

California Regional Water Quality Control Board  
Santa Ana Region

STAFF REPORT

October 28, 2016

ITEM: \*6

SUBJECT: Appeal of Staff's Denial of an Exemption from the Minimum Lot Size Requirements for Subsurface Disposal System Use – Angel and Carmen Gallarzo, 10413 56<sup>th</sup> Street, Jurupa Valley, Riverside County – APN 161-082-010

DISCUSSION:

On October 6, 2016, Angel and Carmen Gallarzo contacted Board staff and requested approval for the proposed use of a second dwelling unit (guest house) on their lot located at 10413 56<sup>th</sup> Street, Jurupa Valley. Mr. and Mrs. Gallarzo reside in a home located at the site. An existing subsurface disposal system is utilized for the discharge of domestic waste from their existing house. The gross size of the lot is slightly less than one acre (33,977 sq. ft. or 0.78 acre). This area is unsewered and on-site septic tank-subsurface disposal systems are utilized for disposal of domestic waste. Staff denied Mr. and Mrs. Gallarzo's request for approval of a second septic tank and they are now proposing to install an alternative treatment system to serve the guest house.

On October 13, 1989, the Regional Board adopted Resolution No. 89-157, 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 groundwater within the Region. The MLSR stipulate that new development for which onsite septic tank-subsurface disposal system use is proposed must have a minimum of one-half acre of land per dwelling unit. To satisfy these requirements, the Gallarzos' proposed dwelling units would each require one half-acre minimum lot size. With a density of 0.39 acres per dwelling unit/lot, the Gallarzos' initial proposal to use a 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. Gallarzo are proposing the use of an alternative treatment system to serve the new single family home (guest house). The system being proposed is a "Jet, Inc. J-500" disposal system with shallow drip dispersal for the treatment and disposal of sanitary wastes from the home.

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. Mr. and Mrs. Gallarzo propose to enter into a maintenance agreement with a qualified engineer for the operation of this alternative system. In addition, Mr. and Mrs. Gallarzo agreed to conduct quarterly monitoring of the system for nitrates. Riverside County staff has advised Regional Board staff that Mr. and Mrs. Gallarzo 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. Gallarzo will eliminate the alternative system and will implement an acceptable offset program, as provided by the MLSR.

#### RECOMMENDATION:

Approve Mr. and Mrs. Gallarzo'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. Gallarzo 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 County and the Regional Board; 2) Mr. and Mrs. Gallarzo 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. Gallarzo shall operate the alternative treatment system continuously so as to assure a consistent total nitrogen reduction of at least 70%; 4) Mr. and Mrs. Gallarzo shall obtain an annual permit from the County Health Department for the operation of the alternative system; and, 5) Should Mr. and Mrs. Gallarzo sell their 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. Gallarzo 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.<sup>1</sup> In the event that conditions 1-5 are not satisfied, Mr. and Mrs. Gallarzo 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 Mr. and Mrs. Gallarzo sell it.

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<sup>1</sup> 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 persons:

Riverside County Environmental Health – Matt Riha  
AMPAC and Associates, Inc. – David Ballinger