

California Regional Water Quality Control Board
Santa Ana Region

STAFF REPORT

October 26, 2012

ITEM: 7

SUBJECT: Appeal of Staff's Denial of an Exemption from the Minimum Lot Size Requirement for Subsurface Disposal System Use – Justin and Jamie Suprenant, 70 West 25th Street, Upland, San Bernardino County, APN 1003-241-38

DISCUSSION:

Jamie Suprenant recently contacted Board staff requesting approval for the use of an existing septic system to serve an existing guest house at the above-reference site. The property is less than one acre in size (33,106 sq. ft. or 0.76-acre gross). Mr. and Mrs. Suprenant purchased the property in 2012 and currently reside in a single-family home at the site. A detached garage on the property was converted to a guest house by the previous owners. The detached garage to guest house conversion was done without a San Bernardino County building permit. The existing home and guest house are currently served by a 1,000-gallon septic tank-subsurface disposal system for the discharge of sanitary wastes. This area of San Bernardino County is unsewered. Staff denied their request for approval of the guest house to be connected to the existing septic system because the lot is less than one acre in size (see below). Mr. and Mrs. Suprenant are now proposing to install an alternative treatment system to serve the home and guest house per the Regional Board's minimum lot size requirements exemption criteria.

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. and Mrs. Suprenant's house and guest house would each require a one half-acre minimum lot size. With a density of 0.38 acres per dwelling unit/lot, the Suprenant's initial proposal to use the existing septic tank for the second dwelling unit did not comply with the MLSR. Consequently, staff denied their request.

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.

Suprenant are proposing the use of an alternative treatment system to serve both the existing home and the guest home. The system being proposed is an aeration type activated sludge treatment system called "retroFAST.375" which is designed to accommodate treatment of 375-gallons per day of residential wastewater.

Provided that this system is operated and maintained properly, use of this alternative system is expected to result in a nitrogen removal efficiency of approximately 70% or more and effluent nitrate-N quality of 10 mg/L or less. The product water would discharge to a leachfield. In addition, Mr. and Mrs. Suprenant have also agreed to conduct quarterly monitoring of the system for nitrates. San Bernardino County staff has advised Regional Board staff that Mr. and Mrs. Suprenant 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. Suprenant will eliminate the alternative system and will implement an acceptable offset program, as provided by the MLSR.

RECOMMENDATION:

Approve Mr. and Mrs. Suprenant'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. Suprenant will enter into an agreement with a qualified operator 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. Suprenant will conduct quarterly sampling for one year to determine the nitrate (as N) concentration of 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. Suprenant shall operate the alternative treatment system continuously so as to assure a consistent total nitrogen reduction of at least 70%; 4) Mr. and Mrs. Suprenant shall obtain an annual permit from San Bernardino County Environmental Health Services for the operation of the alternative system; and, 5) Should Mr. and Mrs. Suprenant 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. Suprenant shall also advise the Regional Board and San Bernardino County Environmental Health Services 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. Suprenant 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,

¹ It should be noted that San Bernardino 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.

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 Supernants sell it.

Comments were solicited from the following persons:

San Bernardino County Environmental Health Services – Josh Dugas / Jon Reid
San Bernardino County Building and Safety – Ronald Espalin