



EDMUND G. BROWN JR.
GOVERNOR

MATTHEW RODRIGUEZ
SECRETARY FOR
ENVIRONMENTAL PROTECTION

Los Angeles Regional Water Quality Control Board

January 23, 2018

Mr. Chris Balden
HV Avocado, LLC
2501 North Rosemead Boulevard
South El Monte, CA 91733

CERTIFIED MAIL
RETURN RECEIPT REQUESTED
CLAIM NO. 7016 0750 0000 3359 6424

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, HV AVOCADO, LLC, 604 NORTH VICTORIA AVENUE, VENTURA, CALIFORNIA 93003 (FILE NO. 13-101, CI-9993, ORDER NO. 01-031, SERIES NO. 182, GLOBAL ID WDR100013235)

Dear Mr. Balden:

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.

HV Avocado, LLC owns and operates an avocado orchard located at 604 North Victoria Avenue, Ventura, California. The entire orchard occupies approximately 17 acres on a hillside in the City of Ventura and has approximately 3,000 avocado trees.

There is a small building for storage of maintenance equipment. A restroom and a break room are located inside the building. Wastewater from the restroom is discharged to an onsite wastewater treatment system (OWTS) which consists of a 750-gallon septic tank and a 48 feet long by 3 feet deep leach line. The estimated maximum discharge volume to the septic tank is 40 gallons per day (gpd). The OWTS at the subject site was enrolled into the Regional Board General Waste Discharge Requirements Order No. 01-031 on November 1, 2013, and issued with a Monitoring and Reporting Program (MRP) No. CI-9993.

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.

Regional Board staff performed an inspection on January 4, 2018, and have determined that the subject facility meets the conditions specified in the OWTS Policy, Tier 0 (section 6.0). Therefore, effective immediately the subject site will be covered by the waiver included in the OWTS Policy.

Therefore, the current coverage of General WDR Order No. 01-031 and the associated monitoring and reporting program (MRP) CI No. 8853 are terminated. The conditional waiver contained in the OWTS Policy waives the requirements to submit a report of waste discharge, obtain waste discharge requirements, and pay fees.

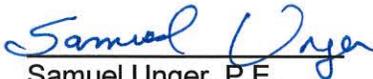
Enclosed are the OWTS Policy, which includes requirements for Tier 0 and the *Conditional Waiver of Waste Discharge Requirements* (section 12 of the OWTS Policy). Should changes to the septic disposal system be needed, revised engineering drawings showing the change must be filed with the Regional Board 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 OWTS Policy, the waiver of waste discharge requirements, and this letter authorizing applicability, could result in enforcement actions 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).

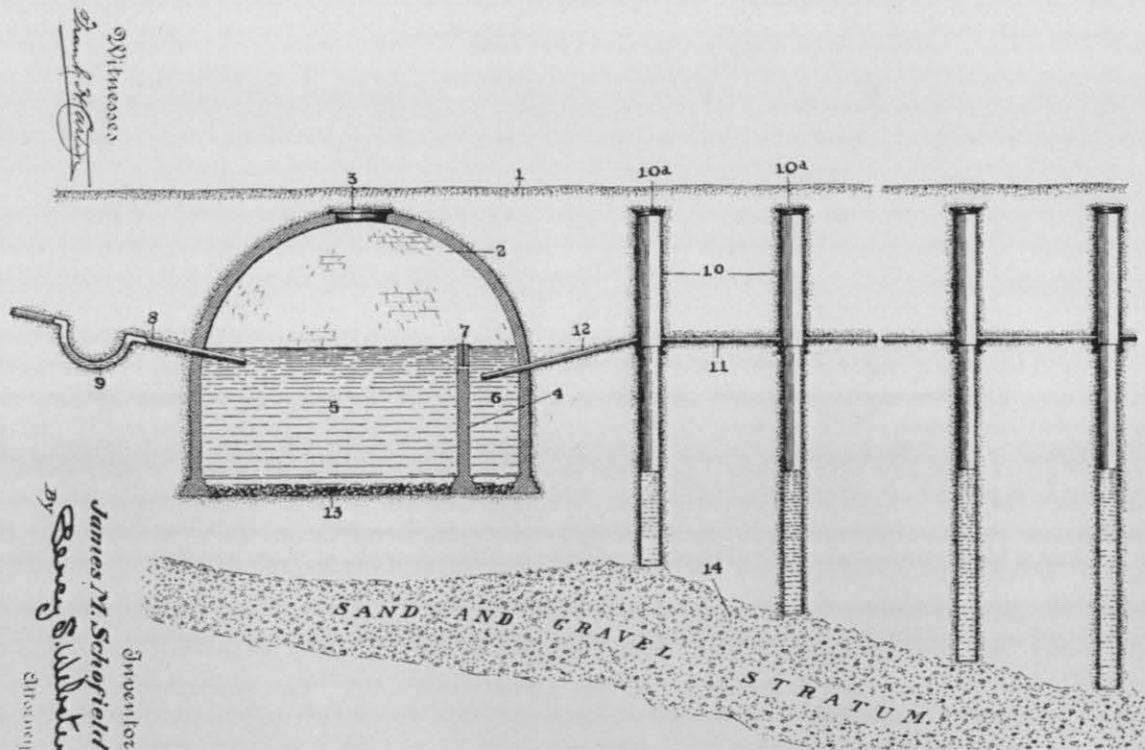
Sincerely,



Samuel Unger, P.E.
Executive Officer

Enclosure: Tier 0 – Existing OWTS
Conditional Waiver of Waste Discharge Requirements

cc (via email): Mr. Charles Genkel, Environmental Health Division, County of Ventura



933,121.

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

Patented Sept. 7, 1909.

Witnesses
James M. Schofield

James M. Schofield
by *Samuel S. Sullivan*
Attorney

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.

Definitions

1.0 Definitions. The following definitions apply to this Policy:

"303 (d) list" means the same as **"Impaired Water Bodies."**

"At-grade system" means an OWTS dispersal system with a discharge point located at the preconstruction grade (ground surface elevation). The discharge from an at-grade system is always subsurface.

"Average annual rainfall" means the average of the annual amount of precipitation for a location over a year as measured by the nearest National Weather Service station for the preceding three decades. For example the data set used to make a determination in 2012 would be the data from 1981 to 2010.

"Basin Plan" means the same as "water quality control plan" as defined in Division 7 (commencing with Section 13000) of the Water Code. Basin Plans are adopted by each Regional Water Board, approved by the State Water Board and the Office of Administrative Law, and identify surface water and groundwater bodies within each Region's boundaries and establish, for each, its respective beneficial uses and water quality objectives. Copies are available from the Regional Water Boards, electronically at each Regional Water Boards website, or at the State Water Board's *Plans and Policies* web page (http://www.waterboards.ca.gov/plans_policies/).

"Bedrock" means the rock, usually solid, that underlies soil or other unconsolidated, surficial material.

"CEDEN" means California Environmental Data Exchange Network and information about it is available at the State Water Boards website or <http://www.ceden.org/index.shtml>.

"Cesspool" means an excavation in the ground receiving domestic wastewater, designed to retain the organic matter and solids, while allowing the liquids to seep into the soil. Cesspools differ from seepage pits because cesspool systems do not have septic tanks and are not authorized under this Policy. The term cesspool does not include pit-prives and out-houses which are not regulated under this Policy.

"Clay" means a soil particle; the term also refers to a type of soil texture. As a soil particle, clay consists of individual rock or mineral particles in soils having diameters <0.002 mm. As a soil texture, clay is the soil material that is comprised of 40 percent or more clay particles, not more than 45 percent sand and not more than 40 percent silt particles using the USDA soil classification system.

"Cobbles" means rock fragments 76 mm or larger using the USDA soil classification systems.

"Dispersal system" means a leachfield, seepage pit, mound, at-grade, subsurface drip field, evapotranspiration and infiltration bed, or other type of system for final wastewater treatment and subsurface discharge.

Definitions

- “Domestic wastewater”** means wastewater with a measured strength less than high-strength wastewater and is the type of wastewater normally discharged from, or similar to, that discharged from plumbing fixtures, appliances and other household devices including, but not limited to toilets, bathtubs, showers, laundry facilities, dishwashing facilities, and garbage disposals. Domestic wastewater may include wastewater from commercial buildings such as office buildings, retail stores, and some restaurants, or from industrial facilities where the domestic wastewater is segregated from the industrial wastewater. Domestic wastewater may include incidental RV holding tank dumping but does not include wastewater consisting of a significant portion of RV holding tank wastewater such as at RV dump stations. Domestic wastewater does not include wastewater from industrial processes.
- “Dump Station”** means a facility intended to receive the discharge of wastewater from a holding tank installed on a recreational vehicle. A dump station does not include a full hook-up sewer connection similar to those used at a recreational vehicle park.
- “Domestic well”** means a groundwater well that provides water for human consumption and is not regulated by the California Department of Public Health.
- “Earthen material”** means a substance composed of the earth’s crust (i.e. soil and rock).
- “EDF”** see “electronic deliverable format.”
- “Effluent”** means sewage, water, or other liquid, partially or completely treated or in its natural state, flowing out of a septic tank, aerobic treatment unit, dispersal system, or other OWTS component.
- “Electronic deliverable format”** or **“EDF”** means the data standard adopted by the State Water Board for submittal of groundwater quality monitoring data to the State Water Board’s internet-accessible database system Geotracker (<http://geotracker.waterboards.ca.gov/>).
- “Escherichia coli”** means a group of bacteria predominantly inhabiting the intestines of humans or other warm-blooded animals, but also occasionally found elsewhere. Used as an indicator of human fecal contamination.
- “Existing OWTS”** means an OWTS that was constructed and operating prior to the effective date of this Policy, and OWTS for which a construction permit has been issued prior to the effective date of the Policy.
- “Flowing water body”** means a body of running water flowing over the earth in a natural water course, where the movement of the water is readily discernible or if water is not present it is apparent from review of the geology that when present it does flow, such as in an ephemeral drainage, creek, stream, or river.
- “Groundwater”** means water below the land surface that is at or above atmospheric pressure.

Definitions

- “High-strength wastewater”** means wastewater having a 30-day average concentration of biochemical oxygen demand (BOD) greater than 300 milligrams-per-liter (mg/L) or of total suspended solids (TSS) greater than 330 mg/L or a fats, oil, and grease (FOG) concentration greater than 100 mg/L prior to the septic tank or other OWTS treatment component.
- “IAPMO”** means the International Association of Plumbing and Mechanical Officials.
- “Impaired Water Bodies”** means those surface water bodies or segments thereof that are identified on a list approved first by the State Water Board and then approved by US EPA pursuant to Section 303(d) of the federal Clean Water Act.
- “Local agency”** means any subdivision of state government that has responsibility for permitting the installation of and regulating OWTS within its jurisdictional boundaries; typically a county, city, or special district.
- “Major repair”** means either: (1) for a dispersal system, repairs required for an OWTS dispersal system due to surfacing wastewater effluent from the dispersal field and/or wastewater backed up into plumbing fixtures because the dispersal system is not able to percolate the design flow of wastewater associated with the structure served, or (2) for a septic tank, repairs required to the tank for a compartment baffle failure or tank structural integrity failure such that either wastewater is exfiltrating or groundwater is infiltrating.
- “Mottling”** means a soil condition that results from oxidizing or reducing minerals due to soil moisture changes from saturated to unsaturated over time. Mottling is characterized by spots or blotches of different colors or shades of color (grays and reds) interspersed within the dominant color as described by the USDA soil classification system. This soil condition can be indicative of historic seasonal high groundwater level, but the lack of this condition may not demonstrate the absence of groundwater.
- “Mound system”** means an aboveground dispersal system (covered sand bed with effluent leachfield elevated above original ground surface inside) used to enhance soil treatment, dispersal, and absorption of effluent discharged from an OWTS treatment unit such as a septic tank. Mound systems have a subsurface discharge.
- “New OWTS”** means an OWTS permitted after the effective date of this Policy.
- “NSF”** means NSF International (a.k.a. National Sanitation Foundation), a not for profit, non-governmental organization that develops health and safety standards and performs product certification.
- “Oil/grease interceptor”** means a passive interceptor that has a rate of flow exceeding 50 gallons-per-minute and that is located outside a building. Oil/grease interceptors are used for separating and collecting oil and grease from wastewater.

Definitions

“Onsite wastewater treatment system(s)” (OWTS) means individual disposal systems, community collection and disposal systems, and alternative collection and disposal systems that use subsurface disposal. The short form of the term may be singular or plural. OWTS do not include “graywater” systems pursuant to Health and Safety Code Section 17922.12.

“Percolation test” means a method of testing water absorption of the soil. The test is conducted with clean water and test results can be used to establish the dispersal system design.

“Permit” means a document issued by a local agency that allows the installation and use of an OWTS, or waste discharge requirements or a waiver of waste discharge requirements that authorizes discharges from an OWTS.

“Person” means any individual, firm, association, organization, partnership, business trust, corporation, company, State agency or department, or unit of local government who is, or that is, subject to this Policy.

“Pit-privy” (a.k.a. outhouse, pit-toilet) means self-contained waterless toilet used for disposal of non-water carried human waste; consists of a shelter built above a pit in the ground into which human waste falls.

“Policy” means this Policy for Siting, Design, Operation and Management of OWTS.

“Pollutant” means any substance that alters water quality of the waters of the State to a degree that it may potentially affect the beneficial uses of water, as listed in a Basin Plan.

“Projected flows” means wastewater flows into the OWTS determined in accordance with any of the applicable methods for determining average daily flow in the *USEPA Onsite Wastewater Treatment System Manual, 2002*, or for Tier 2 in accordance with an approved Local Agency Management Program.

“Public Water System” is a water system regulated by the California Department of Public Health or a Local Primacy Agency pursuant to Chapter 12, Part 4, California Safe Drinking Water Act, Section 116275 (h) of the California Health and Safety Code.

“Public Water Well” is a ground water well serving a public water system. A spring which is not subject to the California Surface Water Treatment Rule (SWTR), CCR, Title 22, sections 64650 through 64666 is a public well.

“Qualified professional” means an individual licensed or certified by a State of California agency to design OWTS and practice as professionals for other associated reports, as allowed under their license or registration. Depending on the work to be performed and various licensing and registration requirements, this may include an individual who possesses a registered environmental health specialist certificate or is currently licensed as a professional engineer or professional geologist. For the purposes of performing site evaluations, Soil Scientists certified by the Soil Science Society of America are considered qualified professionals. A local agency may modify this definition as part of its Local Agency Management Program.

Definitions

“Regional Water Board” is any of the Regional Water Quality Control Boards designated by Water Code Section 13200. Any reference to an action of the Regional Water Board in this Policy also refers to an action of its Executive Officer, including the conducting of public hearings, pursuant to any general or specific delegation under Water Code Section 13223.

“Replacement OWTS” means an OWTS that has its treatment capacity expanded, or its dispersal system replaced or added onto, after the effective date of this Policy.

“Sand” means a soil particle; this term also refers to a type of soil texture. As a soil particle, sand consists of individual rock or mineral particles in soils having diameters ranging from 0.05 to 2.0 millimeters. As a soil texture, sand is soil that is comprised of 85 percent or more sand particles, with the percentage of silt plus 1.5 times the percentage of clay particles comprising less than 15 percent.

“Seepage pit” means a drilled or dug excavation, three to six feet in diameter, either lined or gravel filled, that receives the effluent discharge from a septic tank or other OWTS treatment unit for dispersal.

“Septic tank” means a watertight, covered receptacle designed for primary treatment of wastewater and constructed to:

1. Receive wastewater discharged from a building;
2. Separate settleable and floating solids from the liquid;
3. Digest organic matter by anaerobic bacterial action;
4. Store digested solids; and
5. Clarify wastewater for further treatment with final subsurface discharge.

“Service provider” means a person capable of operating, monitoring, and maintaining an OWTS in accordance to this Policy.

“Silt” means a soil particle; this term also refers to a type of soil texture. As a soil particle, silt consists of individual rock or mineral particles in soils having diameters ranging from between 0.05 and 0.002 mm. As a soil texture, silt is soil that is comprised as approximately 80 percent or more silt particles and not more than 12 percent clay particles using the USDA soil classification system.

“Single-family dwelling unit” means a structure that is usually occupied by just one household or family and for the purposes of this Policy is expected to generate an average of 250 gallons per day of wastewater.

“Site” means the location of the OWTS and, where applicable, a reserve dispersal area capable of disposing 100 percent of the design flow from all sources the OWTS is intended to serve.

“Site Evaluation” means an assessment of the characteristics of the site sufficient to determine its suitability for an OWTS to meet the requirements of this Policy.

Definitions

“Soil” means the naturally occurring body of porous mineral and organic materials on the land surface, which is composed of unconsolidated materials, including sand-sized, silt-sized, and clay-sized particles mixed with varying amounts of larger fragments and organic material. The various combinations of particles differentiate specific soil textures identified in the soil textural triangle developed by the United States Department of Agriculture (USDA) as found in Soil Survey Staff, USDA; *Soil Survey Manual, Handbook 18*, U.S. Government Printing Office, Washington, DC, 1993, p. 138. For the purposes of this Policy, soil shall contain earthen material of particles smaller than 0.08 inches (2 mm) in size.

“Soil Structure” means the arrangement of primary soil particles into compound particles, peds, or clusters that are separated by natural planes of weakness from adjoining aggregates.

“Soil texture” means the soil class that describes the relative amount of sand, clay, silt and combinations thereof as defined by the classes of the soil textural triangle developed by the USDA (referenced above).

“State Water Board” is the State Water Resources Control Board

“Supplemental treatment” means any OWTS or component of an OWTS, except a septic tank or dosing tank, that performs additional wastewater treatment so that the effluent meets a predetermined performance requirement prior to discharge of effluent into the dispersal field.

“SWAMP” means Surface Water Ambient Monitoring Program and more information is available at: http://www.waterboards.ca.gov/water_issues/programs/swamp/

“Telemetric” means the ability to automatically measure and transmit OWTS data by wire, radio, or other means.

“TMDL” is the acronym for "total maximum daily load." Section 303(d)(1) of the Clean Water Act requires each State to establish a TMDL for each impaired water body to address the pollutant(s) causing the impairment. In California, TMDLs are usually adopted as Basin Plan amendments and contain implementation plans detailing how water quality standards will be attained.

“Total coliform” means a group of bacteria consisting of several *genera* belonging to the family *Enterobacteriaceae*, which includes *Escherichia coli* bacteria.

“USDA” means the U.S. Department of Agriculture.

“Waste discharge requirement” or **“WDR”** means an operation and discharge permit issued for the discharge of waste pursuant to Section 13260 of the California Water Code.

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.

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- 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

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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:

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- 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.

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- 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

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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 0 – Existing OWTS

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.

6.0 Coverage for Properly Operating Existing OWTS

- 6.1 Existing OWTS are automatically covered by Tier 0 and the herein included waiver of waste discharge requirements if they meet the following requirements:
 - 6.1.1 have a projected flow of 10,000 gallons-per-day or less;
 - 6.1.2 receive only domestic wastewater from residential or commercial buildings, or high-strength wastewater from commercial food service buildings that does not exceed 900 mg/L BOD and has a properly sized and functioning oil/grease interceptor (a.k.a. grease trap);
 - 6.1.3 continue to comply with any previously imposed permitting conditions;
 - 6.1.4 do not require supplemental treatment under Tier 3;
 - 6.1.5 do not require corrective action under Tier 4; and
 - 6.1.6 do not consist of a cesspool as a means of wastewater disposal.
- 6.2 A Regional Water Board or local agency may deny coverage under this Policy to any OWTS that is:
 - 6.2.1 Not in compliance with Section 6.1;
 - 6.2.2 Not able to adequately protect the water quality of the waters of the State, as determined by the Regional Water Board after considering any input from the local agency. A Regional Water Board may require the submission of a report of waste discharge to receive Region specific waste discharge requirements or waiver of waste discharge requirements so as to be protective.
- 6.3 Existing OWTS currently under waste discharge requirements or individual waiver of waste discharge requirements will remain under those orders until notified in writing by the appropriate Regional Water Board that they are covered under this Policy.

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.