

Lahontan Regional Water Quality Control Board

April 20, 2018

ECM: (LAMP) Inyo County
CW-825774

Kathe Barton, Director
Inyo County Environmental Health Department
168 North Edwards St.
P.O. Box 427
Independence, CA 93526
kbarton@inyocounty.us

Water Board Comments – Revised Draft, Inyo County Local Agency Management Plan

The California Regional Water Quality Control Board, Lahontan Region (Water Board) staff reviewed the Revised Draft, Inyo County Local Agency Management Program (LAMP), received on March 16, 2017. Please consider the following comments. Separately, we will send you a redline/strikeout version of the draft LAMP with suggested changes. Please resolve these issues by **May 4, 2018**, so that the Water Board may consider the Inyo County LAMP at its July 2018 meeting in Bishop. The LAMP will become the Tier 2 regulatory mechanism under the State Board's Onsite Wastewater Treatment System (OWTS) Policy.

Comments

1. Water Boards are not authorized to approve the design of any treatment system (Water Code sec 13360). Therefore, Inyo County will need to use third party testing to assure that the selected treatment system is appropriate for the intended performance.

When a county refers a supplemental treatment system or a non-conventional dispersal system to the Lahontan Water Board, the proposed system does not qualify for the conditional waiver of waste discharge requirements. Therefore, the owner of the proposed system must submit a report of waste discharge, obtain waste discharge requirements, pay annual fees, and conduct routine monitoring and reporting (see OWTS Policy, Sec. 12).

2. When supplemental treatment is used, we suggest specifying the National Sanitation Foundation (NSF) standard NSF 245 for nitrogen removal or another third party treatment unit tester. Please note that under NSF 245 certification, the

maximum certified flow is 1,500 gal/day, although some manufacturers may market higher capacity systems designed to achieve similar performance. NSF 245 certified systems should achieve at least a 50% reduction in total nitrogen, influent to effluent, in addition to meeting other performance standards.

Other third party testers may certify supplemental systems with higher maximum flows. In any case, the Water Board expects supplemental treatment systems approved by Inyo County to achieve specified performance criteria. The Inyo County LAMP should include provisions for compliance oversight and enforcement as necessary to require correction of compliance issues.

3. For supplemental treatment systems intended to remove nitrogen, we suggest that the LAMP require the owner to require periodic (e.g. annually) sample collection, analysis, and reporting for both the influent and effluent to verify a 50% reduction in total nitrogen. Typically, a service provider will collect samples, have a laboratory analyze the samples, perform calculations, and report the data to both the owner and the Inyo County Environmental Health Services.
4. Unless located near an impaired water body or other surface water, we do not recommend that the supplemental treatment unit provide disinfection by chlorination. Chlorination can produce disinfection byproducts in the receiving groundwater that are harmful carcinogens. Disinfection should only be required on a case-by-case basis with careful consideration given to receiving water impacts.
5. The Water Board is evaluating the Bishop Creek for pathogens and may, in the future, list segments of Bishop Creek as impaired under the federal Clean Water Act Section 303(d) as impaired for either pathogens or nutrients. If this occurs, then the Inyo County LAMP must be modified to incorporate an Advanced Protection Management Program as required by the OWTS Policy, Tier 3. Please indicate this in the LAMP.
6. Basin Plan OWTS prohibitions remain in full force under the OWTS Policy.
7. There are currently two Memoranda of Understanding (MOUs) between the Water Board and Inyo County regarding septic system. Those MOUs are the following.
 - Effective February 6, 1990 – Authorizing Inyo County to implement the Water Board septic guidelines, amended March 19, 1991 and February 6, 1998.
 - Effective August 30, 1993 – Authorizing Inyo County and Mesa Community Services District (CSD) to permit and inspect septic systems within Mesa CSD.

Because these MOUs have no practical effect after May 13, 2018, the essential elements of those MOUs may be incorporated into the LAMP. Please note that the Water Board's Executive Officer no longer will have authorization to allow exemptions to the *Water Quality Control Plan for the Lahontan Region* (Basin Plan). It would not be appropriate to include the MOUs in the LAMP.

8. Inyo County should have sufficient authority to inspect OWTS, conduct monitoring as needed, verify compliance, and take enforcement action where necessary.
9. Please clarify the criteria, or situations, where a non-conventional, or supplemental, treatment or dispersal system is required to avoid confusion.

Please send all future correspondence to lahontan@waterboards.ca.gov, and copy me, so that information is placed into the proper electronic file. If you have any questions, please contact me at (760) 241-2434, jehiel.cass@waterboards.ca.gov.



Jehiel W. Cass, P.E.

Senior Water Resources Control Engineer

cc: Rob Tucker, Lahontan Water Board, robert.tucker@waterboards.ca.gov
Jerry Oser, Inyo County EHS, joser@inyocounty.us