Los Angeles Regional Water Quality Control Board

March 18, 2019

VIA CERTIFIED MAIL

Carpinteria, CA 93013-3201

REQUIREMENT TO SUBMIT REPORT OF WASTE DISCHARGE OR TECHNICAL REPORT FOR CONNECTING TO MUNICIPAL SANITARY SEWER FOR THE SEPTIC SYSTEM AND RESIDENCE LOCATED AT _________________ VENTURA COUNTY

Dear homeowner:

The California Regional Water Quality Control Board, Los Angeles Region (Los Angeles Water Board) is the public agency with primary responsibility for the protection of ground and surface water quality for all beneficial uses within major portions of Los Angeles and Ventura Counties, including the _________________

As described in more detail below, you have two options for your discharges of waste from the septic system located at _________________

- Option 1. Submit a Report of Waste Discharge by July 1, 2019 to obtain permit coverage by the Los Angeles Water Board. The requirement to submit a Report of Waste Discharge is made pursuant to Section 13260 of the California Water Code.
- Option 2. Submit a technical report by July 1, 2019 documenting your plan and schedule to connect to the municipal sanitary sewer no later than December 31, 2019. The requirement to submit this technical report is made pursuant to Section 13267 of the California Water Code.

On June 19, 2012, the State Water Resources Control Board (State Water Board) adopted the Water Quality Control Policy for Siting, Design, Operation, and Maintenance of Onsite Wastewater Treatment Systems (OWTS) for the State of California (OWTS Policy or policy)\(^1\). The OWTS Policy establishes a statewide, risk-based approach for the regulation and management of OWTS (also known as septic systems).

The OWTS Policy imposes heightened requirements (known as Tier 3 requirements) on OWTS that are located near water bodies on the State of California’s Federal Clean Water Act Section 303(d) list of impaired waters (303(d) List) for nitrogen or bacteria where OWTS contribute to the

\(^1\) The State Water Board amended the OWTS Policy on April 17, 2018. The OWTS Policy, as amended, became effective on June 11, 2018. Information about the OWTS Policy and the amendments can be found at: https://www.waterboards.ca.gov/water_issues/programs/owts/
water quality impairment. [Redacted] has been on the State of California’s Federal Clean Water Act Section 303(d) list of impaired waters since 2002 due to bacteria associated with waste discharges from OWTS. Los Angeles Water Board staff have reviewed recent water quality data for the beach, which show that the beach remains impaired due to elevated levels of bacteria.

The OWTS Policy waives the requirement for certain owners of OWTS to apply for and receive permits, called waste discharge requirements (WDRs), to operate their systems when they meet the conditions set forth in the policy. For dischargers in Tier 3, this waiver is contingent upon compliance with an applicable TMDL. The Los Angeles Water Board has determined that developing a TMDL for [Redacted] is not necessary because discharges from OWTS are identified as the principal source of the impairment. Because the Los Angeles Water Board will not complete a TMDL for [Redacted], Section 10.4.1 requires the Los Angeles Water Board to issue WDRs, general WDRs, a waiver of WDRs or require corrective action for any OWTS discharging within 600 feet of [Redacted].

This letter is to notify you that your coverage under the policy’s waiver expires on December 31, 2019.² (See OWTS Policy Section 10.4.1). After December 31, 2019, you must get a permit to continue operating your OWTS or connect to a municipal sanitary sewer system.

Option 1 - Submit a Report of Waste Discharge by July 1, 2019

The first option is to apply for a permit from the Los Angeles Water Board. To allow time to process and issue your permit, you must submit a Report of Waste Discharge by July 1, 2019.

Section 13260(a) of the California Water Code authorizes regional water boards to require a discharger (e.g., OWTS owner) to file an application for WDRs (a permit) called a Report of Waste Discharge (ROWD)/Form 200 for the discharge of wastewater to waters of the state and pay application and recurring annual fees. The current application and annual fee applicable to waste discharges such as yours is $2,572.50³, but is subject to change.

If you choose Option 1, the Los Angeles Water Board plans to issue you a WDR. Under the WDR, you may be required to conduct supplemental treatment of the wastewater discharge, routine inspections, monitoring and reporting of your supplemental treatment system, water supply, septic tank effluent, septic tank sludge, subsurface disposal area, solids disposal, and other requirements as appropriate. OWTS Policy Section 10.10 describes the pathogen supplemental treatment disinfection requirements for impaired areas like [Redacted]. Supplemental treatment systems for pathogens typically cost a minimum of $30,000 to $40,000 to install and have annual operations and maintenance costs.

The requirement to submit a Report of Waste Discharge is made pursuant to section 13260 of the California Water Code.

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² Coverage under the waiver for any OWTS near a waterbody impaired for bacteria expires two years from the TMDL completion date specified in Attachment 2 of the OWTS Policy. The TMDL Completion Date listed in for was 2017.
³ A copy of the current state fee schedule is available electronically at: https://www.waterboards.ca.gov/resources/fees/water_quality/docs/1819_fee_schedule.pdf
Option 2 - Submit a technical report by July 1, 2019 documenting your plan and schedule to connect to the municipal sanitary sewer by December 31, 2019

The second option is to connect to the municipal sanitary sewer. If you choose Option 2, you must submit a technical report by July 1, 2019, documenting your plan to connect to the municipal sanitary sewer by December 31, 2019. Your technical report must, at a minimum, contain the dates and documentation of any completed actions, or a schedule of planned actions for the following:

- Obtain a permit from [ ] Sanitary District to connect to the municipal sanitary sewer *(required documentation: copy of the permit)*;
- Obtain a permit from Ventura County Division of Environmental Health for septic tank abandonment *(required documentation: copy of the permit)*;
- Record an easement deed for [ ] Sanitary District *(required documentation: copy of the deed)*; and
- Execute a sewer user agreement with [ ] Sanitary District *(required documentation: copy of the agreement)*; and
- Complete all construction necessary to connect to the municipal sanitary sewer *(required documentation: written and signed report certifying completion of construction and successful connection to the sewer)*. Please note that the best time of year to schedule construction is typically before the rainy season.

For any of the above actions shown in your technical report as planned or not yet complete, you are required to submit the documentation identified for each item above at the time of completion or no later than January 15, 2020.

Submit the technical report and documentation of completion of actions in the technical report to:

California Regional Water Quality Control Board, Los Angeles Region
320 West 4th Street, Suite 200
Los Angeles, CA 90013
ATTN: Man Voong

The requirement to submit this technical report is made pursuant to section 13267 of the California Water Code. Under Water Code 13267, a regional board may require any person who has discharged, discharges, or is suspected of having discharged or discharging, or who proposes to discharge waste within its region, to furnish technical or monitoring program reports under penalty of perjury. The burden, including costs, of these reports must bear a reasonable relationship to the need for the report and the benefits to be obtained from the reports. The Los Angeles Water Board needs the information requested under Option 2 to determine if the subject property will be connected to the municipal sewer system by December 31, 2019 and to verify that no permit is needed for the OWTS on your property. You are required to submit this information because property records show you are the owner of the subject property and you are responsible for the discharge of waste from the subject property. Based on data provided by [ ] Sanitary District, the subject property is not currently connected to the municipal sewer system\(^4\) and is

\(^4\) The Los Angeles Water Board is aware that the [ ] property owners completed the [ ] Septic to Sewer Conversion in 2014. However, we understand that an OWTS is still in use on your property at [ ], which is within 600 feet of [ ]. For information on sewer connection, please contact [ ] Sanitary District. If you connect to the sewer no later than December 31, 2019, no WDRs will be necessary.
discharging waste from an OWTS into [REDACTED] which is impaired for bacteria from discharges from OWTS. The burden, including costs, of the report bears a reasonable relationship to its need and the benefits to be obtained.

If you, as an owner of an OWTS discharging within 600 feet of an impaired water body, do not apply for and obtain WDRs or connect to the municipal sewer system by December 31, 2019, the Los Angeles Water Board may pursue enforcement. A violation of Water Code sections 13260 or 13267 may subject you to administrative civil liability of up to $1,000 per day for each day in which the violation occurs or judicial civil liability in an amount not to exceed $5,000 for each day in which the violation occurs. (Wat. Code, §§ 13261 and 13268.)

Any person affected by this action of the Los Angeles Water Board may petition State Water Board to review the action in accordance with section 13320 of the Water Code and Sections 2050-2068 of Title 23 of the California Code of Regulations. The petition must be received by the State Board, Office of Chief Counsel, P.O. Box 100, Sacramento, CA 95812 within 30 days of the date of this Order. If the 30th day falls on a Saturday, Sunday, or state holiday, the petition is due the following business day. Copies of the law and regulations applicable to filing petitions are available at:
https://www.waterboards.ca.gov/public_notices/petitions/water_quality/wqpetition_instr.shtml

If you have any questions concerning this letter, please contact Dr. L.B. Nye at (213) 576-6785 or LB.Nye@waterboards.ca.gov

Sincerely,

[Signature]
Renee A. Purdy
Acting Executive Officer

CC:
Matthew Keeling, Assistant Executive Officer, Central Coast Water Quality Control Board
Jennifer Epp, Central Coast Water Quality Control Board
Charles Genkel, Ventura County Division of Environmental Health
[REDACTED] General Manager, [REDACTED] Sanitary District