

EXECUTIVE OFFICER SUMMARY REPORT
September 12, 2012

- ITEM: 5
- SUBJECT: Information Item: Update on the State Water Board's Policy for Onsite Wastewater Treatment Systems (*Fisayo Osibodu*).
- PURPOSE: To provide an overview of the Statewide Onsite Wastewater Treatment Policy (Policy) and explain how implementation of the policy will affect regulation of onsite wastewater treatment systems by both the San Diego Water Board and local agencies in the San Diego Region.
- RECOMMENDATION: There is no recommendation as this is an information item and the Board will take no action.
- KEY ISSUES:
1. The Policy requires the San Diego Water Board to implement the OWTS requirements by amending its Basin Plan within 12 months of the effective date of the policy.
 2. The San Diego Water Board will need to amend the implementation chapter of the Basin Plan to recognize approved LAMPs and defer direct regulation of OWTS to local county agencies. The San Diego Water Board will also need to review its conditional waiver for OWTS to ensure it is consistent with the Policy.
 3. The San Diego Water Board is required to approve, deny, or conditionally approve any LAMP within 90 days of receipt. The San Diego Water Board will also work collaboratively with the other Regional Water Boards with jurisdiction over portions of Orange, Riverside, and San Diego County to approve LAMPs.

DISCUSSION:

The State Water Board recently adopted the *Water Quality Control Policy for Siting, Design, Operation, and Management of Onsite Wastewater Treatment Systems* (Policy) (see supporting document). The Policy will become effective 6 months after approval by the Office of Administrative Law, and will change the way onsite wastewater treatment systems (OWTS) are regulated in the San Diego Region.

OWTS treat domestic wastewater effluent from households and commercial establishments that are not connected to community sewer systems. OWTS include septic tank/leach field systems, septic tank/seepage pit systems, evapotranspiration/mound systems, and advanced treatment units or supplemental treatment systems. When properly sited, designed, operated, and maintained, OWTS treat domestic wastewater to reduce its polluting impact on water quality and protect public health. OWTS are typically used in residential and commercial developments located in the rural, eastern areas of San Diego County outside the County Water Authority service area. Southern Riverside County (e.g., the Temecula Wine Country and Anza) is also dependent upon OWTS to treat and dispose of domestic wastewater. The vast majority of these OWTS are functioning in a satisfactory manner.

OWTS Policy Framework

To accomplish the goals of protecting water quality and public health, the Policy establishes a statewide, tiered approach for management of OWTS. The tiers address existing OWTS, and installations of new or replacement OWTS. The Policy also sets the levels of performance and protection expected from OWTS, and includes a conditional waiver of waste discharge requirements (WDRs) for qualifying OWTS.

The Policy establishes five separate tiers of OWTS. An OWTS that meets the criteria of one of the five tiers is eligible for the conditional waiver. The five tiers are outlined below:

Tier 0- Existing OWTS: No action is required on the part of the owner, except maintaining the OWTS in good operating condition.

Tier 1- Low Risk New and Replacement OWTS: These OWTS must meet the siting and design criteria specified in the Tier 1 section of the policy.

Tier 2- Local Agency Management Program for New or Replacement OWTS. The policy allows local agencies to submit Local Agency Management Programs (LAMPs) for approval by the affected Regional Water Board, and upon approval manage the installation of new and replacement OWTS under that program.

Tier 3- Impaired Areas: Existing, new, and replacement OWTS that are near impaired water bodies may be addressed by a TMDL and its implementation program, special provisions contained in a LAMP, or qualifying OWTS. The Policy does not identify any qualifying impaired water bodies in the San Diego Region.

Tier 4- OWTS Requiring Corrective Action: Tier 4 requires the replacement of failing OWTS or other corrective action to bring the OWTS under compliance in a timely manner.

Any OWTS that does not meet the criteria of one of the five tiers must be regulated through waste discharge requirements. A Regional Water Board, however, may regulate an OWTS with WDRs at its discretion, even if the OWTS meets the criteria of one of the tiers.

Differences between the Basin Plan and the Policy

The following are the main differences between the implementation provisions in the Basin Plan and those in the Policy:

1. The Basin Plan waives WDRs for all OWTS that serve five family units or less, or serve commercial or industrial projects with a design flow of 1,200 gallons per day (gpd) or less.¹ In these cases, regulation of OWTS is deferred to the local county agency.

The Policy allows the San Diego Water Board to waive WDRs for existing OWTS with a design flow of 10,000 gpd or less, or new or replacement systems with

¹ See Page 4-30 of Chapter 4 of the Basin Plan (http://www.waterboards.ca.gov/sandiego/water_issues/programs/basin_plan/docs/update102207/chapter_4_042507.pdf)

a design flow of 3,500 gpd or less, provided the OWTS meet requirements specified in the applicable tier of the policy.

2. The Basin Plan requires that OWTS comply with county design criteria.

The Policy includes prescriptive requirements for OWTS such as minimum setback distances to be maintained from septic tanks and disposal systems, septic tank construction and installation standards, wastewater application rates, etc.

3. The Basin Plan does not include a waiver of WDRs for advanced or supplemental treatment systems. As a result property owners need to obtain WDRs from the San Diego Water Board for advanced treatment systems.

Under the Policy, WDRs for advanced or supplemental treatment systems may be waived if siting and design criteria for these systems are included in the LAMPs developed by the local county agencies.

The Policy requires that the San Diego Water Board amend its Basin Plan within 12 months of the effective date of the policy to include the Policy's implementation provisions. Additional information regarding the Policy may be obtained from the State Water Board web page at:

http://www.waterboards.ca.gov/water_issues/programs/owts/index.shtml

LEGAL CONCERNS:

None.

**SUPPORTING:
DOCUMENTS**

Water Quality Control Policy for Siting, Design, Operation, and Management of Onsite Wastewater Treatment Systems.

PUBLIC NOTICE:

This item was publicly noticed in the Meeting Notice and Agenda for the September 12, 2012 Board Meeting. Notice was also posted on the San Diego Water Board website.