California Regional Water Quality Control Board
Santa Ana Region

STAFF REPORT

May 22, 2009

ITEM: ***6**

SUBJECT: Appeal of Staff's Denial of an Exemption from the Minimum Lot Size Requirement for Subsurface Disposal System Use – Russ and Dawn Grove, 4180 Crestview Drive, Lake Elsinore, Riverside County, APN 379-300-001

DISCUSSION:

Mr. & Mrs. Grove contacted Board staff to request approval for the use of a second home (granny flat) utilizing a septic system at 4180 Crestview Drive in the Lake Elsinore area of Riverside County. The property is less than one acre in size (33,977 sq. ft. or 0.78-acre gross). Mr. & Mrs. Grove own the lot and currently reside in a single-family home at the site. The existing home is served by a septic tank subsurface disposal system for the discharge of sanitary wastes. This area of the County is unsewered.

Mr. & Mrs. Grove propose to construct a second dwelling unit (granny flat) on their lot and install an alternative treatment system to serve the new home.

On October 13, 1989, the Regional Board adopted a Basin Plan amendment to incorporate minimum lot size requirements (MLSR) for septic tank-subsurface disposal system use. The Board found that it was necessary to limit the density of new subsurface disposal systems to control the nitrate quality problems found in the groundwaters of the Region. The MLSR stipulate that new developments for which on-site subsurface disposal system use is proposed must have a minimum of one-half acre of land per dwelling unit. To satisfy these requirements, Mr. & Mrs. Grove's proposed dwelling units would each require one half-acre minimum lot size. With a density of 0.39 acres per dwelling unit/lot, Mr. and Mrs. Grove's proposal does not comply with the MLSR.

The MLSR specify that project proponents may propose an alternative treatment system for sewage disposal as the basis for an exemption from the minimum lot size requirements. Such a proposal must be reviewed on a case-by-case basis and submitted to the Regional Board for consideration. As stated above, Mr. and Mrs. Grove are proposing the use of an alternative treatment system to serve the new single family home (granny flat). The system being proposed is an (Orenco AdvanTex with AX100 textile filters, denitirification tank and a recirculation/blend tank) for the project. Provided that this system is operated and maintained properly, use of this alternative system is expected to result in a nitrogen removal efficiency of 70% or more and effluent nitrate-N quality of 10 mg/L or less.

The product water would be discharged to a leachfield. Mr. and Mrs. Grove propose to enter into a maintenance agreement with a qualified engineer for the operation of this alternative system. In addition, Mr. and Mrs. Grove have also agreed to conduct quarterly monitoring of the system for nitrates. Riverside County staff have advised Regional Board staff that Mr. and Mrs. Grove will be required to obtain an annual permit for the operation of the alternative system and that the County will inspect the system annually to determine if the alternative system is operating as required.

It should also be noted that should the alternative disposal system not operate as required, Mr. and Mrs. Grove will eliminate the alternative system and will implement an acceptable offset program, as provided by the MLSR.

RECOMMENDATION:

Approve Mr. and Mrs. Grove's request for an exemption from the minimum lot size requirements based on the use of an alternative disposal system, with the following stipulations: 1) Mr. and Mrs. Grove will enter into an agreement with a qualified engineer for the operation and maintenance of the alternative system. A copy of this agreement shall be submitted to the Regional Board; 2) Mr. and Mrs. Grove will conduct quarterly sampling for one year to determine the nitrate (as N) concentration in the effluent and submit those analyses to the Regional Board office within 30 days after such sampling and analysis has occurred; 3) Mr. and Mrs. Grove shall operate the alternative treatment system continuously so as to assure a consistent total nitrogen reduction of at least 70%; 4) Mr. and Mrs. Grove shall obtain an annual permit from the County Health Department for the operation of the alternative system; and, 5) Should Mr. and Mrs. Grove sell this property, they are required to disclose all of the conditions of approval stipulated in 1 through 4, above, to the new property owner(s). Mr. and Mrs. Grove shall also advise the Regional Board and Riverside County Environmental Health in writing of new ownership and confirm that the disclosures identified above have been made.[1] In the event that conditions 1-5 are not satisfied, Mr. and Mrs. Grove shall implement a program acceptable to the Executive Officer to offset septic system discharges; the program shall provide for the sewer connection of a dwelling unit that would not otherwise be required to connect. The substantive requirements of conditions 1, 2, 3, 4, and 5 (if one year of monitoring data are not available prior to the sale of the property) shall be fulfilled by new owners of the property should the Groves sell it.

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[1] It should be noted that Riverside County requires the recordation of an alternative system with the property deed, providing additional assurance that disclosure to buyers is provided. Alternative systems are then permitted for the life of the system and the permit must be renewed annually by the property owner.

Comments were solicited from the following agencies:

Riverside County Environmental Health – Matt Riha, MRiha@co.riverside.ca.us
Riverside County Department of Building and Safety – Steve Dondalski
City of Lake Elsinore Building and Safety – Robin Chipman, rchipman@lake-elsinore.org
Elsinore Valley Municipal Water District – Phil Miller, philmiller@evmwd.net