

SEPTIC TANK GUIDELINES

Memorandum of Understanding
Between the
California Water Quality Control Board
Lahontan Region and County of Modoc

This Memorandum of Understanding is entered into by and between the California Regional Water Quality Control Board, Lahontan Region (hereinafter Board), and the County of Modoc (hereinafter County). Its purpose is to expedite the overall review process for proposed developments and to provide a clear operating policy between the Board and the County on the implementation of the Board's guidelines for wastewater disposal from land developments.

Section 13260 of the California Water Code requires any person discharging waste or proposing to discharge waste that may affect waters of the State, except to a community sewer system, to file a report of waste discharge with the regional board of that region. Implementation of this code section has included regulation of individual waste systems wherever warranted.

In 1973 and again in 1974, the Board adopted guidelines to (1) establish the conditions under which waivers of the filing requirement would be in the public interest (pursuant to California Water Code Section 13269); (2) establish minimum criteria for the use of individual systems; and (3) prevent pollution or nuisance caused by the discharges from leaching or percolation systems.

On January 14, 1988, the Regional Board adopted revisions to the "Guidelines for Waste Disposal From Land Developments." In conjunction with these revisions, the Regional Board also adopted the "Regional Board Guidelines for Implementation of Criteria for Individual Waste Disposal Systems." These implementation guidelines list general and specific provisions in considering exemptions to the maximum density criteria (2 EDU/acre equivalent dwelling units per acre) for individual waste disposal systems in both new and existing land developments.

This requirement also applies to domestic wastewater discharges from new commercial and industrial development with wastewater discharge volumes exceeding ~~50~~^{two} EDU per acre density (500 gal/day/acre based on 250 gal/day/EDU). On June 16, 1988, the State Water Resources Control Board approved the revisions. For purposes of this Memorandum of Understanding gross acreage is that area which encompasses the entire net lot area plus any underlying fee title within the adjacent right-of-ways, if any.

Inasmuch as the County has incorporated into its review criteria the "Minimum Criteria for Subsurface Discharge of Sewage" contained in the Boards guidelines, and has consistently applied these criteria in its review of proposed developments, it is not against the public interest for the Board to reduce its oversight work by eliminating redundant review of proposed projects.

It is agreed that:

- I. The County is authorized to issue construction permits for projects that utilize individual subsurface disposal systems without Regional Board approval under the following conditions:
 - A. All^c ~~the~~^{of} the following:
 1. The on-site soil characteristics comply with the established "Minimum Criteria for Individual Waste Disposal Systems" as adopted by Resolution 6-88-15; and
 2. The discharge is composed of domestic wastewater only; and
 - B. One of the Following:
 1. The development consists of single-family residences or multiple-family residences, the density does not exceed two equivalent dwelling units (EDU) per acre (500 gal/acre/day wastewater flow), or
 2. The development is non-residential or of mixed occupancy and the wastewater discharge does not exceed 500 gal/acre/day as determined using Table I-2 and I-3 in the Uniform Plumbing Code and occupant loads as determined by Table 33A in the Uniform Building Code; or

3. The development consists only of a single-family home on an individual lot which has a minimum net area of 15,000 square feet; or
4. The project is in a class that has been designated exempt from Regional Board review in writing under signature of the Regional Board Executive Officer; or
5. The project/development has been granted an exemption by the Board and complies with the County's standards for use of septic tank wastewater disposal systems.

II. The County shall not issue construction permits without Regional Board approval for the following projects:

- A. Projects that involve domestic wastewater discharge from commercial or industrial development in excess of 500 gallon/acre/day as determined by the Board; or
- B. Projects that will have industrial wastewater discharges; or
- C. Projects that exceed the two EDU/acre density requirement for septic tank use (except in exempted areas); or
- D. Projects that do not comply with the County's standards for use of septic tank wastewater disposal systems; or
- E. Projects located within existing waste discharge prohibition areas (unless in areas exempted in I.B. above); or
- F. Projects utilizing package wastewater treatment plants with on-site disposal; or
- G. Projects that consist of a single-family home on individual lots that were created out of a subdivision after June 16, 1988, when the lot has a net area of less than 15,000 square feet.

III. The County, at its discretion, may defer consideration of projects, based on water quality impacts, to the Board for any projects even if it appears that compliance with Section I of this Memorandum of Understanding has been achieved.

- IV. The County at its discretion may require the formation of a public entity (as defined in the State of California Government code Section 53090 et seq.) to maintain septic systems in residential developments of one hundred (100) lots or more.
- V. The Board may review permits issued by the County at its discretion. Copies of permits will be made available upon request for review in County offices.
- IV. The Board upon reviewing permits issued by the County may require proposals be submitted and/or waste discharge requirements (permits) be obtained for all other types of waste discharges such as stormwater runoff and solid waste leachate.
- VII. The County on its own initiative or at the request of an application and upon providing the information specified in the implementation guidelines, may apply for individual, large scale, or area-wide exemptions.
- VIII. The application for projects found in compliance with the Board's guidelines, will be notified of acceptance by issuance of a County building permit or by issuance of a Board clearance letter.
- IX. The County shall maintain a record of all documents submitted and reviewed under this Memorandum of Understanding. This record shall be kept as a note on the construction permit for each project.
- X. This Memorandum of Understanding shall be effective immediately after execution of this agreement and shall remain in full force until terminated by a prior thirty (30) day written notice by either party.

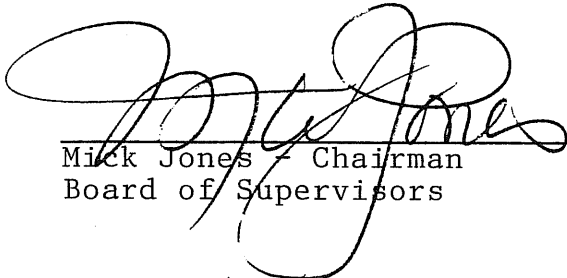
XI. This Memorandum of Understanding may be amended as mutually agreed to by the County and the Regional Board.

XII. All notices and communications under this Memorandum of Understanding shall be addressed to the following:

Mick Jones - Chairman
Modoc County Board of Supervisors
Courthouse
Alturas, CA 96101

Harold J. Singer
California Regional Water
Quality Control Board
PO Box 9428
So. Lake Tahoe, CA 95731

This Memorandum of Understanding is executed on the date of the most recent signature below, by the following authorized representatives of the parties.



Mick Jones - Chairman
Board of Supervisors

Date

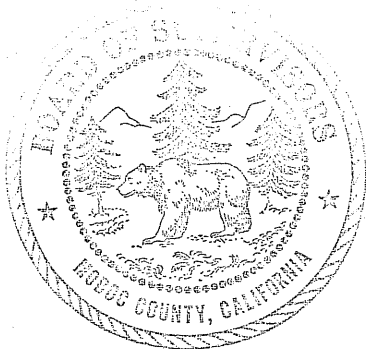
12/18/89



Harold J. Singer
Executive Officer

Date

Dec 26, 1989



CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD—
LAHONTAN REGION

2092 LAKE TAHOE BOULEVARD
P.O. BOX 9428
SOUTH LAKE TAHOE, CALIFORNIA 95731-2428
(916) 544-3481



March 11, 1991

Mr. Mick Jones, Chairman
Modoc County Board of Supervisors
202 West 4th Street
Alturas, CA 96101

Dear Mr. Jones:

AMENDED SEPTIC SYSTEM MEMORANDUM OF UNDERSTANDING

It has come to our attention that an error was made in the original wording of the above-referenced Memorandum of Understanding (MOU) between the Regional Board and Modoc County. Item II. G. of the MOU should have had the word "before" rather than "after" so that the MOU would accurately reflect the intentions of the Regional Board. Pursuant to item XI of the MOU, we propose that this change be made with the mutual agreement of both parties. If you concur, please substitute the enclosed page containing this correction with the corresponding page in your copy of the agreement.

Also, please have one of the enclosed forms signed and returned to this office within 60 days of receipt. We thank you for your prompt attention to this matter. If you have any questions or comments, please contact David Himebaugh or Dr. Ranjit Gill.

Sincerely,

HAROLD J. SINGER
EXECUTIVE OFFICER

Enclosure

cc: septic system mailing list

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3. The development consists only of a single-family home on an individual lot which has a minimum net area of 15,000 square feet; or
4. The project is in a class that has been designated exempt from Regional Board review in writing under signature of the Regional Board Executive Officer; or
5. The project/development has been granted an exemption by the Board and complies with the County's standards for use of septic tank wastewater disposal systems.

II. The County shall not issue construction permits without Regional Board approval for the following projects:

- A. Projects that involve domestic wastewater discharge from commercial or industrial development in excess of 500 gallon/acre/day as determined by the Board; or
- B. Projects that will have industrial wastewater discharges; or
- C. Projects that exceed the two EDU/acre density requirement for septic tank use (except in exempted areas); or
- D. Projects that do not comply with the County's standards for use of septic tank wastewater disposal systems; or
- E. Projects located within existing waste discharge prohibition areas (unless in areas exempted in I.B. above); or
- F. Projects utilizing package wastewater treatment plants with on-site disposal; or
- G. Projects that consist of a single-family home on individual lots that were created out of a subdivision before June 16, 1988, when the lot has a net area of less than 15,000 square feet.

III. The County, at its discretion, may defer consideration of projects, based on water quality impacts, to the Board for any projects even if it appears that compliance with Section I of this Memorandum of Understanding has been achieved.

The amendment of Item I G., changing the word "after" to "before" in the Septic System Memorandum of Understanding with the Lahontan Regional Water Quality Control Board is executed on the date of the last signature below, by the following authorized representatives of the parties.

Harold J. Singer

Harold J. Singer
Executive Officer

Date

Mar 11, 1991

Date

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD—
LAHONTAN REGION

2092 LAKE TAHOE BOULEVARD
P.O. BOX 9428
SOUTH LAKE TAHOE, CALIFORNIA 95731-2428
(916) 544-3481



February 6, 1990

Mick Jones, Chairman
Modoc County Board of Supervisors
Courthouse
Alturas, CA 96101

Dear Mr. Jones:

MEMORANDUM OF UNDERSTANDING BETWEEN THE CALIFORNIA REGIONAL WATER
QUALITY CONTROL BOARD-LAHONTAN REGION AND COUNTY OF MODOC

On December 22, 1989, we received the Memorandum of Understanding (MOU) between the County of Modoc and the California Regional Water Quality Control Board-Lahontan Region regarding the septic system permitting process. We appreciate the cooperation extended from the County of Modoc by entering into this MOU.

A copy of the signed MOU is enclosed. If you have any questions or require more information regarding this matter, please contact Cindy Rofer or David Himebaugh at this office.

Sincerely,

HAROLD J. SINGER
EXECUTIVE OFFICER

Enclosure - MOU

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February 6, 1998

MOU
Modoc Co. Septic
GENERAL FILES



Lahontan
Regional Water
Quality Control
Board

Greg Farnam
Modoc County Environmental Health
202 West Fourth Street
Alturas, CA 96101

South Lake Tahoe
Office

2501 Lake Tahoe Blvd.
South Lake Tahoe, CA
96150
(530) 542-5400
FAX (530) 544-2271

Dear Mr. Farnam:

**PROPOSED DELEGATION TO LOCAL GOVERNMENTS OF ADDITIONAL
RESPONSIBILITY FOR IMPLEMENTATION OF REGIONAL BOARD
SEPTIC SYSTEM CRITERIA**

The Regional Board has expressed its desire to delegate approvals for all domestic septic system discharges (including alternative systems and exemptions from the criteria) to local governments. This delegation would not change the Board's existing septic system prohibitions, or septic system location and density criteria, and local governments would be responsible for ensuring compliance with all applicable Regional Board regulations. The Regional Board would still retain responsibility for reviewing discharges of industrial waste to septic systems.

The regulation of septic systems in Modoc County is based on County regulations and siting and density criteria contained in *the Water Quality Control Plan for the Lahontan Region* (Basin Plan) (excerpts enclosed). Through a Memorandum of Understanding (MOU), the County issues septic tank permits on behalf of the Regional Board. However, the Regional Board has retained authority to approve of alternative systems and exemptions to the basic criteria. Since this procedure was implemented in 1988, it is evident to me that County staff have successfully and skillfully implemented the program.

I am therefore delegating additional authority to Modoc County and am proposing to revise our MOU such that it would delegate complete authority for approvals of individual domestic waste disposal systems to Modoc County. The following describes what I intend to delegate immediately to Modoc County, and what I plan to delegate in the near future once we revise our MOU with you.

Delegation -- Exemptions for Alternative Systems


Pursuant to the conditions in the section titled "*Permitting Authority*" on page 4.4 - 20 of the Basin Plan, I am immediately delegating authority to Modoc County to approve of alternative systems. My expectation is that the County will use the "Criteria for Alternative Systems" on page 4.4 - 19 and 20 of the Basin Plan.

Proposed Delegation -- Exemptions to Density and Siting Criteria

Pursuant to Sections 3 and 4 in the section titled "*Implementation of Criteria for Individual Waste Disposal Systems*" on page 4.4 - 18 of the Basin Plan, I am prepared to delegate authority in the near future to Modoc County to approve of exemptions to the siting criteria and, in many circumstances, the density criteria. We are drafting a revised MOU to implement this delegation. You should expect to receive the draft of the revised MOU by February 17, 1998. This new MOU would replace the existing MOU with Modoc County. The basis for such delegation would be the commitment from you that Modoc County would use the Basin Plan criteria in evaluating exemption requests.

Please contact me at (530) 542-5412 if you have any comments or questions on this matter.

Sincerely,



HAROLD J. SINGER
EXECUTIVE OFFICER

Enclosures

cc: Regional Board Members w/enclosures
Modoc County Planning Commission

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