
Lahontan Regional Water Quality Control Board

October 24, 2017

Dennis Lampson
Alpine County Environmental Health
75 Diamond Valley Road
Markleeville, CA 96120
dlampson@alpinecountyca.gov

Comments on Alpine County's Proposed Local Agency Management Program for Onsite Waste Treatment Systems

The California Regional Water Quality Control Board, Lahontan Region (Lahontan Water Board) staff reviewed the County of Alpine (County) Draft Local Agency Management Program (LAMP). The County developed the LAMP as an option to regulate onsite wastewater treatment systems (OWTS) as required by the State Water Resources Control Board (State Water Board) OWTS Policy.

Thank you for providing your LAMP and affording us an opportunity to review and provide comments. We appreciate that Alpine County has taken the steps needed to continue the OWTS permitting program in Alpine County. We found the LAMP to contain all necessary elements and seek clarification and additional information in certain sections.

The Lahontan Water Board is acting as the Lead Water Board for approving the County LAMP, which will also affect water resources in the jurisdiction of the Central Valley Regional Water Quality Control Board (Central Valley Water Board). As Lead Water Board, the Lahontan Water Board is coordinating review of the County's LAMP by both Regional Boards and the State Water Board. The comments, below, are presented in two sections: General Comments, and Specific Comments.

General Comments on the Draft LAMP

1. The LAMP states on page 31, under the section titled Lot Size Requirements, that, prior to the LAMP, the County required subdivision parcels that were projected to use OWTS to have a minimum one-acre parcel size. In the LAMP, the County is proposing all new subdivision parcels must satisfy tier one criteria. Ongoing use of OWTS or new OWTS on existing parcels with lot sizes less than the new criteria increase Water Board concerns about impacts to groundwater quality. Water Board staff understands the County is sparsely populated and there is no substantial

information to indicate that groundwater has been adversely affected by OWTS to an unacceptable degree. However, there has been limited groundwater data collected and staff is concerned that OWTS densities in some locations may degrade water quality. Where existing densities are greater than allowed by tier one criteria, staff requests the following additional information:

- a. What actions will be taken, and what data will be collected, to monitor changes in groundwater conditions in both the proposed and the existing housing developments? Data should be provided on an annual basis. Every fifth year both the monitoring program and all the data must be evaluated to determine if the monitoring program must change and if groundwater quality is being impacted by OWTS.
 - b. Existing OWTS that are not failing or are not located near impaired surface waters (considered impaired due to OWTS), are covered by tier zero in the OWTS Policy. In areas where the existing OWTS are more densely spaced than allowed by current OWTS Policy criteria, identify the types of information that will be collected to substantiate discharges from existing OWTS are not adversely affecting the groundwater quality.
 - c. For communities that have OWTS more densely spaced than either tier one criteria or the proposed one-acre parcel size, staff requests the County to identify and track the number of parcels already developed, and the number of undeveloped parcels approved for development during the last five years. This information can be provided and updated in the Water Quality Assessment Report, due every five years.
2. In several instances, the draft LAMP references variances to the LAMP criteria or policies being granted by the County. There should be a section in the LAMP describing the variance process and the administrative and technical requirements for a variance identified in the LAMP. The process description does not need to identify what will or will not be allowed (other than what cannot be authorized by the County per the LAMP Policy), but does need to identify the information and preparer requirements, and the decision-making body or person (i.e., Environmental Health Department staff, County Health Director, County Board of Supervisors, etc.). The process description should also include a step for notifying the appropriate Water Board of pending variances prior to approval by the County, and provisions for reporting variances referred to the Water Boards.
 3. The Supplemental Treatment Section of the LAMP should be expanded to describe specifically what will be required under the LAMP. For example, treatment standards for the supplemental treatment systems must be provided. (See comment D, below.)
 4. The Lahontan Water Board and the County have an existing Memorandum of Understanding (MOU) concerning OWTS that was very successful in strengthening the relationship between Water Board and County staffs. The intent of the State Water Board's OWTS Policy is the LAMP will be the only document for managing OWTS and the MOUs should no longer be referenced. Water Board staff recommend that the County carry any MOU provisions the County continues to support into the LAMP to ensure their continued use.

Specific Comments on Specific Sections

A. The Introduction, page 6, sixth line down, states,

“The LAMP does not include the following, which require individual waste discharge requirements or a waiver of individual waste discharge requirements issued by the RWQCB [Regional Water Quality Control Board] (see also Chapter 5, Not Allowed LAMP Items)

- Any OWTS with a projected wastewater flow of over 3500 gallon per day.”

This statement indicates the County would only regulate OWTS that discharge up to 3,500 gallons per day. However, LAMP Chapter 5, page 19, contains a statement, that no system over 10,000 gallons per day will be allowed by the County. Please resolve these inconsistencies and clarify if the County will regulate OWTS with flow rates up to 3,500 gallons per day or up to 10,000 gallons per day. If the County wishes to regulate systems up to 10,000 gallons per day, the introduction should be modified accordingly.

B. On page 17, there is a brief description of the “Water Quality Assessment Program” (program). The program lists some of the various kinds of different information that will be collected and provided in the report for the program. However, there is one existing database not included, and one source of information in the list of information that should be included and used. One such database program maintained by the State Water Board, is Groundwater Ambient Monitoring and Assessment- secure (GAMA-secure), which is a repository of groundwater information. The program did not describe that it would include information from GAMA-secure. Also, the County regulates some small domestic drinking water systems and any groundwater information from these systems may also be useful to include in the program. The data from these two sources described above should be included and evaluated in the Water Quality Assessment Report due every fifth year.

C. On page 18, under “Notification to Owners of Water Systems and SWRCB [State Water Board],” the LAMP indicates conditions where the County will notify the owner of the OWTS. After reading the conditions with regard to that statement, it appears that notification should be to the owner of the “water system” instead of the “OWTS.” Please review this part and either modify it or provide the County’s rationale for the current phrasing. Also under the “Notification to Owner of Water Systems” section on page 18, Lahontan Water Board staff recommends the County specify in this section that within 72 hours of determining a failing OWTS is within 150 feet of a public or private water supply well, the County will notify the owner of the well, the State Water Board’s Division of Drinking Water, and the OWTS owner.

D. On page 19, under “Not Allowed or Authorized in LAMP,” item number 3 provides that an OWTS with a projected flow of over 3,500 gallons per day must have a supplemental treatment system. It also provides the specification for the supplemental

treatment system, but that same specification is not provided in the section for supplemental treatment systems. Lahontan Water Board staff requests that the specification also be provided in the section for supplemental treatment systems.

- E. On page 29, under Setback two additional setbacks regarding proximity to drinking water mains should be added. California Code of Regulations, title 22, section 64572 (f) requires that new water mains will not be installed within 25 horizontal feet of a septic tank and leach field. To be consistent with that regulation, Lahontan Water Board staff requests that the County require a minimum 25-foot horizontal setback for the placement of a new septic tank or leachfield from an existing drinking water main pipeline.
- F. On page 30, note 1 states, "For parcels created after April 1, 1973, the preceding distance requirements do not apply." Please clarify whether the note means that all parcels created prior to 1973 are not subject to the siting criteria in the LAMP. Staff understands that the pre-1973 parcels were established, and many have been developed, without the siting requirements in the LAMP. Staff recommends the LAMP require new or replacement systems for older, existing parcels comply with as many modern siting requirements in the LAMP as possible. In some instances, alternative or supplemental treatment systems may need to be considered or required in lieu of meeting certain siting requirements, and the LAMP should discuss these situations and how they will be managed to assure water quality is maintained and public health will be protected.
- G. On page 30, there are notes concerning setback criteria. Notes number two and three are identical to the requirements in chapter 5, item 11 in the LAMP. Lahontan Water Board staff suggests instead of the two additional notes (two and three), to replace note number two with a statement that there are additional setback requirements in chapter 5, item 11 on page 20 for disposal fields with respect to drinking water wells and surface water intakes.
- H. On page 42, there are the design criteria for alternative and supplemental OWTS. In this section, the County should provide the criteria provided earlier (see page 19), the requirements for alternative and supplemental OWTS. The following were taken from page 19 and should be placed in a section on alternative and supplemental treatment systems or cross referenced to the section where they originate.
- OWTS receiving a projected flow over 3,500 gallons per day must either utilize a supplemental treatment system certified by the NSF [National Sanitation Foundation] or a third-party tester as capable of achieving 50 percent total nitrogen reduction when comparing the 30-day average influent to the 30-day average effluent; or submit an evaluation to the County EHD [Environmental Health Department] completed by a qualified professional that determines whether or not the discharge from the OWTS will adversely affect groundwater quality.
 - OWTS that cannot meet setbacks required in Chapter 5, item 11, for proximity to public water systems will need to utilize a supplemental treatment for pathogens as specified in section 10.8 of the State Water Board's OWTS Policy.

- I. The LAMP must have a proposed effective date or projected effective date no later than May 1, 2018.

We are providing our comments on the draft LAMP to the Central Valley Water Board and the Division of Drinking Water, and are hereby requesting any additional input from their offices. When our comments, above, and any other comments we receive, are addressed we will provide the County our advice concerning whether the LAMP is acceptable for staff to recommend approval to the Lahontan Water Board. After that occurs we ask that the County Board of Supervisors approve the LAMP prior to the Lahontan Water Board consideration of the LAMP.

If you have any questions or desire a meeting to discuss our comments regarding this matter, please contact Rob Tucker, Water Resource Control Engineer at (530) 542-5467 (robert.tucker@waterboards.ca.gov), or Alan Miller, Chief North Basin Regulatory Unit at (530) 542-5430 (alan.miller@waterboards.ca.gov).



Lauri Kemper, P.E.
Assistant Executive Officer

cc: Ali Rezvani, State Water Board, Division of Drinking Water
Eric Rapport, Senior Engineering Geologist, Central Valley Water Board
Alan Miller, Lahontan Water Board
Rob Tucker, Lahontan Water Board