



EDMUND G. BROWN JR.
GOVERNOR

MATTHEW RODRIGUEZ
SECRETARY FOR
ENVIRONMENTAL PROTECTION

Los Angeles Regional Water Quality Control Board

May 19, 2017

Mr. Brooks Van Burkleo
6725 Lafayette Court
Moorpark, CA 93021

CERTIFIED MAIL
RETURN RECEIPT REQUESTED
CLAIM NO. 7015 3010 0001 9147 6423

STATE WATER RESOURCES CONTROL BOARD RESOLUTION NO. 2012-0032, APPROVING WATER QUALITY CONTROL POLICY FOR SITING, DESIGN, OPERATION, AND MAINTENANCE OF ONSITE WASTEWATER TREATMENT SYSTEMS, THE BROOKS VAN BURKLEO RESIDENCE, 4910 READ ROAD, MOORPARK, CALIFORNIA 93021 (FILE NO. 16-109, GLOBAL ID WDR100039509)

Dear Mr. Durkee:

The California Regional Water Quality Control Board, Los Angeles Region (Regional Board), is the public agency with primary responsibility for the protection of ground and surface water quality for all beneficial uses of water within major portions of Los Angeles and Ventura Counties, including facility mentioned above.

On June 19, 2012, State Water Resources Control Board (State Board) adopted Resolution No. 2012-0032, "*Water Quality Control Policy for Siting, Design, Operation and Maintenance of Onsite Wastewater Treatment Systems (OWTS Policy)*." The OWTS Policy became effective on May 13, 2013 and subsequently was incorporated into the Regional Board Water Quality Control Plan for Los Angeles Region on May 8, 2014.

We have completed our review of your application for Waste Discharge Requirements (WDRs) for wastewater to be discharged from the Brooks Van Burkleo residence (Facility) located at 4910 Read Road, Moorpark, California (Site). The Site covers approximately 5.5 acres and is located in a residential area.

The Facility will be a two-story single family house of approximately 5,313 square feet. It will have four bedrooms, 4.5 bathrooms, a family room, a dining room, a library, and a kitchen. The house is currently under construction.

The new onsite wastewater treatment system (OWTS) will include a 2,250-gallon septic tank located approximately 40 feet to the north and in the front yard of the house; and a 5-foot diameter by 45-foot deep seepage pit located approximately 50 feet to the northwest of the septic tank. The estimated discharge volume to the new 2,250-gallon septic tank is 600 gallons per day (gpd). The maximum daily discharge volume shall not exceed 1,500 gpd.

Regional Board staff have reviewed the information provided and have determined that the subject facility meets the conditions specified in Tier 1 (sections 7.0 and 8.0) of the OWTS Policy and therefore, is eligible to be covered by the conditional waiver included in the OWTS Policy.

Enclosed are the OWTS Policy, which includes requirements for Tier 1 and the *Conditional Waiver of General Waste Discharge Requirements*. Should changes to the septic disposal system be needed, revised engineering drawings showing the change must be filed with the Regional Board a minimum of thirty days prior to the change. The discharger must receive approval of such change. The complete OWTS Policy is available at:

http://www.waterboards.ca.gov/water_issues/programs/owts/docs/owts_policy.pdf

Failure to abide by the conditions of the General Waiver and this letter authorizing applicability could result in enforcement actions, and the discharge maybe required to obtain waste discharge requirements (WDRs) issued by the Regional Board, as authorized by provisions of the California Water Code.

If you have any questions, please contact the Project Manager, Mr. David Koo at (213) 620-6155 (david.koo@waterboards.ca.gov) or the Chief of Groundwater Permitting Unit, Dr. Eric Wu at (213) 576-6683 (eric.wu@waterboards.ca.gov).

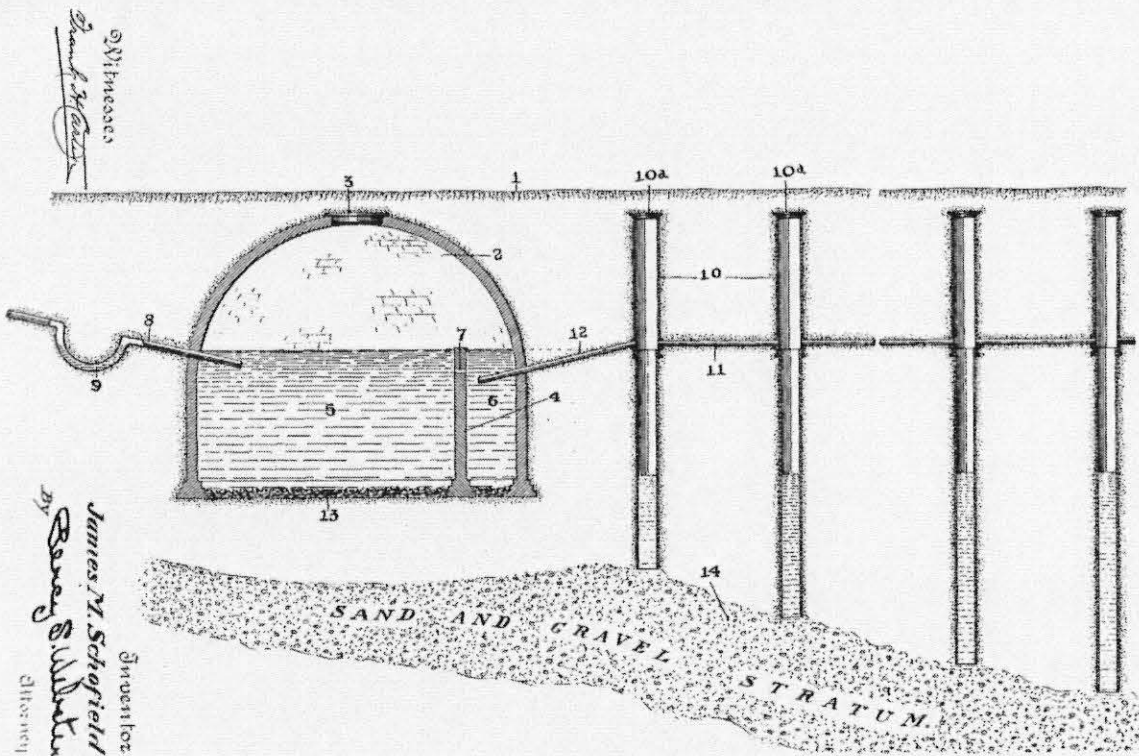
Sincerely,



Samuel Unger, P.E.
Executive Officer

Enclosure: Conditional Waiver of Waste Discharge Requirements contained in the OWTS Policy

cc: Mr. Charles Genkel, Environmental Health Division, County of Ventura



James M. Schorfield
 Inventor

James M. Schorfield
 by *Samuel S. Whitman*
 Attorney

933,121.

J. M. SCHORFIELD,
 ODORLESS SEWER SYSTEM.
 APPLICATION FILED SEPT. 8, 1908.

Patented Sept. 7, 1909.

OWTS POLICY

Water Quality Control Policy for Siting,
 Design, Operation, and Maintenance of
 Onsite Wastewater Treatment Systems

June 19, 2012



STATE WATER RESOURCES CONTROL BOARD
 REGIONAL WATER QUALITY CONTROL BOARDS



State of California
Edmund G. Brown Jr., Governor



California Environmental Protection Agency
Matthew Rodriguez, Secretary



State Water Resources Control Board
<http://www.waterboards.ca.gov>

Charles R. Hoppin, Chair
Frances Spivy-Weber, Vice Chair
Tam M. Doduc, Member
Steven Moore, Member

Thomas Howard, Executive Director
Jonathan Bishop, Chief Deputy Director
Caren Trgovcich, Chief Deputy Director

Adopted by the State Water Resources Control Board on June 19, 2012
Approved by the Office of Administrative Law on November 13, 2012
Effective Date of the Policy: May 13, 2013

Preamble – Purpose and Scope – Structure of the Policy

Preamble

Onsite wastewater treatment systems (OWTS) are useful and necessary structures that allow habitation at locations that are removed from centralized wastewater treatment systems. When properly sited, designed, operated, and maintained, OWTS treat domestic wastewater to reduce its polluting impact on the environment and most importantly protect public health. Estimates for the number of installations of OWTS in California at the time of this Policy are that more than 1.2 million systems are installed and operating. The vast majority of these are functioning in a satisfactory manner and meeting their intended purpose.

However there have been occasions in California where OWTS for a varied list of reasons have not satisfactorily protected either water quality or public health. Some instances of these failures are related to the OWTS not being able to adequately treat and dispose of waste as a result of poor design or improper site conditions. Others have occurred where the systems are operating as designed but their densities are such that the combined effluent resulting from multiple systems is more than can be assimilated into the environment. From these failures we must learn how to improve our usage of OWTS and prevent such failures from happening again.

As California's population continues to grow, and we see both increased rural housing densities and the building of residences and other structures in more varied terrain than we ever have before, we increase the risks of causing environmental damage and creating public health risks from the use of OWTS. What may have been effective in the past may not continue to be as conditions and circumstances surrounding particular locations change. So necessarily more scrutiny of our installation of OWTS is demanded of all those involved, while maintaining an appropriate balance of only the necessary requirements so that the use of OWTS remains viable.

Purpose and Scope of the Policy

The purpose of this Policy is to allow the continued use of OWTS, while protecting water quality and public health. This Policy recognizes that responsible local agencies can provide the most effective means to manage OWTS on a routine basis. Therefore as an important element, it is the intent of this policy to efficiently utilize and improve upon where necessary existing local programs through coordination between the State and local agencies. To accomplish this purpose, this Policy establishes a statewide, risk-based, tiered approach for the regulation and management of OWTS installations and replacements and sets the level of performance and protection expected from OWTS. In particular, the Policy requires actions for water bodies specifically identified as part this Policy where OWTS contribute to water quality degradation that adversely affect beneficial uses.

This Policy only authorizes subsurface disposal of domestic strength, and in limited instances high strength, wastewater and establishes minimum requirements for the permitting, monitoring, and operation of OWTS for protecting beneficial uses of waters

Preamble – Purpose and Scope – Structure of the Policy

of the State and preventing or correcting conditions of pollution and nuisance. And finally, this Policy also conditionally waives the requirement for owners of OWTS to apply for and receive Waste Discharge Requirements in order to operate their systems when they meet the conditions set forth in the Policy. Nothing in this Policy supersedes or requires modification of Total Maximum Daily Loads or Basin Plan prohibitions of discharges from OWTS.

This Policy also applies to OWTS on federal, state, and Tribal lands to the extent authorized by law or agreement.

Structure of the Policy

This Policy is structured into ten major parts:

Definitions

Definitions for all the major terms used in this Policy are provided within this part and wherever used in the Policy the definition given here overrides any other possible definition.

[Section 1]

Responsibilities and Duties

Implementation of this Policy involves individual OWTS owners; local agencies, be they counties, cities, or any other subdivision of state government with permitting powers over OWTS; Regional Water Quality Control Boards; and the State Water Resources Control Board.

[Sections 2, 3, 4, and 5]

Tier 0 – Existing OWTS

Existing OWTS that are properly functioning, and do not meet the conditions of failing systems or otherwise require corrective action (for example, to prevent groundwater impairment) as specifically described in Tier 4, and are not determined to be contributing to an impairment of surface water as specifically described in Tier 3, are automatically included in Tier 0.

[Section 6]

Tier 1 – Low-Risk New or Replacement OWTS

New or replacement OWTS that meet low risk siting and design requirements as specified in Tier 1, where there is not an approved Local Agency Management Program per Tier 2.

[Sections 7 and 8]

Tier 2 – Local Agency Management Program for New or Replacement OWTS

California is well known for its extreme range of geological and climatic conditions. As such, the establishment of a single set of criteria for OWTS would either be too restrictive so as to protect for the most sensitive case, or would have broad allowances that would not be protective enough under some circumstances. To accommodate this

Preamble – Purpose and Scope – Structure of the Policy

extreme variance, local agencies may submit management programs (“Local Agency Management Programs”) for approval, and upon approval then manage the installation of new and replacement OWTS under that program.

Local Agency Management Programs approved under Tier 2 provide an alternate method from Tier 1 programs to achieve the same policy purpose, which is to protect water quality and public health. In order to address local conditions, Local Agency Management Programs may include standards that differ from the Tier 1 requirements for new and replacement OWTS contained in Sections 7 and 8. As examples, a Local Agency Management Program may authorize different soil characteristics, usage of seepage pits, and different densities for new developments. Once the Local Agency Management Program is approved, new and replacement OWTS that are included within the Local Agency Management Program may be approved by the Local Agency. A Local Agency, at its discretion, may include Tier 1 standards within its Tier 2 Local Agency Management Program for some or all of its jurisdiction. However, once a Local Agency Management Program is approved, it shall supersede Tier 1 and all future OWTS decisions will be governed by the Tier 2 Local Agency Management Program until it is modified, withdrawn, or revoked.

[Section 9]

Tier 3 – Impaired Areas

Existing, new, and replacement OWTS that are near impaired water bodies may be addressed by a TMDL and its implementation program, or special provisions contained in a Local Agency Management Program. If there is no TMDL or special provisions, new or replacement OWTS within 600 feet of impaired water bodies listed in Attachment 2 must meet the specific requirements of Tier 3.

[Section 10]

Tier 4 – OWTS Requiring Corrective Action

OWTS that require corrective action or are either presently failing or fail at any time while this Policy is in effect are automatically included in Tier 4 and must follow the requirements as specified.

[Section 11]

Conditional Waiver of Waste Discharge Requirements

The requirement to submit a report of waste discharge for discharges from OWTS that are in conformance with this policy is waived.

[Section 12]

Effective Date

When this Policy becomes effective.

[Section 13]

Financial Assistance

Procedures for local agencies to apply for funds to establish low interest loan programs for the assistance of OWTS owners in meeting the requirements of this Policy.

[Section 14]

Preamble – Purpose and Scope – Structure of the Policy

Attachment 1

AB 885 Regulatory Program Timelines.

Attachment 2

Tables 4 and 5 specifically identify those impaired water bodies that have Tier 3 requirements and must have a completed TMDL by the date specified.

Attachment 3

Table 6 shows where one Regional Water Board has been designated to review and, if appropriate, approve new Local Agency Management Plans for a local agency that is within multiple Regional Water Boards' jurisdiction.

What Tier Applies to my OWTS?

Existing OWTS that conform to the requirements for Tier 0 will remain in Tier 0 as long as they continue to meet those requirements. An existing OWTS will temporarily move from Tier 0 to Tier 4 if it is determined that corrective action is needed. The existing OWTS will return to Tier 0 once the corrective action is completed if the repair does not qualify as major repair under Tier 4. Any major repairs conducted as corrective action must comply with Tier 1 requirements or Tier 2 requirements, whichever are in effect for that local area. An existing OWTS will move from Tier 0 to Tier 3 if it is adjacent to an impaired water body listed on Attachment 2, or is covered by a TMDL implementation plan.

In areas with no approved Local Agency Management Plan, new and replacement OWTS that conform to the requirements of Tier 1 will remain in Tier 1 as long as they continue to meet those requirements. A new or replacement OWTS will temporarily move from Tier 1 to Tier 4 if it is determined that corrective action is needed. The new or replacement OWTS will return to Tier 1 once the corrective action is completed. A new or replacement OWTS will move from Tier 1 to Tier 3 if it is adjacent to an impaired water body, or is covered by a TMDL implementation plan.

In areas with an approved Local Agency Management Plan, new and replacement OWTS that conform to the requirements of the Tier 2 Local Agency Management Plan will remain in Tier 2 as long as they continue to meet those requirements. A new or replacement OWTS will temporarily move from Tier 2 to Tier 4 if it is determined that corrective action is needed. The new or replacement OWTS will return to Tier 2 once the corrective action is completed. A new or replacement OWTS will move from Tier 2 to Tier 3 if it is adjacent to an impaired water body, or is covered by a TMDL implementation plan, or is covered by special provisions for impaired water bodies contained in a Local Agency Management Program.

Preamble – Purpose and Scope – Structure of the Policy

Existing, new, and replacement OWTS in specified areas adjacent to water bodies that are identified by the State Water Board as impaired for pathogens or nitrogen and listed in Attachment 2 are in Tier 3. Existing, new, and replacement OWTS covered by a TMDL implementation plan, or covered by special provisions for impaired water bodies contained in a Local Agency Management Program are also in Tier 3. These OWTS will temporarily move from Tier 3 to Tier 4 if it is determined that corrective action is needed. The new or replacement OWTS will return to Tier 3 once the corrective action is completed.

Existing, new, and replacement OWTS that do not conform with the requirements to receive coverage under any of the Tiers (e.g., existing OWTS with a projected flow of more than 10,000 gpd) do not qualify for this Policy's conditional waiver of waste discharge requirements, and will be regulated separately by the applicable Regional Water Board.

Responsibilities and Duties

Responsibilities and Duties

2.0 OWTS Owners Responsibilities and Duties

- 2.1 All new, replacement, or existing OWTS within an area that is subject to a Basin Plan prohibition of discharges from OWTS, must comply with the prohibition. If the prohibition authorizes discharges under specified conditions, the discharge must comply with those conditions and the applicable provisions of this Policy.
- 2.2 Owners of OWTS shall adhere to the requirements prescribed in local codes and ordinances. Owners of new and replacement OWTS covered by this Policy shall also meet the minimum standards contained in Tier 1, or an alternate standard provided by a Local Agency Management Program per Tier 2, or shall comply with the requirements of Tier 3 if near an impaired water body and subject to Tier 3, or shall provide corrective action for their OWTS if their system meets conditions that place it in Tier 4.
- 2.3 Owners of OWTS shall comply with any and all permitting conditions imposed by a local agency that do not directly conflict with this Policy, including any conditions that are more stringent than required by this Policy.
- 2.4 To receive coverage under this Policy and the included waiver of waste discharges, OWTS shall only accept and treat flows of domestic wastewater. In addition, OWTS that accept high-strength wastewater from commercial food service buildings are covered under this Policy and the waiver of waste discharge requirements if the wastewater does not exceed 900 mg/L BOD and there is a properly sized and functioning oil/grease interceptor (a.k.a grease trap).
- 2.5 Owners of OWTS shall maintain their OWTS in good working condition including inspections and pumping of solids as necessary, or as required by local ordinances, to maintain proper function and assure adequate treatment.
- 2.6 The following owners of OWTS shall notify the Regional Water Board by submitting a Report of Waste Discharge for the following:
 - 2.6.1 a new or replacement OWTS that does not meet the conditions and requirements set forth in either a Local Agency Management Program if one is approved, an existing local program if it is less than 60 months from the effective date of the Policy and a Local Agency Management Program is not yet approved, or Tier 1 if no Local Agency Management Program has been approved and it is more than 60 months after the effective date of this Policy;
 - 2.6.2 any OWTS, not under individual waste discharge requirements or a waiver of individual waste discharge requirements issued by a Regional Water Board, with the projected flow of over 10,000 gallons-per-day;

Responsibilities and Duties

- 2.6.3 any OWTS that receives high-strength wastewater, unless the waste stream is from a commercial food service building;
- 2.6.4 any OWTS that receives high-strength wastewater from a commercial food service building: (1) with a BOD higher than 900 mg/L, or (2) that does not have a properly sized and functioning oil/grease interceptor.
- 2.7 All Reports of Waste Discharge shall be accompanied by the required application fee pursuant to California Code of Regulations, title 23, section 2200.

3.0 Local Agency Requirements and Responsibilities

- 3.1 Local agencies, in addition to implementing their own local codes and ordinances, shall determine whether the requirements within their local jurisdiction will be limited to the water quality protection afforded by the statewide minimum standards in Tier 0, Tier 1, Tier 3, and Tier 4, or whether the local agency will implement a Local Agency Management Program in accordance with Tier 2. Except for Tier 3, local agencies may continue to implement their existing OWTS permitting programs in compliance with the Basin Plan in place at the effective date of the Policy until 60 months after the effective date of this Policy, or approval of a Local Agency Management Program, whichever comes first, and may make minor adjustments as necessary that are in compliance with the applicable Basin Plan and this Policy. Tier 3 requirements take effect on the effective date of this Policy. In the absence of a Tier 2 Local Agency Management Program, to the extent that there is a direct conflict between the applicable minimum standards and the local codes or ordinances (such that it is impossible to comply with both the applicable minimum standards and the local ordinances or codes), the more restrictive standards shall govern.
- 3.2 If preferred, the local agency may at any time provide the State Water Board and all affected Regional Water Board(s) written notice of its intent to regulate OWTS using a Local Agency Management Program with alternative standards as authorized in Tier 2 of this Policy. A proposed Local Agency Management Program that conforms to the requirements of that Section shall be included with the notice. A local agency shall not implement a program different than the minimum standards contained in Tier 1 and 3 of this Policy after 60 months from the effective date of this Policy until approval of the proposed Local Agency Management Program is granted by either the Regional Water Board or State Water Board. All initial program submittals desiring approval prior to the 60 month limit shall be received no later than 36 months from the effective date of this Policy. Once approved, the local agency shall adhere to the Local Agency Management Program, including all requirements, monitoring, and reporting. If at any time a local agency wishes to modify its Local Agency Management Program, it shall provide the State Water Board and all affected Regional Water Board(s) written notice of its intended modifications and will continue to implement its existing Local Agency Management Program until the modifications are approved.

Responsibilities and Duties

- 3.3 All local agencies permitting OWTS shall report annually to the Regional Water Board(s). If a local agency's jurisdictional area is within the boundary of multiple Regional Water Boards, the local agency shall send a copy of the annual report to each Regional Water Board. The annual report shall include the following information (organized in a tabular spreadsheet format) and summarize whether any further actions are warranted to protect water quality or public health:
 - 3.3.1 number and location of complaints pertaining to OWTS operation and maintenance, and identification of those which were investigated and how they were resolved;
 - 3.3.2 shall provide the applications and registrations issued as part of the local septic tank cleaning registration program pursuant to Section 117400 et seq. of the California Health and Safety Code;
 - 3.3.3 number, location, and description of permits issued for new and replacement OWTS and which Tier the permit is issued.
- 3.4 All local agencies permitting OWTS shall retain permanent records of their permitting actions and will make those records available within 10 working days upon written request for review by a Regional Water Board. The records for each permit shall reference the Tier under which the permit was issued.
- 3.5 A local agency shall notify the owner of a public well or water intake and the California Department of Public Health as soon as practicable, but not later than 72 hours, upon its discovery of a failing OWTS as described in sections 11.1 and 11.2 within the setbacks described in sections 7.5.6 through 7.5.10.
- 3.6 A local agency may implement this Policy, or a portion thereof, using its local authority to enforce the policy, as authorized by an approval from the State Water Board or by the appropriate Regional Water Board.
- 3.7 Nothing in the Policy shall preclude a local agency from adopting or retaining standards for OWTS in an approved Local Agency Management Program that are more protective of the public health or the environment than are contained in this Policy.
- 3.8 If at any time a local agency wishes to withdraw its previously submitted and approved Tier 2 Local Agency Management Program, it may do so upon 60 days written notice. The notice of withdrawal shall specify the reason for withdrawing its Tier 2 program, the effective date for cessation of the program and resumption of permitting of OWTS only under Tiers 1, 3, and 4.

4.0 Regional Water Board Functions and Duties

- 4.1 The Regional Water Boards have the principal responsibility for overseeing the implementation of this Policy.
- 4.2 Regional Water Boards shall incorporate the requirements established in this Policy by amending their Basin Plans within 12 months of the effective date of this Policy, pursuant to Water Code Section 13291(e). The Regional Water

Responsibilities and Duties

Boards may also consider whether it is necessary and appropriate to retain or adopt any more protective standards. To the extent that a Regional Water Board determines that it is necessary and appropriate to retain or adopt any more protective standards, it shall reconcile those region-specific standards with this Policy to the extent feasible, and shall provide a detailed basis for its determination that each of the more protective standards is necessary and appropriate.

4.2.1 Notwithstanding 4.2 above, the North Coast Regional Water Board will continue to implement its existing Basin Plan requirements pertaining to OWTS within the Russian River watershed until it adopts the Russian River TMDL, at which time it will comply with section 4.2 for the Russian River watershed.

4.3 The Regional Water Board designated in Attachment 3 shall review, and if appropriate, approve a Local Agency Management Program submitted by the local agency pursuant to Tier 2 in this Policy. Upon receipt of a proposed Local Agency Management Program, the Regional Water Board designated in Attachment 3 shall have 90 days to notify the local agency whether the submittal contains all the elements of a Tier 2 program, but may request additional information based on review of the proposed program. Approval must follow a noticed hearing with opportunity for public comment. If a Local Agency Management Program is disapproved, the Regional Water Board designated in Attachment 3 shall provide a written explanation of the reasons for the disapproval. A Regional Water Board may approve a Local Agency Management Program while disapproving any proposed special provisions for impaired water bodies contained in the Local Agency Management Program. If no action is taken by the respective Regional Water Board within 12 months of the submission date of a complete Local Agency Management Program, the program shall be forwarded to the State Water Board for review and approval pursuant to Section 5 of this Policy.

4.3.1 Where the local agency's jurisdiction lies within more than one Regional Water Board, staff from the affected Regional Water Boards shall work cooperatively to assure that water quality protection in each region is adequately protected. If the Regional Water Board designated in Attachment 3 approves the Local Agency Management Program over the written objection of an affected Regional Water Board, that Regional Water Board may submit the dispute to the State Water Board under Section 5.3.

4.3.2 Within 30 days of receipt of a proposed Local Agency Management Program, a Regional Water Board will forward a copy to and solicit comments from the California Department of Public Health regarding a Local Agency Management Program's proposed policies and procedures, including notification to local water purveyors prior to OWTS permitting.

4.4 Once a Local Agency Management Program has been approved, any affected Regional Water Board may require modifications or revoke authorization of a local agency to implement a Tier 2 program, in accordance with the following:

Responsibilities and Duties

- 4.4.1 The Regional Water Board shall consult with any other Regional Water Board(s) having jurisdiction over the local agency before providing the notice described in section 4.4.2.
- 4.4.2 Written notice shall be provided to the local agency detailing the Regional Water Board's action, the cause for such action, remedies to prevent the action from continuing to completion, and appeal process and rights. The local agency shall have 90 days from the date of the written notice to respond with a corrective action plan to address the areas of non-compliance, or to request the Regional Water Board to reconsider its findings.
- 4.4.3 The Regional Water Board shall approve, approve conditionally, or deny a corrective action plan within 90 days of receipt. The local agency will have 90 days to begin implementation of a corrective action plan from the date of approval or 60 days to request reconsideration from the date of denial. If the local agency fails to submit an acceptable corrective action plan, fails to implement an approved corrective action plan, or request reconsideration, the Regional Water Board may require modifications to the Local Agency Management Program, or may revoke the local agency's authorization to implement a Tier 2 program.
- 4.4.4 Requests for reconsideration by the local agency shall be decided by the Regional Water Board within 90 days and the previously approved Local Agency Management Program shall remain in effect while the reconsideration is pending.
- 4.4.5 If the request for reconsideration is denied, the local agency may appeal to the State Water Board and the previously approved Local Agency Management Program shall remain in effect while the appeal is under consideration. The State Water Board shall decide the appeal within 90 days. All decisions of the State Water Board are final.
- 4.5 The appropriate Regional Water Board shall accept and consider any requests for modification or revocation of a Local Agency Management Program submitted by any person. The Regional Water Board will notify the person making the request and the local agency implementing the Local Agency Management Program at issue by letter within 90 days whether it intends to proceed with the modification or revocation process per Section 4.4 above, or is dismissing the request. The Regional Water Board will post the request and its response letter on its website.
- 4.6 A Regional Water Board may issue or deny waste discharge requirements or waivers of waste discharge requirements for any new or replacement OWTS within a jurisdiction of a local agency without an approved Local Agency Management Program if that OWTS does not meet the minimum standards contained in Tier 1.
- 4.7 The Regional Water Boards will implement any notifications and enforcement requirements for OWTS determined to be in Tier 3 of this Policy.

Responsibilities and Duties

- 4.8 Regional Water Boards may adopt waste discharge requirements, or conditional waivers of waste discharge requirements, that exempt individual OWTS from requirements contained in this Policy.

5.0 State Water Board Functions and Duties

- 5.1 As the state agency charged with the development and adoption of this Policy, the State Water Board shall periodically review, amend and/or update this Policy as required.
- 5.2 The State Water Board may take any action assigned to the Regional Water Boards in this Policy.
- 5.3 The State Water Board shall resolve disputes between Regional Water Boards and local agencies as needed within 12 months of receiving such a request by a Regional Water Board or local agency, and may take action on its own motion in furtherance of this Policy. As part of this function, the State Water Board shall review and, if appropriate, approve Local Agency Management Programs in cases where the respective Regional Water Board has failed to consider for approval a Local Agency Management Program. The State Water Board shall approve Local Agency Management Programs at a regularly noticed board hearing and shall provide for public participation, including notice and opportunity for public comment. Once taken up by the State Water Board, Local Agency Management Programs shall be approved or denied within 180 days.
- 5.4 A member of the public may request the State Water Board to resolve any dispute regarding the Regional Water Board's approval of a Local Agency Management Program if the member of the public timely raised the disputed issue before the Regional Water Board. Such requests shall be submitted within 30 days after the Regional Water Board's approval of the Local Agency Management Program. The State Water Board shall notify the member of the public, the local agency, and the Regional Water Board within 90 days whether it intends to proceed with dispute resolution.
- 5.5 The State Water Board shall accept and consider any requests for modification or revocation of a Local Agency Management Program submitted by any person, where that person has previously submitted said request to the Regional Water Board and has received notice from the Regional Water Board of its dismissal of the request. The State Water Board will notify the person making the request and the local agency implementing the Local Agency Management Program at issue by letter within 90 days whether it intends to proceed with the modification or revocation process per Section 4.4 above, or is dismissing the request. The State Water Board will post the request and its response letter on its website.
- 5.6 The State Water Board or its Executive Director, after approving any Impaired Water Bodies [303 (d)] List, and for the purpose of implementing Tier 3 of this Policy, shall update Attachment 2 to identify those water bodies where: (1) it is likely that operating OWTS will subsequently be determined to be a contributing

Responsibilities and Duties

source of pathogens or nitrogen and therefore it is anticipated that OWTS would receive a loading reduction, and (2) it is likely that new OWTS installations discharging within 600 feet of the water body would contribute to the impairment. This identification shall be based on information available at the time of 303 (d) listing and may be further updated based on new information. Updates to Attachment 2 will be processed as amendments to this Policy.

- 5.7 The State Water Board will make available to local agencies funds from its Clean Water State Revolving Fund loan program for mini-loan programs to be operated by the local agencies for the making of low interest loans to assist private property owners with complying with this Policy.

Tier 1 – Low Risk New or Replacement OWTS

Tier 1 – Low Risk New or Replacement OWTS

New or replacement OWTS meet low risk siting and design requirements as specified in Tier 1, where there is not an approved Local Agency Management Program per Tier 2.

7.0 Minimum Site Evaluation and Siting Standards

- 7.1 A qualified professional shall perform all necessary soil and site evaluations for all new OWTS and for existing OWTS where the treatment or dispersal system will be replaced or expanded.
- 7.2 A site evaluation shall determine that adequate soil depth is present in the dispersal area. Soil depth is measured vertically to the point where bedrock, hardpan, impermeable soils, or saturated soils are encountered or an adequate depth has been determined. Soil depth shall be determined through the use of soil profile(s) in the dispersal area and the designated dispersal system replacement area, as viewed in excavations exposing the soil profiles in representative areas, unless the local agency has determined through historical or regional information that a specific site soil profile evaluation is unwarranted.
- 7.3 A site evaluation shall determine whether the anticipated highest level of groundwater within the dispersal field and its required minimum dispersal zone is not less than prescribed in Table 2 by estimation using one or a combination of the following methods:
 - 7.3.1 Direct observation of the highest extent of soil mottling observed in the examination of soil profiles, recognizing that soil mottling is not always an indicator of the uppermost extent of high groundwater; or
 - 7.3.2 Direct observation of groundwater levels during the anticipated period of high groundwater. Methods for groundwater monitoring and determinations shall be decided by the local agency; or
 - 7.3.3 Other methods, such as historical records, acceptable to the local agency.
 - 7.3.4 Where a conflict in the above methods of examination exists, the direct observation method indicating the highest level shall govern.
- 7.4 Percolation test results in the effluent disposal area shall not be faster than one minute per inch (1 MPI) or slower than one hundred twenty minutes per inch (120 MPI). All percolation test rates shall be performed by presoaking of percolation test holes and continuing the test until a stabilized rate is achieved.
- 7.5 Minimum horizontal setbacks from any OWTS treatment component and dispersal systems shall be as follows:
 - 7.5.1 5 feet from parcel property lines and structures;
 - 7.5.2 100 feet from water wells and monitoring wells, unless regulatory or legitimate data requirements necessitate that monitoring wells be located closer;

Tier 1 – Low Risk New or Replacement OWTS

- 7.5.3 100 feet from any unstable land mass or any areas subject to earth slides identified by a registered engineer or registered geologist; other setback distance are allowed, if recommended by a geotechnical report prepared by a qualified professional.
 - 7.5.4 100 feet from springs and flowing surface water bodies where the edge of that water body is the natural or levied bank for creeks and rivers, or may be less where site conditions prevent migration of wastewater to the water body;
 - 7.5.5 200 feet from vernal pools, wetlands, lakes, ponds, or other surface water bodies where the edge of that water body is the high water mark for lakes and reservoirs, and the mean high tide line for tidally influenced water bodies;
 - 7.5.6 150 feet from a public water well where the depth of the effluent dispersal system does not exceed 10 feet;
 - 7.5.7 Where the effluent dispersal system is within 1,200 feet from a public water systems' surface water intake point, within the catchment of the drainage, and located such that it may impact water quality at the intake point such as upstream of the intake point for flowing water bodies, the dispersal system shall be no less than 400 feet from the high water mark of the reservoir, lake or flowing water body.
 - 7.5.8 Where the effluent dispersal system is located more than 1,200 feet but less than 2,500 feet from a public water systems' surface water intake point, within the catchment of the drainage, and located such that it may impact water quality at the intake point such as upstream of the intake point for flowing water bodies, the dispersal system shall be no less than 200 feet from the high water mark of the reservoir, lake or flowing water body.
- 7.6 Prior to issuing a permit to install an OWTS the permitting agency shall determine if the OWTS is within 1,200 feet of an intake point for a surface water treatment plant for drinking water, is in the drainage catchment in which the intake point is located, and located such that it may impact water quality at the intake point such as being upstream of the intake point for a flowing water body. If the OWTS is within 1,200 feet of an intake point for a surface water treatment plant for drinking water, is in the drainage catchment in which the intake point is located, and is located such that it may impact water quality at the intake point:
- 7.6.1 The permitting agency shall provide a copy of the permit application to the owner of the water system of their proposal to install an OWTS within 1,200 feet of an intake point for a surface water treatment. If the owner of the water system cannot be identified, then the permitting agency will notify California Department of Public Health Drinking Water Program.
 - 7.6.2 The permit application shall include a topographical plot plan for the parcel showing the OWTS components, the property boundaries, proposed structures, physical address, and name of property owner.

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- 7.6.3 The permit application shall provide the estimated wastewater flows, intended use of proposed structure generating the wastewater, soil data, and estimated depth to seasonally saturated soils.
- 7.6.4 The public water system owner shall have 15 days from receipt of the permit application to provide recommendations and comments to the permitting agency.
- 7.7 Natural ground slope in all areas used for effluent disposal shall not be greater than 25 percent.
- 7.8 The average density for any subdivision of property made by Tentative Approval pursuant to the Subdivision Map Act occurring after the effective date of this Policy and implemented under Tier 1 shall not exceed the allowable density values in Table 1 for a single-family dwelling unit, or its equivalent, for those units that rely on OWTS.

Average Annual Rainfall (in/yr)	Allowable Density (acres/single family dwelling unit)
0 - 15	2.5
>15 - 20	2
>20 - 25	1.5
>25 - 35	1
>35 - 40	0.75
>40	0.5

8.0 Minimum OWTS Design and Construction Standards

8.1 OWTS Design Requirements

- 8.1.1 A qualified professional shall design all new OWTS and modifications to existing OWTS where the treatment or dispersal system will be replaced or expanded. A qualified professional employed by a local agency, while acting in that capacity, may design, review, and approve a design for a proposed OWTS, if authorized by the local agency.
- 8.1.2 OWTS shall be located, designed, and constructed in a manner to ensure that effluent does not surface at any time, and that percolation of effluent will not adversely affect beneficial uses of waters of the State.
- 8.1.3 The design of new and replacement OWTS shall be based on the expected influent wastewater quality with a projected flow not to exceed 3,500 gallons per day, the peak wastewater flow rates for purposes of sizing hydraulic components, the projected average daily flow for purposes of sizing the dispersal system, the characteristics of the site, and the required level of treatment for protection of water quality and public health.

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- 8.1.4 All dispersal systems shall have at least twelve (12) inches of soil cover, except for pressure distribution systems, which must have at least six (6) inches of soil cover.
- 8.1.5 The minimum depth to the anticipated highest level of groundwater below the bottom of the leaching trench, and the native soil depth immediately below the leaching trench, shall not be less than prescribed in Table 2.

Table 2: Tier 1 Minimum Depths to Groundwater and Minimum Soil Depth from the Bottom of the Dispersal System	
Percolation Rate	Minimum Depth
Percolation Rate ≤ 1 MPI	Only as authorized in a Tier 2 Local Agency Management Program
1 MPI < Percolation Rate ≤ 5 MPI	Twenty (20) feet
5 MPI < Percolation Rate ≤ 30 MPI	Eight (8) feet
30 MPI < Percolation Rate ≤ 120 MPI	Five (5) feet
Percolation Rate > 120 MPI	Only as authorized in a Tier 2 Local Agency Management Program
MPI = minutes per inch	

- 8.1.6 Dispersal systems shall be a leachfield, designed using not more than 4 square-feet of infiltrative area per linear foot of trench as the infiltrative surface, and with trench width no wider than 3 feet. Seepage pits and other dispersal systems may only be authorized for repairs where siting limitations require a variance. Maximum application rates shall be determined from stabilized percolation rate as provided in Table 3, or from soil texture and structure determination as provided in Table 4.
- 8.1.7 Dispersal systems shall not exceed a maximum depth of 10 feet as measured from the ground surface to the bottom of the trench.

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Table 3: Application Rates as Determined from Stabilized Percolation Rate							
Percolation Rate (minutes per Inch)	Application Rate (gallons per day per square foot)		Percolation Rate (minutes per Inch)	Application Rate (gallons per day per square foot)		Percolation Rate (minutes per Inch)	Application Rate (gallons per day per square foot)
<1	Requires Local Management Program		31	0.522		61	0.197
1	1.2		32	0.511		62	0.194
2	1.2		33	0.5		63	0.19
3	1.2		34	0.489		64	0.187
4	1.2		35	0.478		65	0.184
5	1.2		36	0.467		66	0.18
6	0.8		37	0.456		67	0.177
7	0.8		38	0.445		68	0.174
8	0.8		39	0.434		69	0.17
9	0.8		40	0.422		70	0.167
10	0.8		41	0.411		71	0.164
11	0.786		42	0.4		72	0.16
12	0.771		43	0.389		73	0.157
13	0.757		44	0.378		74	0.154
14	0.743		45	0.367		75	0.15
15	0.729		46	0.356		76	0.147
16	0.714		47	0.345		77	0.144
17	0.7		48	0.334		78	0.14
18	0.686		49	0.323		79	0.137
19	0.671		50	0.311		80	0.133
20	0.657		51	0.3		81	0.13
21	0.643		52	0.289		82	0.127
22	0.629		53	0.278		83	0.123
23	0.614		54	0.267		84	0.12
24	0.6		55	0.256		85	0.117
25	0.589		56	0.245		86	0.113
26	0.578		57	0.234		87	0.11
27	0.567		58	0.223		88	0.107
28	0.556		59	0.212		89	0.103
29	0.545		60	0.2		90	0.1
30	0.533					>90 - 120	0.1

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Table 4: Design Soil Application Rates			
(Source: USEPA Onsite Wastewater Treatment Systems Manual, February 2002)			
Soil Texture (per the USDA soil classification system)	Soil Structure Shape	Grade	Maximum Soil Application Rate(gallons per day per square foot)¹
Coarse Sand, Sand, Loamy Coarse Sand, Loamy Sand	Single grain	Structureless	0.8
Fine Sand, Very Fine Sand, Loamy Fine Sand, Loamy Very Fine Sand	Single grain	Structureless	0.4
Coarse Sandy Loam, Sandy Loam	Massive	Structureless	0.2
	Platy	Weak	0.2
		Moderate, Strong	Prohibited
	Prismatic, Blocky, Granular	Weak	0.4
Moderate, Strong		0.6	
Fine Sandy Loam, very fine Sandy Loam	Massive	Structureless	0.2
	Platy	Weak, Moderate, Strong	Prohibited
	Prismatic, Blocky, Granular	Weak	0.2
		Moderate, Strong	0.4
Loam	Massive	Structureless	0.2
	Platy	Weak, Moderate, Strong	Prohibited
	Prismatic, Blocky, Granular	Weak	0.4
		Moderate, Strong	0.6
Silt Loam	Massive	Structureless	Prohibited
	Platy	Weak, Moderate, Strong	Prohibited
	Prismatic, Blocky, Granular	Weak	0.4
		Moderate, Strong	0.6
Sandy Clay Loam, Clay Loam, Silty Clay Loam	Massive	Structureless	Prohibited
	Platy	Weak, Moderate, Strong	Prohibited
	Prismatic, Blocky, Granular	Weak	0.2
		Moderate, Strong	0.4
Sandy Clay, Clay, or Silty Clay	Massive	Structureless	Prohibited
	Platy	Weak, Moderate, Strong	Prohibited
	Prismatic, Blocky, Granular	Weak	Prohibited
		Moderate, Strong	0.2

¹ Soils listed as prohibited may be allowed under the authority of the Regional Water Board, or as allowed under an approved Local Agency Management Program per Tier 2.

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- 8.1.8 All new dispersal systems shall have 100 percent replacement area that is equivalent and separate, and available for future use.
 - 8.1.9 No dispersal systems or replacement areas shall be covered by an impermeable surface, such as paving, building foundation slabs, plastic sheeting, or any other material that prevents oxygen transfer to the soil.
 - 8.1.10 Rock fragment content of native soil surrounding the dispersal system shall not exceed 50 percent by volume for rock fragments sized as cobbles or larger and shall be estimated using either the point-count or line-intercept methods.
 - 8.1.11 Increased allowance for IAPMO certified dispersal systems is not allowed under Tier 1.
- 8.2 OWTS Construction and Installation
- 8.2.1 All new or replacement septic tanks and new or replacement oil/grease interceptor tanks shall comply with the standards contained in Sections K5(b), K5(c), K5(d), K5(e), K5(k), K5(m)(1), and K5(m)(3)(ii) of Appendix K, of Part 5, Title 24 of the 2007 California Code of Regulations.
 - 8.2.2 All new septic tanks shall comply with the following requirements:
 - 8.2.2.1 Access openings shall have watertight risers, the tops of which shall be set at most 6 inches below finished grade; and
 - 8.2.2.2 Access openings at grade or above shall be locked or secured to prevent unauthorized access.
 - 8.2.3 New and replacement OWTS septic tanks shall be limited to those approved by the International Association of Plumbing and Mechanical Officials (IAPMO) or stamped and certified by a California registered civil engineer as meeting the industry standards, and their installation shall be according to the manufacturer's instructions.
 - 8.2.4 New and replacement OWTS septic tanks shall be designed to prevent solids in excess of three-sixteenths (3/16) of an inch in diameter from passing to the dispersal system. Septic tanks that use a National Sanitation Foundation/American National Standard Institute (NSF/ANSI) Standard 46 certified septic tank filter at the final point of effluent discharge from the OWTS and prior to the dispersal system shall be deemed in compliance with this requirement.

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- 8.2.5 A Licensed General Engineering Contractor (Class A), General Building Contractor (Class B), Sanitation System Contractor (Specialty Class C-42), or Plumbing Contractor (Specialty Class C-36) shall install all new OWTS and replacement OWTS in accordance with California Business and Professions Code Sections 7056, 7057, and 7058 and Article 3, Division 8, Title 16 of the California Code of Regulations. A property owner may also install his/her own OWTS if the as-built diagram and the installation are inspected and approved by the Regional Water Board or local agency at a time when the OWTS is in an open condition (not covered by soil and exposed for inspection).

Waiver – Effective Date – Financial Assistance

Conditional Waiver of Waste Discharge Requirements

- 12.0 In accordance with Water Code section 13269, the State Water Board hereby waives the requirements to submit a report of waste discharge, obtain waste discharge requirements, and pay fees for discharges from OWTS covered by this Policy. Owners of OWTS covered by this Policy shall comply with the following conditions:
- 12.0.1 The OWTS shall function as designed with no surfacing effluent.
 - 12.0.2 The OWTS shall not utilize a dispersal system that is in soil saturated with groundwater.
 - 12.0.3 The OWTS shall not be operated while inundated by a storm or flood event.
 - 12.0.4 The OWTS shall not cause or contribute to a condition of nuisance or pollution.
 - 12.0.5 The OWTS shall comply with all applicable local agency codes, ordinances, and requirements.
 - 12.0.6 The OWTS shall comply with and meet any applicable TMDL implementation requirements, special provisions for impaired water bodies, or supplemental treatment requirements imposed by Tier 3.
 - 12.0.7 The OWTS shall comply with any corrective action requirements of Tier 4.
- 12.1 This waiver may be revoked by the State Water Board or the applicable Regional Water Board for any discharge from an OWTS, or from a category of OWTS.

Effective Date

- 13.0 This Policy becomes effective six months after its approval by the Office of Administrative Law, and all deadlines and compliance dates stated herein start at such time.

Waiver – Effective Date – Financial Assistance

Financial Assistance

- 14.0 Local Agencies may apply to the State Water Board for funds from the Clean Water State Revolving Fund for use in mini-loan programs that provide low interest loan assistance to private property owners with costs associated with complying with this Policy.
 - 14.1 Loan interest rates for loans to local agencies will be set by the State Water Board using its policies, procedures, and strategies for implementing the Clean Water State Revolving Fund program, but will typically be one-half of the States most recent General Obligation bond sale. Historically interest rates have ranged between 2.0 and 3.0 percent.
 - 14.2 Local agencies may add additional interest points to their loans made to private entities to cover their costs of administering the mini-loan program.
 - 14.3 Local agencies may submit their suggested loan eligibility criteria for the min-loan program they wish to establish to the State Water Board for approval, but should consider the legislative intent stated in Water Code Section 13291.5 is that assistance is encouraged for private property owners whose cost of complying with the requirements of this policy exceeds one-half of one percent of the current assessed value of the property on which the OWTS is located.