

Regional Water Quality Control Board
North Coast Region

Executive Officer's Summary Report
Thursday, November 14, 2018
Regional Water Board Office
Santa Rosa, California

ITEM: 5

SUBJECT: Public Hearing on Resolution No. R1-2018-0052 to consider adoption of proposed Regional Water Board Resolution Approving the Local Agency Management Program (LAMP) for the County of Mendocino (*Charles Reed*)

BOARD ACTION: The Board will consider adoption of Resolution No. R1-2018-0052 Approving the Local Agency Management Program for the County of Mendocino.

BACKGROUND: On June 19, 2012, the State Water Resources Control Board (State Water Board) adopted Resolution No. 2012-0032, which in part approves the Water Quality Control Policy for Siting, Design, Operation, and Maintenance of Onsite Wastewater Treatment Systems (OWTS Policy). The Regional Water Board, in accordance with the OWTS Policy, amended the Basin Plan on June 18, 2015 to incorporate requirements of the OWTS Policy into the Basin Plan for the North Coast Region, replacing the Basin Plan's previous policy for individual OWTS.

The OWTS Policy is a risk-based approach for new, replacement, and failing OWTS, providing minimum criteria for siting, design, operation, and maintenance of OWTS and provides a conditional waiver for OWTS that comply with the Policy. Four risk tiers require increasing Regional Water Board oversight of local regulatory agencies. Tier 0 covers properly functioning, existing OWTS up to 10,000 gallons per day of projected flow. These require no changes in local codes and ordinances. Tier 1 covers low-risk new and replacement OWTS up to 3,500 gallons per day with conservative, largely prescriptive standards. Tier 2 covers new and replacement OWTS up to 10,000 gallons per day that do not meet Tier 1 standards. For these, local agencies have the option to propose Local Agency Management Programs (LAMPs) for Regional Water Board approval. Tier 2 includes alternative standards that are overall as protective of human health and water quality as Tier 1. Tier 3 covers OWTS less than 600 feet from Clean Water Act 303(d) listed impaired water bodies for nitrates or pathogens. For such areas, LAMPs must include Advanced Protection Management Programs (APMPs). Tier 4 covers failing OWTS, for which the Policy specifies minimum corrective actions.

LAMPs serve as conditional waivers of waste discharge requirements. Subject to California Water Code section 13269, LAMPs must be consistent with Basin Plans, be in the public interest, and not to exceed five years in duration. Section 9 of the OWTS Policy provides minimum standards, considerations for siting and design, record keeping, and reports to regional water boards.

ISSUES: On May 20, 2015, the County of Mendocino (County) submitted a draft LAMP to Regional Water Board staff for its review and concurrence. Regional Water Board staff reviewed the draft LAMP to ensure that it met the minimum requirements of the OWTS Policy and the Basin Plan. Staff provided written comments on the draft LAMP and recommendations to resolve deficiencies. Final agreement on the draft LAMP was reached in March 2017.

On June 19, 2018, the Mendocino County Board of Supervisors approved a revised LAMP, which was then submitted to the Regional Water Board for its approval, in accordance with the OWTS Policy. Regional Water Board staff has determined that the revised LAMP meets the minimum requirements in the OWTS Policy for a Tier 2 Program. The revised LAMP does not include special provisions for existing, new, and replacement OWTS subject to Tier 3 minimum requirements, but, instead, will incorporate and implement minimum requirement set forth in an APMP upon the Regional Water Board's adoption of the Program of Implementation for the Russian River Watershed Pathogen Total Maximum Daily Load (TMDL). As proposed, Resolution No. R1-2018-0052 approves the revised LAMP. Should the Regional Water Board not approve the revised LAMP, it must be returned to Mendocino County for revision, with a written explanation of the reasons for the disapproval.

A draft of this Resolution was available for public comment from August 14, 2018, to September 13, 2018. Regional Water Board staff received no written comments regarding the draft Resolution. This item is uncontested.

RECOMMENDATION: Adopt Resolution No. R1-2018-0052, as proposed.

SUPPORTING DOCUMENTS:

1. Proposed Resolution No. R1-2018-0052
2. Proposed Mendocino County LAMP
3. Public Notice