

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

**RESPONSE TO COMMENTS FOR TENTATIVE RESOLUTION NO. R9-2024-0130
APPROVING THE COUNTY OF SAN DIEGO'S LOCAL AGENCY MANAGEMENT PROGRAM FOR REGULATING
ONSITE WASTEWATER TREATMENT SYSTEMS**

The California Regional Water Quality Control Board, San Diego Region (San Diego Water Board) staff released Tentative Resolution No. R9-2024-0130, *Approving the County of San Diego's Local Agency Management Program for Regulating Onsite Wastewater Treatment Systems* (Tentative Resolution) for public review and comment on September 18, 2024. The Notice of Written Comment Period for the Tentative Resolution identified that staff will only accept written comments on the Tentative Resolution and not on the County of San Diego's 2024 Local Agency Management Program (LAMP). The County of San Diego Department of Environmental Health, Land, and Water Quality (DEHQ) released the 2024 LAMP for public review and comments on June 24, 2024. DEHQ staff reviewed the written comments received during the public comment period, prepared written responses, and presented those documents to the County of San Diego Board of Supervisors. The County of San Diego Board of Supervisors adopted the 2024 LAMP on August 28, 2024. Subsequently, DEHQ staff submitted the 2024 LAMP to the San Diego Water Board for review and approval, as required by the OWTS Policy.

Staff reviewed the 2024 LAMP and concluded it complies with, and contains the required elements of, the OWTS Policy. Specifically, Tier 1 of the OWTS Policy establishes siting and design requirements for new and replacement onsite wastewater treatment systems (OWTS) where there is no approved LAMP. Tier 1 siting and design requirements are designed to protect water quality and public health but do not necessarily take into account regional conditions such as local soil characteristics, geology, etc. Tier 2 of the OWTS Policy allows local agencies to develop LAMPs which contain alternative standards for design, siting, and management of OWTS that are different from those specified in Tier 1. Alternative standards established in LAMPs based on Tier 2 of the OWTS Policy are intended to address local and region specific conditions, while still ensuring protection of water quality and public health. These may include, but not limited to:

- Differing siting controls such as system density and setback requirements;
- Differing system design requirements; including but not limited to, alternative collection and disposal systems that use subsurface disposal; and
- Requirements for owners to enter monitoring and maintenance agreements.

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Local agencies are not precluded from retaining Tier 1 conditions in their LAMPs. DEHQ’s 2024 LAMP includes both alternative standards that are consistent with Tier 2 of the OWTS Policy and in some instances utilizes Tier 1 design and siting standards.

The San Diego Water Board received one comment letter during the 10-day public comment period for the Tentative Resolution. The table below provides the written comments received, staff’s responses to those comments, and identifies any change to the Tentative Resolution based on the comments and staff’s responses. In general, staff identified that the comments received focused on the technical requirements prescribed by the 2024 LAMP, and not on the 2024 LAMP’s adherence to the State Water Board *Water Quality Control Policy for Siting, Design, Operation, and Maintenance of Onsite Wastewater Treatment Systems* (OWTS Policy).

Table. Written Comments Received and San Diego Water Board Responses

No.	Comment	San Diego Water Board Response	Action Taken
1	<p><u>Current Chapter 1- Setback Change</u> The proposed 100-foot setback to an unstable land mass has an interesting pro e contra. Presuming the DEHQ has an engineering basis for the potential phenomenon of a rogue earth slide of a meaningful depth of instability, it can be argued this new regulation might have merit. On the other hand, a 100-foot setback is extreme and arguably an overreach for minor earth movements. What is the basis for this new regulation? Science related to soil character?</p>	<p>This comment is not pertinent to the proposed adoption of the Tentative Resolution.</p> <p>Staff reviewed the comment and identified the focus of the comment is on the 2024 LAMP requirement to maintain a 100-foot setback from unstable land masses. The 2024 LAMP requirement is consistent with Tier 1 of the OWTS Policy.</p>	<p>Staff did not make changes to the Tentative Resolution.</p>
2	<p><u>Current Chapter 1- Setback Change to “Flowing Streams”</u> Can it be understood the DEHQ will reduce and rewrite a codified basis to change setbacks to less than 100 feet to canyons and drainage courses and define an ephemeral stream as different than a drainage course. I would argue the reliance on the link to U.S. Geological Survey's</p>	<p>This comment is not pertinent to the proposed adoption of the Tentative Resolution.</p> <p>Staff reviewed the comment and identified the focus of the comment is on setbacks to be maintained to canyons, drainage courses, and</p>	<p>Staff did not make changes to the Tentative Resolution.</p>

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	<p>(USGS)drainage information is not reliable for local conditions. What is the basis for not returning to historical setbacks and more in line with most jurisdictions. Being a desert locality argues for less stringent setbacks since drainage is temporary and can be measured in hours or a few days. Is there a basis of science or is it a paranoia fear related to groundwater protection. Does it contain the same arguable errors often discovered for the definition of a wet-land and/or a FEMA boundary?</p>	<p>ephemeral streams and the definition of an ephemeral stream. The 2024 LAMP requirement is consistent with Tier 2 of the OWTS Policy. In addition, the definition of "Flowing Water Body" in the 2024 LAMP is consistent with the definition provided in the OWTS Policy, which includes an ephemeral drainage that flows part of the time.</p>	
3	<p><u>Current Chapter 2- Minimum Soil Depth</u> I presume the 30-minute rate is a typographic error. Percolation Rates less than five minutes do occur in rare instances with our local soil character. In my experience, at least half the testing for horizontal seepage pits fails the 30-minute maximum as in many cases the soil is too dense. It is likely even more will be reported as failures if the soil depth is increased to more than five feet below a horizontal pit depth. A ten-foot separation has long been a regulatory construct' but ignored in the practical application. In my experience, there is no evidence of significant mounding with horizontal seepage pits and the long-term record of performance has sustained the effectiveness of these designs (not including the inferior redwood boxes with only one test hole).</p>	<p>This comment is noted and not pertinent to the proposed adoption of the Tentative Resolution.</p> <p>Staff reviewed this comment and identified the focus of the comment is on the following conditions in the 2024 LAMP:</p> <ol style="list-style-type: none"> 1. Restricting use of horizontal seepage pits (or deep bed dispersal systems) to soils with percolation rates less than 30 minutes per inch; and 2. Requiring a minimum depth to 10 feet between the bottom of horizontal seepage pits and groundwater. <p>These conditions are consistent with Tier 2 of the OWTS Policy, which</p>	<p>Staff did not make changes to the Tentative Resolution.</p>

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		allows counties to establish alternative siting and design criteria for subsurface disposal systems.	
4	<p><u>Current Chapter 3– Percolation Testing</u> Having written the “Percolation Test Guidelines” (there are dozens of methodologies) at the request of the Division Chief so as to achieve consistency in methods, the result did not result in reports as recommended. Previously some tests were done by the “Henry Ryan” method and others done by the four-hour option. My guidelines were directed to the latter. It already recommends six test holes. Having done thousands of test holes over the years, I can opine there are cases where four test holes could be argued as acceptable and years ago, I took ten test reports and randomly crossed out some of the tests and did a new average. Results were not predictable and no statistics were done to determine any relationship, just a curiosity. However, findings did show how field judgement with only four test holes would fail to identify a true application rate. I would agree that six are likely more reliable. It is a skill-set that requires knowledge of soils and observation of the tailings, rate of advance and sound from the drill rig. Arguably an average is a good measure of percolation for the randomness of a leach field. Even so, occasionally, there is an occurrence of an anomaly and a “little clay” will ruin your day. A reliable percolation test also requires a pre-soak to saturate the wetted boundary and after cleaning</p>	<p>This comment is not pertinent to the proposed adoption of the Tentative Resolution.</p> <p>Staff reviewed the comment and identified the focus of the comment is on the number of test holes required for percolation tests. This 2024 LAMP requirement is consistent with Tier 2 of the OWTS Policy.</p>	<p>Staff did not make changes to the Tentative Resolution.</p>

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	<p>out the test holes and scouring the sides to negate the auger compression of the side wall, it remains then to develop a percometer for measurements (not a tape measure to reflect a ripple if deeper than three feet). It is a chagrin to observe reports which do not follow the guidelines. There is no such thing as a 56.4 percolation rate or other such fractional examples. Is there really a difference in a percolation rate measured at 28-29 minutes versus 30-31? The guidelines advise rounding up to a whole number. Where is the common sense? Arguably, it requires a skill-set to judge how many deep borings are a good measurement of sub-surface conditions and, in my opinion, this construct is often neglected. In my opinion, a drip field should be tested with at least 6-8 borings so as to define and/or discover an area that could have a high percolation rate and therefore not have hydraulic over-load if averaged. The technical approach, in my opinion is to default to the highest percolation rate unless it can be excluded from the design area.</p>		
5	<p><u>Current Chapter 4– Septic Tanks</u> No pro e contra.</p>	<p>Comment noted.</p>	<p>Staff did not make changes to the Tentative Resolution.</p>
6	<p><u>Current Chapter 4– Effluent Filters</u> This is not a new element of design as it is a conditional construct in the approval letters of the subdivisions reviewed during my tenure. I would</p>	<p>This comment is not pertinent to the proposed adoption of the Tentative Resolution.</p>	<p>Staff did not make changes to the</p>

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	<p>recommend the DEHQ heed to and listen to the experience of pumping contractors who service these devices. Some are good and some are not. In my opinion, the DEHQ should maintain a list of devices that are peer reviewed for maintenance and effectiveness.</p>	<p>Staff reviewed the comment and identified it recommends DEHQ maintain an approved list of devices (such as effluent filters). The OWTS Policy does not require counties to maintain a list of peer-reviewed devices. The 2024 LAMP is consistent with the OWTS Policy.</p>	<p>Tentative Resolution.</p>
7	<p><u>Current Chapter 5- OWTS Sizing</u> I would opine, few actually know how these lengths are derived. More length is not necessarily better and the relative 200% of actual flow (internal water use) allows a significant safety factor. There could be an argument for less leach field length, but with increased reserve. Most failures are related to root invasion and leaky plumbing (except for those which can be attributed to errors in design constructs). Historically the length of leach lines as related to a percolation rate has not changed since November 1974 when there was a transition from “old code” to “new code” and the publication of the SAN D-14 (revised March 1978). In my recollection since 1970, there have been several discussions about revision (the most notable being the proposed adjustment in 1979 by the County Division of Sanitation Engineer. After many pro e contra staff discussions, the sizing has remained the same. However, the derivation of Application Rates with the ‘chart in the LAMP” has a fallacy (common with other jurisdictions which were likely used as</p>	<p>This comment is not pertinent to the proposed adoption of the Tentative Resolution.</p> <p>Staff reviewed the comment and identified the focus of the comment is on the minimum leach line length specified in the 2024 LAMP. The leach line length requirements specified in the 2024 LAMP are consistent with the Tier 1 requirements in the OWTS Policy.</p>	<p>Staff did not make changes to the Tentative Resolution.</p>

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	<p>templates for the LAMP). In my view and as proposed by many sources in the literature). The drip field application rates should be defaulted to a whole number relationship such as 12, 15, 24, 30, 36, 40, 48, 66, 80 and 120. Averages are not hydraulically valid and these singular numbers represent a proposed sizing. Importantly, any adjustment as proposed in the LAMP “Summary of Changes” for application rates used for leach lines to “align” with drip lines has no merit. Application rates for drip lines are a relationship with the size of an emitter, spacing and square footage of the dispersal area. Leach line application rates are derived from a constant divided by the square root of a percolation rate. Although this relationship can be challenged since there is disagreement with bottom area versus sidewall area and the $5/t^{1/2}$ was based on a maximum 40 minute per inch percolation rate with a two foot trench depth with only four inches of rock, the new code adds a “safety factor”. A perspective is any conversion from one to the other would not be realistic. For example: a 360-foot leach line with a 15 minute percolation rate would increase from 360 feet to 411 feet as comparable with a drip line. Arguably, more is not better. The other contrast would be a drip field of 411 feet would decrease to 360 feet. The argument is 'less is not better' as we are comparing an apple with an orange as to the difference between a drip field and a leach field.</p>		

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	Further discussion is beyond the scope of this commentary.		
8	<u>Current Chapter 9 – OWTS Repairs and Replacement</u> No commentary without more information about intent and/or details.	Comment noted.	Staff did not make changes to the Tentative Resolution.
9	<u>Current Chapter 10– Public Sewer</u> This is a huge problem with sewer districts who charge connection fees on the basis of parcel size. Most sewer connections are extremely costly. Some of my clients are thrilled to find out they are not in the district (even though the sanitary sewer is next to their front yard). Very costly! On the other hand, the sewer is a good fix. The ability to use Supplementary Treatment Systems” have been helpful as an option (also, costly).	Comment noted.	Staff did not make changes to the Tentative Resolution.
10	<u>Current Chapter New</u> This will be an inclusive commentary. Why cannot the DEHQ have the competence to deal with the less than 10,000 gallon limit. Can the Regional Bord do these small projects with timely attention and competence? Will such a change trigger more regulatory compliance with a Waste Discharge Report, California Environmental Quality Act review, Form 200 reports and make these small projects even more costly. How would public health and safety be served? Fortunately, these referrals to the Regional Board will not likely exceed more than a few projects since multiple lot subdivisions are not likely to be a factor anymore	This comment is not pertinent to the proposed adoption of the Tentative Resolution. Staff reviewed the comment and identified the comment recommends DEHQ regulate OWTS with design flows up to 10,000 gallons per day (gpd) under the 2024 LAMP. DEHQ’s decision to limit applicability of the 2024 LAMP to OWTS with flows up to 3,500 gpd is consistent with Tier 2 of the OWTS Policy.	Staff did not make changes to the Tentative Resolution.

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	<p>because of regulations and cost. Having written exhaustive reports to the Regional Board, I can hardly imagine the impact on addressing issues related to “proving” no harm to groundwater. Why and/or what is the motive for such a change? Is it a lack of training? One example of neglect in design review of engineered proposals is the need to more rigorously review of high strength Biological Oxygen Demand (BOD) and also fats, oils and grease separators. It is to the sorrow of the industry that this factor has been long ignored in many cases. As for the other constructs, there is no commentary because of a lack of details.</p>		
11	<p><u>Construct No. 1- Slope Percent</u> Ironically, the 25% slope limitation was based on an error of confusion between a 20% and 4:1 slope. Because steeper slopes were often proposed and were installed by hand excavation, terracing or even the risk of back-hoe mounts high in the air on extended supports was impetus for the DEH (DEHQ) “steep slope” policy. Much of it was ignored for many years (including a certification of slope stability). It too, was originally written with no input from the private sector nor with regard to observable systems on slopes of nominal 40% and with no record of failure on steep slopes. Existing systems abound and can be pointed out by “old school contractors”. Nevertheless, the policy is strict and defiantly prescriptive as there is no proof of its worth. Even avocado groves which typically receive 44,000</p>	<p>This comment is not pertinent to the proposed adoption of the Tentative Resolution.</p> <p>Staff reviewed the comment and identified the focus of this comment is on the percent slope limitation in the 2024 LAMP. This 2024 LAMP requirement is consistent with the OWTS Policy, which specifies that natural ground slope in all areas used for effluent disposal shall not be greater than 25 percent.</p>	<p>Staff did not make changes to the Tentative Resolution.</p>

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	<p>gallons of water each month per acre stand firm with no evidence of failing slope stability. Recommendation: Delete the policy from the LAMP. Practicality, liability and grading permit regulations are ample controls. A competent designer and “Environmental Health Specialist” professional can challenge a site which has rock lenses, outcropping features and arguable constraints. This would be more of a challenge if the design is merely reviewed by an “inspector”.</p>		
12	<p><u>Construct No.2- Drip Dispersal Fields with Tree or Boulder Interference</u> In some instances, it is necessary to either use tight-line or curve a drip line around an object. This results in a variance from the two-foot separation limit. <u>Recommendation</u> The design guidelines should be clear in allowance for greater than two-foot drip line separation since the four-square foot dispersal zone with would be unaffected. Examples abound in guidelines.</p>	<p>This comment is not pertinent to the proposed adoption of the Tentative Resolution. Staff reviewed the comment and identified the focus of this comment is on the 2024 LAMP requirements to establish a 2-foot separation from drip dispersal lines. This 2024 LAMP requirement is consistent with Tier 2 of the OWTS Policy, which gives counties the flexibility to establish alternate setback requirements.</p>	<p>Staff did not make changes to the Tentative Resolution.</p>
13	<p><u>Construct No.3- Setback to Leach Lines from a Drip Dispersal Line</u> The current ten-foot (some inspectors have preferred a prescriptive fifteen foot) separation from a drip line to a leach line makes no sense. The emitters and the drip lines are designed to disperse over a four-square foot area. Field observations concur there are no wet zones</p>	<p>This comment is not pertinent to the proposed adoption of the Tentative Resolution. Staff reviewed the comment and identified the focus of this comment is on the 2024 LAMP requirements for maintaining setbacks between drip</p>	<p>Staff did not make changes to the Tentative Resolution.</p>

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	<p>beyond two feet from an emitter when correctly designed in accordance with reliable percolation studies. Moreover, it makes no sense to require a ten-foot setback to a leach line when we allow a dispersal line within two-feet of a property line which therefore makes it a potential seven-feet from a neighboring leach line.</p> <p>Recommendation: Revise the guidelines and allow separation from a leach line and a drip line to be only five feet and the same to a residential structure (or any structure which has footings). The safety factor is merely a comfort for the regulators as actual wet zone and effluent travel does not exceed more than a nominal foot to a maximum or less of two feet from a drip line. The logic of two-foot separation for drip line underscores this recommendation. There is also a contrast with leach lines. Anyone who has observed wet zones next to a leach line can concur the actual travel of leachate is on the order of 1 to 2 ½ feet from the trench sidewall. Gravity and percolation does the rest. The exception might be argued as an unreliable percolation test report where an 80-120 min./inch might require a distance of about two feet or more before a saturated zone ceases. Perhaps this is why the original Uniform Plumbing Code did not recognize designs with percolation rates > 40 minutes per inch. Additional factors of design allow for slower percolation rates.</p>	<p>dispersal lines and leach lines. These 2024 LAMP requirements are consistent with Tier 2 of the OWTS Policy, which gives counties the flexibility to establish alternate setback requirements.</p>	

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	<p><u>Comment</u> It is important to recognize a drip field and a leach-field are entirely different. I am made to think the set-backs (except to structures and property lines) for dispersal fields were a hurried response to a completion deadline for the LAMP.</p>		
14	<p><u>Construct No. 4- Setback Separation Between a Leach Line and a Horizontal Seepage Pit</u> In my opinion, there should be no objection to allowing a horizontal seepage pit to be only ten-feet from a leach line. The zone of capillary attraction is nullified since one or the other systems would be abandoned. There is also a dispersal factor related to the cap depth of a horizontal seepage pit. Further discussion with the DEHQ can result in an agreement.</p>	<p>This comment is not pertinent to the proposed adoption of the Tentative Resolution.</p> <p>Staff reviewed the comment and identified the focus of this comment is on the 2024 LAMP requirement for maintaining setbacks between horizontal seepage pits and leach lines. These 2024 LAMP requirements are consistent with Tier 2 of the OWTS Policy, which gives counties the flexibility to establish alternate setback distances.</p>	<p>Staff did not make changes to the Tentative Resolution.</p>
15	<p><u>Construct No.5- Drip Lines between Leach Lines</u> In my opinion, there should be no objection to a drip line installed between existing leach lines. There would still be a nominal five-foot setback to the abandoned leach line trench. An argument could even be made for installing a drip line in the backfilled leach line trench. As you know, some jurisdictions allow drip lines in fill soil. In my view, the only objection would be if the “fill area” was not in a confined or contained area. Since drip dispersal lines are designed for a distribution of</p>	<p>This comment is not pertinent to the proposed adoption of the Tentative Resolution.</p> <p>Staff reviewed the comment and identified the focus of this comment recommends allowing drip lines to be installed between leach lines. The 2024 LAMP prohibition for installing drip lines in between leach lines is consistent with Tier 2 of the OWTS Policy.</p>	<p>Staff did not make changes to the Tentative Resolution.</p>

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	<p>four-square feet, why would we hold to the same constructs as for leach lines? Recommendation: Allow drip lines to be installed between leach lines since the 10-foot separation is arguably more than adequate for separation of a dry zone and wet zone? Of course, this would disallow a non-conforming repair of a leach line installed between two leach lines. On the other hand, a drip system should be allowed because there really is no reason for a drip dispersal line to ever fail unless an emitter ceases working, the trench is invaded by roots or a mechanical issue (All easily fixable). In the worst case (such as lack of competent maintenance or poor design), the existing system can be removed and a new drip dispersal system installed in its place. Even if a bio-mat was created by lack of maintenance, it can be removed by mechanical means so that a new soil horizon can serve as a renewed drip dispersal field. Technically, the aerobic discharge should not develop a biomat since it is a result of anaerobic treatment. Arguably it does occur, but not throughout the dispersal field. Any discovery of a wet zone can be remedied.</p>		
16	<p><u>Construct No.6- Reduction of Setbacks to a Cut bank from a Drip Dispersal Line</u> A 5:1 setback to a 6-12 inch drip field trench makes no sense and is argued as an simply not considering the difference between leach lines and drip line time of travel. Visual observation of wet zone travel around an emitter will confirm the wet</p>	<p>This comment is not pertinent to the proposed adoption of the Tentative Resolution. Staff reviewed the comment and identified the focus of this comment is on the 2024 LAMP requirements to maintain setbacks between cut bank</p>	<p>Staff did not make changes to the Tentative Resolution.</p>

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	<p>zone does not extend very much beyond 12 inches.</p> <p><u>Recommendation</u> Reduce the setback from a drip dispersal line to a cut bank to only ten-feet when the soil can be demonstrated as being homogeneous. If this construct is arguable, then it can be considered on a “site specific” basis and increased to more than a 2:1 ratio. Disagreement with this option can be addressed by consulting with a geologist or a geotechnical engineer (See logic in the discussion for “Construct No. 3”).</p>	<p>slopes and drip dispersal line trenches. These 2024 LAMP requirements are consistent with Tier 2 of the OWTS Policy.</p>	
17	<p><u>Construct No.7- Reduction of Setbacks to Drainage</u> Currently the regulation of drainage setbacks to a drainage course is inconsistent with industry and regulatory standards and definitions. At the very least, they should be consistent with Regional Board guidelines and not more strict.</p> <p><u>Recommendation</u> The DEHQ should consult with the Regional Board and revise their definitions of drainage types and setbacks. The professional and technical literature abounds.</p>	<p>This comment is not pertinent to the proposed adoption of the Tentative Resolution.</p> <p>Staff reviewed the comment and identified the focus of this comment is on the 2024 LAMP requirements to maintain setbacks from drainage courses. These 2024 LAMP requirements are consistent with Tier 2 of the OWTS Policy.</p>	<p>Staff did not make changes to the Tentative Resolution.</p>
18	<p><u>Construct No.8- Revision of Nitrate Policy</u> Currently the regulation of nitrate mass balance results in lots less than two acres not meeting the requirement for rainfall dilution between 16-18 inches per year (or less). There are instances</p>	<p>This comment is not pertinent to the proposed adoption of the Tentative Resolution.</p>	<p>Staff did not make changes to the Tentative Resolution.</p>

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	<p>where an owner desires to split his property for estate or other purposes and cannot do so. Assessment often concludes such “development” is merely an infilling or an area which already exceeds the mass balance goals. The addition of lots in these dense areas argue for a variance. A second area constraint occurs when the owner wants to construct an “Accessory Dwelling Unit” (essentially nearly doubling the nitrate concentration from the lot. Why is this allowed with no dispensation for a Parcel Map. If you recall, the original controls for nitrate concentration only applied to developments of 25 or more lots. Did the writer of the LAMP fail to understand the basis for that Regional Board guideline and merely apply restrictions to infilling lots.</p> <p><u>Recommendation</u> Remove the necessity of a nitrate mass balance when the surrounding density is already non-conforming and the new construction would arguably make no difference in the basin. If there is a contra to this, then the owner has the option of making an arguable case.</p>	<p>Staff reviewed the comment and identified the focus of this comment is on lots sizes required to allow for sufficient rainfall dilution to reduce nitrate impacts to groundwater. These 2024 LAMP requirements are consistent with Tier 2 of the OWTS Policy.</p>	
19	<p><u>Construct No.9- Well Setbacks</u> The State Water Well Standards allow for a local regulatory agency to reduce a well setback to an onsite disposal system (Bulletin 74-81, page 27) and subsequent updates. Why would the Department of Environmental Health Quality not allow a reduction of the well setback to a leach</p>	<p>This comment is not pertinent to the proposed adoption of the Tentative Resolution.</p> <p>Staff reviewed the comment and identified the focus of this comment is to allow reduced setbacks from disposal systems to wells. The 2024</p>	<p>Staff did not make changes to the Tentative Resolution.</p>

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	<p>field or a drip field to 50 feet if the well was sealed to a minimum 50 feet below grade and at least ten feet extended to competent rock or an aquitard. It makes no sense to disallow such construction when a hundred-foot setback is acceptable with a twenty-foot seal and it is unknown if a competent formation exists below the landing intersect.</p>	<p>LAMP requirements are consistent with Tier 2 of the OWTS Policy.</p>	
20	<p><u>Construct No.10- Groundwater Separation</u> This important regulatory element is very subjective and should be given new attention.</p> <p><u>Recommendation</u> The San Diego Regional Board (9) and Department of Environmental Health Quality should convene a round-table discussion with industry stakeholders. Input from this session would allow a definitive and practical approach to this construct. The discussion should center around the professional contribution of pro e contra as seen from the private sector and compared with public sector observations. The result would likely dispel many arguments.</p>	<p>This comment is not pertinent to the proposed adoption of the Tentative Resolution.</p> <p>Staff reviewed the comment and identified the focus of this comment is to request additional stakeholder discussion on the 2024 LAMP. The OWTS Policy allows local agencies to develop LAMPs that use practical approaches for regulating OWTS. Pursuant to Tier 2 of the OWTS Policy, LAMPs can contain alternative siting and design criteria for OWTS such as groundwater separation requirements, differing setbacks, differing density requirements, etc. To achieve this, DEHQ developed its LAMP in coordination with stakeholders. DEHQ held six virtual and in-person stakeholder sessions between September 15, 2022, and July 16, 2024, two of which San Diego Water Board staff attended. DEHQ has already received considerable input</p>	<p>Staff did not make changes to the Tentative Resolution.</p>

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		from the public during its extensive stakeholder and public comment process.	
21	<p><u>Construct No.11- Variance from Regulations</u> During this past adherence to the LAMP, the refrain from the regulator has been” We cannot vary from the lamp” as it must be strictly enforced [sic]. Many regulations allow for a variance and where so permitted; it should be authorized in the LAMP. Prescriptive codes should likewise have an allowance for variance on the merits of a “case by case”. A competent professional can make these distinctions and consult with senior staff. The County Administrative Code, § 68.351 allows for variance as do appeals to the Board of Supervisors. However, both bodies typically respond with an advisory that the LAMP is an agreement with the Regional Board and the County can be more “strict” than the State. That ends dialogue for comparison with State guidelines.</p> <p><u>Recommendation</u> Include language in the LAMP that allows a case by case variance from “rigidness”. In my experience having written policy, the intent was to provide guidance and discipline with field decisions. Variance was after consulting with a supervisor. Arguably, it makes for challenges to the line staff judgement, but at least there is an argument other than the LAMP “declares”.</p>	<p>This comment is not pertinent to the proposed adoption of the Tentative Resolution.</p> <p>Staff reviewed the comment and identified the focus of this comment is to request that variances be permitted in the 2024 LAMP. The 2024 LAMP is consistent with Tier 2 of the OWST Policy, which allows counties to develop alternate standards tailored to address local conditions and provide flexibility from using Tier 1 standards.</p>	<p>Staff did not make changes to the Tentative Resolution.</p>

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