

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

EXECUTIVE OFFICER SUMMARY REPORT

SEPTEMBER 14, 2022

ITEM NO. 3

SUBJECT

Consideration of Tentative Order No. R9-2022-0049, *An Order Rescinding Order No. R9-2009-0009, Waste Discharge Requirements for the California Department of Forestry and Fire Protection, Rainbow Conservation Camp, San Diego County* (Tentative Order No. R9-2022-0049). (Brandon Bushnell)

STAFF RECOMMENDATION

Staff recommends adoption of Tentative Order No. R9-2022-0049.

KEY ISSUES

Tentative Order No. R9-2022-0049 (**Supporting Document 1**), if adopted, rescinds Order No. R9-2009-0009, *Waste Discharge Requirements for the California Department of Forestry and Fire Protection, Rainbow Conservation Camp, San Diego County* (Order No. R9-2009-0009). The onsite wastewater treatment systems (OWTS) at Rainbow Conservation Camp (Facility), owned and operated by the California Department of Forestry and Fire Protection (Discharger), will be regulated under State Water Resources Control Board Order WQ 2014-0153-DWQ, *General Waste Discharge Requirements for Small Domestic Wastewater Treatment Systems* (General Order).¹

PRACTICAL VISION

Tentative Order No. R9-2022-0049 is consistent with the Strategize for Healthy Waters chapter of the *San Diego Water Board Practical Vision*.² The use of statewide permits, like the General Order, help the San Diego Water Board focus staff resources on larger projects and facilities within the region that pose a greater threat to water quality. Additionally, enrolling dischargers in the General Order maintains consistent regulation of small domestic wastewater systems throughout the state.

¹ General Order:

https://www.waterboards.ca.gov/board_decisions/adopted_orders/water_quality/2014/wq2014_0153_dwq.pdf

² Practical Vision:

https://www.waterboards.ca.gov/sandiego/water_issues/programs/practical_vision/

DISCUSSION

The purpose of this item is to provide the Board with information to assist in its consideration of Tentative Order No. R9-2022-0049. If adopted, Tentative Order No. R9-2022-0049 will rescind Order No. R9-2009-0009 and activate the Facility's enrollment in the General Order.

The Facility is located at 8215 Rainbow Heights Road, Fallbrook in San Diego County (**Supporting Document 2**). Board staff inspected the Facility on November 1, 2021, and did not observe any violations of the requirements specified in Order No. R9-2009-0009 during the inspection.

Board staff reviewed the requirements specified in Order No. R9-2009-0009 with the Discharger's annual monitoring reports and determined the Facility's OWTS is eligible for enrollment in the General Order. Furthermore, Order No. R9-2009-0009 is not as protective of water quality as the requirements specified in the General Order. Implementation of the General Order provides a more appropriate, consistent, and streamlined statewide approach to regulating small domestic wastewater treatment systems. Discharges from small domestic wastewater treatment systems have certain common characteristics, such as similar constituents, concentrations of constituents, disposal techniques, and flow ranges, and require the same or similar treatment standards. While the Discharger may request to be regulated under individual waste discharge requirements, the Facility's enrollment in the General Order allows the Board to effectively and efficiently regulate discharges from small domestic wastewater treatment systems, while prioritizing the agency's limited resources.

The Board released Tentative Order No. R9-2022-0049 on March 9, 2022, for a 30-day public review and comment period (**Supporting Documents 3 and 4**). The Board received one comment letter during the comment period, from the County of San Diego Department of Environmental Health and Quality (SD DEHQ) on April 8, 2022 (**Supporting Document 5**). Board staff met with SD DEHQ to discuss the comments received and identified a need to start providing administrative drafts of Notices of Applicability (NOA) for facilities eligible for enrollment in the General Order, during the public comment period. Board staff allowing the public to review administrative draft NOAs will make transparent how the Board proposes to regulate facilities enrolled in the General Order.

Board staff prepare NOAs in accordance with the General Order, after determining if a facilities enrollment is appropriate. The NOA contains all the necessary site-specific monitoring and reporting requirements for a facility. For existing facilities operating under individual waste discharge requirements (WDRs), the Board's Executive Officer issues the NOA to the facility's responsible parties, prior to the Board's consideration to rescind the facility's existing individual WDRs.

Board staff voluntarily pulled Tentative Order No. R9-2022-0049 from the May 11, 2022, board meeting agenda. Board staff released Tentative Order No. R9-2022-0049 on June 14, 2022, for an additional 30-day public review and comment period, and provide for public review an administrative draft of the NOA (**Supporting Documents 8 and 9**) to enroll the Facility in the General Order. The Board did not receive any additional comments during the second public comment period. Board staff prepared a response to comments document (**Supporting Document 4**).

SIGNIFICANT CHANGES

The significant differences between the General Order and Order No. R9-2009-0009 are:

1. Order No. R9-2009-0009 includes specific individual waste discharge requirements for the Facility, whereas the General Order regulates OWTS consistently statewide.
2. The monitoring required by the General Order is less stringent than the monitoring required by Order No. R9-2009-0009. The monitoring and reporting program required by the General Order, however, is more appropriate because it is consistent with the monitoring and reporting requirements for facilities of similar size and discharge across the state.
3. The General Order enrollment will allow the Discharger to use the septic tank for treatment and disposal of wastewater when the Facility does not generate enough wastewater to sustain the package treatment plant's activated sludge process.

COMPLIANCE RECORD

The Board issued four staff enforcement letters for the following violations of Order No. R9-2009-0009:

- Failure to report sewage sludge monitoring in 2014.
- Exceedance of total dissolved solids effluent limitation in 2015, 2016, and 2021.
- Exceedance of sulfate effluent limitation in 2016.
- Exceedance of iron effluent limitation in 2021.
- Exceedance of nitrate as nitrogen effluent limitation in 2021.
- Exceedance of manganese effluent limitation in 2021.
- Exceedance of total suspended solids effluent limitation in 2021.

The Facility no longer houses inmates and therefore does not consistently generate adequate wastewater flow to properly operate the package treatment plant to meet effluent limitations in Order No. R9-2009-0009. The General Order enrollment will allow the Discharger to use the septic tank for treatment and disposal of wastewater when the Facility does not generate enough wastewater to sustain the package treatment plant's activated sludge treatment process. Since the issuance of a staff enforcement letter on March 30, 2022, no violations of Order No. R9-2009-0009 have been identified.

PUBLIC NOTICE

Board staff notified the Discharger and known interested parties of this action on March 9, 2022. Additionally, the Board posted Tentative Order No. R9-2022-0049 on its website on March 9, 2022. The Board received one comment letter from the SD DEHQ on April 8, 2022. In response to SD DEHQ's comment, Board staff met with SD DEHQ to discuss and resolve their comments on May 9, 2022. Board staff released Tentative Order No. R9-2022-0049 for a second 30-day comment period, along with an administrative draft of the Facility's NOA, on June 14, 2022. The Board did not receive any additional comments during the second public comment period. Board staff also prepared a response to comments document to address SD DEHQ's comment letter. These actions satisfy the 30-day public notification and comment period requirements of Water Code section 13167.5.

SUPPORTING DOCUMENTS

1. Tentative Order No. R9-2022-0049
2. Vicinity and Facility Map
3. March 2022 Transmittal Letter
4. March 2022 Notice of Public Hearing and Comment Period
5. SD DEHQ Comment Letter
6. Response to Comments
7. Notice of Applicability for Rainbow Conservation Camp
8. June 2022 Transmittal Letter
9. June 2022 Notice of Public Hearing and Comment Period