

**STATE OF CALIFORNIA
REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL COAST REGION**

STAFF REPORT FOR REGULAR MEETING OF JUNE 28-29, 2018

Prepared on May 31, 2018

ITEM NUMBER: 10

SUBJECT: Status Update of Local Agency Management Programs Pursuant to State Policy for Onsite Wastewater Treatment

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SUMMARY

This item provides a status update on Local Agency Management Programs (LAMPs) pursuant to the State Water Resources Control Board (State Water Board) policy that establishes siting, design, operation, and maintenance criteria for onsite wastewater (septic) treatment systems (OWTS Policy).

DISCUSSION

Background

The State Water Board adopted the OWTS Policy on June 19, 2012. The Central Coast Regional Water Quality Control Board (Central Coast Water Board) subsequently amended the Water Quality Control Plan for the Central Coastal Basin (Basin Plan) to incorporate the OWTS Policy. The OWTS Policy includes several sets of requirements for different conditions, called "Tiers". The Tiers and descriptions are:

Table 1. OWTS Policy Tiers

Tier	Description
0	<u>Existing OWTS</u> . Existing systems that are properly functioning and do not need corrective action and are not near an impaired waterbody subject to a TMDL, a local agency's special provisions, or located near a waterbody listed as impaired in the OWTS Policy.
1	<u>Low-Risk New or Replacement OWTS</u> . See Attachment 1 for Tier 1 siting and design requirements. Tier 1 applies when a Local Agency Management Program (LAMP) has not been approved by the Regional Water Board.
2	<u>LAMP for New or Replacement OWTS</u> . New or replacement OWTS approved pursuant to the siting and design standards of an approved LAMP.
3	<u>Advanced Protection Management Program</u> . OWTS requirements systems located near a waterbody listed as impaired in the OWTS Policy.

4	<u>OWTS Requiring Corrective Action</u> . Systems that are not properly functioning.
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The OWTS Policy became effective on May 13, 2013 and provided five years for local agencies to develop a LAMP for approval by the Regional Boards. Local agencies with a Central Coast Water Board-approved LAMP may approve new and replacement OWTS that meet the requirements of their LAMP. After May 13, 2018, local agencies without an approved LAMP may only approve new or replacement OWTS that meet the low-risk siting and design requirements specified by Tier 1 (see Attachment 1). Local agencies should continue to work on LAMP development for approval by the Central Coast Water Board.

LAMP Development Status

In April 2015, and again on April 2016, Central Coast Water Board staff sent letters (see Attachment 2 and Attachment 3) regarding the OWTS Policy and changes in OWTS regulations. The letters encouraged local agencies to contact staff to discuss LAMP development, expectations, and options for regulating OWTS within their jurisdictional boundaries.

Table 2 summarizes the status of local agencies that have submitted LAMPs to the Central Coast Water Board.

Table 2. LAMP Status: Approved (date) and Submitted

Status	Local Agency
Approved	Santa Barbara County (November 2015)
	Monterey County (May 2018)
	Santa Clara County (approved by the San Francisco Bay Water Board in December 2015)
In Progress (Draft LAMP Submitted)	City of Atascadero
	San Luis Obispo County
	Santa Cruz County
	San Benito County
	Ventura County (Los Angeles Water Board)
	San Mateo County (San Francisco Bay Water Board)

Several local agencies have responded to the 2015 and 2016 letters and indicated they do not have any existing OWTS within their jurisdictional boundaries. Other local agencies have reported they have OWTS but do not plan to prepare a LAMP. Table 3 summarizes these responses and provides a list of the local agencies that have not responded to our letters.

Table 3. Local Agencies OWTS Responses

OWTS	Local Agency
Does not have any existing OWTS within their jurisdiction	Solvang, Mission Hills Community Services District, and Carmel Area Wastewater District.
Has existing OWTS within their jurisdiction but does not plan to prepare a LAMP	Grover Beach, Pismo Beach, Guadalupe, Paso Robles, and Vandenberg Air Force Base.

Has existing OWTS within their jurisdiction and plans to enter into an agreement with another local agency to be covered by their LAMP	City of Santa Barbara and Santa Maria (potential agreements with Santa Barbara County)		
No Response	Arroyo Grande	Gilroy	Morro Bay
	Buellton	Goleta	Pacific Grove
	Capitola	Gonzales	Salinas
	Carmel	Greenfield	Sand City
	Carpinteria	Hollister	Santa Ynez Community Services District
	City of Monterey	King City	Scotts Valley
	City of San Luis Obispo	Lompoc	Seaside
	City of Santa Cruz	Marina	Soledad
	Del Rey Oaks	Morgan Hill	Watsonville

Reminder to Agencies without an Approved LAMP: On May 14, 2018, Central Coast Water Board staff sent a letter (Attachment 4) to local agencies without approved LAMPs reminding them that they are no longer authorized to approve OWTS that are not compliant with the siting and design requirements of OWTS Policy Tier 1. The letter requested local agencies provide information to Central Coast Water Board staff on their OWTS status. Staff will continue to follow up with the agencies that do not respond to this letter.

Grover Beach, Pismo Beach, Guadalupe, and Paso Robles have OWTS in their jurisdiction. These cities have stated that they do not plan to approve any OWTS (including those that meet the siting and design requirements of Tier 1) and will instead direct new or existing OWTS owners to the Central Coast Water Board for permitting.

Vandenberg Air Force Base has OWTS in their jurisdiction and plans to approve OWTS consistent with the OWTS Policy (approving OWTS that meet Tier 1 and submitting others to the Central Coast Water Board for permitting).

Santa Cruz County and San Luis Obispo County requested an extension or waiver to allow them to continue permitting all OWTS systems beyond May 13, 2018. The OWTS Policy does not allow extensions. The Central Coast Water Board also cannot issue a waiver to extend the date because such a waiver would not be consistent with the Basin Plan. Central Coast Water Board staff inquired further with State Water Board Office of Chief Counsel staff, who subsequently confirmed this.

Remaining Unapproved LAMPs: Staff is working with Atascadero and the counties of San Luis Obispo, Santa Cruz, and San Benito to develop LAMPs for Central Coast Water Board approval. Key issues being worked on with these entities include:

- Complete draft LAMPs and draft ordinances that are consistent with the OWTS Policy, using the LAMP checklist¹ (see Attachment 5 for an example LAMP checklist, the checklist from the Santa Barbara LAMP).
- Siting and design requirements for OWTS (e.g., allowable lot size for new subdivisions, leach line sidewall calculations, and setbacks from wells and property lines).
- Groundwater monitoring programs.
- Alternative treatment and dispersal system management.

Table 4 provides a summary of the draft LAMPs submitted to Central Coast Water Board staff for review.

Table 4. Status of Unapproved LAMPs

Agency	Status
San Benito County	Staff provided comments to San Benito County on May 31, 2018 on the county's draft LAMP submitted in May 2018. Staff is also awaiting the county's LAMP checklist.
Santa Cruz County	Staff is awaiting a revised draft LAMP from Santa Cruz County. Santa Cruz County submitted a working draft LAMP in 2016 and is developing revisions to the LAMP to be consistent with the OWTS Policy. The county submitted a draft checklist and draft ordinance on February 8, 2018.
San Luis Obispo County	Staff is awaiting a revised draft LAMP from San Luis Obispo County. The county has stated they are in the process of hiring a consultant to assist with analysis to evaluate water quality impacts on OWTS lot size.
Atascadero	Staff is working with Atascadero on revisions to their draft LAMP submitted in April 2018.

The Board chair Dr. Wolff, executive officer John Robertson, and section manager Harvey Packard met with San Luis Obispo County supervisor Bruce Gibson on May 30, 2018 to discuss LAMP status and outstanding issues.

Santa Barbara County LAMP Implementation

The Central Coast Water Board approved the Santa Barbara County LAMP in November 2015. Santa Barbara County began implementing their LAMP in late 2015 and holds regular outreach workshops to answer questions from the public on implementation of the LAMP requirements. In addition to public outreach, county staff consult with Central Coast Water Board staff on a variety of OWTS technical issues related to policy interpretation, OWTS design, and OWTS installation. Recent discussions between the county and Central Coast Water Board staff are focused on transferring OWTS with flows greater than 10,000 gallons per day or containing high-strength wastewater (biochemical oxygen demand greater than 900 milligrams per liter) currently regulated by the county to the Central Coast Water Board for regulation under Statewide General Order 2014-0153-DWQ.

¹ Staff provided a checklist to local agencies in 2016 to serve as a LAMP completeness tool. Through the checklist, local agencies identify which section of their LAMP meets each requirement of the OWTS Policy and their legal authority to enforce the LAMP.

Central Coast Water Board OWTS Permitting Activities

The Central Coast Water Board must issue Waste Discharge Requirements (a permit) or a waiver of Waste Discharge Requirements for OWTS where any of the following applies:

- New or replacement OWTS installed in counties (or other jurisdictions) without approved LAMPs (outside of Santa Barbara County or Monterey County's jurisdiction) that do not meet the siting and design requirements of Tier 1 of the OWTS Policy.
- New or replacement OWTS installed in Santa Barbara County or Monterey County's jurisdiction that do not meet the siting and design requirements of Tier 1 or their LAMP.
- OWTS with a projected flow over 10,000 gallons-per-day.
- OWTS that receive high-strength wastewater, unless the waste stream is from a commercial food service building.
- OWTS that receive high-strength wastewater from a commercial food service building: (1) with a biochemical oxygen demand higher than 900 mg/L, or (2) that does not have a properly sized and functioning oil/grease interceptor.
- OWTS that receive significant amounts of wastes from recreational vehicle holding tanks.

Central Coast Water Board staff updated the Central Coast Water Board OWTS webpage and created a new webpage for applicants to obtain information on OWTS permitting. The updated webpage provides information on who needs a permit and the process to apply for a permit. The webpage will continue to be updated with answers to frequent questions received by staff. An email subscription list is also available for interested parties to receive OWTS and LAMP information. The webpage can be found here:

https://www.waterboards.ca.gov/centralcoast/water_issues/programs/septics/permits.html

Central Coast Water Board staff participated in discussions and meetings with staff from the counties of San Luis Obispo and Santa Cruz as well as the City of Atascadero in May 2018 to answer questions about OWTS permitting for the period during which no approved LAMP is in place and to learn from local agency staff what questions they were encountering on the recent changes to OWTS permitting. Additional discussions and meetings are planned for June 2018 for the counties of San Benito, San Luis Obispo, and Santa Cruz as well as the City of Atascadero.

Central Coast Water Board staff also responded to questions from the public on OWTS permitting. As of May 31, 2018, no applications for OWTS permits have been received for the counties of Santa Cruz, San Benito, San Luis Obispo, or the City of Atascadero, however staff expects to receive applications in the upcoming weeks.

Identification of Impaired Groundwater Basins

The Santa Barbara County and Monterey County LAMPs contain language for OWTS in degraded groundwater basins. Once the Central Coast Water Board identifies a groundwater basin or sub-basin where the use of OWTS is causing or contributing to groundwater degradation, the local agency must develop a plan (called an Advanced Groundwater Protection Management Program) for approval by the Central Coast Water Board to address the impacts from OWTS in that basin. This language will also be included in any future LAMPs brought to the Central Coast Water Board for approval.

Central Coast Water Board staff have begun to develop a draft protocol or process for identifying degraded groundwater basins. Staff is pilot testing the effectiveness of the protocol for the Santa Ynez River Valley sub-basins, associated with the greater Los Olivos area. This protocol could be used in the future to identify degraded groundwater basins throughout our region.

The draft *Groundwater Characterization Project Protocol* was developed by Central Coast Water Board staff to evaluate groundwater quality data in the Central Coast Region. The protocol is adapted from "Status of Groundwater Quality in the Santa Barbara Study Unit, 2011: California GAMA Priority Basin Project, Scientific Investigations Report 2016-5112, U.S. Geological Survey." The protocol sets a framework for data compilation and analysis that is scientifically supported. Using the protocol, Central Coast Water Board staff can determine if a groundwater basin is impaired or significantly degraded because of discharges associated with human activities (e.g. OWTS disposal, irrigated agriculture, etc.).

Central Coast Water Board staff, with support from Heal the Ocean, have used this draft protocol to develop a draft *2018 Santa Barbara County Groundwater Characterization Project for the Santa Ynez River Valley Sub-basins*. This document evaluates and reports on groundwater quality data for Santa Ynez River Valley Groundwater Basin. The draft report is under internal review and should be available for public comment in August 2018.

CONCLUSION

Central Coast Water Board staff will continue with the following action items:

- 1) Continue working with each agency still developing a LAMP to complete it consistent with Central Coast Water Board direction in relation to content.
- 2) Continue working with these same agencies to better define respective roles (i.e., permitting, permittee assistance, inspections, etc.) for the period prior to Central Coast Water Board approval of their LAMP.
- 3) Continue development of draft protocol for determining impairment of groundwater basins and ready a draft report on the Santa Ynez River sub-basins for intended release late this summer.
- 4) Update the Central Coast Water Board on each of the above action items as part of forthcoming 2018 and subsequent board meetings.

ATTACHMENTS

1. Tier 1 Siting and Design Requirements – Excerpts from State Water Board's *Water Quality Control Policy for Siting, Design, Operations, and Maintenance of Onsite Wastewater Treatment Systems*
2. Letter dated April 14, 2015, *Status of Onsite Wastewater System Regulation*
3. Letter dated April 21, 2016, *Status of Onsite Wastewater System Regulation*
4. Letter dated May 14, 2018, *Local Agencies without an Approved LAMP no Longer Authorized to Approve all Onsite Wastewater Treatment Systems after May 13, 2018*
5. County of Santa Barbara's LAMP Completeness Checklist