerred (see Enclosure, Area "2").
 3. Areas with existing or proposed OWTS discharges within municipal production well capture zones.
- Identify individual private residential wells in areas of high density OWTS willing to participate in regional groundwater data collection.
 - Assess efforts to establish onsite maintenance districts or zones and feasibility of extending municipal sewage collection systems.
 - Assess locations near high density OWTS where future groundwater monitoring wells could be installed.
 - Assess water quality trends, especially with respect to nitrate concentrations.
 - Clarify procedures to exchange data with other agencies and improve collaboration between entities collecting data.
 - Consider electronic mapping location of existing and new OWTS, focusing on areas with characteristics listed under OWTS Policy §9.1.
 - Identify existing domestic or municipal supply and monitoring wells (private and public) and prioritize wells that can be used to assess water quality associated with OWTS over time.

B. Performance Regulatory Program for supplemental treatment systems (STS) and non-conventional dispersal systems – please address the following items:

1. The City defines STS in LAMP Chapter 2, and the definition is identical to the definition in the OWTS Policy. However, in LAMP Chapter 5, the City states that pressurized drip dispersal systems are allowed. Please clarify whether pressurized drip dispersal systems are regulated in your performance regulatory program.
2. Please list the types of STS and non-conventional dispersal systems that are within the scope of your STS performance regulatory program. Please include the maximum flow rate, design standards, and performance objectives for each type of system. This information could be placed in a LAMP design manual that is made part of the LAMP.
3. Please provide detailed requirements of your performance regulatory program. Please include the following items:
 - a. The performance regulatory program effective date.
 - b. An organization chart for the City showing the responsible individuals or departments for administering the program.
 - c. Program description, including:
 - i. Permit application, review, approval, and renewal process
 - ii. OWTS owner service provider requirements

- iii. Methods of specifying, receiving, and storing monitoring data from OWTS owners or OWTS service providers
 - iv. OWTS inspection program, including your inspection form and the number of OWTS inspections each year
 - v. Enforcement program, including evaluation of monitoring data and inspection results, issuing corrective action notices, and assuring that OWTS owners complete necessary repairs.
4. Please provide ordinance or other evidence of authorities that defines the procedures for administering the program, including enforcement.
- C. OWTS Discharge Density – Generally, the City proposes to continue with the past Memorandum (MOU) density standards, which include a minimum ½ acre lot size for individual residences and a maximum of 500 gallons per acre per day for non-residential or mix occupancy development (Chapter 3, Maximum Flow and Land Use Density). Please address the following comments:
1. It is generally understood that OWTS discharges pollute groundwater over time, primarily with respect to pathogens and nitrate, under various soil type, climatic, hydrogeological, and density conditions. We believe that in arid regions with closed groundwater basins, high density OWTS discharges will have long-term adverse groundwater impacts. As such, in areas where the City continues with ½ acre minimum lot size for development using OWTS, we request that the WQAP address these areas to verify that OWTS are not polluting groundwater quality.
 2. Staff also encourages the City to consider that certain areas of high density OWTS should be considered for municipal sewage collection and treatment systems, especially along the Mojave River and in central Hesperia (see enclosure, Areas “1” and “2”, respectively). The City 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.
 3. Please clarify LAMP section 3 (Maximum flow and Land Use Density), the second bullet regarding the 15,000 square feet limit. This implies that future lots may be subdivided down to 15,000 square feet with OWTS for sewage disposal. The Basin Plan previously allowed OWTS on lots of less than ½ acre, no smaller than 15,000 square feet net, when that lot was subdivided on or before June 18, 1988. However, the OWTS Policy supersedes the Basin Plan density requirements and no longer supports new OWTS discharges in new subdivisions on lot sizes smaller than 2 – 2.5 acres.
 4. OWTS Policy §9.6 allows a regional water board, in reviewing a LAMP, to consider the past performance of the local agency program to adequately protect water quality. For density, you propose to continue with the MOU as a

past performance method. However, the MOU did not include findings that the density standards are protective of water quality. Therefore, please provide technical justification as to why the existing MOU density standards applied within your jurisdiction are protective of water quality.

- D. Referrals to the Water Board – The LAMP does not discuss referrals of proposed OWTS to the Water Board for approval. Some previous referred cases were situations with new or replacement OWTS and densities greater than two equivalent dwelling units / acre (or 500 gal/acre). Referrals may also include systems with STS and systems with dispersal systems other than leach fields or seepage pits. The referral process should be clearly identified in the LAMP and City staff (not the discharger) should make the initial referral to the Water Board. A City contact should be provided to which Water Board staff may direct questions.

Water Code section 13360 restricts the Water Board from approving the manner or method of wastewater treatment system design of any kind. The Water Board can, however, offer suggestions in the design of systems referred to the Water Board. Therefore, the City needs to explain in the LAMP that the Water Board will review the design of referred systems and provide recommendations to the City for their use in their approval of these systems.

- E. Items not allowed for authorization in a LAMP (OWTS Policy §9.4) – Water Board has reviewed Chapter 8 of the draft LAMP and finds that it meets OWTS Policy §9.4 of items not allowed in a LAMP.
- F. Future OWTS – The LAMP section 1 (City of Hesperia General Information), third paragraph second sentence should be clarified. It states: “All areas on Figure 1-2 that are not highlighted either currently utilize OWTS and will be allowed to remain on OWTS; or are vacant properties that will be allowed to utilize OWTS as they develop.” This figure shows areas that are not highlighted where the City has proposed a sewer collection and treatment system, such as the Tapestry Project area (see Enclosure, Area “3”). Additionally, Water Board staff believes there are areas of future commercial development that will likely be connected to a sewer collection system that is not highlighted, such as the I-15/Hwy 395 corridor and the Rancho Road corridor (see Enclosure, Area “4”).

Closing

Please submit a revised draft LAMP that addresses the above comments. This revised draft LAMP must include, as an appendix or attachment, an objective-based process for establishing and conducting the WQAP. In addition, please provide the draft ordinance, as another appendix, for operating permits for STS.

The OWTS Policy requires the Water Boards to review and approve LAMPs by May 2017. To that end, the City’s LAMP will need to be finalized by early 2017 in order to meet the OWTS Policy schedule.

Please send all future correspondence regarding this Project to the Water Board's email address at Lahontan@waterboards.ca.gov.

If you have any questions, please call Mike Coony, Water Resources Control Engineer, 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.

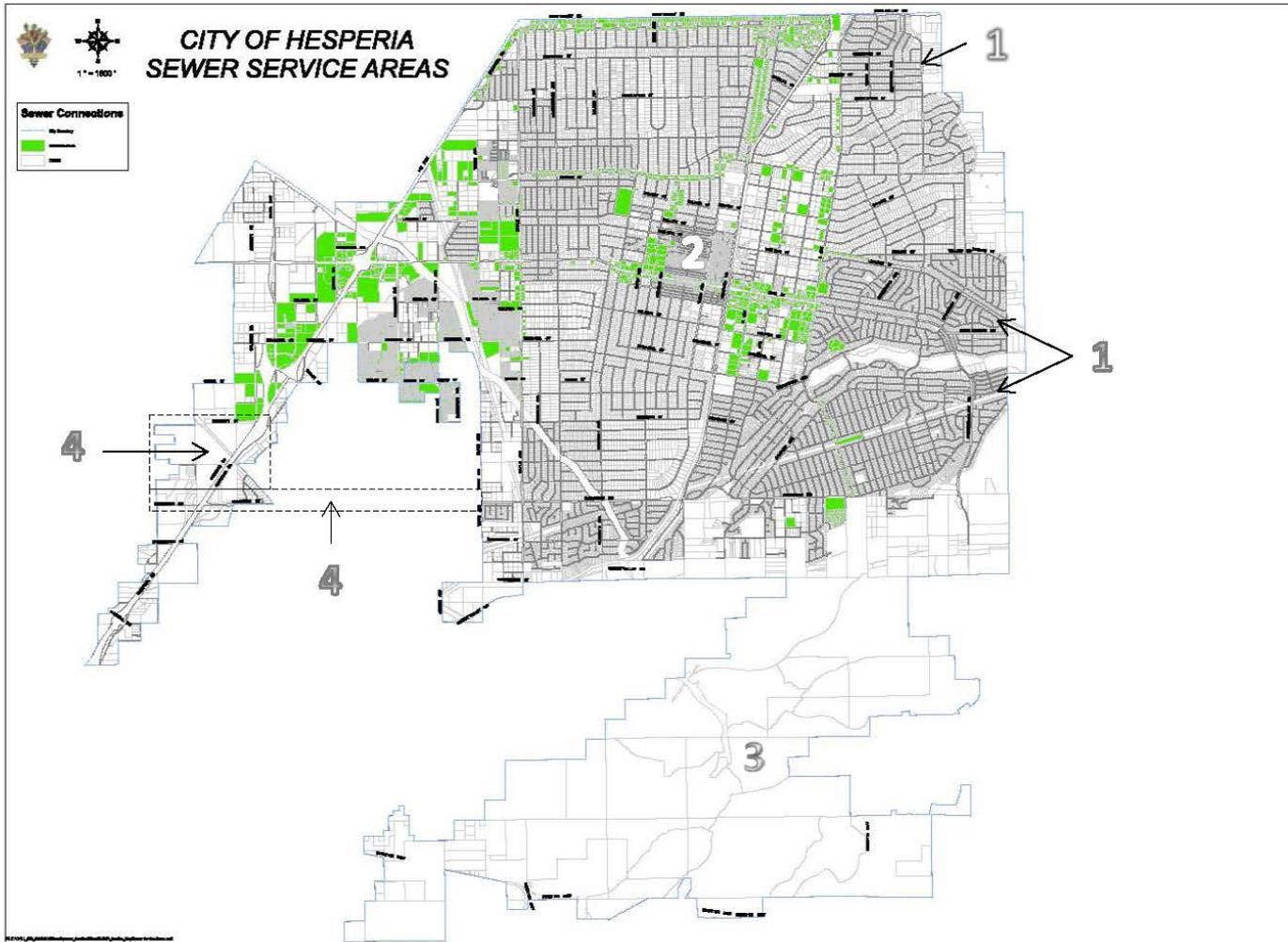
A handwritten signature in blue ink that reads "Lauri Kemper". The signature is fluid and cursive, with the first name "Lauri" being larger and more prominent than the last name "Kemper".

Lauri Kemper, P.E.
Assistant Executive Officer

Enclosure: City of Hesperia, Sewer Service Areas

cc: Mike Podegracz, Charles Abbott Associates, Inc.
Mike Coony, Lahontan Water Board
Jehiel Cass, Lahontan Water Board

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Legend

- 1 = Areas in or near the Mojave River flood plain aquifer
- 2 = High density (½ acre or less) areas that are not sewered (green areas indicate sewered areas)
- 3 = Tapestry Development
- 4 = Commercial corridors along I-15 and Rancho Rd (Rancho Rd is considered within Hesperia sphere of influence)

Enclosure
 Hesperia High Density / High Risk Areas