

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

**EXECUTIVE OFFICER SUMMARY REPORT
December 8, 2020**

ITEM NO. 5

SUBJECT

Consideration of Tentative Order No. R9-2020-0220, *An Order Rescinding Order No. 88-64, Waste Discharge Requirements for Oakvale Park, San Diego County* (Tentative Order No. R9-2020-0220). (Sherrie Komeylyan)

STAFF RECOMMENDATION

Adoption of Tentative Order No. R9-2020-0220 is recommended.

KEY ISSUES

Tentative Order No. R9-2020-0220 (**Supporting Document 1**), if adopted, rescinds Order No. 88-64, *Waste Discharge Requirements for Oakvale Park, San Diego County*, and Addendum No. 1 to Order No. 88-64, *An Addendum Transferring Responsibility for Order No. 88-64 for Oakvale Park, San Diego County* (collectively Order No. 88-64). The onsite wastewater treatment systems (OWTS) at Oakvale Park (Facility), owned and operated by Messrs. David Pick, Richard Weeks, and Meta Martin (Discharger), will be regulated by the County of San Diego under the *Local Agency Management Plan for Onsite Wastewater Treatment Systems* (LAMP).¹

PRACTICAL VISION

Tentative Order No. R9-2020-0220 is consistent with the Strategizing for Healthy Waters chapter of the *San Diego Water Board Practical Vision*.² Working as partners with county government helps the San Diego Water Board focus staff resources on larger projects and facilities within the region that pose a greater threat to water quality.

DISCUSSION

The Facility is located at 14900 Oakvale Road, #268, Escondido, in San Diego County (**Supporting Document 2**). San Diego Water Board staff conducted an inspection of the Facility OWTS on February 5, 2020, and did not observe any violations of the requirements specified in Order No. 88-64.

San Diego Water Board staff reviewed the requirements specified in Order No. 88-64 and the Discharger's annual monitoring reports and determined the Facility's OWTS is

¹ County of San Diego LAMP:

<https://www.sandiegocounty.gov/content/dam/sdc/deh/lwqd/RWQCB%20Approved%20LAMP%20Final%202-24-15.pdf>

² Practical Vision:

https://www.waterboards.ca.gov/sandiego/water_issues/programs/practical_vision/docs/PV-WQCC_Version.pdf

eligible for oversight by the County of San Diego under the LAMP. The purpose of the LAMP is to allow continued use of OWTS within the jurisdiction of local agencies and expand the local program to permit and regulate alternative OWTS while protecting water quality and public health. Furthermore, Order No. 88-64 is outdated and is not as protective of water quality as the County of San Diego LAMP, which was developed in accordance with the State Water Resources Control Board's *Water Quality Control Policy for Siting, Design, Operation, and Maintenance of Onsite Wastewater Treatment Systems* (OWTS Policy). The OWTS Policy establishes a statewide, risk-based, tiered approach for regulation and management of OWTS installations and replacements, and recognizes the effectiveness of local permitting agencies. The OWTS Policy allows local agencies to approve OWTS, based on a local ordinance, after the Regional Water Quality Control Board approves the LAMP. The San Diego Water Board approved the County of San Diego LAMP on April 29, 2015.

The San Diego Water Board notified the County of San Diego Department of Environmental Health on April 23, 2020, that the Facility's OWTS is eligible for regulation under the authority of the County of San Diego's LAMP. While the Discharger may request to be regulated under individual waste discharge requirements, the Facility's transfer to the County of San Diego allows the San Diego Water Board to effectively and efficiently regulate OWTS that pose a greater threat to water quality, while prioritizing the use of its limited resources.

SIGNIFICANT CHANGES

The significant differences between the County of San Diego LAMP and Order No. 88-64 are:

1. The Facility will no longer need to submit monitoring reports or pay fees to the State Water Resources Control Board.
2. The Facility will be required to submit all proposed OWTS upgrades and septage pumping records, upon request, to the County of San Diego.

COMPLIANCE RECORD

The San Diego Water Board issued two staff enforcement letters and one Notice of Violation for the following violations of Order No. 88-64:

- Failure to submit complete monitoring reports in 2000 and 2002.
- Failure to prohibit the discharge of effluent to the ground surface in 1998 and 2010.
- Failure to submit the required annual monitoring report in 2010.

Since the issuance of a Notice of Violation in May 2011, no violations of Order No. 88-64 have occurred.

PUBLIC NOTICE

Notification of this action was provided to the Discharger and known interested parties on September 17, 2020 (**Supporting Documents 3 and 4**). Additionally, the San Diego Water Board posted Tentative Order No. R9-2020-0220 on its website on September 17, 2020. No comments were received during the public comment period. These actions satisfy the 30-day public notification and comment period requirements of Water Code section 13167.5.

SUPPORTING DOCUMENTS

1. Tentative Order No. R9-2020-0220
2. Vicinity and Facility Map
3. Tentative Order No. R9-2020-0220 Transmittal Letter
4. Notice of Public Hearing and Comment Period