



San Diego Regional Water Quality Control Board

August 10, 2022

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Sent by email only: anthonymwindle@yahoo.com

In reply refer to/attn.:
237188:BBushnell

Subject: Tentative Notice of Applicability for Order WQ 2014-0153-DWQ, Live Oak Springs Resort Onsite Wastewater Treatment System, San Diego County

Anthony Windle:

This Tentative Notice of Applicability (NOA) is to inform A+A MHP, LLC (Discharger) that the Live Oak Springs Resort (Facility) onsite wastewater treatment system (OWTS) is anticipated to be enrolled in State Water Resources Control Board Order WQ 2014-0153-DWQ, *General Waste Discharge Requirements for Small Domestic Wastewater Treatment Systems* (General Order). The Facility's enrollment in the General Order is effective upon adoption of the California Regional Water Quality Control Board, San Diego Region (San Diego Water Board), Tentative Order No. R9-2022-0120, *An Order Rescinding Order No. 94-41, Waste Discharge Requirements for Nazar and Lauren Najor, Live Oak Springs Resort, San Diego County* (Tentative Order No. R9-2022-0120). Adoption of Tentative Order No. R9-2022-0120 will be considered at the regularly scheduled San Diego Water Board meeting on November 9, 2022.

The San Diego Water Board reviewed Order No. 94-41, *Waste Discharge Requirements for Nazar and Lauren Najor, Live Oak Springs Resort, San Diego County* (Order No. 94-41) and the Discharger's record of compliance with Order No. 94-41. Order No. 94-41 is outdated and not as protective of water quality as the requirements specified in the General Order. Implementation of the General Order provides a more appropriate and consistent statewide approach to regulating small domestic wastewater treatment systems. While the Discharger may request to be regulated under individual waste discharge requirements, the Facility's enrollment in the General Order allows the San Diego Water Board to effectively and efficiently regulate discharges from small domestic wastewater treatment systems, while prioritizing the agency's limited resources.

The Facility meets the enrollment eligibility criteria included in the General Order. An electronic copy of the General Order is available online at the following website:

https://www.waterboards.ca.gov/board_decisions/adopted_orders/water_quality/2014/wqo2014_0153_dwq.pdf

NOA FINDINGS AND REQUIREMENTS – The Discharger must comply with all applicable requirements in the General Order and any additional requirements included in this NOA, upon the effective date of enrollment in the General Order.

1. FACILITY AND DISCHARGE DESCRIPTION

The Facility is located at 37820 Old Highway 80, Boulevard in San Diego County, within the Hill Hydrologic Subarea of the Tijuana Hydrologic Unit. The Facility's OWTS includes four septic tanks that discharge to a mix of seepage pits and leach field systems. Domestic wastewater is collected from 45 sewer RV spaces, 26 mobile homes, 10 cabins and a laundry and shower facility.

2. CALIFORNIA ENVIRONMENTAL QUALITY ACT

The General Order regulates discharges from new and existing small domestic wastewater treatment systems. In accordance with the California Environmental Quality Act (CEQA) and consistent with Finding No. 32.a of the General Order, the action to enroll the Facility is categorically exempt from CEQA pursuant to California Code of Regulations (CCR) title 14, section 15301 (ongoing or existing projects), section 15302 (replacement or reconstruction of existing utility systems), and section 15303 (new construction or conversion of small structures).

3. FACILITY REQUIREMENTS

The Discharger and operator of the Facility must be familiar with the requirements contained in the General Order, this NOA, and the Monitoring and Reporting Program (MRP) in section 4 below.

The Discharger must comply with the prohibitions and specifications contained within the General Order, which are applicable to all wastewater systems. The Discharger also must comply with the following General Order specifications applicable to the Facility's specific treatment and/or disposal system.

- a. Required Technical Reports/Plans. The Discharger must submit the following plans and certificate:
 - i. A Spill Prevention and Emergency Response Plan consistent with the requirements of General Order Provision E.1.a. The San Diego Water Board must receive the Spill Prevention and Emergency Response Plan by 5:00 p.m. on February 7, 2023.
 - ii. A Sampling and Analysis Plan consistent with the requirements of General Order Provision E.1.b. The San Diego Water Board must receive the

Sampling and Analysis Plan by 5:00 p.m. on February 7, 2023.

- iii. A Sludge Management Plan consistent with the requirements of General Order Provision E.1.c. The San Diego Water Board must receive the Sludge Management Plan by 5:00 p.m. on February 7, 2023.
- iv. A certificate of compliance with Senate Bill 317.¹ The San Diego Water Board must receive the certificate of compliance by 5:00 p.m. on February 7, 2023.

Upon receipt of these plans by the San Diego Water Board, the Discharger must implement the plans.

- b. Prohibitions. The Discharger must comply with all prohibitions listed in section A of the General Order and all applicable requirements in the *Water Quality Control Plan for the San Diego Basin* (Basin Plan).² The Discharger is prohibited from discharging in exceedance of a monthly average effluent flowrate of 20,000 gallons per day (gpd).
- c. Setback Requirements. The Discharger must ensure new discharges maintain the applicable setbacks specified in Table 3 of the General Order.
- d. Additional Applicable Requirements of the General Order. The Discharger must comply with all the requirements listed in sections B.1 (All Wastewater Systems), B.2 (Septic Systems), and B.6 (Subsurface Disposal Systems) of the General Order.
- e. RV Holding Chemicals. The Discharger must distribute Attachment B2 of the General Order to all visitors discharging to the OWTS, instructing visitors not to use toxic RV holding chemicals. The Discharger must also post a sign at the RV dump station stating the following:

The State of California prohibits the use of products in RV holding tanks, including deodorizers, that contain bronopol, dowicil, formalin, formaldehyde, glutaraldehyde, paraformaldehyde, para-dichlorobenzene, benzene, toluene, xylene, ethylene glycol, 1,1,1-trichloroethane, trichloroethylene, or perchloroethylene. These chemicals can inhibit biological activity in onsite wastewater treatment systems and threaten groundwater and drinking water wells and are strictly forbidden. Please use bacteria- or enzyme-based products.

¹ Web link to Senate Bill 317:

https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=201920200SB317

² Web link to the Basin Plan:

https://www.waterboards.ca.gov/sandiego/water_issues/programs/basin_plan/

4. MONITORING AND REPORTING PROGRAM

The Discharger must comply with the monitoring requirements below, which are based on the MRP of the General Order.

a. Reporting Frequency

The Discharger must submit quarterly and annual monitoring reports as described in sections A and B of Attachment C of the General Order. The Discharger's first quarterly report is the October – December 2021 Quarterly Report, which must be submitted to the San Diego Water Board by 5:00 p.m. on February 1, 2022. The Discharger's first annual report is the 2022 Annual Report, which must be submitted to the San Diego Water Board by March 1, 2023.

b. Effluent Monitoring

The Discharger must collect a liquid grab sample from at least two septic tanks and combined in equivalent amounts for a single analysis. The Discharger shall implement a schedule for sampling the septic tanks so that all the septic tanks are sampled within a six-year period. The Discharger must collect septic tank effluent samples as close to the outlet pipe as practical. The Discharger must analyze the samples, and report the results as described in Table 1 below:

Table 1. Septic Tank Effluent Monitoring

Constituent	Units ¹	Sample Type	Sample Frequency ^{2,3}	Reporting Frequency ^{2,3}
Flowrate	gpd	Metered ³	Continuous	Annually
Zinc	mg/L	Grab	Annually	Annually
Phenol	mg/L	Grab	Annually	Annually
Formaldehyde	mg/L	Grab	Annually	Annually

Table Notes:

- 1) gpd denotes gallons per day and mg/L denotes milligrams per liter.
- 2) Annually is defined as a period of 12 consecutive calendar months beginning January 1.
- 3) The Discharger may meter or estimate the effluent flowrate based on potable water supply meter readings or other approved method.

c. Septic Tank Monitoring and Inspection

Septic tank monitoring and inspecting must include the following:

Table 2. Septic Tank Monitoring and Inspection

Parameter	Units	Measurement Type	Inspection/Reporting Frequency
Sludge depth and scum thickness in each compartment of each tank	Feet	Staff Gauge	Annually

Distance between bottom of scum layer and bottom of outlet device	Inches	Staff Gauge	Annually
Distance between top of sludge layer and bottom of outlet device	Inches	Staff Gauge	Annually

Septic tanks shall be pumped when any one of the following conditions exists:

- i. The combined thickness of sludge and scum exceeds one-third of the tank depth of the first compartment.
- ii. The scum layer is within 3 inches of the outlet device.
- iii. The sludge layer is within 8 inches of the outlet device.

If the Discharger pumps out a septic tank during the year, the Discharger must submit the pumping report with the annual report. At a minimum, the pumping report shall include the date, nature of service, service company name, and service company license number.

d. Subsurface Disposal Monitoring

The Discharger must monitor the subsurface disposal area to determine if the septic system evenly applies wastewater; the discharge is not saturating the disposal area; burrowing animals and/or deep-rooted plants are not present; and odors are not present. The Discharger must self-inspect dosing pump controllers, automatic distribution valves, etc. to maintain optimum treatment in the disposal area (and any sand or media filter if present). Subsurface disposal monitoring must include the following at a minimum:

Table 3. Subsurface Disposal Area Monitoring

Constituent	Inspection Frequency ⁵	Inspection/Reporting Frequency ⁵
Pump Controllers, Automatic Valves, etc. ¹	Quarterly	Quarterly
Nuisance Odor Condition	Quarterly	Quarterly
Saturated Soil Conditions ²	Quarterly	Quarterly
Plant Growth ³	Quarterly	Quarterly
Vectors or Animal Burrowing ⁴	Quarterly	Quarterly
Seepage Pit Condition ⁵	Quarterly	Quarterly

Table Notes:

- 1) The Discharger must inspect all pump controllers and automatic distribution valves for proper operation as recommended by the manufacturer.

- 2) The Discharger must inspect the disposal area(s) for saturated conditions.
- 3) Shallow-rooted plants are generally desirable. The Discharger must remove deep-rooted plants such as trees, as necessary.
- 4) The Discharger must investigate evidence of animals burrowing, and control burrowing animal populations, as necessary.
- 5) Quarterly is defined as a period of three consecutive calendar months beginning on January 1, April 1, July 1, or October 1.
- 6) Seepage pits shall be inspected to ensure they are allowing wastewater to infiltrate as designed. Visual inspection of the water level in the seepage pit is adequate.

5. CHANGE IN OWNERSHIP

When control or ownership changes of the Facility or wastewater disposal areas, the Discharger must notify the succeeding owner or operator of the existence of this General Order by letter, a copy of which must be immediately forwarded to the Executive Officer for the San Diego Water Board.

6. ENFORCEMENT

The Discharger must review and ensure this NOA completely and accurately reflects the Facility's discharge. If the Discharger violates the terms or conditions listed in this NOA or the General Order, the San Diego Water Board may take enforcement action, including assessment of administrative civil liability. Prior to allowing changes to the wastewater strength, generation rate, or method of waste disposal, the Discharger must contact the San Diego Water Board to determine if submittal of a Report of Waste Discharge is required.

The Discharger is responsible for compliance with the General Order and this NOA. Failure to comply with the requirements in the General Order and this NOA could result in an enforcement action as authorized by provisions of the California Water Code. Discharges of wastes other than treated domestic wastewater are prohibited.

7. ANNUAL FEES AND SAN DIEGO WATER BOARD CONTACT INFORMATION

The discharge has a threat to water quality and complexity rating of 3-C. The annual fee corresponding to a threat to water quality and complexity of 3-C can be found using the current fee schedule.³ Pursuant to CCR title 23, section 2200(a), footnote 2, dischargers covered by waste discharge requirements for municipal and domestic discharges with permitted flows of less than 50,000 gallons per day in categories 2-B, 2-C, 3-B, and 3-C will receive a 50 percent fee discount. The fee is due and payable on an annual basis until enrollment in the General Order is terminated by the San Diego Water Board. If the wastewater discharge ceases, the Discharger

² Web link to Fee Schedule:

https://www.waterboards.ca.gov/resources/fees/water_quality/

must provide written notice to enable the San Diego Water Board to terminate enrollment and billing.

Please review the conditions specified in this NOA and applicable sections of the General Order and notify the San Diego Water Board if for any reason the Discharger is not able to comply with any of the conditions specified.

Please submit all future monitoring reports and documents required by this NOA and the General Order to the San Diego Water Board by email. Email submittals must include a signed cover/transmittal letter with the facility name, facility contact information, and reference code **237188:BBushnell**. Monitoring reports, documents, and other email submittals must be sent to sandiego@waterboards.ca.gov. Routine email correspondence may be sent directly to individual San Diego Water Board staff members.

Documents that are 50 megabytes or larger should be transferred to a compact disc (CD) or universal serial bus (USB) drive and mailed to the San Diego Water Board. Board staff may request that specific individual items such as appendices to large/complex technical reports and/or large drawings, grading plans, or maps continue to be provided in paper format. If you have specific questions about email submittal procedures, please contact our Mission Support Services Unit by phone at 619-516-1990, or via email at sandiego@waterboards.ca.gov.

Please contact Brandon Bushnell at 619-521-8044 or via email at Brandon.Bushnell@waterboards.ca.gov if you have any questions or comments.

Respectfully,

David W. Gibson
Executive Officer

cc (via email): Rabee Mazahreh, Choice Water Solutions,
rmazahreh@choicewatersolutions.com

DWG:rnm:as:bn:bb

Tech Staff Info & Use

Regulatory Measure IDs: 448624 (NOA) 398403 (WQ 2014-0153-DWQ)

Order No.: WQ 2014-0153-DWQ

Place ID: 237188

Party ID: 607209