

State of California
California Regional Water Quality Control Board, Los Angeles Region

RESOLUTION NO. 99-13

**Amendment to the Water Quality Control Plan for the Los Angeles Region
To Incorporate a Septic System Prohibition in the Oxnard Forebay**

WHEREAS, the California Regional Water Quality Control Board, Los Angeles Region (hereinafter Regional Board), finds that:

1. The Oxnard Forebay is an important recharge area for valuable resources of groundwater in aquifers underlying the Oxnard Plain (Figure One¹). As designated in the *Water Quality Control Plan for the Los Angeles Region*, adopted on June 14, 1994 (hereafter *Basin Plan*), existing beneficial uses of groundwater underlying the Oxnard Forebay include: Municipal and Domestic Supply, Industrial Process and Service Supply, and Agricultural Supply.
2. About 15,000 people reside in the Oxnard Forebay. Residences in the Oxnard Forebay are clustered on areas totaling about 800 acres, including: the unincorporated communities of El Rio, Strickland Acres, Saticoy, and an incorporated neighborhood south of the Ventura Freeway in the City of Oxnard. In addition, many commercial and industrial facilities are located in the Oxnard Forebay. These residences and commercial/industrial facilities are in locations that are in most cases near to wastewater collection and treatment systems. However, most wastewaters in the Oxnard Forebay are discharged to groundwater through septic systems.
3. The County of Ventura, Environmental Health Division (hereafter County) regulates installation of septic systems in unincorporated areas of Ventura County, and has responsibility for responding to problems arising from operation of these septic systems. The Regional Water Pollution Control Board² delegated this responsibility to the County, among other local agencies, when it adopted Resolution No. 52-4 on October 30, 1952. This resolution waived reporting requirements to the Regional Board for sewage disposal installations (i.e. septic systems, or on-site treatment systems) from family dwellings in various political subdivisions of the Los Angeles Region, including the County of Ventura.
3. The existing septic systems in the Oxnard Forebay are passive treatment systems that do not have the ability to disinfect wastewaters (i.e. remove pathogens) to acceptable levels, and furthermore do not have the ability to remove nitrogen compounds (ammonia, nitrate, nitrite, and organic nitrogen) to levels that will meet standards for drinking water. Alternative technologies for septic systems have not been demonstrated to meet critical water quality criteria, including coliform and nitrate and nitrite standards for drinking water.
4. In 1975, the Regional Water Pollution Control Board noted that El Rio is one of several communities where septic systems result in problems (*Water Quality Control Plan Report for the Santa Clara River Basin [4A]*, adopted on March 20, 1975).

¹ Referred to as "Figure 4-2a" in Amendment to the Water Quality Control Plan for the Los Angeles Region To Incorporate a Septic System Prohibition in the Oxnard Forebay.

² The name of the Regional Water Pollution Control Board was changed to the Regional Water Quality Control Board in 1969.

5. In 1994, the Regional Board stated that it discouraged the prolonged use of septic systems, except in isolated areas where connection to a wastewater collection system was not feasible, and there was no threat to groundwater quality; and further stated that septic systems were not acceptable in areas where there are unsuitable soils, inadequate lot sizes, or other factors that can lead to contamination of either surface or groundwater (*Basin Plan*, adopted on June 13, 1994).
6. From 1996 to 1997, a Ventura County Grand Jury investigated nitrate contamination in the groundwater underlying the Oxnard Forebay. A finding of the Report of the Grand Jury included the statement: "Septic tanks contaminate shallow aquifers due to the high nitrogen and pathogen content" of the wastewater.....Septic tanks situated in the Oxnard Forebay Basin area must be replaced with a modern sewage disposal system at the earliest possible time."
7. On January 15, 1997, the County of Ventura submitted an application for \$3.5 million of funding available under Proposition 204, to partially fund a sewer system that would replace a portion of septic systems in the unincorporated community of El Rio. Despite support from the Regional Board, as expressed in Resolution Nos. 97-06 (adopted on March 3, 1997) and 98-05 (adopted on April 13, 1998), the State Water Resources Control Board did not approve the County's application, due to concerns that the project did not meet median income and population eligibility criteria as specified by Proposition 204.
8. During public meetings of the Regional Board on November 2, 1998 and December 14, 1998, the Board discussed the need for regulatory action to address water quality impacts in the Oxnard Forebay, as set forth in Resolution No. 98-22. The Board directed staff to investigate water quality impacts from septic systems in the Oxnard Forebay and, as appropriate, to seek public input on a proposed prohibition of septic systems. Over the longer term, the Board directed staff to also investigate water quality impacts from agriculture, and to recommend appropriate water quality strategies for wastewater discharges from agriculture.
9. In response to the Board's direction regarding septic systems, staff investigated water quality impacts and found evidence that discharges to groundwater from septic systems in the Oxnard Forebay violate water quality objectives, impair present and future beneficial uses, and unreasonably degrade the quality of the waters of the state. The findings are detailed as follows:
 - A. The communities discharge septic system effluent to groundwater, which is also their source of drinking water.
 - B. Septic system effluent contains nitrogen and pathogens well in excess of water quality objectives; the communities' drinking water also contains nitrate and pathogens at times in excess of water quality objectives.
 - C. In the early 1990's some local water supplies were taken off line by State Health Officials because nitrate in the water supply exceeded the maximum contaminant level of 45 mg/L. After this period, some local purveyors abandoned their water supply in favor of purchasing imported water.
 - D. State Health officials require existing water purveyors to disinfect their water supplies to kill pathogens. Data indicate that coliform is still found in water supplies, indicating the disinfection may not always work.
 - E. Groundwater depth varies in the communities and can range from 20 feet below ground surface to 90 feet below ground surface.

- F. The soils underlying these communities are coarse and well drained and are not suitable to attenuate the high volume of septic system discharges (between 750,000 and 1,500,000 gallons of septic system discharge per day).
- G. Finally, staff presented evidence to the public in a draft Staff Report, dated May 24, 1999, at two public workshops on June 8, 1999 and a third public workshop on June 22, 1999, and at a public hearing during the Board meeting on August 12, 1999. Public input is summarized in a Summary of Written Comments and Regional Board Responses dated July 29, 1999. A Final Staff Report dated July 29, 1999 also provides more evidence regarding the presence of coliform in the communities water supply.
10. Pursuant to Water Code Section 13243, the Regional Board, in a water quality control plan, may specify certain conditions or areas where the discharge of waste, or certain types of waste, will not be permitted. California Water Code Sections 13280 through 13283 describe the information needed to make the determination that a prohibition is warranted.
11. The basin planning process has been certified as functionally equivalent to the California Environmental Quality Act requirements for preparing environmental documents and is, therefore, exempt from those requirements (Public Resources Code, Section 21000 et seq.) The Regional Board has complied with the requirements of Title 23, Article 6, California Code of Regulations Sections 3775 et seq.

THEREFORE, be it resolved that:

1. The Board finds substantial evidence that discharges from septic systems in the Oxnard Forebay have and will result in violation of water quality objectives for pathogens and nitrate, and impair both present and beneficial uses of water, as documented in the Final Staff Report dated July 29, 1999.
2. Pursuant to Sections 13243, 13280, and 13281 of the Water Code, the Board hereby amends the *Basin Plan* to prohibit septic systems in the Oxnard Forebay. The amendment, as set forth in Attachment "A", will prohibit:
 - All new septic systems.
 - Discharges from existing septic systems after January 1, 2008.
3. Resolution No. 52-4, adopted on October 30, 1952, is hereby amended to exclude the waiver of reporting requirements from the County of Ventura for installation of septic systems in the Oxnard Forebay. The County may, however, continue to regulate repairs to existing septic systems, provided that such repairs do not increase the ability of the septic system to discharge increased flows of wastewater.

I, Dennis A. Dickerson, Executive Officer, do hereby certify that the foregoing is a full, true, and correct copy of a resolution adopted by the California Regional Water Quality Control Board, Los Angeles Region, on August 12, 1999.



Dennis A. Dickerson
Executive Officer