
San Francisco Bay Regional Water Quality Control Board

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MONTH DAY, 2022
CIWQS Place ID 788828

San Mateo County Environmental Health Services Division
Attention: Heather Forshey, Director Environmental Health Services
2000 Alameda de las Pulgas, Suite 100
San Mateo, CA 94403
Sent electronically to HForshey@smcgov.org

Subject: Water Board approval of San Mateo County's LAMP

Dear Ms. Forshey:

This letter approves San Mateo County's Local Agency Management Program (San Mateo LAMP) for Onsite Wastewater Treatment Systems (OWTS), as supplemented (see below).

The San Mateo County Environmental Health Services Division (County) submitted its LAMP to the San Francisco Bay Regional Water Quality Control Board (Water Board) on May 11, 2016, in accordance with the State Water Resources Control Board's *Water Quality Control Policy for the Siting, Design, Operation, and Maintenance of Onsite Wastewater Treatment Systems* (OWTS Policy). An addendum in response to Water Board comments was submitted on April 22, 2021, and supplements the submitted LAMP. Collectively, these are the San Mateo LAMP approved herein.

This letter provides relevant background information on the OWTS Policy, a brief overview of the San Mateo LAMP and LAMP development process, a description of how the San Mateo LAMP addresses OWTS contributions to impaired waterbodies, and the LAMP approval.

OWTS Policy Background

The OWTS Policy allows a local government agency with authority over OWTS to regulate OWTS within its jurisdiction in accordance with a locally customized regulatory program called a Local Agency Management Program or Plan (LAMP), described in OWTS Policy Tier 2. A LAMP must describe the local agency's program for regulating OWTS, including technical standards for siting, design, operation, and maintenance of OWTS, and protocols for permitting and oversight of new, repair, and replacement

OWTS. OWTS Policy sections 3.0 and 9.0 provide both requirements and recommendations for LAMP development and content.

OWTS Policy section 4.0 provides protocols for Water Board review and approval of a LAMP. For cases where local government jurisdictions lie within more than one Regional Water Board, the OWTS Policy designates one Regional Water Board as the lead agency for review and approval, with cooperative review by the other Regional Water Boards. For San Mateo County, which lies partly within both the San Francisco Bay and Central Coast Regional Water Boards' jurisdictions, the OWTS Policy designates the San Francisco Bay Regional Water Board as the lead agency for review and approval of the San Mateo LAMP.

San Mateo LAMP Overview and Development Process

The San Mateo LAMP consists of the County's LAMP overview document, LAMP addendum, Onsite Wastewater Ordinance (OWTS Ordinance), and Onsite Systems Manual (OWTS Manual) (Attachments 1-4).

The County developed its LAMP by conducting a comprehensive review and revision of the County's existing OWTS code and regulations to assure compliance with the OWTS Policy and address other necessary updates. In 2014, the County established a Technical Advisory Committee (TAC) to review and update the San Mateo County OWTS Ordinance. Approximately 30 technical and policy experts participated on the TAC, providing feedback and recommendations on proposed revisions. The TAC included representatives from County and town planning and building departments, the Local Agency Formation Commission, the Water Board, environmental groups, and local septic industry professionals. The County also reached out to various community and professional groups that may be affected by the ordinance, as well as presented the proposed changes to the Pescadero Municipal Advisory Council, Portola Valley Town Council, Town of Woodside Planning and Building Department, County Planning and Building Department, County Agricultural Advisory Committee, and the County Planning Commission. Water Board staff from both the San Francisco Bay and Central Coast Regional Water Boards participated on the TAC.

In December 2015, the San Mateo County Board of Supervisors held a public hearing on the proposed updated OWTS Ordinance. In January 2016, the County Board of Supervisors held a second hearing and adopted the updated OWTS Ordinance, and the County issued the associated OWTS Manual. The updated code became effective in February 2016.

In November 2019 and January 2020, Water Board and County staff met to discuss Water Board comments and questions on the LAMP. The meeting discussions were summarized in a March 2020 letter issued by the Water Board (Attachment 5) that included a request for the County to prepare an addendum to the LAMP to address comments and questions. In April 2021, the County submitted the LAMP addendum (Attachment 2).

OWTS Contributions to Nitrogen and Pathogen Impairments

The LAMP is a regulatory tool to address OWTS contributions to nitrogen- and pathogen-impaired waterbodies in lieu of or prior to development of a Total Maximum Daily Load (TMDL). Use of the LAMP is an efficient way to improve water quality and provide a local agency with more flexibility compared to adopting a TMDL that would specify an implementation plan. The San Mateo LAMP addresses OWTS contributions to nitrogen and pathogen impairments via OWTS Policy Tier 3, Advanced Protection Management Plan (APMP), for new, replacement, and expansion OWTS, and OWTS Policy Tier 4, OWTS Requiring Corrective Action, for existing OWTS, as described below.

Advanced Protection Management Plan

An Advanced Protection Management Plan (APMP) is the minimum required management program for all OWTS located near a waterbody that has been listed as impaired due to nitrogen or pathogen indicators pursuant to Section 303(d) of the Clean Water Act. The County's APMP (OWTS Ordinance Article 6, Section 4.84.170) includes:

- Areas determined by the Board of Supervisors as impaired areas based on the results of cumulative impact evaluations;
- Areas within 600 linear feet of any impaired waterbody or segments thereof that are on the 303(d) list;
- Areas addressed by a TMDL issued by a Regional Water Board.

The County's APMP requires compliance with any applicable TMDL implementation plan; an operating permit for any new, replacement, or expanded OWTS within 600 feet of an impaired waterbody; and supplemental treatment for pathogens or nitrogen, as applicable, for any new, replacement, or expanded OWTS within 600 feet of an impaired waterbody.

The APMP boundaries may be expanded beyond 600 feet of an impaired waterbody via a cumulative impact evaluation brought before the Board of Supervisors via a resolution (OWTS Ordinance Section 4.84.180 – Cumulative Impacts and Areas of Environmental Concern). The Water Board may prepare cumulative impact evaluations and recommend expansion of APMP boundaries, such as watersheds contributing to impaired waterbodies, in lieu of or prior to development of a TMDL.

Per the County OWTS Ordinance Section 4.84.175.b, for impaired areas determined by the County, "...any advanced protection management requirements for OWTS will be defined as to mitigate the specific impact(s)." This gives flexibility in how OWTS in impaired areas defined by the Board of Supervisors are addressed.

OWTS Requiring Corrective Action

The LAMP manages existing OWTS that may be contributing to impairments via OWTS Policy Tier 4, OWTS Requiring Corrective Action. Through the septic tank pumper inspections, OWTS requiring corrective action will be identified over time. OWTS that

require corrective action or are failing are included in Tier 4 and must follow the requirements specified in OWTS Policy section 11.0. OWTS included in Tier 4 must continue to meet applicable requirements of Tier 0, 1, 2, or 3 pending completion of corrective action. Once an existing OWTS within the APMP boundary is identified as requiring corrective action, it would then need to meet requirements of the APMP pending completion of the corrective action.

San Mateo LAMP Approval

Per the OWTS Policy, the San Francisco Bay Regional Water Board solicited comments on the County's proposed LAMP from both the Central Coast Regional Water Board and the State Water Resources Control Board's Division of Drinking Water. Central Coast Regional Water Board staff were involved throughout the LAMP development process and had no additional comments or recommendations. The Division of Drinking Water determined, in their letter of MONTH DAY, YEAR (Attachment 6), that the County's LAMP meets the minimum drinking water source protection measures. They had no additional comments or recommendations.

The Water Board provided notice of opportunity for public comment on the LAMP and anticipated approval on February 10, 2022 (Attachment 7). [insert summary of any comments received and responses and/or revisions]

The San Mateo LAMP is acceptable and complete with respect to the requirements and recommendations of the OWTS Policy and appropriate practices for OWTS installation, operation, and management. I hereby approve the County's LAMP.

If you have any questions or comments about this matter, please contact Margaret Monahan of my staff via email to Margaret.Monahan@waterboards.ca.gov or at (510) 622-2377.

Sincerely,

Thomas Mumley
Interim Executive Officer

Attachments:

1. Local Agency Management Program for Onsite Wastewater Treatment Systems, San Mateo County, May 2016
2. San Mateo LAMP Addendum, April 2021
3. County Onsite Wastewater Ordinance
4. County Onsite Systems Manual
5. Water Board Comment Letter, March 2020

6. Division of Drinking Water Comment Letter, MONTH 2022
7. Notice of opportunity for public comment, February 2022

Cc:

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