ITEM:

SUBJECT: Local Agency Management Program for Onsite Wastewater Treatment Systems in Unincorporated Orange County

SUMMARY:

The Orange County Public Works prepared and submitted a Local Agency Management Program (LAMP) for Onsite Wastewater Treatment Systems (OWTS), describing the proposed program for regulating OWTS within the unincorporated Orange County (County). The LAMP was developed in accordance with the Santa Ana and San Diego Regional Water Quality Control Board’s (Water Board’s) Basin Plan and the State Water Resources Control Board’s Policy for the Design, Operation, and Maintenance of Onsite Wastewater Treatment Systems, June 19, 2012 (OWTS Policy). The LAMP was submitted for Regional Water Board’s review and approval. Water Board staff has reviewed the County’s Local Agency Management Program, finds the program described for regulation of OWTS to be acceptable with respect to both the requirements and recommendations of the OWTS Policy, and current appropriate practices for OWTS installation, operation, and management. Water Board staff is requesting comments on the proposed Local Agency Management Program and its intent to approve the proposed LAMP. The proposed LAMP may be found at: https://www.waterboards.ca.gov/santaana/water_issues/programs/septic_tanks/index.html

BACKGROUND:


The OWTS Policy established a statewide, risk-based, tiered approach to the regulation and management of OWTS and established requirements for each tier as follows:
Tier 0 – Existing OWTS
Those existing OWTS which are properly functioning and do not require corrective action are automatically covered by the Policy’s waiver of waste discharge requirements if they meet the provisions in Section 6 of the Policy.

Tier 1 – Low-Risk New or Replacement OWTS
New or Replacement systems that meet low risk siting and design requirements specified in Sections 7 and 8 of the Policy.

Tier 2 – Local Agency Management Program (LAMP) for New or Replacement OWTS
New or replacement OWTS that comply with a LAMP approved under Tier 2 that addresses local conditions but may differ from Tier 1 requirements but is still protective of water quality and public health. Tier 2 requirements are specified in Section 9 of the Policy.

Tier 3 – Impaired Areas
Existing, new, and replacement OWTS that are near impaired water bodies may be addressed by a Total Maximum Daily Load (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 specified in Section 10 of the Policy.

Tier 4 – OWTS Requiring Corrective Action
OWTS that require corrective action or are either presently failing or fail at any time while the Policy is in effect are automatically included in Tier 4 and must follow the requirements as specified in Section 11 of the Policy.

The Policy recognizes variability in local conditions by allowing local agencies to propose for approval by regional boards, a Local Agency Management Program (LAMP) under Tier 2 that would achieve the same policy purpose to protect water quality and public health. Once the LAMP is approved, all future OWTS decisions will be governed by the Tier 2 Local Agency Management Program until it is modified, withdrawn, or revoked. Where there is no approved Local Agency Management Program per Tier 2, Tier 1 requirements apply.

Where a county crosses multiple regional board jurisdictions, Attachment 3 of the OWTS Policy designated a lead Regional Board for reviewing and approving the LAMP. The County of Orange falls within the jurisdictional boundary of the Santa Ana and San Diego Regional Water Quality Control Board. Attachment 3 of the OWTS Policy designated the Santa Ana Regional Board as the lead agency for the review and approval of the LAMP for Orange County.
LAMP REVIEW:

On April 25, 2016, the Orange County Public Works submitted their initial draft LAMP and has since worked collaboratively with Board staff to finalize the proposed LAMP under Tier 2 requirements. Comments were requested and received from the San Diego Regional Water Board and State Water Board’s Division of Drinking Water regarding the County’s proposed LAMP.

The LAMP was prepared by the County pursuant to sections 3 and 9 of the OWTS Policy. The LAMP contains the criteria to be used by the County for siting, design, and permitting of new and replacement onsite wastewater treatment systems. The LAMP presented information from a 2003 RBF study showing known OWTS locations within Orange County. The County recognized that the more than a decade old data needed to be updated into an electronic format for unincorporated areas with a particular focus on rural canyon areas. The County intends to initiate electronic tracking of new or replacement OWTS upon adoption of the LAMP. To aid in future management of OWTS in unincorporated areas, the electronic database will be completed in a manner that allows the County to search, analyze and use these data to track monitoring status, OWTS requiring corrective action in accordance with Tier 4, and phase out systems that are no longer in use.

The LAMP specifies requirements for effluent disposal through leach lines and seepage pits. It also describes the County’s process to determine if supplemental, secondary and advanced treatment processes or alternative treatment systems may be appropriate. The LAMP describes its requirements for inspections of new and operating OWTS to keep the system functioning as designed and to prolong its useful life.

Consistent with the OWTS Policy, the following are not allowed under the County LAMP:

- OWTS with a projected wastewater flow above 10,000 gallons per day
- Any OWTS that receives high strength wastewater (unless waste stream is from a commercial food service facility)
- Any OWTS that receives high strength wastewater with a biological oxygen demand (BOD) higher than 900 mg/L

The County notes there are impaired water bodies located within areas of Orange County and has included a map and location of the various water bodies as part of their LAMP and identified those waterbodies for which Total Maximum Daily Load (TMDL) have been adopted. Tier 3, an Advanced Protection Management Program (APMP) has also been included as part of the County LAMP. The OWTS Policy specified no further action is necessary unless the TMDL is modified at some point in the future to include actions for OWTS.
The LAMP described the annual reports as specified in Sections 3.3 and 9.3.3 of the OWTS Policy. The County also described its Water Quality Assessment Program that includes an evaluation of monitoring data and its program every five years to determine if water quality is impacted and if any changes to the LAMP will be undertaken to address impacts from OWTS.

The County intends to amend its ordinance to address implementation of the requirements of the County’s approved LAMP. The Ordinance will be posted in the County website and will include the adopted ordinance in their final LAMP.

RECOMMENDATION:

Adopt Resolution No. R8-2018-0054 approving the Local Area Management Program for the unincorporated areas within the County of Orange, effective on the date of adoption of the County’s implementing ordinance.