

**REGIONAL WATER QUALITY CONTROL BOARD  
SAN DIEGO REGION**

**EXECUTIVE OFFICER SUMMARY REPORT**

**August 10, 2022**

**ITEM NO. 3**

**SUBJECT**

Consideration of Tentative Order No. R9-2022-0075, *An Order Rescinding Order No. 2001-140, Waste Discharge Requirements for Ortega Oaks L.P. and American Land Property, Inc., General Partner, and Mielke Enterprises, L.L.C., Ortega Oaks Recreational Vehicle (RV) Park & Campground, Riverside County* (Tentative Order No. R9-2022-0075). (Brandon Bushnell)

**STAFF RECOMMENDATION**

Staff recommends adoption of Tentative Order No. R9-2022-0075.

**KEY ISSUES**

Tentative Order No. R9-2022-0075 (**Supporting Document 1**), if adopted, rescinds Order No. 2001-140, *Waste Discharge Requirements for Ortega Oaks L.P. and American Land Property, Inc., General Partner, and Mielke Enterprises, L.L.C., Ortega Oaks Recreational Vehicle (RV) Park & Campground, Riverside County* (Order No. 2001-140). The onsite wastewater treatment systems (OWTS) at Ortega Oaks RV Park & Campground (Facility), owned and operated by Ortega Oaks L.P. and American Land Property, Inc., General Partner, and Mielke Enterprises, L.L.C (Discharger), will be regulated by the County of Riverside Department of Environmental Health (County of Riverside) under the *Local Agency Management Program for Onsite Wastewater Treatment Systems* (LAMP).<sup>1</sup>

**PRACTICAL VISION**

Tentative Order No. R9-2022-0075 is consistent with the Strategize for Healthy Waters chapter of the *San Diego Water Board Practical Vision*.<sup>2</sup> Working as partners with county government helps the San Diego Water Board focus staff resources on larger projects and facilities within the region that pose a greater threat to water quality.

---

<sup>1</sup> County of Riverside LAMP: <https://www.rivcoeh.org/Portals/0/PDF/Land-Use/LAMP.pdf?ver=2018-12-05-133532-290>

<sup>2</sup> Practical Vision:

[https://www.waterboards.ca.gov/sandiego/water\\_issues/programs/practical\\_vision/](https://www.waterboards.ca.gov/sandiego/water_issues/programs/practical_vision/)

## DISCUSSION

The purpose of this item is to provide the Board with information to assist in its consideration of Tentative Order No. R9-2022-0075. If adopted, Tentative Order No. R9-2022-0075 will rescind Order No. 2001-140 and transfer regulation of the Facility's OWTS to the County of Riverside.

The Facility is located at 34040 Ortega Highway, Lake Elsinore, in Riverside County (**Supporting Document 2**). San Diego Water Board staff inspected the Facility's OWTS on December 16, 2021, and did not observe any violations of the requirements specified in Order No. 2001-140 during the inspection.

San Diego Water Board staff reviewed the requirements specified in Order No. 2001-140 with the Discharger's annual monitoring reports and determined the Facility's OWTS is eligible for oversight by the County of Riverside pursuant to the approved LAMP. The purpose of the LAMP is to allow continued use of OWTS within the jurisdiction of local agencies and expand the local program to permit and regulate alternative OWTS while protecting water quality and public health. Order No. 2001-140 is outdated and as such the County of Riverside LAMP is more protective of water quality, which was developed in accordance with the State Water Resources Control Board's *Water Quality Control Policy for Siting, Design, Operation, and Maintenance of Onsite Wastewater Treatment Systems* (OWTS Policy).<sup>3</sup> The OWTS Policy establishes a statewide, risk-based, tiered approach for regulation and management of OWTS installations and replacements and recognizes the effectiveness of local permitting agencies. Tier 2 of the OWTS Policy allows local agencies to approve OWTS, based on a local ordinance, after the Regional Water Quality Control Board approves a LAMP. The California Regional Water Quality Control Board, Colorado River Basin Region approved the County of Riverside's LAMP on November 17, 2016.<sup>4</sup>

The San Diego Water Board notified the County of Riverside on April 5, 2022, that the Facility's OWTS is eligible for regulation under the authority of the County of Riverside's LAMP. While the Discharger may request to be regulated under individual waste discharge requirements, the Facility's transfer to the County of Riverside allows the San Diego Water Board to effectively and efficiently regulate OWTS that pose a greater threat to water quality, while prioritizing the use of its limited resources.

## SIGNIFICANT CHANGES

The significant differences between the County of Riverside LAMP and Order No. 2001-140 are:

---

<sup>3</sup> OWTS Policy:

[https://www.waterboards.ca.gov/water\\_issues/programs/owts/docs/owts\\_policy.pdf](https://www.waterboards.ca.gov/water_issues/programs/owts/docs/owts_policy.pdf)

<sup>4</sup> Attachment 3 of the OWTS Policy designates the Colorado River Basin Water Board as the regional board to review and approve the County of Riverside's LAMP.

1. The Discharger will no longer need to submit monitoring reports or pay fees to the San Diego Water Board.
2. The Discharger will be required to submit all proposed OWTS upgrades and septage pumping records, upon request, to the County of Riverside.

### **COMPLIANCE RECORD**

The San Diego Water Board issued six Staff Enforcement Letters and one Notice of Violation for the following violations:

- Failure to submit complete annual monitoring reports in 2001, 2003, and 2009.
- Failure to submit annual monitoring reports in 2002 and 2012 through 2020.
- Failure to submit a timely annual monitoring report in 2021.

Since the issuance of a Staff Enforcement Letter on April 8, 2022, no violations of Order No. 2001-140 have occurred.

### **PUBLIC NOTICE**

San Diego Water Board staff sent notification of this action to the Discharger and known interested parties on May 9, 2022 (**Supporting Documents 3 and 4**). Additionally, the San Diego Water Board posted Tentative Order No. R9-2022-0075 on its website on May 10, 2022. The San Diego Water Board received no comments during the public comment period. These actions satisfy the 30-day public notification and comment period requirements of Water Code section 13167.5.

### **SUPPORTING DOCUMENTS**

1. Tentative Order No. R9-2022-0075
2. Vicinity and Facility Map
3. Transmittal Letter
4. Notice of Public Hearing and Comment Period