

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

TENTATIVE RESOLUTION NO. R9-2024-0130

**APPROVING THE COUNTY OF SAN DIEGO'S LOCAL AGENCY MANAGEMENT
PROGRAM FOR REGULATING ONSITE WASTEWATER TREATMENT SYSTEMS**

The California Regional Water Quality Control Board, San Diego Region (San Diego Water Board), finds that:

1. The State Water Resources Control Board (State Water Board) adopted the *Water Quality Control Policy for Siting, Design, Operation, and Maintenance of Onsite Wastewater Treatment Systems* (OWTS Policy) on June 19, 2012, under Resolution No. 2012-0032. The Office of Administrative Law approved the OWTS Policy on November 13, 2012, and became effective on May 13, 2013. The State Water Board amended the OTWS Policy through the adoption of Resolution Nos. 2018-0019 and 2023-0012 on April 17, 2018, and April 18, 2023, respectively.
2. Onsite Wastewater Treatment Systems (OWTS) are used for treating and disposing domestic wastewater from residences and commercial establishments in areas that are not connected to sanitary sewer systems and centralized wastewater treatment plants. OWTS typically consist of septic tanks and subsurface disposal systems, such as leach fields or seepage pits. In special cases, OWTS may include supplemental/advanced treatment systems with subsurface drip dispersal systems. OWTS allow for continued development in areas without centralized wastewater collection and treatment facilities. When properly sited, designed, operated, and maintained OWTS treat domestic wastewater to reduce impacts on water quality and protect public health.
3. The OWTS Policy recognizes that local agencies can provide the most effective means to manage OWTS on a continuous basis and established tiered statewide standards for local agencies to regulate and manage OWTS installations and replacements. The OWTS Policy sets the expected level of performance and protection for these systems and conditionally waives the requirement for OWTS owners to submit a report of waste discharge, obtain waste discharge requirements, and pay fees; provided the systems meet the OWTS Policy conditions.
4. Tier 2 of the OWTS Policy allows local agencies to develop a Local Agency Management Program (LAMP), to accommodate for local environmental conditions and needs. The LAMP serves as an alternative to standards specified in Tier 1, offering flexibility in the siting and design of OWTS, while maintaining or exceeding the level of protection required by the OWTS Policy. Local agencies are required to submit their LAMPs to the appropriate Regional Water Quality Control Board (Regional Water Board) for approval consideration. Tier 2 of the OWTS

Policy also requires local agencies to maintain a water quality assessment program to evaluate impact of OWTS on groundwater and surface water quality.

5. Regulating OWTS under a LAMP is an efficient use of resources because it allows local agencies to tailor OWTS management to their specific environmental conditions. This flexibility enables more effective resource allocation by focusing on local issues, such as soil characteristics or proximity to sensitive water bodies. Additionally, by decentralizing management and leveraging local expertise, utilizing a LAMP for regulating OWTS reduces the burden on state resources while still protecting water quality and public health.
6. Attachment 3 of the OWTS Policy designates the San Diego Water Board as the Regional Water Board responsible for reviewing and approving the LAMP for San Diego County.¹
7. The San Diego Water Board approved the original 2015 LAMP prepared by the County of San Diego Department of Environmental Health, Land, and Water Quality (DEHQ) on April 29, 2015, pursuant to the 2013 OWTS Policy. Following approval by the San Diego Water Board, the County of San Diego Board of Supervisors adopted the 2015 LAMP on June 24, 2015.
8. DEHQ conducted a 5-year evaluation of the 2015 LAMP, and the County of San Diego's ordinances related to the regulation of OWTS. DEHQ determined that a revised LAMP is necessary to: 1) improve clarity and alignment with the current OWTS Policy and existing ordinances, 2) eliminate inconsistencies, and 3) improve the overall readability.
9. DEHQ held six virtual and in-person stakeholder sessions between September 15, 2022, and July 16, 2024. DEHQ provided stakeholders, including San Diego Water Board staff, with 1) the findings from the evaluation of the 2015 LAMP and OWTS related ordinances, 2) the proposed 2024 LAMP, and 3) the potential amendments to OWTS related ordinances. DEHQ received written comments from stakeholders and prepared written responses to the comments and further amended the 2024 LAMP. DEHQ posted summaries of the comments received, responses to comments, and final changes made to the 2024 LAMP, to the County of San Diego's website.² Notable changes incorporated into the 2024 LAMP include:
 - a. A 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.

¹https://www.waterboards.ca.gov/water_issues/programs/owts/docs/adopted_owts_policy.pdf

²https://www.sandiegocounty.gov/content/sdc/deh/lwqd/lu_septic_systems.html

- b. An increase in the allowable setback distances between OWTS components and surface water bodies (e.g., ponds, lakes, creeks, etc.). The 2024 LAMP requires a setback of 200 feet, which is an increase from 100 feet under the 2015 LAMP.
 - c. A new requirement to conduct slope stability studies and groundwater monitoring, in specific circumstances, to prevent adverse impacts to water quality and public health.
 - d. An update to the requirements for supplemental/advanced treatment systems and for subsurface drip dispersal systems.
10. The County of San Diego Board of Supervisors approved the 2024 LAMP on August 28, 2024, and submitted the 2024 LAMP to the San Diego Water Board for approval consideration.
 11. San Diego Water Board staff worked collaboratively with DEHQ, the California Regional Water Quality Control Board, Colorado River Basin Region, and State Water Board, to ensure the 2024 LAMP addresses the required elements of the OWTS Policy.
 12. The San Diego Water Board notified interested persons on September 18, 2024, of the availability of Tentative Resolution No. R9-2024-0130 (Tentative Resolution) which proposes to approve the 2024 LAMP and provided interested persons with an opportunity to submit written comments on the Tentative Resolution. The San Diego Water Board accepted written comments on the Tentative Resolution only. The San Diego Water Board did not accept written comment on the 2024 LAMP because DEHQ received and responded to written comments on the 2024 LAMP during its public comment and stakeholder process.

THEREFORE, be it resolved:

1. The San Diego Water Board hereby approves the County of San Diego's 2024 LAMP; and
2. The San Diego Water Board directs the County of San Diego to implement the 2024 LAMP, in accordance with the OWTS Policy.

I, David W. Gibson, Executive Officer, do hereby certify the foregoing is a full, true, and correct copy of an Order adopted by the California Regional Water Quality Control Board, San Diego Region, on November 13, 2024.

TENTATIVE

David W. Gibson, Executive Officer