

**State of California  
CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD  
LOS ANGELES REGION**

**ORDER No. 91-94**

**GENERAL WASTE DISCHARGE REQUIREMENTS  
FOR  
PRIVATE SUBSURFACE SEWAGE DISPOSAL SYSTEMS  
IN AREAS WHERE GROUND WATER IS USED OR  
MAY BE USED FOR DOMESTIC PURPOSES  
(File No. 91-44)**

The California Regional Water Quality Control Board, Los Angeles Region, finds:

1. The California Water Code requires that any person discharging wastes, or proposing to discharge wastes, other than into a community sewer system, which could affect the quality of the waters of the State, shall file a Report of Waste Discharge with the appropriate Regional Water Quality Control Board. The Regional Board then shall prescribe requirements for the discharge or proposed discharge of wastes.
2. In unsewered areas, household wastes containing total dissolved solids, nitrates, chlorides, bacteria, sulfates, surfactants, and other constituents, are often discharged through residential private subsurface sewage disposal systems. The effluent percolates through the soil and eventually enters the underlying ground water. This effluent is considered a discharge of waste that could affect the quality of waters of the State.
3. Following several Regional Board hearings, the Regional Board members established an interim septic tank practice on June 18, 1990, requiring developers of residential developments utilizing private subsurface disposal systems in areas where the receiving ground water is used for drinking water purposes, to submit a Report of Waste Discharge, accompanied by the results of a hydrogeologic study, to determine potential impacts to ground water quality.

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4. Each month this Board receives several Reports of Waste Discharge and hydrogeologic studies associated with proposed installation of private subsurface sewage disposal systems.

For each submittal, staff is required to correlate site maps and geologic maps, perform hydrologic interpretations, mathematical calculations, and prepare site-specific Waste Discharge Requirements. Most of these indicate that there will be significant impact to the ground water, and that mitigation measures are required. The evaluation and correspondence process exceeds the Regional Board's available staff resources, and it is anticipated that requests will continue to be filed.

These circumstances indicate the need to expedite the processing of requests for Waste Discharge Requirements for private subsurface sewage disposal systems.

5. The adoption of general Waste Discharge Requirements for the use of private subsurface sewage disposal systems in residential developments without access to sewers would:
  - (a) allow the discharger to waive a hydrogeologic study and opt for mitigation measures at the time of submittal of the Report of Waste Discharge;
  - (b) simplify and expedite the application process for the discharger;
  - (c) increase efficiency of Regional Board staff; and
  - (d) reduce Regional Board time expended on preparing and considering individual Waste Discharge Requirements by enabling the Executive Officer to notify the discharger when the general Waste Discharge Requirements are applicable.
6. These general Waste Discharge Requirements (for the discharge of residential wastes to private subsurface sewage disposal systems in areas where the receiving ground water is used, or may be used, for domestic purposes), under direction of the Executive Officer, would benefit the public, the staff and the Board by accelerating the review process without loss of regulatory jurisdiction and oversight.

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7. The Board adopted revised Water Quality Control Plans for the Santa Clara River and Los Angeles River Basins on October 22, 1990, and June 3, 1991, respectively. The Plans contain water quality objectives for ground water for all Hydrologic Subareas within the Region. The requirements contained in this Order, as they are met, will be in conformance with the goals of the Water Quality Control Plans.
8. Beneficial uses of ground water in the Los Angeles Region include municipal supply, agricultural supply, industrial service supply and industrial process supply. Beneficial uses for individual Hydrologic Subareas are specified in the Water Quality Control Plans.
9. The general Waste Discharge Requirements contained in this Order would only apply to private subsurface sewage disposal systems for single-family residential developments of more than two homes, having greater than one and less than five acres per lot, in areas where ground water is used, or may be used, for domestic purposes. Waste Discharge Requirements are not necessary in areas where it has been determined that the use of private sewage disposal systems will not significantly impact the ground water. (1)
10. The issuance of Waste Discharge Requirements for the discharges subject to these general requirements is exempt from the provisions of Chapter 3 (commencing with Section 21100) of Division 13 of the Public Resources Code pursuant to one or more of the following provisions:
  - (a) The lead agency has prepared an Environmental Impact Report or a negative declaration based on findings pursuant to California Code of Regulations, Title 14, Chapter 3, Section 15070 which show that there will be no significant impact on water quality.
  - (b) The installation and operation of private subsurface sewage disposal systems will cause a minor alteration to land as defined in Title 14, California Code of Regulations, Section 15304.
11. These general Waste Discharge Requirements are not intended to alter or supersede existing restrictions or conditions imposed by other government agencies on the project.

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The Board has notified interested agencies and persons of its intent to adopt general Waste Discharge Requirements for the use of private subsurface sewage disposal systems in areas where ground water is used, or may be used, for domestic purposes and has provided them with an opportunity to submit their written views and recommendations.

The Board, in a public meeting, heard and considered all comments pertaining to the tentative requirements.

IT IS HEREBY ORDERED THAT:

**A. APPLICABILITY**

1. This Order shall serve as general Waste Discharge Requirements for the discharge of wastes from private subsurface sewage disposal systems for residential developments of more than two homes, averaging greater than one and less than five acres per lot, in areas where ground water is used, or may be used, for domestic purposes. 2
2. To qualify for this general Order, a complete Report of Waste Discharge must be filed, and it must contain:
  - (a) a list of all property owners, including current mailing addresses, within 1500 feet of the adjacent parcels owned by the same developer, or contiguous the property line (rural) and 500 feet of the property line (urban);
  - (b) documentation that the local lead agency has satisfied the requirements of the California Environmental Quality Act (Chapter 3, Division 13, Public Resources Code); and
  - (c) an acceptable hydrogeologic report, or a statement to waive a hydrogeologic report, with acceptable mitigation measures to be installed to protect the beneficial uses of the receiving ground water.
3. Following receipt of a Report of Waste Discharge describing such discharge, the Executive Officer shall determine that:
  - (a) such discharge is from a development of more than two single-family homes on lots averaging greater than one and less than five acres per lot;

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- (b) such discharge is in an area where the effluent will eventually enter ground water that is used, or may be used, for domestic or municipal purposes;
- (c) the effluent is entirely from domestic residential sources;
- (d) one or both of these conditions exist:
  - (i) the installation and operation of private subsurface sewage disposal systems will cause a minor alteration to land as defined in Title 14, California Code of Regulations, Section 15304, or
  - (ii) the lead agency has prepared an Environmental Impact Report or a negative declaration based on findings pursuant to California Code of Regulations, Title 14, Chapter 3, Section 15070 which show that there will be no significant impact on water quality, or that water quality impacts can be mitigated.

In the event the Executive Officer so finds, he shall notify the applicant, in writing, that the proposed private subsurface sewage disposal systems are subject to this Order.

- 4. Notwithstanding the above provisions, individual cases may be brought to the Board for consideration of Waste Discharge Requirements when deemed appropriate by the Executive Officer.

**B. RESPONSIBILITY**

- 1. The applicant (developer) must specify an entity or agency (hereinafter called the Discharger) accepting permanent responsibility for the Waste Discharge Requirements and ground water monitoring and reporting program for the residential development. The Discharger must comply with all conditions of these Waste Discharge Requirements. The applicant is responsible for compliance with this Order up to the time that a written agreement between the applicant and the Discharger becomes effective. The applicant shall provide a copy of the transfer agreement to the Regional Board 30 days

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before its effective date. Violations may result in enforcement actions, including Regional Board Orders or court orders, requiring corrective action or imposing civil monetary liability, or in modification or revocation of these Waste Discharge Requirements by the Regional Board.

2. These Waste Discharge Requirements become effective upon receipt by the Regional Board of written confirmation of acceptance of responsibility by the Discharger.
3. The applicant or Discharger must submit evidence of installation of mitigation measures as proposed by the applicant, by a letter of proof to the Regional Board, certifying under penalty of perjury, that mitigation measures were completed. The letter must be submitted to this Regional Board 90 days prior to commencement of discharge.

Acceptable mitigation measures include, but are not limited to:

- (a) installation of dry line lateral sewers extending from each residential unit, and terminating at a public (access) road;
  - (b) alternative sewage treatment and disposal systems that are acceptable to the Board and the local governing health agency.
4. The Discharger must notify the Executive Officer, in writing, at least 30 days in advance of any proposed transfer of this Order's responsibility and coverage to a new Discharger. The notice must include a written agreement between the existing and new Discharger containing a specific date for the transfer of responsibility under this Order and compliance between the current Discharger and the new Discharger. Such agreement shall include an acknowledgement that the existing Discharger is liable for violations up to the transfer date, and that the new Discharger is liable from the transfer date on.

**C. DISCHARGE PROHIBITIONS**

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1. Wastes discharged shall be limited to domestic sewage only; no industrial or commercial wastes shall be discharged.
2. No water softener regeneration brines shall be discharged.

**D. WASTE DISCHARGE REQUIREMENTS**

1. The private sewage disposal system(s) shall be maintained so that at no time will sewage be permitted to surface or overflow at any location.
2. Wastes discharged shall at no time contain any substance in concentrations toxic to human, plant, or aquatic life.
3. The private sewage disposal system(s) shall be protected from damage by storm flows or runoff.
4. Odors of sewage origin shall not be perceivable beyond the limits of the individual lot.
5. There shall be no on-site disposal of septage. Any offsite disposal of septage shall be only to a legal point of disposal, with the approval of the legal disposal site Operator. For purposes of these requirements, a legal disposal site is one for which requirements have been established by a California Regional Water Quality Control Board and which is in full compliance therewith. Any septage handling shall be in such a manner as to prevent its reaching surface waters or watercourses.
6. No part of the private subsurface sewage disposal system shall be closer than 150 feet to any water well or closer than 100 feet to any stream, channel or other watercourse.
7. No part of the seepage pit or leach field for the private sewage disposal system shall extend to a depth where wastes may deleteriously affect an aquifer that is usable for domestic purposes. In no case may the seepage pit or leach field extend to within 10 feet of the zone of historic or anticipated high ground water level. The Discharger must submit certification that the seepage pits or leach fields meet this requirement.

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8. Neither the treatment nor the discharge of waste shall create a condition of pollution, contamination, or nuisance.

**E. MONITORING AND REPORTING REQUIREMENTS**

1. The Discharger shall furnish, under penalty of perjury, technical monitoring program reports; such reports shall be submitted in accordance with specifications prepared by the Executive Officer, which specifications are subject to periodic revisions as may be warranted.
2. All monitoring instruments and devices used by the Discharger to fulfill the prescribed monitoring program shall be properly maintained and calibrated as necessary to ensure their continued accuracy.
3. Unless otherwise permitted by the Regional Board Executive Officer, all analyses shall be conducted at a laboratory certified for such analyses by the State Department of Health Services, or approved by the Executive Officer. All analyses shall be required to be conducted in accordance with the latest edition of "Guidelines Establishing Test Procedures for Analysis of Pollutants" promulgated by the U.S. Environmental Protection Agency.
4. The Discharger shall retain records of all monitoring information including all calibration and maintenance records, copies of all reports required by this Order, and records of all data used to complete the application for this Order. Records shall be maintained for a minimum of three years from the date of the sample, measurement, or report. This period may be extended during the course of any unresolved litigation regarding this discharge or when requested by the Regional Board Executive Officer.

Records of monitoring information shall include:

- (a) The date, exact place, and time of sampling or measurements;
- (b) The individual(s) who performed the sampling or measurements;
- (c) The date(s) analyses were performed;

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- (d) The individual(s) who performed the analyses;
  - (e) The analytical techniques or method used; and
  - (f) The results of such analyses.
5. All application reports or information to be submitted to the Executive Officer shall be signed and certified as follows:
- (a) For a corporation -- by a principal executive officer or at least the level of vice president.
  - (b) For a partnership or sole proprietorship -- by a general partner or the proprietor, respectively.
  - (c) For a municipality, State, Federal, or other public agency -- by either a principal executive officer or ranking elected official.

A duly authorized representative of the person designated above may sign documents if:

- (a) The authorization is made in writing by the person described above;
  - (b) The authorization specifies an individual or person having responsibility for the overall operation of the regulated disposal system; and
  - (c) The written authorization is submitted to the Executive Officer.
6. Each report shall contain the following completed certification:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted in this document and all attachments and that, based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment.

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Executed on the \_\_\_\_\_ day of \_\_\_\_\_ at \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
(Signature)  
(Title)"

**F. PROVISIONS**

1. Within six months after a community wastewater collection (sewer) system becomes available, each residence shall connect to the community sewer system and properly close the private subsurface sewage disposal system(s).
2. The Discharger shall submit the as-built construction and operation details of the private subsurface sewage disposal system to the Board for review within 90 days after the system is in place.
3. A copy of these Waste Discharge Requirements shall be maintained at the office of the Discharger and be available at all times to local residents.
4. In the event of a material change in the character, location, or volume of a discharge, the Discharger shall file with this Regional Board a new Report of Waste Discharge. A material change includes, but is not limited to, the following:
  - (a) Significant change in disposal method; or
  - (b) Significant change in the disposal area; or
  - (c) Significant increase in flow.
5. These Waste Discharge Requirements are subject to review and revision by the Regional Board.
6. Where the Discharger becomes aware that it failed to submit any relevant facts in a Report of Waste Discharge, or submitted incorrect information in a Report of Waste Discharge or in any report to the Regional Board, it shall promptly submit such facts or information.
7. This Order does not convey any property rights of any sort or any exclusive privileges. The requirements prescribed herein do not authorize the commission of any act causing injury to persons or property, do not protect the Discharger from his liability under Federal, State

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- or local laws, nor do they create a vested right for the Discharger to continue the waste discharge.
8. These requirements neither exempt the discharger from compliance with any other laws, regulations, or ordinances which may be applicable, nor legalize the waste discharge.
  9. Provisions of these Waste Discharge Requirements are severable. If any provision of these requirements is found invalid, the remainder of these requirements shall not be affected.
  10. The Discharger shall, at all times, properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the Discharger to achieve compliance with conditions of this Order.
  11. The Discharger shall allow the Regional Board, or an authorized representative upon the presentation of credentials and other documents as may be required by law, to:
    - (a) Enter upon the Discharger's premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of this Order;
    - (b) Have access to, and copy, at reasonable times, any records that must be kept under the conditions of this Order;
    - (c) Inspect at reasonable times, any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this Order; and
    - (d) Sample or monitor at reasonable times, for the purposes of assuring compliance with this Order, or as otherwise authorized by the California Water Code, any substances or parameters at any location.
  12. In an enforcement action, it shall not be a defense for the Discharger that it would have been necessary to halt or to reduce the permitted activity in order to maintain compliance with this Order. Upon reduction, loss, or

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failure of the private subsurface sewage disposal system, the Discharger shall, to the extent necessary to maintain compliance with this Order, control all discharges until the system is restored or an alternative method of treatment is provided.

13. The Discharger shall report any noncompliance which may endanger health or the environment. Any such information shall be provided verbally to the Executive Officer within 24 hours from the time the Discharger becomes aware of the circumstances. A written submittal shall also be provided within five days of the time the Discharger becomes aware of the circumstances. The written submittal shall contain a description of the noncompliance and its cause; the period of noncompliance, including exact dates and times; and if the noncompliance has not been corrected, the anticipated time it is expected to continue and steps taken or planned to reduce, eliminate, and prevent recurrence of the noncompliance. The Executive Officer, or an authorized representative, may waive the written report on a case-by-case basis if the oral report has been received within 24 hours. The following occurrence(s) must be reported to the Executive Officer within 24 hours:

- (a) any overflow or surfacing of sewage, or leakage from the private subsurface sewage disposal system;
- (b) any bypass from any portion of the system.

I, Robert P. Ghirelli, Executive Officer, do hereby certify that the foregoing is a full, true and correct copy of an Order adopted by the California Regional Water Quality Control Board, Los Angeles Region on July 22, 1991.

  
ROBERT P. GHIRELLI, D.Env.  
Executive Officer

**SUPPLEMENT TO REPORT OF WASTE DISCHARGE  
PRIVATE SEWAGE DISPOSAL SYSTEMS  
(SEPTIC TANKS)**

A Report of Waste Discharge (RoWD) must be submitted for proposed developments of more than two lots between one and five acres in size. The RoWD must include the results of a hydrogeologic study addressing cumulative and regional water quality impacts, as well as effects on local ground water. The study must also demonstrate that the proposed private sewage disposal system(s) will not significantly contribute to nitrate, total dissolved solids, or other potentially serious conditions in the ground water. The hydrogeologic study shall address the following concerns:

- A. Development density and trends.
- B. The number and location of current and proposed water supply wells within a one-mile radius of the proposed project.
- C. The current ground water quality and depth to ground water, based on analyses of current water quality samples from existing ground water wells. At a minimum, this water quality report must include:
  - 1. Well identification and description of overall condition of each well and its sanitary seals.
  - 2. EPA priority pollutant metals, nitrate (NO<sub>3</sub>), chloride (Cl), sulfate (SO<sub>4</sub>) and total dissolved solids (TDS) concentration in the ground water.
- D. A geologic assessment of the site including depth to bedrock, type of bedrock (fractured, impermeable, etc.), type and depth of soil, and the results of percolation tests.
- E. The quantity of sewage expected to be generated by the project.
- F. The potential impacts of the completed project on the quality of the ground water in the area, both individually and considering the cumulative effects of present and proposed projects in the vicinity.
- G. The provisions which will be made to connect the project to a possible future community sewer system.

In addition, a proposed ground water monitoring program must be described in the Report of Waste Discharge. The program must be designed to evaluate potential water quality degradation caused by the private sewage disposal system. The discharger must identify a responsible organization or agency to insure that the conditions of the permit are carried out. The provisions of the ground water monitoring program will be specified in the Waste Discharge Requirements.

## MINIMUM INFORMATION FOR HYDROGEOLOGIC REPORTS

- Project Location (include map coordinates)
- Project Description (include acreage, no. of lots, etc.)
- Developer
- Tract number
- Adjacent Projects
- Discharge volume in gallons per day/dwelling unit
- Results of percolation tests
- Results of soil evaluation
- Tract map
- Geologic map
- Any blue line stream on property?
- Data on existing wells (well locations, drillers' logs)
- Ground water quality at nearest wells and aquifer average (TDS, nitrate, chloride, sulfate, etc.)
- Proposed sites of monitoring wells
- Depth to ground water
- Depth to bedrock
- Local rate of precipitation (inches/year)
- Aquifer characteristics at project location (Area, volume, lithology, total porosity, specific yield, transmissivity, hydraulic conductivity, hydraulic gradient and direction, recharge rate, etc.)
- Projected impacts on quality on ground water
- Individual effects in specific area of this project (estimated) impact on nearest well – nitrate, TDS, chloride, sulfate, etc.)
- Cumulative effects of present and proposed local projects (estimated impact on nearest well and on the aquifer – nitrate, TDS, chloride, sulfate, etc.)
- Mitigation measures necessary
- Proposed mitigation measures

Note: Any calculations made must show the equation(s) used and the assumptions made.