

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

EXECUTIVE OFFICER SUMMARY REPORT

NOVEMBER 9, 2022

ITEM NO. 4

SUBJECT

Consideration of Tentative Order No. R9-2022-0120, *An Order Rescinding Order No. 94-41, Waste Discharge Requirements for Nazar and Lauren Najor, Live Oak Springs Resort, San Diego County* (Tentative Order No. R9-2022-0120). (Brandon Bushnell)

STAFF RECOMMENDATION

Staff recommends adoption of Tentative Order No. R9-2022-0120.

KEY ISSUES

Tentative Order No. R9-2022-0120 (**Supporting Document 1**), if adopted, rescinds Order No. 94-41, *Waste Discharge Requirements for Nazar and Lauren Najor, Live Oak Springs Resort, San Diego County* (Order No. 94-41). The onsite wastewater treatment systems (OWTS) at Live Oak Springs Resort (Facility), owned and operated by the A+A MHP, LLC (Discharger), will be regulated under State Water Resources Control Board Order WQ 2014-0153-DWQ, *General Waste Discharge Requirements for Small Domestic Wastewater Treatment Systems* (General Order).¹

PRACTICAL VISION

Tentative Order No. R9-2022-0120 is consistent with the Strategize for Healthy Waters chapter of the *San Diego Water Board Practical Vision*.² The use of statewide permits, like the General Order, help the San Diego Water Board focus staff resources on larger projects and facilities within the region that pose a greater threat to water quality. Additionally, enrolling dischargers in the General Order maintains consistent regulation of small domestic wastewater systems throughout the state.

¹ General Order:

https://www.waterboards.ca.gov/board_decisions/adopted_orders/water_quality/2014/wq2014_0153_dwq.pdf

² 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. R9-2022-0120. If adopted, Tentative Order No. R9-2022-0120 will rescind Order No. 94-41 and activate the Facility's enrollment in the General Order.

The Facility is located at 37820 Old Highway 80, Boulevard in San Diego County (**Supporting Document 2**). Board staff inspected the Facility on August 30, 2022, and did not observe any violations of the requirements specified in Order No. 94-41 during the inspection.

Board staff reviewed the requirements specified in Order No. 94-41 with the Discharger's annual monitoring reports and *Live Oak Springs Report of Waste Discharge* submitted April 22, 2022, and determined the Facility's OWTS is eligible for enrollment in the General Order. Furthermore, Order No. 94-41 is not as protective of water quality as the requirements specified in the General Order. Implementation of the General Order provides a more appropriate, consistent, and streamlined statewide approach to regulating small domestic wastewater treatment systems. Discharges from small domestic wastewater treatment systems have certain common characteristics, such as similar constituents, concentrations of constituents, disposal techniques, and flow ranges, and require the same or similar treatment standards. While the Discharger may request to be regulated under individual waste discharge requirements, the Facility's enrollment in the General Order allows the Board to effectively and efficiently regulate discharges from small domestic wastewater treatment systems, while prioritizing the agency's limited resources.

Board staff prepared a Notice of Applicability (NOA) (**Supporting Document 3**) in accordance with the General Order, after determining the Facility's enrollment is appropriate. The NOA contains site-specific monitoring and reporting requirements for the Facility. Since this Facility is operating under individual waste discharge requirements (WDRs), the Board's Executive Officer issued the NOA to the Facility's responsible parties, prior to the Board's consideration to rescind the Facility's existing individual WDRs. The administrative draft copy of the NOA for Live Oak Springs Resort was posted to the San Diego Water Board's website on August 10, 2022.

SIGNIFICANT CHANGES

The significant differences between the General Order and Order No. 94-41 are:

1. Order No. 94-41 includes specific individual waste discharge requirements for the Facility, whereas the General Order regulates OWTS consistently statewide.

2. The monitoring required by the General Order is less stringent than the monitoring required by Order No. 94-41. The monitoring and reporting program required by the General Order, however, is more appropriate because it is consistent with the monitoring and reporting requirements for facilities of similar size and discharge across the state.

COMPLIANCE RECORD

The Board issued four staff enforcement letters and three notice of violations for the following violations of Order No. 94-41:

- Failure to submit annual monitoring reports in 1994, 1995, 1999, 2001, 2002, and 2019.
- Failure to submit a complete monitoring report in 2002.
- Failure to submit annual monitoring reports by required submittal date in 2007, 2008, 2021.
- Failure to properly maintain the septic system, resulting in effluent surfacing in 2009.

PUBLIC NOTICE

Board staff notified the Discharger and known interested parties of this action on March 9, 2022 (**Supporting Document 4 and 5**). Additionally, Board staff posted Tentative Order No. R9-2022-0120 on its website, along with an administrative draft of the Facility's NOA, on August 10, 2022. The Board did not receive any 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. R9-2022-0120
2. Vicinity and Facility Map
3. Notice of Applicability for Live Oak Springs Resort
4. Transmittal Letter
5. Notice of Public Hearing and Comment Period