
North Coast Regional Water Quality Control Board

November 25, 2019

Nathan Quarles
Deputy Director, Permit Sonoma
2550 Ventura Avenue
Santa Rosa, CA 95403


Dear Mr. Quarles:

Subject: North Coast Regional Water Board Comments on County of Sonoma's
Revised Draft Local Agency Management Plan and OWTS Manual

North Coast Regional Water Quality Control Board (Regional Water Board) staff has completed its review of the revised draft Local Agency Management Program (version 5.0) and Sonoma County OWTS Manual (version 6.2), which were submitted to the Regional Water Board on June 20, 2019. Attached are staff's comments.

As the comments identify some required elements of a Tier 2 program that are missing from or not satisfactorily addressed in the revised draft LAMP, it would be appropriate to schedule a future meeting to go over the comments so a final draft LAMP can be prepared and can proceed to approval in a timely manner. I look forward to working with you and your staff to resolve these outstanding issues.

Sincerely,



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by Charles Reed
Date: 2019.11.25
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Charles Reed, P.E.
Supervisor, Point Source Control and
Groundwater Protection Division

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Enclosure: Comments

cc: Blair Allen, SFBRWQCB, Blair.Allen@waterboards.ca.gov

Regional Water Board Comments on Proposed Local Agency Management Program (LAMP) for the County of Sonoma

General Comments

1. Reserve Area Evaluation/Confirmation

No evaluation/confirmation of reserve area for OWTS effluent dispersal during all building project plan reviews.

The On-Site Waste Treatment and Disposal Practices Policy in the Basin Plan of the North Coast, now superseded by the Statewide OWTS Policy, required that all new effluent dispersal systems have a 100 percent replacement area that is equivalent and separate from the primary dispersal area, and available for use (i.e., unencumbered). A similarly worded requirement was included in the statewide OWTS Policy for Tier 1 OWTS (Low Risk or Replacement OWTS). There is no equivalent requirement in the OWTS Policy for new and replacement OWTS managed by a local agency in accordance with an approved Tier 2 LAMP. Moreover, there is no requirement in the OWTS Policy for local agencies to require existing OWTS to possess, establish or maintain a dedicated effluent dispersal replacement area.

However, good OWTS design practice should include contingencies in case of failure of the effluent dispersal system. Neglecting to ensure that all systems, whether new or existing, have a separate, unencumbered dispersal area that can accommodate the projected wastewater flow of the residence, may leave the OWTS owner with few options should the existing effluent dispersal system fail. Accordingly, Regional Water Board staff recommends that Permit Sonoma not waive the requirement to demonstrate and ensure during the local process for issuing a building permit that the parcel has a separate, unencumbered replacement dispersal area. Waving this requirement should be considered only for very large parcels and for parcels that have a reasonable opportunity to connect to an existing municipal sanitary sewer system in the event of a major failure of the dispersal system.

2. Annual Reports

All local agencies are required to submit an annual report describing OWTS permitting activities within their jurisdiction. (OWTS Policy Section 3.3) The absence of an approved LAMP does not relieve Sonoma County from this requirement.

Specific Comments on the LAMP and OWTS Manual

3. LAMP, Section A2, page 3, paragraph 1. The LAMP could be updated to acknowledge that the Russian River Watershed Pathogen TMDL was adopted by the North Coast Regional Water Board on August 14, 2019 and that the TMDL Action Plan includes an Advanced Protection Management Program for OWTS that are within the designated Russian River Watershed program area.
4. LAMP, Section 9.1.2, page 18, paragraph 2. The LAMP states that “Existing geographic areas with existing higher densities that predate current code requirements are considered as Tier 4 and will remain as such until or unless a failure is documented, in which case the system will be repaired per the requirements of Tier 2 or Tier 3, as applicable.” It would be more accurate to state that “Existing OWTS in geographic areas with existing higher densities...are considered as Tier 4 and will remain as such until or unless a failure is documented, in which case the system will be repaired per the requirements of Tier 2 or Tier 3, as applicable.” However, the intent of the OWTS Policy with respect to Tier 4 is that OWTS remain only temporarily in Tier 4 and return to an appropriate tier upon completion of corrective actions. Existing OWTS are in Tier 0 unless they do not meet the conditions in section 6.0 of the OWTS Policy or they are in Tier 3. Allowing existing OWTS in certain areas to be considered as Tier 4 indefinitely (i.e., without a schedule of compliance with corrective actions) is not consistent with the OWTS Policy.
5. LAMP, Section 9.1.11, page 21, paragraph 2. The LAMP refers to certain small communities in the lower Russian River Watershed as potentially identified as “High Priority Areas” in the Russian River Watershed Pathogen TMDL. The identifier, “High Priority Areas” was used in an early draft of the TMDL, but not used in the final, board adopted TMDL Action Plan. More accurately, OWTS in some of these communities are included in the APMP and subject to its requirements.
6. LAMP, Section 9.2.2, page 22, paragraph 2. As you are aware, the North Coast RWQCB amended its Basin Plan to include the Action Plan for the Russian River Watershed Pathogen TMDL on August 14, 2019. You should update the reference.
7. LAMP, Section 9.2.7, page 24, paragraph 2. The LAMP refers to Waste Discharge Requirements Order No. 98-125 for the Odd Fellows Recreation Club. This Order will likely be significantly updated in the coming 18 to 24 months.
8. LAMP, Section 9.3.2.3, page 27. There is a typo in the first sentence (“Drinking Water Brach”). Also, the California Environmental Protection Agency is abbreviated CalEPA.

9. LAMP, Section 9.3.2.8, page 28. Groundwater monitoring data is generally available via the State Water Board's GeoTracker database, which is accessible to the public. Groundwater monitoring data associated with waste discharge requirements also will be available in GeoTracker within the next 12 to 24 months.
10. LAMP, Section 9.4.2, page 29. For OWTS subject to the APMP, if the combined projected wastewater flows from multiple OWTS for one entity (e.g. a campground) in the North Coast Region is greater than 10,000 gpd, the entity must be regulated under waste discharge requirements.
11. LAMP, Section 9.4.3, page 29. OWTS with a surface discharge must be regulated under waste discharge requirements issued by the State Water Board or a Regional Water Board. For treatment systems that use recycled wastewater that is subject to title 22, a Title 22 Engineering report, approved by the State Water Board's Division of Drinking Water, is required before the recycled water discharge can be authorized.
12. LAMP, Section 10.0. Consider updating section with respect to the Russian River and Petaluma River Pathogen TMDLs.
13. OWTS Manual Section 1.3, subsection B.2 Applicability. In accordance with the OWTS Policy, new and replacement OWTS with projected wastewater flow less than 10,000 gpd may be authorized by the local agency without involvement by the Regional Water Board. This includes community systems that discharge to the subsurface.
14. OWTS Manual Section 4.3, subsection C, page 4-3. Mitigations to Prohibitions. Because Order No. R1-2017-0039 is a waiver of waste discharge requirements and therefore must be renewed at least every five years, the order number of this conditional waiver will change over time. I recommend adding the text, "or subsequent versions of the Conditional Waiver," or similar language to capture the prospective nature of the waiver.
15. OWTS Manual Section 4.8, subsections C.4 and D.3, page 4-10. OWTS Permits Required. These proposed requirements, which would authorize replacement or repair of up to 50 percent of an existing dispersal system, are not consistent with the OWTS Policy's definition of a Replacement OWTS. The OWTS Policy defines a replacement OWTS as "an OWTS that has its treatment capacity expanded, or its dispersal system replaced or added onto, after the effective date of this Policy." Regional Water Board staff's understanding of this definition is that replacement of any part of a dispersal system or addition of leachline is a replacement OWTS and, therefore should be subject to local agency requirements in a LAMP for replacement OWTS, which includes a site suitability assessment. The County must provide a

technical justification why replacement of a portion of an existing dispersal system is consistent with the OWTS Policy and may be authorized in an approved LAMP. Based on the justification provided, Regional Water Board staff will determine whether this provision contained in the OWTS Manual is acceptable.

16. OWTS Manual Section 4.12, subsection C, page 4-17. Community Systems. In accordance with the OWTS Policy, new and replacement OWTS with projected wastewater flow less than 10,000 gpd may be authorized by the local agency without involvement by the Regional Water Board. Sonoma County should expect to process and authorize these projects entirely, except where waste discharge requirements or a waiver of waste discharge requirements is needed.
17. OWTS Manual Section 6.4-6.6, pages 6-2 to 6-4. Requirements for Approval of Building Permits. See General Comment regarding evaluation/confirmation of reserve area for OWTS effluent dispersal during all building project plan reviews.
18. OWTS Manual Section 11.1, page 11-1. Commercial, Industrial, and Institutional OWTS. The OWTS Policy authorizes local agencies to regulate discharges of domestic waste, and in limited circumstances wastewater from commercial food service buildings. The OWTS Policy defines domestic wastewater as “wastewater with a measured strength less than high-strength wastewater and is the type of wastewater normally discharged from, or similar to, that discharged from plumbing fixtures, appliances and other household devices including, but not limited to toilets, bathtubs, showers, laundry facilities, dishwashing facilities, and garbage disposals. Domestic wastewater may include wastewater from commercial buildings such as office buildings, retail stores, and some restaurants, or from industrial facilities where the domestic wastewater is segregated from the industrial wastewater. Domestic wastewater may include incidental RV holding tank dumping but does not include wastewater consisting of a significant portion of RV holding tank wastewater such as at RV dump stations. Domestic wastewater does not include wastewater from industrial processes.”

Section 11.1 of the OWTS Manual proposes to expand the authority of the local agency to regulate waste discharges from commercial facilities such as dog kennels, wineries, veterinary offices, and potentially other businesses without a food service connection. This expansion of authority is not consistent with the OWTS Policy and must be removed from the OWTS Manual or appropriately modified before the Regional Water Board can approve the LAMP.

19. OWTS Manual Section 11.2, page 11-3. Winery OWTS. In the North Coast Region, wineries that discharge process wastewater to a septic system and where the process wastewater and domestic wastewater share a common leachfield must be

regulated under waste discharge requirements or a waiver of waste discharge requirement.

20. OWTS Manual Section 11.5, page 11-5. Package Treatment Plants. This section should be clarified to state that the application package and conditions of approval set forth in the OWTS Manual are required for the issuance of a building permit. To authorize the discharge, the Regional Water Board requires the project applicant or discharger to submit a report of waste discharge (ROWD) to the Regional Water Board. The ROWD may require the applicant/discharger to provide other information than is required by the local agency.

21. OWTS Manual Section 18, subsection C, page 18-2. Variance Prohibition and Special Standards Areas. This section should be updated in light of the adoption of the Russian River Watershed Pathogen TMDL and recent progress on the Petaluma River TMDL.

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