

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

EXECUTIVE OFFICER SUMMARY REPORT

November 13, 2024

ITEM NO. 4

SUBJECT

Consideration of Tentative Resolution No. R9-2024-0130, *Approving the County of San Diego's Local Agency Management Program for Regulating Onsite Wastewater Treatment Systems* (Tentative Resolution No. R9-2024-0130). (Dr. Mahsa Izadmehr)

STAFF RECOMMENDATION

Staff recommends adoption of Tentative Resolution No. R9-2024-0130 (**Supporting Document No. 1**).

KEY ISSUES

- Tentative Resolution No. R9-2024-0130, if approved, will allow the County of San Diego Department of Environmental Health, Land, and Water Quality (DEHQ) to implement the 2024 Local Agency Management Program (2024 LAMP). The 2024 LAMP (**Supporting Document No. 2**) establishes minimum standards for the design, siting, and management of onsite wastewater treatment systems (OWTS) which in several instances are different from those specified in Tier 1 of the State Water Resources Control Board (State Water Board) *Water Quality Control Policy for Siting, Design, Operation, and Maintenance of Onsite Wastewater Treatment Systems* (OWTS Policy).
- The County of San Diego Board of Supervisors adopted the 2024 LAMP on August 28, 2024, and submitted the 2024 LAMP to the San Diego Water Board for approval, in accordance with the State Water Board's OWTS Policy.
- Approval of the 2024 LAMP will allow the San Diego Water Board to continue to defer regulation of qualifying OWTS to the DEHQ, ensuring OWTS are efficiently regulated in a manner that prevents adverse impacts to water quality and public health.

PRACTICAL VISION

The San Diego Water Board's Practical Vision aims to ensure healthy waters through outcome-focused efforts that support human uses and sustainable ecosystems. This vision is implemented through various strategies, including robust monitoring and

assessment programs, recovery of wetlands and riparian areas, climate change mitigation, and strong community engagement. These efforts are guided by principles of leadership, stewardship, communication, and transparency, ensuring that the Water Board's actions are scientifically based and community-focused. Similarly, Local Agency Management Programs (LAMPs) focus on ensuring that OWTS do not adversely affect groundwater and surface water quality. LAMPs include comprehensive standards for system design, permitting, groundwater separation requirements, percolation testing, maintenance of OWTS, etc. By adhering to these standards, LAMPs serve to minimize the impacts of OWTS on the environment, thereby supporting the broader goals of sustainable water management and public health protection as outlined in the Practical Vision.

DISCUSSION

The purpose of this item is to provide the Board with information to assist in its consideration of Tentative Resolution No. R9-2024-0130. If approved, Tentative Resolution No. R9-2024-0130 allows DEHQ to implement the 2024 LAMP.

Development of the 2024 LAMP

DEHQ prepared and submitted the draft 2024 LAMP to San Diego Water Board staff on March 11, 2024. The draft 2024 LAMP contains alternative minimum standards for the design, siting, and management of OWTS in San Diego County, which in several instances are different from those specified in Tier 1 of the State Water Board's OWTS Policy. San Diego Water Board staff worked collaboratively with DEHQ, the California Regional Water Quality Control Board, Colorado River Basin Region, and the State Water Board, to ensure the 2024 LAMP addresses the required elements of the OWTS Policy.

The 2024 LAMP is an update of the County's original LAMP which was approved in 2015. The 2024 LAMP incorporates various changes to improve alignment with the OWTS Policy, promote proper siting and operation of OWTS, and increase protection of water quality and public health. Notable changes incorporated into the 2024 LAMP include:

- a. **New and Revised Definitions.** The 2024 LAMP contains new definitions and clarifies certain existing definitions to enhance clarity and ensure consistency.
- b. **Reduction in the Eligible Maximum Daily Flow Limit.** The 2024 LAMP regulates new and replacement OWTS with a maximum daily flow limit of 3,500 gallons per day (gpd), which is a reduction from 10,000 gpd under the 2015 LAMP.
- c. **New and Revised Setback Requirements.** The 2024 LAMP contains new setback distances and makes some changes to setback distances required to be maintained from OWTS components. For example, the 2024 LAMP adds new allowable setback distances to be maintained between OWTS components and stormwater features such as surface runoff channels, swales, manmade ponds,

etc. The LAMP also increases the allowable setback distance between OWTS components and surface water bodies such as ponds, lakes, reservoirs, vernal pools from 100 feet to 200 feet.

- d. **New Slope Stability Study and Monitoring Requirements.** The 2024 LAMP includes a new requirement to conduct slope stability studies and groundwater monitoring, in specific circumstances, to prevent adverse impacts to water quality and public health.
- e. **Revised Supplemental/Advanced Treatment System Requirements.** The 2024 LAMP contains updated requirements for supplemental/advanced treatment systems and for subsurface drip dispersal systems.

DEHQ developed the draft 2024 LAMP in coordination with stakeholders. DEHQ held six virtual and in-person stakeholder sessions between September 15, 2022, and July 16, 2024, which were attended by 47 participants. DEHQ prepared and provided stakeholders with a summary of comments received, responses to those comments, and a summary of the final changes made to the draft 2024 LAMP. DEHQ posted this information on its website.

The County of San Diego Board of Supervisors approved the 2024 LAMP on August 28, 2024. DEHQ prepared the 2024 LAMP pursuant to the State Water Board's OWTS Policy. The Tentative Resolution proposes to approve the 2024 LAMP, enabling DEHQ to use the 2024 LAMP in regulating OWTS within San Diego County.

Background Information on OWTS and the State Board OWTS Policy

OWTS are used for treating and disposing of domestic wastewater from residences and from commercial establishments in areas that are not connected to centralized sanitary sewer systems and wastewater treatment plants. OWTS allow for continued development in areas not connected to centralized sewage collection and treatment facilities, while still protecting water quality and public health. The vast majority of OWTS consist of septic tanks and subsurface disposal systems (e.g., leach fields, seepage pits, etc.). In specific instances, supplemental/advanced treatment systems are used in addition to septic tanks. Supplemental/advanced treatment systems are typically used in areas where soil conditions, site constraints, or environmental concerns make standard septic tanks and subsurface disposal systems inadequate. DEHQ regulates both qualifying septic tanks/subsurface disposal systems and supplemental/advanced treatment systems under its LAMP.

The OWTS Policy recognizes that responsible local agencies can provide the most effective means to routinely manage OWTS. Therefore, the OWTS Policy encourages more efficient use of staff resources through coordination between State and local agencies. For this purpose, the OWTS Policy establishes a statewide, risk-based, tiered approach for the regulation and management of OWTS installations and replacements and establishes the level of performance and protection expected from OWTS. The OWTS Policy consists of five tiers (Tiers 0,1,2, 3, and 4). Tier 2 of the policy allows local

agencies to develop LAMPs which contain minimum standards for design, siting, and management of OWTS that are different from those specified in Tier 1. A LAMP approved by a Regional Water Quality Control Board (Regional Board) under Tier 2 provides an alternate method for local agencies to regulate OWTS.

Public Comments Summary

San Diego Water Board staff notified interested persons on September 18, 2024, of the availability of the Tentative Resolution for review and comments. Board staff also notified interested persons that the San Diego Water Board will only be accepting written comments on the Tentative Resolution and the 2024 LAMP's adherence to the OWTS Policy. The San Diego Water Board received one comment letter (**Supporting Document No. 3**) from Larry Newcomb, and Board staff prepared written responses to those comments (**Supporting Document No. 4**). In general, the comments received did not pertain to the Tentative Resolution or identify inconsistencies between the 2024 LAMP and the OWTS Policy, and as such Board staff did not make any changes to the Tentative Resolution.

PUBLIC NOTICE

The San Diego Water Board released the Tentative Resolution for public review and comment on September 18, 2024. The Notice of Public Hearing and Comment Period was posted on the San Diego Water Board website for the duration of the comment period and sent to all known interested persons by email on September 17, 2024. A copy of the Notice is included as **Supporting Document No. 5**. A Meeting Notice and Agenda for the November 2024 Board meeting was posted on the San Diego Water Board's website.

SUPPORTING DOCUMENTS

1. Tentative Resolution No. R9-2024-0130
2. Local Agency Management Plan for Onsite Wastewater Treatment Systems- Final Draft, dated August 14, 2024
3. Comment Letter from Larry Newcomb
4. Response to Comments
5. Notice of Public Hearing and Comment Period