

## SEPTIC TANK GUIDELINES

### Memorandum of Understanding

Between the  
California Regional Water Quality Control Board, Lahontan Region  
and the  
County of San Bernardino

This Memorandum of Understanding is entered into by and between the California Regional Water Quality Control Board, Lahontan Region (hereinafter Board), and the County of San Bernardino (hereinafter County). Its purpose is to expedite the overall review process for proposed developments and to provide a clear operating policy between the Board and the County on the implementation of the Board's guidelines for wastewater disposal from land developments.

Section 13260 of the California Water Code requires any person discharging waste or proposing to discharge waste that may affect waters of the State, except to a community sewer system, to file a report of waste discharge with the regional board of that region. Implementation of this code section has included regulation of the individual waste systems wherever warranted.

In 1973 and again in 1974, the Board adopted guidelines to (1) establish the conditions under which waivers of the filing requirement would be in the public interest (pursuant to California Water Code Section 13269); (2) establish minimum criteria for the use of individual systems; and (3) prevent pollution or nuisance caused by the discharges from leaching or percolation systems.

On January 14, 1988, the Regional Board adopted revisions to the "Guidelines for Waste Disposal From Land Developments." In conjunction with these revisions, the Regional Board also adopted the "Regional Board Guidelines for implementation guidelines list general and specific provisions in considering exemptions to the maximum density criteria (2 EDUs per acre) for individual waste disposal systems in both new and existing land developments.

This requirement also applies to domestic wastewater discharges from new commercial and industrial development with wastewater discharge volumes exceeding two EDU per acre density (500 gal/day/acre based on 250 gal/day/EDU). On June 16, 1988, the State Water Resources Control Board approved the revisions. For purposes of this Memorandum of Understanding gross acreage is that area which encompasses the entire net lot area plus any underlying fee title within the adjacent right-of-ways, if any.

Inasmuch as the County has incorporated into its review criteria the "Minimum Criteria for Subsurface Discharge of Sewage" contained in the Board's guidelines, and has consistently applied these criteria in its review of proposed developments, it is not against the public interest for the Board to reduce its oversight work by eliminating redundant review of proposed projects.

It is agreed that:

I. The County is authorized to issue construction permits for projects that utilize individual subsurface disposal systems without Regional Board approval under the following conditions:

A. All of the Following:

1. The on-site soil characteristics comply with the established "Minimum Criteria for Individual Waste Disposal Systems" as adopted by Resolution 6-88-15; and
2. The discharge is composed of domestic wastewater only; and

B. One of the Following:

1. The development consists of single-family residences or multiple-family residences, the density does not exceed two equivalent dwelling units (EDU) per acre (500 gallons/acre/day wastewater flow); or
2. The development consists of a single-family home on an individual lot which has a minimum area of 15,000 square feet; or
3. The development is non-residential or of mixed occupancy and the wastewater discharge does not exceed 500 gallons/acre/day as determined using Table I-2 and I-3 in the Uniform Plumbing Code and occupant loads as determined by Table 33A in the Uniform Building Code; or
4. The project is in a class that has been designated exempt from Regional Board review in writing under signature of the Regional Board Executive Officer; or
5. The project/development has been granted an exemption by the Board and complies with the County's standards for use of septic tank wastewater disposal systems.

II. The County shall not issue construction permits without Regional Board approval for the following projects:

- A. Projects that involve domestic wastewater discharge from commercial or industrial development in excess of 500 gallons/acre/day as determined by the Board; or

- B. Projects that will have industrial wastewater discharges; or
  - C. Projects that exceed the two EDU/acre density requirement for septic tank use (except in exempted areas); or
  - D. Projects that do not comply with the County's standards for use of septic tank wastewater disposal systems; or
  - E. Projects located within existing waste discharge prohibition areas (unless in areas exempted in I.B. above); or
  - F. Projects utilizing package wastewater treatment plants with on-site disposal; or
  - G. Projects that consist of a single-family home on individual lots that were created out of a subdivision ~~after~~ <sup>before (see attachment in this section)</sup> August 17, 1987, when the lot has a net area of less than 15,000 square feet.
- III. The County, at its discretion, may defer consideration of projects, based on water quality impacts, to the Board for any projects even if it appears that compliance with Section I. of this Memorandum of Understanding has been achieved.
- IV. The County, at its discretion, may require the formation of a public entity (as defined in the State of California Government Code Section 53090 et seq.) to maintain septic systems in residential developments of one hundred (100) lots or more.
- V. The Board may review permits issued by the County at its discretion. Copies of permits will be made available upon request for review in County offices.
- VI. The Board, upon reviewing permits issued by the County, may require proposals be submitted and/or waste discharge requirements (permits) be obtained for all other types of waste discharges such as stormwater runoff and solid waste leachate.
- VII. The County, on its own initiative or at the request of an applicant and upon providing the information specified in the implementation guidelines, may apply for individual, large scale, or area-wide exemptions.


- VIII. The applicant, for projects found in compliance with the Board's guidelines, will be notified of acceptance by issuance of a County building permit or by issuance of a Board clearance letter.
- IX. The County shall maintain a record of all documents submitted and reviewed under this Memorandum of Understanding. This record shall be kept as a note on the construction permit for each project.
- X. This Memorandum of Understanding shall be effective immediately after execution of this agreement and shall remain in full force until terminated by a prior thirty (30) day written notice by either party.
- XI. This Memorandum of Understanding may be amended as mutually agreed to by the County and the Regional Board.
- XII. All notices and communications under this Memorandum of Understanding shall be addressed to:

Robert S. Dodds, Interim Executive Officer  
California Regional Water Quality Control Board, Lahontan Region  
15428 Civic Drive, Suite 100  
Victorville, CA 92392-2494

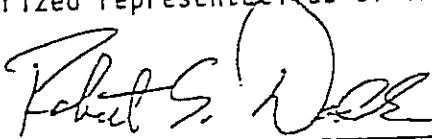
and/or

Paul Ryan, Director  
San Bernardino County, Department of Environmental Health Services  
385 North Arrowhead, Second Floor  
San Bernardino, CA 92415

This Memorandum of Understanding is executed on the date of the most recent signature below, by the following authorized representatives of the parties.

  
Paul Ryan, Director  
San Bernardino County #90-228  
Environmental Health Services

Date January 25, 1990

  
Robert S. Dodds  
Interim Executive Officer  
C. R. W. Q. C. B., Lahontan Region

Date JUNE 27, 1989

The amendment of Item G., changing the word "after" "before" in the Septic System Memorandum of Understanding with the Lahontan Regional Water Quality Control Board is executed on the date of the last signature below, by the following authorized representatives of the parties.

Harold J. Singer  
Harold J. Singer  
Executive Officer

\_\_\_\_\_  
Date

Mar 11, 1991  
Date

Regional Water Quality  
Control Board-Lahontan Region;  
EHS-Gen'l;  
Agree. 90-228

March 5, 1990

FROM: PAUL F. RYAN, Director  
Department of Environmental Health Services

SUBJECT: MEMORANDUM OF UNDERSTANDING (MOU) WITH THE CALIFORNIA  
WATER QUALITY CONTROL BOARD, LAHONTAN REGION

RECOMMENDATION: Accept and approve Memorandum of Understanding (MOU) between the California Regional Water Quality Control Board, Lahontan Region (Board) and the San Bernardino County Department of Environmental Health Services (DEHS), and authorize Director of DEHS to sign Memorandum of Understanding which would provide a clear operating policy between the Board and the DEHS on the implementation of the Board's guidelines for wastewater disposal from land developments.

BACKGROUND: The purpose of this Memorandum of Understanding is to expedite the overall review process for proposed developments and to clarify existing operating policy and conditions of approval between the Board and the County DEHS for implementation of the Board's guidelines on wastewater disposal from land developments. The MOU revises the size of project which must be referred to Lahontan for additional permits.

REASON FOR RECOMMENDATION: Board of Supervisors approval is required on contracts and agreements.

REVIEW BY OTHERS: This MOU has been reviewed by Susan Nash, Deputy County Counsel on January 9, 1990; by Robert Bivens, Affirmative Action Officer on January 10, 1990; by Risk Management; and Board of Supervisors First and Second District staff.

FISCAL IMPACT: No fiscal impact to the County. Existing DEHS revenues from developer fees provide funding for DEHS to review and condition proposed projects. This MOU revises technical procedures of approvals utilized by DEHS and will not result in a workload change.

PRESENTER: Pamela V. Bennett

cc: EHS-Paul Ryan w/agreement  
Contractor w/agreement  
c/o EHS  
Auditor w/agreement  
Purchasing-Contract Compliance  
Planning  
Risk Management  
EPWA  
File w/agreement

mll

Action of the Board of Supervisors

AGREEMENT NO. 90-228

APPROVED BOARD OF SUPERVISORS  
COUNTY OF SAN BERNARDINO

MOTION Second Motion Ave Absent

3 4 5

EARLENE SPINAT, CLERK OF THE BOARD

BY

DATED: MAR 05 1990

ITEM 16



COUNTY OF SAN BERNARDINO  
 CONTRACT TRANSMITTAL

FOR COUNTY USE ONLY

County Department <b>Environmental Health Services</b>		Contract Number <b>90-228</b>	
County Department Contract Representative <b>Pam Bennett</b>		Contractor's License Number	
Budget Unit No. <b>631</b>	Sub-Object No.	Func. No. <b>001</b>	Job No.
Project Name: <b>MOU Concerning Septic Tank Guidelines</b>		Ph. Ext. <b>4639</b>	
If contract has more than one payment or receipt, complete the following: Payments Estimate: _____ Approximate Amount Each: _____		Amount of Contract <b>0</b>	

Contractor: California Regional Water Quality Control Board, Lahontan Region

Birth Date \_\_\_\_\_ Federal ID No. or Social Security No. \_\_\_\_\_

Contractor's Representative: Robert S. Dodds, Water Quality Control Board

Address: 15428 Civic Drive, Suite 100 Phone: 619/241-6583  
Victorville, CA 92392-2359

Nature of Contract: *(Briefly describe the general terms of the contract.)*

The Memorandum of Understanding is between the California Regional Water Quality Control Board, Lahontan Region and the San Bernardino County Department of Environmental Health Services, to expedite the overall review process for proposed developments and to provide a clear operating policy between the Regional Board and the County DEHS on the implementation of the Board's guidelines for waste water disposal from land developments.

Attach this transmittal to all contracts not prepared on the "Standard Contract" form.)

Reviewed as to Legal Form  
Susan L. Nash  
 County Counsel  
 Date 1-9-90

Reviewed as to Affirmative Action  
Robert S. Dodds  
 Date 1-10-90

Reviewed for Processing  
 \_\_\_\_\_  
 Agency Administrator/CAO  
 Date \_\_\_\_\_