

Meeting Minutes

26 May 2017 CCDEH Region III Meeting, Cliffs Resort, Pismo Beach, page 1

As part of the overall meeting agenda, CCDEH Region III invited Eric Rapport, Central Valley Water Board (Water Board Region 5), Howard Kolb and Cecile DeMartini, Central Coast Water Board (Water Board Region 3), and Jennifer Toney, State Board Division of Financial Assistance, to discuss LAMPs. We focused on OWTS Policy requirements for Water Quality Assessment Reports and implications for follow-up regulatory action.

Water Quality Assessment Reports will likely identify high density OWTS areas that warrant further regulatory action. Based on strong public opposition to AB 885, and case histories of high density areas, e.g., Baywood Park and Los Osos in Water Board Region 3, and Chico in Region 5, we anticipate future issues, e.g., from Homeowners' Associations opposed to supplemental treatments or annexation, and therefore a need for close coordination between Local Agencies and Regional Water Board staffs. We generally discussed the following:

- Minimum basis to request further investigation, e.g., focused supply well sampling, lysimeters, monitoring wells, surface water sampling,
- Cost effective supplemental treatments for OWTS owners,
- Appropriate further restrictions for new and replacement OWTS; densities, projected flows, setbacks – criteria and basis,
- Regulatory options, e.g., Local Agency requirements for annexation, Regional Board issuance of Waste Discharge Requirements and Prohibition Orders, other,
- Financing options.

Regarding minimum basis to request further investigation, the group generally concurred; Local Agencies can identify most high wastewater loading areas now, based on OWTS densities and flow rates. Further investigation should largely serve to objectively demonstrate impacts to interested parties, e.g., onsite maintenance districts or zones, other public agencies, and environmental activist groups. Further investigation should be progressive, with active sampling following reviews of existing data. To avoid inappropriate regulatory action, correlation of nitrate in wells and potential wastewater sources should be technically feasible generally based on local hydrogeology, geochemistry, well constructions and hydraulics, and historical land uses. Focused sampling, e.g., for major ions, stable and radio-isotopes, and trace organics (herbicides, pesticides, pharmaceuticals, and artificial sweeteners), while potentially useful to distinguish between nitrate sources, might exceed a Local Agency's resources. Regional and State Board staff might consider technical and financial support based on relative threats to water quality and public health. A ranking system of high density OWTS areas might be appropriate; areas with highest potential threat based on preliminary reviews should warrant further investigation.

Water Board Region 3 staff are drafting an update on nitrate toxicity, which may further support threat analysis.

Meeting Minutes

26 May 2017 CCDEH Region III Meeting, Cliffs Resort, Pismo Beach, page 2

Regarding cost effective supplemental treatments, the group generally concurred that OWTS owners potentially affected by future regulatory action would benefit from cost effectiveness comparisons of available supplemental treatments. Water Board staffs advised, based on results of historical demonstration projects that proper operation and maintenance are critical, and must factor into cost comparisons. We cannot assume adequate nitrification and denitrification either in treatment systems or vadose soils. Qualified service providers should routinely monitor and adjust systems, for example to compensate for shock loadings, and toxins and inhibitors.

Regarding appropriate further restrictions for new and replacement OWTS, the group generally concurred that Hantzsche and Finnemore (1992) is an appropriate minimum criteria to assess wastewater loading and maximum overall densities of new and replacement OWTS. Well constructions and hydraulics are also considerations. Further criteria might be appropriate.

Regarding Regulatory options, Region 3 and 5 Water Board staffs compared histories of example Prohibition Orders in Baywood Park/Los Osos, San Luis Obispo County, and Chico, Butte County. In the mid-1990s, in both cases public agencies did not comply with Order deadlines. For Baywood Park/Los Osos, the Regional Board issued several Cease and Desist Orders and a subsequent Administrative Civil Liability Complaint. For Chico, the Regional Board adopted a Resolution to delay formal enforcement contingent on further site investigation, feasibility studies, and phased implementation. In both cases, compliance has taken decades and is ongoing. Environmental Health Directors for several counties offered that collaboration with interested parties is a preferred initial approach; formal enforcement should consider threats to water quality and human health, and level of compliance. Compliance is realistically a function of average homeowner income, local consensus on threats to water quality and human health, and available financing.

Regarding financing, State Board staff summarized options. State Board offers grants, largely to small disadvantaged communities; these can cover septic-to-sewer projects. Public agencies and non-profit organizations can apply for planning and construction grants; planning grant applications are simpler relative to construction grants. Maximum amount for planning grants is \$500,000, construction grants, \$8,000,000. Federal sources are also available, for example through USDA and HUD. Loans are available to higher income subdivisions. Financing cannot cover operations and maintenance, only design and installation.

Reference:

Hantzsche, Norman, and John Finnemore (1992). Predicting ground-water nitrate-nitrogen impacts, *Groundwater*, Volume 30, No. 4, August.