

## **Conditional Waiver No. 1 – Discharges from On-site Disposal Systems**

Conditional Waiver No. 1 is for discharges of effluent from on-site disposal systems which is a source of pollutants that can infiltrate to groundwater. Discharges of effluent from on-site disposal systems include domestic wastewater (sewage) and graywater, but not industrial wastewater, which is discharged to the subsurface located, within the property that generated the waste stream.

The following types of discharge not regulated or authorized under WDRs may be eligible for Conditional Waiver No. 1:

- Discharges from conventional septic tank/subsurface disposal systems for residential units
- Discharges from conventional septic tank/subsurface disposal systems for commercial/industrial establishments
- Discharges from alternative individual sewerage systems
- Discharges from conventional septic tank/subsurface disposal systems for campgrounds
- Discharges from on-site graywater disposal systems

These types of discharge have similar system design and installation requirements and waiver conditions. Therefore, these types of discharge were grouped together into one discharge classification.

Conventional septic tank/subsurface disposal systems and alternative individual sewerage systems, or on-site wastewater treatment systems (OWTSs), collect and treat domestic wastewater and sewage, or “black water,” and discharge effluent to the subsurface on land. Natural processes in the soil of the disposal area are usually an integral component of OWTSs and provide further treatment of the effluent as it percolates through the ground.

Graywater systems collect graywater and also discharge effluent to the subsurface on land. Graywater includes wash water originating from showers, bathtubs, clothes washing machines, and hand washing sinks that are not used for disposal of chemicals or chemical-biological ingredients and generally subject to very little treatment or no treatment at all. Natural processes in the soil of the disposal area can provide treatment of the effluent as it percolates through the ground.

The discharge of effluent from on-site disposal systems can infiltrate to groundwater and may pose a potential threat to water quality. Due to all the human fecal matter that is collected and treated by OWTSs, effluent that is discharged can contain high levels of pathogens (e.g., bacteria, viruses, protozoa), nutrients (i.e., phosphorus and nitrogen compounds), and other chemicals. Graywater systems can discharge effluent that has potentially come in contact with human fecal matter (e.g., soiled diapers washed in clothes washing machines), nitrogen compounds (e.g., urine from children and adults in bathtubs and showers), phosphorus (e.g., laundry detergents used in clothes washing

machines), or other chemicals (e.g., cleaning chemicals washed down bathroom washbasins). Therefore, on-site disposal systems can potentially transport and leach pathogens, nutrients, and other pollutants to underlying groundwaters, or to surface waters if the effluent surfaces and runs off the property. Effluent that comes into contact with groundwater or surface water can adversely affect water quality.

However, the use of OWTs where no community sewerage system is available is in the public interest to protect human health. Additionally, the use of on-site graywater systems will reduce the use of potable water for irrigation purposes, which is in the public interest to conserve water resources. On-site disposal systems that are properly designed, installed and maintained can minimize the potential impacts to water quality.

The design, construction, and installation requirements for on-site disposal systems are provided in regulations adopted by state agencies and/or local authorized agencies. Land owners must obtain the appropriate permits prior to the installation and operation of an on-site disposal system to ensure site conditions are appropriate for construction. Depending on the location, cities, counties, and/or other local authorized agencies may have more stringent design and installation requirements.

As of January 1, 2008, the State Water Board is still in the process of developing the new OWTs regulations, which would be applicable to conventional septic tank/subsurface systems and alternative individual sewerage systems. The OWTs regulations that will be adopted by the State Water Board may have requirements that are more protective of water quality than those currently enforced by authorized local agencies. The authorized local agencies will be responsible for bringing OWTs in compliance with the new regulations.

The Graywater Standards, developed by the California Department of Water Resources (DWR) and adopted by the California Building Standards Commission, pertaining to the construction, installation, or alteration of graywater systems, can be found in the California Plumbing Code (CPC).<sup>1</sup> The Water Code states that a graywater system may be installed if the authorized local agencies having jurisdiction over the installation determines that the system complies with the CPC Graywater Standards.<sup>2</sup>

The design, construction, and installation of on-site wastewater systems are regulated and permitted by the city, county, and/or other authorized local agency. However, the discharge of effluent from on-site disposal systems is subject to regulation by the State and Regional Water Boards in order to protect the waters of the state. The San Diego Water Board determined that it is consistent with the Basin Plan and in the public interest to delegate regulation of specific types of discharge to another public agency. In this case, owners/operators of on-site disposal systems must obtain the appropriate permits from a city, county, and/or other authorized local agencies. As long as the effluent that is discharged from these properly permitted on-site disposal systems do not

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<sup>1</sup> California Code of Regulations Title 24 (also known as the California Building Standards Administrative Code) Part 5 (also known as the California Plumbing Code) Appendix G

<sup>2</sup> Water Code section 14877.2

have an adverse impact on surface water or groundwater quality, the San Diego Water Board will waive the requirements to file a RoWD and adopting WDRs for these systems.

However, waiver conditions should be developed in order for members of the public, cities, counties, local agencies and organizations, and/or the San Diego Water Board to determine if discharges from on-site disposal systems are having an adverse effect on the quality of the waters of the state. If owners/operators of on-site disposal systems are not in compliance with waiver conditions, they can be issued a Notice of Violation and required to correct deficiencies in order to be eligible for Conditional Waiver No. 1. However, if the owner/operator of an on-site disposal system violates any waiver conditions, the San Diego Water Board has the option to terminate the conditional waiver for the discharge and begin regulating the discharge with individual WDRs and/or take other enforcement actions.

In order to be eligible for Conditional Waiver No. 1, discharges must comply with certain conditions to be protective of water quality. The waiver conditions applicable to discharges from on-site disposal systems include the following:

- 1.I.A. General Waiver Conditions for On-site Disposal Systems
- 1.II.A. Specific Waiver Conditions for On-site Septic and Sewerage Systems
- 1.II.B. Specific Waiver Conditions for On-site Graywater Systems

Discharges from on-site disposal systems that comply with the general and specific waiver conditions in Conditional Waiver No. 1 are not expected to pose a significant threat to the quality of waters of the state.

**1.I.A. General Waiver Conditions for On-site Disposal Systems**

1. Prevent the direct or indirect discharge of effluent from on-site disposal systems to any surface waters of the state (including ephemeral streams and vernal pools).
2. Effluent from on-site disposal systems must be discharged to the subsurface and cannot surface or pond.
3. Effluent from on-site disposal systems must not adversely affect the quality or beneficial uses underlying groundwater.
4. Effluent from on-site disposal systems must not cause or threaten to cause a condition of contamination, pollution, or nuisance.
5. Effluent from on-site disposal systems must be discharged at least 5 feet above highest known historical or anticipated groundwater level.
6. Effluent from on-site disposal systems must be discharged at least 100 feet away from any surface water body.
7. Effluent from on-site disposal systems must not adversely impact the quality or beneficial uses of groundwater in any water wells.
8. On-site disposal systems must be designed and operated in accordance with applicable regulatory requirements and/or standards as provided in the Specific Conditions.

9. The owner/operator of an on-site disposal system must comply with local, state, and federal ordinances and regulations and obtain any required approvals, permits, certifications, and/or licenses from authorized local agencies. Copies of any approvals, permits, certifications, and/or licenses must be available on site for inspection.
10. The owner/operator of an on-site disposal system must maintain and operate the system in accordance with the design approved by the authorized local agencies.
11. The San Diego Water Board and/or other local regulatory agencies must be allowed reasonable access to the site in order to perform inspections and conduct monitoring.
12. On-site disposal systems can only accept domestic wastes and/or wastewater.

**1.II.A. Specific Waiver Conditions for On-site Septic and Sewerage Systems**

1. For existing on-site septic or sewerage systems, the following conditions apply:
  - a) Existing on-site septic or sewerage systems serving campgrounds must not allow connections from recreational vehicles.
  - b) Owners/operators of existing on-site septic or sewerage systems that cause a condition of contamination, pollution, or nuisance must cease the use of the system and repair or replace it with a compliant system, or permanently remove the system from operation.
  - c) After adoption of State Water Board on-site wastewater treatment system (OWTS) regulations, any existing on-site septic or sewerage systems that is replaced, requires major repair, pools or discharges to the surface of the ground, or has the reasonable potential to cause a violation of water quality objectives, to impair present or future beneficial uses of water, to cause pollution, nuisance, or contamination of waters of the state must be brought into compliance with new OWTS regulations. Owners/operators of on-site septic or sewerage systems that cannot bring their system into compliance must cease the use of the system and replace it with a compliant system, or permanently remove the system from operation.
2. For new on-site septic or sewerage systems, the following conditions apply:
  - a) New on-site septic or sewerage systems installed at campgrounds must not allow connections from recreational vehicles.
  - b) New on-site septic or sewerage systems must comply with the conditions set forth in the section entitled *Guidelines for New Community and Individual Sewerage Facilities* in Chapter 4 (Implementation) of the Basin Plan.
  - c) New on-site septic or sewerage systems proposed to be constructed in areas where groundwater water quality objectives have been exceeded must be evaluated for potential adverse effects on groundwater quality and beneficial uses to determine if regulating the system with individual WDRs is more appropriate.

- d) New on-site septic or sewerage systems proposed to be constructed within areas designated as Zone A, as defined by the California Department of Public Health's Drinking Water Source Assessment and Protection Program, must be constructed with an adequate setback from the drinking water supply source that will be protective of drinking water quality.
- e) Six (6) months after adoption of State Water Board OWTS regulations, applications received by the authorized local agency for the construction of new on-site septic or sewerage systems must be in compliance with new OWTS regulations for design and installation.

**1.II.B. Specific Waiver Conditions for On-site Graywater Systems**

1. An on-site graywater system must be permitted by the city, county, or other authorized local agency that has jurisdiction over the installation. The on-site graywater system must be designed and installed, at a minimum, according to the California Plumbing Code (CPC) Graywater Standards.<sup>3</sup> If the city, county, and/or other authorized local agencies have additional requirements, the graywater system must be designed and installed to comply with those requirements.
2. On-site graywater systems proposed to be constructed in areas where groundwater water quality objectives have been exceeded must be evaluated for potential adverse effects on groundwater quality and beneficial uses to determine if regulating the system with individual WDRs is more appropriate.
3. New on-site graywater systems proposed to be constructed within areas designated as Zone A, as defined by the California Department of Public Health's Drinking Water Source Assessment and Protection Program, must be constructed with an adequate setback from the drinking water supply source that will be protective of drinking water quality.

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<sup>3</sup> California Code of Regulations Title 24 (also known as the California Building Standards Administrative Code) Part 5 (also known as the California Plumbing Code) Appendix G