

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

STAFF REPORT FOR REGULAR MEETING OF SEPTEMBER 23-25, 2020

Prepared on August 31, 2020

ITEM NUMBER: 15

SUBJECT: Consideration of San Luis Obispo County's Local Agency Management Program (LAMP) for Regulating Onsite Wastewater Treatment and Disposal Systems, Resolution No. R3-2020-0024

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KEY INFORMATION

Location: Unincorporated Areas of San Luis Obispo County
Type of Discharge: Discharges from Onsite Wastewater Treatment Systems
Design Capacity: Less than 10,000 gallons per day
Treatment: Onsite Treatment
Disposal: Onsite Disposal
Reclamation: None
Existing Orders: General Waste Discharge Requirement Order No. 00-12

ACTION: Adopt Resolution No. R3-2020-0024

SUMMARY

The State Water Resources Control Board (State Water Board) Water Quality Control Policy for Siting, Design, Operation, and Maintenance of Onsite Wastewater Treatment Systems (OWTS Policy)¹ establishes statewide regulations for onsite wastewater systems (commonly known as septic systems). The OWTS Policy established a statewide, risk-based, tiered approach for regulation and management of septic systems and sets minimum performance standards. The OWTS Policy became effective May 13, 2013.

To accommodate regional geologic and climatic conditions, the OWTS Policy allows local agencies to propose a local agency management program (LAMP), and upon approval the local agency can then manage the installation of new and replacement septic systems in accordance with that LAMP. LAMPs allow local agencies to establish criteria that may differ from the minimum performance standards set in the OWTS Policy.

¹ https://www.waterboards.ca.gov/water_issues/programs/owts/board_adopted_policy.html

The OWTS Policy requires the Central Coast Water Board to approve LAMPs via the adoption of resolutions; for the San Luis Obispo County LAMP, this is achieved by adopting the attached Resolution No. R3-2020-0024 (Attachment 1). Central Coast Water Board staff worked closely with San Luis Obispo County staff to ensure the LAMP includes standards that are protective of water quality. Without an approved LAMP, local agencies may permit new or replacement OWTS only if they are consistent with the siting and design requirements established in the OWTS Policy.

This staff report provides highlights the most critical standards and operating requirements presented in the proposed San Luis Obispo County LAMP. The LAMP was reviewed by Central Coast Water Board staff, which find the LAMP meets all the standards of the OWTS Policy, thereby ensuring the protection of water resources.

DISCUSSION

Background

In accordance with Water Code section 13290 et seq., the OWTS Policy sets standards for:

- a. The construction or replacement of OWTS.
- b. OWTS that are subject to a major repair.
- c. OWTS that pool or discharge waste to the surface of the ground.
- d. OWTS that are affecting, or will affect, groundwater or surface water to a degree that makes it unfit for drinking water or other beneficial uses, or causes pollution, nuisance, or contamination, or that has reasonable potential to cause a violation of water quality objectives.

The OWTS Policy also includes minimum operating requirements for OWTS that may include:

- a. Siting, construction, and performance requirements.
- b. Requirements for OWTS near certain waters listed as impaired under section 303(d) of the Clean Water Act.
- c. Authorizing local agency implementation of the requirements through LAMPs.
- d. Corrective action requirements.
- e. Minimum monitoring requirements.
- f. Exemption criteria.
- g. Determining when an existing OWTS is subject to major repair.
- h. A conditional waiver of waste discharge requirements.

The San Luis Obispo County Planning and Building Department (SLO County) staff and Central Coast Water Board staff have been working to develop the proposed LAMP since 2016. The LAMP was modified through a written comment and response process and several technical working meetings between Central Coast Water Board and SLO County staff.

In 2019, as a final part of the LAMP development process, San Luis Obispo County commissioned an engineering study that analyzed the threat posed by cumulative impacts from OWTS discharges to groundwater across the County. The study included an analysis of potential impacts considering parcel development status, general soil suitability mapping (i.e., type and depth of soils), depth to groundwater, watershed areas, individual groundwater basins, and OWTS focus areas². The result of the study validated that a 1-acre minimum lot size was needed for new subdivisions and determined that nitrogen removal is needed for new construction projects in ten of twenty focus areas identified by the engineering study to be at risk of nitrate pollution due to cumulative impacts from OWTS.

Central Coast Water Board staff find that the proposed LAMP protects water quality, takes local conditions into account, requires additional protections in areas susceptible to severe nitrate pollution, and complies with OWTS Policy requirements to ensure protection of water resources.

LAMP Applicability

The San Luis Obispo County LAMP will apply to unincorporated cities in the county, and will not apply to incorporated areas including the cities of Arroyo Grande, Pismo Beach, Grover Beach, Morro Bay, San Luis Obispo, Paso Robles, and Atascadero, or to state or federally-owned properties, including Camp Roberts and any United States Forest Service or Bureau of Land Management lands. Properties regulated by the California Department of Housing and Community Development, including recreational vehicle parks and mobile home parks, are also not subject to the provisions of this LAMP.

History

Historically, prior to when the OWTS Policy came into effect, the regulation of onsite domestic wastewater treatment systems was regulated by the San Luis Obispo County Building and Planning Department. They reviewed and approved designs for new onsite system and ensured consistency with requirements contained in the Central Coast Water Board's Basin Plan and the California Plumbing Code. County Building and Planning (along with the County Environmental Health Department) also regulated repairs of failed onsite systems consistent with requirements applicable at that time.

San Luis Obispo County Specific Requirements

The following County specific requirements were established in the San Luis Obispo County LAMP:

- The engineering study conducted by San Luis Obispo County indicated that in general a septic system on a minimum new development lot size of 1-acre is protective of water quality. The limits on new development lot sizes (i.e., density restriction) will help to mitigate the cumulative impacts of OWTS.

² Focus areas were identified by projected OWTS densities and threat to groundwater at community buildout.

- The use of seepage pits for wastewater disposal will no longer be allowed for new subdivisions.
- The County Planning and Building Department will maintain a dedicated Registered Environmental Health Specialist on staff with OWTS expertise to review design plans and perform inspections.
- New OWTS installations for commercial properties, will require that wastewater disposal systems be built to 200% capacity at initial construction to compensate for highly variable flows typical at such properties.
- San Luis Obispo County may allow all or portions of an OWTS to be located on adjoining properties with a non-revocable easement. The non-revocable easement must be recorded at the office of the County Recorder as part of the conditions of ownership of said properties, and shall be binding on heirs, successors, and assigns to such properties.
- The LAMP 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, San Luis Obispo County will be required to develop a plan (called an Advanced Groundwater Protection Management Program) for approval by the Central Coast Water Board to address the impacts.

Additional Protections for Focus Areas

The results of the engineering study identified twenty focus areas in the County that pose a threat to water quality due to projected cumulative OWTS nitrogen impacts to groundwaters at community buildout. The focus areas were separated into three impact categories, in terms of projected total nitrogen groundwater concentrations, as:

- Severe impact areas,
- Moderate impact areas, and
- Low impact areas.

The LAMP will require non-conventional onsite wastewater treatment systems (non-conventional systems)³ capable of nitrogen reduction for all new construction in the following focus areas identified as severe and moderate impact areas by the engineering study analysis.

³ Non-conventional systems (sometimes referred to as supplemental treatment systems, enhanced treatment systems, or small package plants) are systems that treat wastewater to a higher standard than a traditional septic system prior to disposal. In addition to the septic tank, the OWTS includes one or more supplemental treatment components to treat the effluent prior to discharge to the dispersal field.

Focus Area	Impact Categorization
Montana De Oro (<i>two miles south of Los Osos</i>)	Severe
Creston (<i>10 miles east of Atascadero</i>)	Severe
Baywood (<i>adjacent to Los Osos</i>)	Severe
Santa Margarita (<i>four miles south of Atascadero</i>)	Severe
Jardine Road (<i>northeast portion of City of Paso Robles</i>)	Moderate
Branch Road (<i>two miles east of Paso Robles</i>)	Moderate
Shandon (<i>12 miles east of Paso Robles</i>)	Moderate
Templeton North (<i>three miles south of Paso Robles</i>)	Moderate
Oak Hills West (<i>near Lake Nacimiento, 10 miles northwest of Paso Robles</i>)	Moderate
Los Osos Oaks (<i>in Los Osos</i>)	Moderate

Prohibition Areas

The septic system discharge prohibition areas in Los Osos and Nipomo identified in the Water Quality Control Plan for the Central Coastal Basin (Basin Plan) are recognized in the LAMP. Therefore, no septic systems are allowed in the areas identified in the discharge prohibition areas.

The Bayview Heights and Martin Tract areas, which were carved out from the Los Osos prohibition area, are currently regulated via Central Coast Water Board General Waste Discharge Requirements General Order No. 00-12⁴. Upon approval of the LAMP by the Central Coast Water Board followed by the San Luis Obispo County Board of Supervisors, General Order No. 00-12 will be terminated, and the Bayview Heights and Martin Tract areas will be regulated according to the LAMP criteria and requirements. The lot size restrictions contained in the LAMP for this area are sufficient to protect groundwater quality in these areas.

⁴ There are currently 20 single-family dwellings enrolled in General Order No. 00-12.

Non-conventional systems

Non-conventional systems are used to overcome specific site constraints, such as shallow groundwater or shallow soils⁵. Examples of non-conventional system components include aerobic treatment units, sand or textile filters, and mound systems. Non-conventional systems are typically designed to reduce nitrogen. In locations with shallow groundwater, where vertical separation requirements cannot be met, disinfection will also be required.

New systems installed in areas designated as having severe and moderate impact at buildout will be required to install a non-conventional system to reduce nitrogen. Non-conventional systems will require an operating permit issued by County Planning and Building and owners of these systems will be required to submit annual reports to the County.

Non-conventional systems will also be required to have an Operations and Maintenance Agreement recorded with the County of San Luis Obispo Clerk Recorder's office, to inform future owners, heirs, executors, administrators, or successors that the subject property is served by non-conventional systems. The agreement needs to include provisions for current and future owners to maintain a current annual operating permit, and comply with all established monitoring, reporting, inspection, and maintenance requirements of that operating permit.

For each non-conventional system installation, a qualified service provider will be responsible for:

- Performing routine activities required to keep the system operational.
- Responding to emergencies in a timely manner.
- Performing biannual inspections.
- Collecting and recording information regarding operational status of treatment components and recommending timely maintenance, replacement, or pumping of various components as required.
- Monitoring system performance through collection and analysis of effluent samples when required.
- Reporting system operational status or system performance to the property owner and County Planning & Building, including the results of all inspections, and results from any analysis of the wastewater for total suspended solids (TSS), biochemical oxygen demand (BOD), and nitrogen.

Non-conventional system installations in the severe or moderate impact focus areas will be required to reduce total nitrogen to either 10 milligrams per liter (mg/L) as nitrogen, or by 50% from influent concentration. Non-conventional systems not in severe or moderate impact areas will be required to reduce total nitrogen to a concentration of no more than 25 mg/L as nitrogen.

⁵ For example, shallow soils overlaying an impermeable layer or bedrock.

OWTS Repairs

LAMP requirements will apply to all future OWTS repair situations to the extent practicable. For example, repair and replacement of seepage pit disposal systems will require installation of a non-conventional system, and all other failed OWTS components must be brought up to new installation standards contained in the LAMP at the time of replacement.

Provisions are made in the LAMP for repairs in financial hardship situations declared by property owners. In such cases, a declaration on the property deed is required stating that the OWTS has been repaired in a non-conforming manner. The deed restriction will require the upgrading of the OWTS to conforming status at the time of property transfer.

Reporting

San Luis Obispo County will annually submit a tabular summary of OWTS related actions taken during the previous year to the Central Coast Water Board. The annual summary will include:

- The number and location of complaints pertaining to OWTS operation and maintenance, and identification of those which were investigated and how they were resolved;
- The applications and registrations issued as part of the local septic tank cleaning registration program;
- The number, location, and description of permits issued for new and replacement OWTS and the design flow of the permitted OWTS; and
- The number, location, description, and rationale for permits issued for OWTS where a variance to LAMP requirements was granted.

Human Right to Water

California Water Code section 106.3, subdivision (a) states: It is a policy of the State of California “that every human being has the right to safe, clean, affordable, and accessible water adequate for human consumption, cooking, and sanitation purposes.” On January 26, 2017, the Central Coast Water Board adopted Resolution No. R3-2017-0004, which affirms the realization of the human right to water and the protection of human health as the Central Coast Water Board's top priorities.

This LAMP increases the protection of groundwater resources in areas most likely to be impacted by nitrate pollution in the future. Non-conventional systems will reduce total nitrogen discharged to groundwaters and will result in improved water quality. This will protect the municipal and domestic supply (MUN) drinking water beneficial uses and will protect drinking water quality for those that depend on groundwater as their drinking water source.

Disadvantaged Communities

The Central Coast Water Board implements regulatory activities and water quality projects in a manner that ensures the fair treatment of people of all ethnicities, cultures, backgrounds and income levels, including disadvantaged communities (DACs). Additionally, the Central Coast Water Board is committed to providing all stakeholders the opportunity to participate in the public process and provide meaningful input to decisions that affect their communities.

As stated above, provisions are made in the LAMP for financial hardship situations declared by property owners, for OWTS requiring repair.

If impacts to surface water or groundwater pollution results from the discharges regulated by the proposed Resolution, Central Coast Water Board staff will help facilitate outreach and education to inform affected parties and connect them with available resources, especially disadvantaged communities.

Climate Change

The Central Coast faces the threat and the effects of climate change for the foreseeable and distant future. To proactively prepare and respond, Central Coast Water Board staff has launched the Central Coast Water Board's Climate Action Initiative, which identifies how our work relates to climate change and prioritizes actions that promote adaptation and mitigation to improve resilience and protect beneficial uses. The Climate Action Initiative is consistent with the Governor's Executive Order B-30-15 and the State Water Board's Climate Change Resolution No. 2017-0012.

The proposed LAMP regulates the discharge of OWTS wastewater, supports beneficial uses and indirectly supports water reuse by recharging aquifers. Community use of individual OWTS eliminates emissions resulting from activities associated with the construction and operation of municipal wastewater collection and wastewater treatment systems.

COMMENTS

No comments were received during the draft LAMP comment periods advertised by both San Luis Obispo County and the Central Coast Water Board.

CONCLUSION

The proposed San Luis Obispo County LAMP complies with the OWTS Policy and identifies areas most vulnerable to nitrogen impacts to groundwater and requires additional protective measures in those areas. The LAMP manages future development densities based upon OWTS policy criteria.

RECOMMENDATION

Adopt San Luis Obispo County Local Area Management Program, Resolution R3-2020-0024.

ATTACHMENTS

1. Resolution R3-2020-0024
2. San Luis Obispo County Local Agency Management Program. The attachment is only available electronically at: [https://www.slocounty.ca.gov/Departments/Planning-Building/Building/Building-Forms-Documents/Onsite-Wastewater-Treatment-Systems-\(Septic-System/County-of-San-Luis-Obispo_LAMP_2020.aspx](https://www.slocounty.ca.gov/Departments/Planning-Building/Building/Building-Forms-Documents/Onsite-Wastewater-Treatment-Systems-(Septic-System/County-of-San-Luis-Obispo_LAMP_2020.aspx)

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