TO: BOARD OF DIRECTORS

FROM: BRUCE BUEL BSB

DATE: MARCH 21, 2008

AGENDA ITEM
E-2
MAR 26, 2008

OWTS REGULATIONS

ITEM

Review draft amendments to RWQCB Basin Plan relative to on-site waste treatment systems (OWTS) regulations and authorize comments, if any [RECOMMEND ADOPTION].

BACKGROUND

Attached is a copy of the OWTS proposed amendments to the RWQCB Basin Plan. The comment deadline for the regulations is April 7, 2008 and the RWQCB has scheduled a hearing to consider adoption at their May 9, 2008 Meeting.

The draft regulations establish the County as the implementing agency, not NCSD, however, adoption of these regulations will increase the costs of septic system usage and encourage property owners to seek NCSD sewer service. The proposed regulations would limit the density of new septic systems; prohibit the location of new standard septic systems in certain soils, in certain slope settings, adjacent to waterways and in situations where there is inadequate separation from groundwater; require professional design and inspection of new systems and retrofits to existing systems; and require the adoption of a regional wastewater management plan by the County prior to approval of alternative systems. For existing systems, the draft regulations require minimum management including periodic pumping (two to five years per pumping); drainfield alternation and inspection every 6 months; and record keeping. The regulations encourage the formation of septic maintenance districts or the provision of septic management services by CSDs. Discharge of septic effluent from properties within the Nipomo Zone of Prohibition remains illegal in the draft regulations.

RECOMMENDATION

Staff recommends that your Honorable Board discuss the draft regulations and determine if there are comments that should be submitted in writing or at the hearing or both.

ATTACHMENTS

- Draft Regulations

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California Regional Water Quality Control Board
Central Coast Region

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(805) 549-3147 • Fax (805) 543-0397
http://www.waterboards.ca.gov/centralcoast

Linda S. Adams.
Secretary for
Environmental Protection

Arnold Schwarzenegger
Governor

February 26, 2008

Region-wide IPL of City & County onsite contacts

Dear Onsite System Regulators and Interested Public:

REVISION OF BASIN PLAN CRITERIA AND WAIVER OF WASTE DISCHARGE REQUIREMENTS FOR ONSITE SYSTEMS (APPLICABLE TO CENTRAL COAST REGION)

The *Water Quality Control Plan, Central Coast Basin* (Basin Plan) specifies criteria for siting, design and ongoing management of individual and community onsite wastewater disposal systems. During the past 25 years, implementation of those criteria has demonstrated revisions are needed to clarify vague language and, in some cases, strengthen language from recommendations to requirements. The existing Basin Plan criteria for onsite wastewater systems were last updated in 1983. On May 9, 2008, the staff intends to present proposed Resolution No. R3-2008-0005 to the Regional Water Quality Control Board, Central Coast Region (Central Coast Water Board) to update and revise the Basin Plan sections pertaining to onsite wastewater systems.

In 2004, the Central Coast Water Board's general waiver for discharges from onsite wastewater systems expired, pursuant to Water Code §13269(b)(2). Since expiration of the waiver, discharges from onsite systems have not been formally authorized by the Central Coast Water Board. Also on May 9, 2008, the staff intends to present proposed Resolution No. R3-2008-0006 to the Central Coast Water Board to consider adoption of a conditional waiver of waste discharge requirements for certain onsite wastewater systems.

This letter is to notify you of the opportunity to review and provide comments and recommendations on the proposed resolutions regarding onsite wastewater systems (Basin Plan amendment and conditional waiver). Related documents available for review include:

1. Draft Resolution No. R3-2008-0005, Amendment to the Water Quality Control Plan, Central Coast Basin, revising criteria for onsite wastewater systems, and associated staff report.

2. Draft Resolution No. R3-2008-0006, Waiver of Waste Discharge Requirements for Onsite Wastewater System Discharges, and associated staff report.

Hard copies of the draft resolutions and associated staff reports may be downloaded from our website at: http://www.waterboards.ca.gov/centralcoast/Permits/Index.htm. The Central Coast Water Board will consider adoption of the Basin Plan amendments and onsite wastewater system waiver policy at its regularly scheduled public meeting in San Luis Obispo on May 9, 2008. Please submit your written comments and recommendations regarding the proposed actions no later than April 7, 2008. Comments received by this date will be considered in preparation of staff recommendation to the Central Coast Water Board.

If you have any questions regarding these documents or the proposed actions, please call Sorrel Marks at 805/549-3695 or Burton Chadwick at 805/542-4786.

Sincerely,

Roger W. Briggs
Executive Officer

Attachments: Staff Report for Basin Plan Amendment w/attachments
Staff Report for Onsite System Waiver w/attachments

S:\WQ Control Planning\Onsite\draft amendment & waiver.ltr.doc
Task: 126-01
File: Basin Plan Amendments
File: Onsite System Waiver

STATE OF CALIFORNIA
CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL COAST REGION

STAFF REPORT FOR REGULAR MEETING OF MAY 9, 2008
Prepared on February 22, 2008

ITEM NUMBER: **XX**

SUBJECT: **Resolution No. R3-2008-0005; Amendment to the Water Quality Control Plan, Central Coast Basin, revising criteria for onsite wastewater systems**

KEY INFORMATION

Location:	Throughout the Central Coast Region
Type of Waste:	Domestic wastewater discharged from individual and community onsite systems
This Action:	Adoption of Resolution No. R3-2008-0005

SUMMARY

Chapters IV and V of the *Water Quality Control Plan, Central Coast Basin* (Basin Plan) specify criteria for siting, design and ongoing management of individual and community onsite wastewater disposal systems (commonly called septic systems). The proposed Resolution No. R3-2008-0005 (included as Attachment 1) will update and revise existing Basin Plan criteria for onsite wastewater systems. Most of the proposed revisions provide clarifying language to existing requirements without substantially changing such requirements. However, some revisions replace discretionary language of recommendations (e.g., "should") with mandatory language of requirements (e.g., "shall"). By adopting the proposed resolution, language in the Basin Plan will be strengthened and clarified in a manner expected to result in improved long-term water quality protection in areas served by onsite wastewater systems. The proposed revisions are also expected to improve consistency and customer service by reducing the need for subjective interpretation of imprecise language. Updating the Basin Plan criteria for onsite wastewater systems will complete a Triennial Review list priority task, which has been backlogged for more than a decade.

DISCUSSION

Background - The Basin Plan criteria for individual and community onsite wastewater disposal systems were last updated in 1983 (Resolution 83-12). Basin Plan criteria require proper siting and design of onsite wastewater systems. The Basin Plan criteria also recommend a variety of management measures intended to ensure long-term success of properly functioning systems and prevent water quality impacts from such systems. During the past 25 years, implementation of those criteria has demonstrated revisions are needed to clarify vague language and, in some cases, strengthen language from recommendations to requirements. The most noteworthy revisions proposed in Resolution No. R3-2008-0005 require local jurisdictions to develop onsite wastewater

system management plans prior to approval of alternative (non-conventional) onsite wastewater systems. Proposed revisions are addressed in further detail below.

Due to the rural nature, demographics and topography of the Central Coast Region, thousands of individual and community onsite wastewater systems treat and dispose of residential and commercial wastewater. The Central Coast Water Board implements its Basin Plan requirements for onsite systems through direct regulation (issuance of waste discharge requirements), memoranda of agreement with local jurisdictions, and in some cases simply defers regulation to the local jurisdiction. Many local jurisdictions (primarily counties) retain permitting authority for onsite systems and implement their own requirements alongside the Basin Plan requirements. In most cases of individual systems that comply with Basin Plan criteria, the Water Board does not exercise its authority as long as the local jurisdiction is enforcing the Basin Plan requirements. Because of this overlap of regulatory authority, it is imperative that Water Board staff and county/city staff work cooperatively to implement consistent requirements. To this end, Central Coast Water Board staff members have met with representatives from counties within our region during development of the proposed criteria, to further discuss revisions and gain input from these local jurisdictions.

Conventional onsite systems should be "fool proof." In other words, the conventional onsite system is simple: design is simple, installation is simple, and operation is simple. The Basin Plan criteria for onsite systems are intended to ensure ongoing water quality protection despite the simple nature of most onsite systems. With this simplicity in mind, the proposed revisions are intended to ensure proper siting and design of onsite systems as preventative measures, rather than accommodating unfavorable site limitations with alternative systems. Should alternative systems be necessary, such alternatives may be provided for within onsite system management plans developed and implemented by local jurisdictions.

Alternative onsite systems (including package treatment, mound, evapotranspiration, and other non-conventional systems) are specifically engineered to overcome site constraints such as shallow groundwater or slow infiltrative soils, which preclude use of conventional systems. Alternative systems must be monitored for performance. Typically, monitoring of alternative systems only occurs where such systems are regulated by waste discharge requirements or through an onsite management plan. The proposed criteria require monitoring of alternative systems, consistent with an onsite management plan approved by the Water Board Executive Officer. The proposed criteria prohibit alternative systems that are not consistent with an approved onsite management plan.

Onsite Management Plans - As stated in the Basin Plan, onsite wastewater management plans should be implemented to eliminate the cumulative impacts resulting from continued use of individual, alternative and community onsite disposal systems. The Basin Plan currently recommends that permitting agencies prepare and implement wastewater management plans to identify areas where poor conditions for onsite systems or increasing urbanization using onsite systems could lead to degradation of water quality or nuisance conditions. The management plans should specify design, installation, and monitoring requirements, including the formation of septic system maintenance districts. The Basin Plan recommends wastewater management plans for the following areas: San Martin, San Lorenzo Valley, Carmel Valley, Carmel Highlands, Prunedale, El Toro, Shandon, Templeton, Santa Margarita/Garden Farms, Los

Osos/Baywood Park, Arroyo Grande, Nipomo, Upper Santa Ynez Valley, and Los Olivos/Ballard. However, only one county within the Central Coast Region has developed an approved onsite wastewater management plan (Santa Cruz County), since the recommendation was incorporated into the Basin Plan in 1983. Consequently, water quality and public health impacts resulting from most existing and future discharges from onsite systems remain uncharacterized. The proposed criteria require development and implementation of onsite management plans to investigate and mitigate existing and potential future water quality issues resulting from continued use of onsite systems. The required components of an onsite management plan are consistent with those specified by the U.S. Environmental Protection Agency in its design manual *Onsite Wastewater Treatment and Disposal Systems.* Staff recommends (in the proposed amendment) that the Water Board require these plans as we revise memoranda of understanding with permitting agencies, as discussed below.

Statewide Regulation of Onsite Systems - In 2000, the California State Legislature passed into law Assembly Bill 885 (Section 13291 of the California Water Code). Assembly Bill 885 requires the State Water Board (in consultation with state and local health departments, California Coastal Commission, counties, cities and other interested parties) to adopt regulations or standards for onsite wastewater systems. For the past eight years, Central Coast Water Board staff members have been participating in the State Water Board's regulation development process. These regulations are not yet established and we do not anticipate that the statewide regulations will be adopted in the near future. Also, we do not anticipate that the statewide regulations (when adopted) will replace the need for Basin Plan criteria for onsite systems. Regardless of concurrent efforts to develop statewide regulations for onsite systems, updating the Basin Plan with proposed Resolution No. R3-2008-0005 is needed to provide for clear and effective guidance and water quality protection. If and when statewide regulations are adopted, we will review the Basin Plan criteria and determine if we need to revise any criteria.

MOUs with Local Jurisdictions - The Central Coast Water Board creates water quality protection policies, provides guidance, and implements region-wide programs in conjunction with local agencies. Local jurisdictions implement a variety of regulations (including Water Board requirements) through their permitting processes. In order to implement these coordinated roles, the Water Board and local jurisdictions enter into memoranda of understanding (MOUs), which describe each entity's role within formal institutional agreements. Central Coast Water Board staff have been in the process of developing and updating such MOUs over the past few years (some of which are more than 25 years old). The proposed Basin Plan revisions will clarify expectations, onsite criteria, and agency roles that will be incorporated into MOUs with local jurisdictions.

Until 2004, the MOUs served as waivers of waste discharge requirements for individual and community onsite systems. However, all such waivers expired in 2004, leaving onsite systems subject to individual waste discharge requirements (a cumbersome and redundant oversight). Resolution No. R3-2008-0006 (today's agenda item No. __) is proposed as a replacement waiver of waste discharge requirements for onsite systems meeting Basin Plan criteria. Water Board staff believe that this approach (MOUs and waivers) will prove to be most effective in protecting water quality from impacts associated with onsite systems in a streamlined fashion (without duplicative agency oversight). Detailed information regarding the proposed waiver for onsite systems is included in the staff report for Item No. __.

Detection of Failing Systems - Failed septic systems can degrade groundwater and cause unhealthy and nuisance conditions on the ground surface. Most failures are indicated by surfacing effluent, which can show up as a gray liquid or unusually lush plant growth. However, septic system discharges can degrade groundwater and remain undetected for years. Few regulatory or permitting agencies have active programs to monitor or inspect standard septic systems. Most failures that come to the attention of agencies are found by permit applications for replacement or repair of septic systems or complaints from neighbors. Implementation of the proposed criteria will ensure that site conditions and treatment and disposal system designs meet water-quality protective criteria. In this manner implementation of the proposed criteria will help prevent septic system failures and reduce water quality impacts caused by such failures.

Proposed Revisions - The proposed revisions to Basin Plan criteria for onsite systems consist primarily of clarifying language and strengthening recommendations to requirements. The revised criteria are included as Attachment 1A to this report. Additions are underlined and deletions are shown in strike-out. Format revisions are not identified as additions or deletions, since they do not represent substantial change in the Basin Plan content. Most of the proposed changes reflect the following issues:

1. General discussion is deleted and moved to this staff report.

2. Criteria are reorganized to ease identification of requirements, recommendations and prohibitions in a streamlined fashion.

3. Additional terms are defined for clarity.

4. Many recommendations are revised to requirements to compel compliance with specified criteria.

The significant proposed revisions and justification are summarized here.

Proposed Revision	Basin Plan Section	Justification
Streamlined definition of the term "watercourse."	VIII.D.	Existing definition (from Webster's Dictionary) led to confusion regarding alternate, meanings of the term. Proposed definition is a simplified portion of existing definition.
Narrative discussion of the benefits resulting from corrective actions for existing systems is deleted and specific criteria incorporated into revised sections.	VIII.D.1.	Narrative format made identification of specific requirements and recommendations difficult to interpret. Revised format will provide for easily identifiable criteria for existing onsite systems.
Onsite management plans (developed and implemented by local jurisdictions) are recommended in existing criteria, and required in proposed revisions.	VIII.D.1.b.	Onsite systems need to be managed and tracked, and a management plan is an appropriate vehicle. See description above.
Contents of onsite management plans are expanded from general description currently listed in the Basin Plan.	VIII.D.1.b.	Outline of onsite management plan contents included to assist local jurisdiction in developing effective plans, specific contents based upon U.S. EPA guidance.
New requirement added for additional treatment for onsite discharges to very fast percolating soils (<1 minute per inch).	VIII.D.2.a. 11 and 24.	Very fast percolating soils do not provide for adequate biological treatment of leachate prior to disposal into underlying groundwater. Therefore nutrient reduction needed to protect groundwater must occur in the treatment unit.

Requirement added calling for onsite disposal systems on slopes greater than 20% to be designed by certified professional.	VIII.D.2.a.12.	Increased development in steeper areas (more challenging for onsite disposal) increases concern regarding slope stability and hydraulics. Accordingly, such systems require professional expertise.
Prohibition of onsite disposal within areas subject to 10-year flood zone is revised to 25-year flood zone.	VIII.D.2.a.14.	Increased development in flood prone areas and projected long-term use of onsite disposal systems, a greater margin of safety is needed.
New prohibition limiting onsite disposal in fill unless specifically designed as a disposal area.	VIII.D.2.a.25.	Prohibition added to prevent leachate from onsite disposal surfacing at interface of fill and native soil.
New prohibition limiting onsite disposal of self-regenerating water softener brine unless such disposal is consistent with a salts minimization plan.	VIII.D.2.f.5.	Salts discharged to onsite systems migrate (virtually untreated) into underlying groundwater and must be minimized to protect groundwater quality.

Footnotes are included in the proposed revisions to indicate the source of the revised language. Those changes not footnoted are based upon staff's professional judgment and prior implementation policies. The footnotes indicate the following source documents

EPA U.S. Environmental Protection Agency's *Onsite Wastewater Treatment Systems Manual* (2002)
UCD U.C. Davis' *Review of Technologies for the Onsite Treatment of Wastewater in California* by Leverenz, Tchobanoglous and Darby (2002)
LO Legal opinion provided by State Water Board Counsel, followed by the date of that opinion
UPC *Uniform Plumbing Code* (1991)

The shift from voluntary to compulsory actions reflects the rate of implementation of existing Basin Plan criteria. Typically (over the past 25 years), local jurisdictions have been unwilling to implement actions beyond those specifically required. As a result, thousands of onsite wastewater disposal systems have been permitted and installed without any means of evaluating resulting water quality impacts.

Sections of Basin Plan Chapter 5 pertaining to onsite wastewater systems are also proposed to be revised. The revisions strengthen recommendations to requirements and more clearly describe existing Resolution 69-01, regarding onsite systems in urbanizing areas. Proposed revisions to Chapter 5 are shown on Attachment 1B.

Economic Effects of the Amendment - The proposed amendment will change existing recommendations to requirements, which will further constrain where onsite systems may be used. For properties that are clearly suitable for conventional onsite systems, the proposed amendment will have little or no economic consequences. For properties that may not be suitable for conventional onsite systems (e.g., inadequate separation to a watercourse), the proposed amendment may require an advanced onsite system to mitigate for poor site conditions. At a small percentage of undeveloped properties where site conditions are very poor for an onsite system, the property may no longer be suitable for an onsite system and a community sewer connection may be required. Alternative onsite systems and community sewer connections are generally more expensive than conventional onsite systems. Additionally, the proposed amendment calls for local jurisdictions to develop and implement onsite wastewater management plans. Onsite wastewater management plans have not (as yet) been developed by many local jurisdictions and will carry associated development and implementation

costs. Water Board staff considers the costs of implementing this amendment to be reasonable relative to the water quality and public health benefits derived from implementing the amendment.

ENVIRONMENTAL SUMMARY

The California Resources Agency has certified the Basin Planning process as an exempt regulatory program for the purposes of complying with the California Environmental Quality Act (CEQA) and the CEQA Guidelines [§15251, Title 14, California Code of Regulation (CCR)]. The Water Board is exempt from the requirement to prepare an environmental impact report or negative declaration. Any Regional Board exempt regulatory program must satisfy the documentation requirements of §3775(a), Title 23, CCR. This Report constitutes a substitute environmental document as set forth in Section 3775(a), Title 23, CCR. It contains the following:

1. A description of proposed activity and proposed alternatives,
2. An environmental checklist and a description of the proposed activity,
3. An environmental evaluation, and
4. A determination with respect to significant environmental impacts.

The environmental analysis contained in this Report for Basin Plan Amendment and accompanying documents, including the Environmental Checklist, the staff report and the responses to comments complies with the requirements of the State Water Resources Control Board's certified regulatory process, as set forth in CCR, Title 23, §3775 et seq. All public comments were considered.

On July 30, 2004, Central Coast Water Board held a scoping meeting pursuant to the California Environmental Quality Act (CEQA)(California Public Resources Code 21083.9(a)(2) to discuss the development of proposed amendments to the Basin Plan. The meeting focused on requirements to develop onsite management plans. During the past few months, Water Board staff have met with county representatives and other stakeholders who will directly implement the revised Basin Plan criteria.

A Notice of Public Hearing has been circulated (Attachment 2). A Notice of Filing, this staff report, and Environmental Checklist were prepared and circulated by Water Board staff to interested agencies and persons prior to consideration of the Basin Plan Amendment by the Central Coast Water Board. This process will satisfy the Basin Planning environmental documentation requirements.

COMMENTS

Pending

RECOMMENDATION

Adopt Resolution No. R3-2008-0005, as proposed.

ATTACHMENTS

1. Proposed Resolution No. R3-2008-0005, with attachments:
   - Attachment A - Revised Basin Plan Chapter 4 (onsite sections only)
   - Attachment B - Revised Basin Plan Chapter 5 (onsite sections only)
   - Attachment C - Certificate of Fee Exemption
   - Attachment D - Report for Basin Plan Amendment (including the Environmental Checklist)

2. Notice of public hearing dated February 22, 2008

STATE OF CALIFORNIA
CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL COAST REGION
895 Aerovista Place, Suite 101
San Luis Obispo, CA 93401

RESOLUTION NO. R3-2008-0005

AMENDING THE WATER QUALITY CONTROL PLAN REVISING ONSITE WASTEWATER SYSTEM CRITERIA

WHEREAS, the California Regional Water Quality Control Board, Central Coast Region (hereafter Central Coast Water Board) finds:

1. The Central Coast Water Board updated its policy regarding siting and design of onsite wastewater systems on September 16, 1983, by adopting Resolution No. 83-12.

2. The Central Coast Water Board adopted the current Water Quality Control Plan, Central Coastal Basin (Basin Plan) on September 8, 1994. The Basin Plan includes beneficial use designations, water quality objectives, implementation plans for point source and nonpoint source discharges, prohibitions, and statewide plans and policies. The text and requirements specified in Resolution No. 83-12 are included in the Basin Plan as provisions of Chapters 4 and 5.

3. The Central Coast Water Board periodically revises and amends the Basin Plan. The Central Coast Water Board determined that the Basin Plan requires further revision and amendment to clarify and strengthen criteria for onsite wastewater systems throughout the region. The Central Coast Water Board will regulate discharges from onsite wastewater systems using waste discharge requirements (WDRs) or waiver of WDRs, in conjunction with memoranda of understanding with local jurisdictions.

4. In December 2007, Water Board staff contacted State Water Resources Control Board (State Water Board) staff to inquire if the proposed amendment to the Basin Plan required external scientific review to comply with Health and Safety Code Section 57004. Due to the limited nature of the proposed revisions (primarily incorporating language from external documents subjected to scientific review) additional external scientific review of these proposed revisions is not required.

5. Public Notice - Interested persons and the public have been informed of the Central Coast Water Board's intent to revise the Basin Plan criteria for onsite wastewater systems. Efforts to inform the public and solicit public comment include a public meeting/workshop, several individual meetings with vested stakeholders, and a number of telephone conversations with interested parties. Notice of public hearing was given by advertising in newspapers of general circulation within the Region, by posting on the Water Board website, and by mailing a copy of the notice to all persons requesting such notice and applicable government agencies. Central Coast Water Board staff responded to oral and written comments received from the public.

6. Economic Considerations - The Central Coast Water Board considered costs associated with implementing the revised criteria specified in this Basin Plan amendment, Resolution No. R3-2008-0005. The Water Board has considered the costs to dischargers and local jurisdictions of implementing the amendment, and finds these costs to be reasonable relative to the water quality benefits derived from implementing the Basin Plan amendment.

7. Anti-Degradation – State Water Board Resolution No. 68-16 *Statement of Policy with Respect to Maintaining High Quality of Waters in California* (Resolution No. 68-16) requires Regional Water Boards, in regulating the discharge of waste, to maintain high quality waters of the State until it is demonstrated that any change in quality will be consistent with maximum benefit to the people of the State, will not unreasonably affect beneficial uses, and will not result in water quality less than that described in a Regional Water Board's policies (e.g., quality that exceeds applicable water quality standards). Resolution No. 68-16 also states, in part:

   Any activity which produces or may produce a waste or increased volume or concentration of waste and which discharges or proposes to discharge to existing high quality waters will be required to meet waste discharge requirements which will result in best practicable treatment and control of the discharge necessary to assure that (a) a pollution or nuisance will not occur and (b) the highest water quality consistent with maximum benefit to the people of the State will be maintained.

   This Resolution is consistent with the provisions of the State Water Board Resolution No. 68-16. The regulation of discharges from onsite wastewater systems has been a component of the Water Board's regulatory oversight for several decades, and the clarifying and strengthening language provided in this resolution provides more regulatory oversight compared to that described in Resolution No. 83-12. Compliance with the Basin Plan criteria wil result in the best practicable treatment or control of the discharges. Therefore, the Basin Plan amendment will result in improved water quality protection throughout the region and maintains the level of water quality necessary to protect existing and anticipated beneficial uses.

8. CEQA - The Central Coast Water Board concurs with the analysis contained in the Supplemental Environmental Documents, including the Environmental Checklist, the staff report, and the responses to comments and finds that the analysis complies with the requirements of the California Environmental Quality Act and the State Water Board's regulations, as set forth in the California Code of Regulations (CCR), Title 23, §3775 et seq. with respect to certified regulatory programs. The Central Coast Water Board finds that the proposed amendments to the Basin Plan will not have a significant effect on the environment. The project (adopting this Resolution) consists of amending an exiting regulatory program implemented by a regulatory agency by making the existing program more stringent and providing greater environmental protection.

9. The proposed amendment is a revision of onsite wastewater system criteria specified in the Basin Plan (Chapters 4 and 5) and applicable throughout the Region. The revisions to Chapters 4 and 5 of the Basin Plan are shown on Attachments A and B (respectively) to this Resolution. Attachments A and B identify significant additions/deletions shown with underline/strikeout. Text that is simply moved is not identified as a proposed change.

10. Area of Applicability - The effect of this amendment will be throughout the Region, where onsite systems are used for treatment and disposal of wastewater.

11. The Basin Plan amendment must be submitted for review and approval by the State Water Resources Control Board (State Board) and the State Office of Administrative Law (OAL). The Basin Plan amendment will become effective upon approval by OAL. The subject Resolution will become effective immediately.

12. The amendment to the Basin Plan will result in no potential for adverse effect, either individually or cumulatively, on wildlife and is therefore exempt from fee payments to the Department of Fish and Game under the California Fish and Game Code.

13. On May 9, 2008, in San Luis Obispo, California, the Central Coast Water Board held a public hearing and heard and considered all public comments and evidence in the record.

THEREFORE, BE IT RESOLVED that:

1. Pursuant to California Water Code §13240, the Water Board, after considering the entire record, including oral testimony at the hearing, hereby adopts the Basin Plan amendments shown in Attachments A and B to this Resolution.

2. The Central Coast Water Board's Executive Officer is directed to forward copies of the Basin Plan amendments to the State Water Board in accordance with the requirements of California Water Code §13245.

3. The Central Coast Water Board requests that the State Water Board approve the Basin Plan amendments in accordance with the requirements of California Water Code §13245 and §13246, and forward it to OAL for approval. The Central Coast Water Board shall file a Notice of Decision with the Secretary of Resources and the Governor's Office of Planning and Research (State Clearinghouse) after approval by OAL.

4. The Central Coast Water Board Executive Officer is authorized to sign a Certificate of Fee Exemption (included as Attachment C to this Resolution).

5. If, during its approval process, the State Water Board or OAL determines that minor, non-substantive corrections to the language of the amendment are needed for clarity or consistency, the Central Coast Water Board Executive Officer may make such changes, and shall inform the Central Coast Water Board of any such changes.

I, Roger W. Briggs, Executive Officer, do hereby certify the foregoing is a full, true, and correct copy of the Resolution adopted by the Central Coast Water Board, on May 9, 2008.

_____

Roger W. Briggs, Executive Officer

Attachments: A - Revised Basin Plan Chapter 4 (onsite sections only)
B - Revised Basin Plan Chapter 5 (onsite sections only)
C - Certificate of Fee Exemption
D - Report for Basin Plan Amendment (including the Environmental Checklist)

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CHAPTER 4. IMPLEMENTATION PLAN

VIII.D. INDIVIDUAL, ALTERNATIVE AND COMMUNITY ONSITE WASTEWATER SYSTEMS

~~On-site sewage disposal wastewater systems and other similar methods for liquid waste disposal are sometimes viewed as interim solutions in urbanizing areas, yet may be required to function for many years. On-site systems can be a viable long-term waste disposal method with proper siting, design, construction, and management. In establishing on-site system regulations, agencies must consider such systems as permanent, not interim systems to be replaced by public sewers. The reliability of these systems is highly dependent on land and soil constraints, proper design, proper construction, and proper operation and maintenance.~~

~~If on-site sewage treatment facilities are not carefully managed, problems can occur, including:~~

- ~~odors or nuisance;~~
- ~~surfcing effluent;~~
- ~~disease transmission; and,~~
- ~~pollution of surface and groundwaters.~~

~~Odors and nuisance can be objectionable and annoying and may obstruct free use of property. Surfacing effluent (effluent which fails to percolate and rises to the ground surface) can be an annoyance, or health hazard to the resident and neighbors. In some cases, nearby surface waters may be polluted.~~

~~On-site sewage disposal systems are a potential mechanism for disease transmission. Sewage is capable of transmitting diseases from organisms which are discharged by an infected individual. These include dysentery, hepatitis, typhoid, cholera, and gastro intestinal disorders.~~

~~Pollution of surface or groundwaters can result from the discharge of on-site system wastes. Typical problem waste constituents are total dissolved solids, phosphates, nitrates, heavy metals, bacteria, and viruses.~~

~~Subsurface disposal~~ Onsite wastewater systems may be used to treat and dispose of wastewater from: (1) individual residences; (2) multi-unit residences; (3) institutions or places of commerce; (4) industrial sanitary sources; and, (5) small communities. All individual and multi-unit residential, ~~developments are subject to criteria in this section of the Basin Plan.~~ commercial, institutional and industrial developments with a discharge flow rate less than 2,500 gallons per day and community systems not regulated by waste discharge requirements must comply with these criteria. ~~Community systems must also comply with criteria relating to this subject within the Basin Plan.~~ Community systems are defined for the purposes of this Basin Plan as: (1) residential wastewater treatment systems ~~for~~ serving more than 5 units or more than 5 parcels; or, (2) commercial, institutional or industrial systems ~~to treat~~ treating sanitary wastewater equal to or greater than 2,500 gallons per day (average daily flow). ~~Community systems of this type and size may be subject to waste discharge requirements.~~

Conventional onsite wastewater systems consist of septic tanks and leachfield or seepage pits and are typically designed to treat and dispose of domestic wastewater.[EPA] Alternatives to conventional onsite system designs ~~have been~~ are used when site constraints prevent the use of conventional systems. Examples of alternative systems include (but are not limited to) enhanced treatment systems, mound ~~and~~ or evapotranspiration disposal systems, or at-grade disposal systems. ~~Remote subdivisions, commercial centers, or industries may utilize conventional collection systems with community treatment systems and subsurface disposal fields for sanitary wastes.~~

Conventional, alternative and community systems can pose serious water quality problems if improperly designed, installed, and/or managed. Failures have occurred in the past and are usually attributed to the following:

- Systems are inadequately or improperly sited, designed, or constructed.
- Long term use is not considered.
- Inadequate operation and maintenance.

The following definitions are used throughout this section of the Water Quality Control Plan.

Alternative onsite system consists of additional (beyond conventional) treatment and/or disposal features engineered to overcome site constraints. A conventional onsite system that requires a pump to reach the leach area is not considered "alternative".[EPA]

Application area refers to the trench bottom and side walls below the bottom of the leach pipe, minus the first foot on each side (also called sidewall). In seepage pits the application area refers to the total gravel depth in a seepage pit, minus any impervious, bedrock or clay lenses encountered in the sidewalls.[UPC]

At-grade disposal systems consist of distribution pipe and bed at the native ground surface level and cover provided by filled material. At-grade disposal systems are similar to mound systems without the sand layer.[UCD]

Conventional onsite system consists of a septic tank and leachfield or seepage pit.[EPA]

Detrimental Water Quality Impact is any significant increase in pollutant concentrations or impairment of beneficial uses of a water body.

Drainfield is used interchangeably with leachfield, leach area or disposal area.

Effective trench depth means depth below the bottom of the leach trench distribution piping minus the first foot.

Engineered systems are treatment and disposal systems that require special design features to overcome site limitations (topography, soil conditions, shallow groundwater or setback variances).[EPA]

Existing onsite system is any onsite system approved and/or installed prior to adoption of these criteria on May 9, 2008.

Failed or failing onsite system is any system that displays symptoms of inadequate dispersion, treatment or assimilation of wastewater. These may include, but are not limited to, surfacing effluent, lush growth above the leach area, sluggish house drains, impacts to surface or groundwater from the onsite discharge, odors, frequent pumping, or backflow into tank when pumped.[EPA]

Fill is material deposited to raise the existing or excavated ground level.

Inflow and infiltration refers to non-wastewater (stormwater, groundwater, streams, seawater) entering the wastewater system through cracks, roof drains or other openings.

~~Impervious~~ Low permeability material is defined as having a percolation rate slower than 120 minutes per inch or having a clay content (% passing 200 sieve) of 60 percent or greater.

Monitoring shall refer to any sort of quality or performance assessment, including visual inspections.

New onsite system is an onsite wastewater system placed on property that has not previously been developed, and includes expansion of an existing onsite system to accommodate an increase in wastewater generation, after adoption of these criteria (May 9, 2008). Repair or replacement of an existing onsite system does not constitute a new onsite system.

Onsite disposal area shall include the direct application area (trench, pit, bed) and surrounding 100' radius from any point in the application area that may be influenced by discharge from the disposal system.

Reservoir - A pond, lake, ~~tank,~~ basin, or other space either natural or created in whole or in part by the building of engineering structures, which is used for storage, regulation, and control of drinking supply water ~~recreation, power, flood control, or drinking~~.

Septage is material removed from a septic tank; usually the accumulated scum, sludge and liquid within the tank.

Sidewall is the side portion of the leach area below the bottom of the distribution piping, or total gravel depth beneath the first hole in the central pipe of a seepage pit.

Threatened condition is one that if left uncorrected may cause or contribute to water quality or public health impacts.

Watercourse - A natural or man-made ~~artificial~~ channel for passage of water. ~~A running stream of water. A natural stream fed from permanent or natural sources, including rivers, creeks, runs, and rivulets.~~ There must be a stream, usually flowing in a particular direction (though it need not flow continuously) usually discharging into some stream or body of water.

~~VIII.D.1. CORRECTIVE ACTIONS FOR EXISTING SYSTEMS~~

~~Individual disposal systems can be regulated with relative ease when they are proposed for a particular site. For new systems, regulations generally provide for good design and construction practices. A more troublesome problem is presented by older septic tank systems where design and construction may have been less strictly controlled or where land development has intensified to an extent that percolation systems are too close together and there is no room left for replacement leaching areas. Where this situation develops to an extent that public health hazards and nuisance conditions develop, the most effective remedy is usually a sewer system. Where soil percolation rates are particularly fast, groundwater degradation is possible, particularly increases in nitrate concentrations.~~

~~Sewer system planning should be emphasized in urbanizing areas served by septic tanks. A first step would be a monitoring system involving surface and groundwaters to determine whether problems are developing. Where septic tank systems in urbanized areas are not scheduled for replacement by sewers and where public health hazards are not documented, septic tank maintenance procedures are encouraged to lessen the probability that a few major failures might force sewering of an area which otherwise could be retained on individual systems without compromising water quality. Often a few systems will fail in an area where more frequent septic tank pumping, corrections to plumbing or leach fields, or in-home water conservation measures could help prevent failure. Improvements of this kind should be enforced by a local septic tank maintenance district or local governing jurisdiction.~~

~~A septic tank subjected to greater hydraulic load can fail due to washout of solids into percolation areas and plugging of the infiltrative surface. In some cases, excess wash water could be diverted to separate percolation areas by in-home plumbing changes. Dishwashers, garbage grinders, and washing machines could be eliminated. Water saving toilets, faucets, and shower heads are available to encourage low water use. Water use costs may also be structured to encourage more frugal use of water.~~

VIII.D.1. LOCAL GOVERNING JURISDICTION ACTIONS

VIII.D.1.a. DISCLOSURE AND COMPLIANCE OF EXISTING ONSITE WASTEWATER SYSTEMS

It is incumbent upon local governing jurisdictions to ~~should provide~~ develop and implement programs to ensure conformance with this Basin Plan and local regulations. Such programs shall include (but are not be limited to) ~~inspection programs~~ procedures to:

- ~~should~~ Ensure site suitability tests are performed as necessary, and that tests are performed in accordance with standard procedures;
- ~~Inspections should also~~ Ensure proper system siting, design, construction and installation; and
- Adequately inform ~~home~~ property owners regarding proper installation, operation and ongoing maintenance of their onsite wastewater

systems.

~~Proper design and construction should be certified by the inspector. Concerned homeowners can be a tremendous asset in assuring proper construction. When a septic system permit is issued by the local agency, a handout specifying proper construction techniques should be made available to the general public. Systems must be inspected by the local agency before covering (backfilling).~~

Local agencies can use staff inspectors or individuals under contract with the local government. ~~Either way~~ A standard detailed checklist ~~should~~ shall be completed by the inspector to verify the onsite wastewater system was constructed in substantial comformance with the Basin Plan and local jurisdiction requirements.

~~Site suitability determinations should specify: (1) whether approval is for the entire lot or for specific locations of the lot; (2) if further tests are necessary; and (3) if alternatives are necessary or available.~~

~~Where agency approval is necessary from various departments, final sign offs should be on the same set of plans.~~

Homeowners should be aware of the nature and requirements of their onsite wastewater ~~disposal~~ system. Plans should be available in city or county offices showing placement of soil absorption systems. ~~Since this is only feasible for new construction,~~ Local agencies should require onsite wastewater system as-built plans as a condition of new construction final inspection. ~~Plans would be kept on file for future use of property owners.~~

Prospective property buyers should be informed of any enforcement action affecting parcels or houses they wish to buy. ~~For example, a parcel in a discharge prohibition area may be unbuildable for an indefinite period, or a developed parcel may be subject to significant user charges from a future sewer system.~~ Local agencies should ~~have~~ ensure the terms of the enforcement action ~~prohibition area~~ are entered into the county record for each affected parcel. When a prospective buyer conducts a title search, terms of the prohibition would appear in the preliminary title report.

All onsite wastewater system owners need to be aware of proper operation and maintenance procedures. Local governing jurisdictions shall mount a continuing public education program to provide homeowners with onsite wastewater system operation and maintenance guidelines. Basin Plan information should be available at local agency health and building departments.

Dual leaching capabilities provide an immediate remedy in the event of system failure. For that reason, dual leachfields are considered appropriate for all systems. Furthermore, should wastewater flows increase, this area can be used until the system is expanded. ~~But system expansion may not be possible if land is not set aside for this purpose. For these reasons,~~ Dedicated system expansion areas are also appropriate. To protect this set-aside area from encroachment, the local agency ~~should~~ shall require restrictions on future use of the area as a condition of land division or building permit approval. For new subdivisions, Covenants, Conditions and Restrictions (CC&R's) or additional map sheets recorded with the Parcel or Tract Final Map might provide an appropriate mechanism for protecting a set aside area. Future buyers of affected property would be notified of property use restrictions by reading the CC&R's or Final Map.

~~Local agencies should conduct an on-site system inspection program, particularly in areas where system failures are common or where systems with poor soils are approved. An agency inspector should periodically check each septic tank for pumping need and each system for proper operation. Homeowners should be alerted where evidence of system failure exists. Where nuisance or a potential public health hazard exists, a followup procedure should insure the situation is corrected. On-site systems should be constructed in a location that facilitates system inspection.~~

~~Another approach is periodically to mail homeowners a brochure reminding them how to maintain and inspect their on-site system. Homeowners should be notified that they should periodically check their septic tank for pumping need. Homeowners should also be notified of other problems indicative of system failure. Some examples include wet spots in drainfield area, lush grass growths, slowly draining wastewater, and sewage odors.~~

Many existing systems do not comply with current or proposed standards. Repairs to failing systems ~~should~~ shall be done under permit from the local agency. ~~To the extent practicable~~ The local agency ~~should~~ shall require failing systems to be brought into compliance with Basin Plan recommendations, requirements and prohibitions; or repair criteria consistent with locally implemented onsite management plan (approved by the Central Coast Water Board Executive Officer). ~~This could be a condition of granting a permit for repairs.~~

Land use changes ~~on properties with commercial, institutional or industrial uses~~ should not be approved by the local agency until the existing onsite system meets criteria of this Basin Plan and local ordinances. ~~A land use permit or business license could be used to alert the local agency of land use changes.~~

Within the following sections, criteria are specified for RECOMMENDATIONS, REQUIREMENTS and PROHIBITIONS.

RECOMMENDATIONS

1. Inform property buyers of the existence, location, operation, and maintenance of onsite disposal systems. Prospective home or property buyers should also be informed of any enforcement action (e.g., Basin Plan prohibitions) through the County Record.

2. Conduct public education programs to provide property owners with operation and maintenance guidelines.

3. ~~It may be appropriate for~~ Onsite systems ~~to~~ should be maintained by local onsite maintenance districts.

4. Standard soil ~~percolation~~ testing procedures should be adopted. ~~Approve permit applications after checking plans for erosion control measures. Inspect systems prior to covering to assure proper construction.~~

REQUIREMENTS

5. Wastewater Management Plans ~~should~~ shall be prepared and implemented for urbanizing and high density areas served by onsite wastewater systems. ~~Areas that should be addressed immediately include (but are not limited to): portions of San Martin, San Lorenzo Valley, Carmel Valley, Carmel Highland, Prunedale, El Toro, Shandon, Templeton, Santa Margarita, Garden Farms, Los Osos/Baywood Park, Arroyo Grande, Nipomo, upper Santa Ynez Valley, and Los Olivos/Ballard.~~

6. Local jurisdictions ~~should~~ shall require replacements or repairs to failing systems to be in substantial conformance (to the greatest extent practicable) with Basin Plan recommendations, requirements and prohibitions or the local onsite wastewater management plan.

7. Local jurisdictions shall ensure that alternative onsite system owners are provided an informational maintenance or replacement document by the system design engineer or representative. This document shall cite homeowner procedures to ensure maintenance, repair, or replacement of critical items within 48 hours following failure.

8. Local ordinances shall be updated to reflect Basin Plan criteria.

PROHIBITIONS

9. Alternative systems are prohibited unless consistent with a locally implemented onsite wastewater management plan approved by the Central Coast Water Board Executive Officer.

VIII.D.2 1.b. ONSITE WASTEWATER MANAGEMENT PLANS

Onsite wastewater management plans ~~should~~ shall be implemented in urbanizing areas to investigate and mitigate long-term cumulative impacts resulting from continued use of individual, alternative, and community onsite wastewater systems.[EPA] A ~~wastewater disposal study should be conducted to determine the best Wastewater Management Plan that would provide site or basin specific wastewater re-use. This study should identify basin specific criteria to prevent water quality degradation and public health hazards and provide an evaluation of the effects of existing and proposed developments and changes in land use.~~ Onsite wastewater management plans should be a comprehensive planning tool to specify on-site disposal system limitations to prevent ground or surface water degradation. Onsite wastewater management plans

~~should~~ shall include (but not be limited to) the following elements:

- Survey and evaluation of existing onsite systems.
- ~~Contain a~~ Water quality (ground and surface water) monitoring program. [EPA]
- ~~Identify sites suitable for conventional septic systems.~~
- Projections of onsite disposal system demand and determination of ~~sites and~~ methods to best meet demand.
- ~~Project maximum population densities for each subdrainage basin to control degradation or contamination of ground or surface water.~~
- ~~Recommend establishment of septic tank maintenance districts, as needed.~~
- Recommendations and requirements for existing onsite wastewater system inspection, monitoring, maintenance and repairs. [EPA]
- Recommendations and requirements for new onsite wastewater systems. [EPA]
- ~~Identify~~ Alternative means of disposing of sewage in the event of disposal system failure and/or irreversible degradation from onsite disposal ~~systems~~.
- Education and outreach program. [EPA]
- Enforcement options. [EPA]
- Septage management. [EPA]
- Program administration, staffing, records keeping, installation and repairs tracking, and financing. [EPA]

~~For areas where watershed-wide plans are not developed, conditions could be placed on new divisions of land or community systems to provide monitoring data or geologic information to contribute to the development of a Wastewater Management Plan.~~

~~Wastewater disposal alternatives should identify costs to each homeowner. A cost-effectiveness analysis, which considers socio-economic impacts of alternative plans, should be used to select the recommended plan.~~

Onsite wastewater disposal zones, as discussed in Section 6950-6981 of the Health and Safety Code, may be an appropriate means of implementing onsite wastewater management plans.

Onsite wastewater management plans shall be approved by the Central Coast Water Board Executive Officer.

VIII.D.2 1.c. ~~SEPTIC TANK~~ ONSITE WASTEWATER SYSTEM MAINTENANCE DISTRICTS

It may be appropriate for community onsite systems to be maintained by local ~~sewage disposal~~ onsite wastewater system maintenance districts. These special districts could be administered through existing local governments such as County Water Districts, Community Services Districts, or County Service Areas

~~Septic tank~~ Onsite wastewater system maintenance districts are responsible for onsite system operation and maintenance in conformance with this Water Quality Control Plan. Administrators should ensure proper construction, installation, operation, and maintenance of onsite wastewater systems. Maintenance districts should establish ~~septic tank~~ onsite system surveillance, maintenance and pumping programs, ~~where appropriate;~~ provide repairs to plumbing or leachfields, and encourage water conservation measures.

VIII.D.2. CRITERIA FOR NEW SYSTEMS

Onsite wastewater system problems can be minimized with proper site location, design, installation, operation and maintenance. The following section ~~recommends~~ includes criteria for all new ~~individual subsurface~~ onsite wastewater disposal systems ~~and community sewage disposal systems~~. Local governing jurisdictions should incorporate these criteria and guidelines into their

local ordinances. These ~~recommendations~~ criteria will be used by the Central Coast Water Board for Water Board regulated systems and exemptions. In the context of these criteria, new systems shall refer to onsite wastewater systems approved after May 9, 2008.

Local agencies may authorize alternative onsite systems consistent with locally implemented onsite wastewater management plans approved by the Central Coast Water Board Executive Officer. UPC

For any onsite system, limited disposal options are available for septage (solids periodically removed from septic tanks). As a component of a wastewater management plan, long-term septage disposal plans shall be considered and developed by local onsite system management districts. EPA

Onsite wastewater system criteria are arranged in sequence under the following categories: site suitability, system design, construction, ~~individual system~~ maintenance, community system design, and local agencies. ~~Mandatory criteria are listed in the "Individual, Alternative, and Community Systems Prohibitions" section.~~ Within each category, criteria are specified for RECOMMENDATIONS, REQUIREMENTS and PROHIBITIONS.

VIII.D.2.a. SITE SUITABILITY

~~Prior to permit approval, site investigation should determine on-site suitability:~~

RECOMMENDATIONS

1. For new land divisions, onsite disposal systems and expansion areas should be protected from encroachment by provisions in covenants, conditions, and restrictions (CC&Rs), recorded in Final Maps or similar mechanisms.

2. Percolation test holes (at least ~~one~~ three per system) should be drilled with a hand auger. A hole could be hand augered or dug with hand tools at the bottom of a larger excavation made by a backhoe.

3. Natural ground slope of the disposal area should not exceed 20 percent.

REQUIREMENTS

4. At least one soil boring or excavation per onsite system shall be performed to determine soil suitability, depth to groundwater, and depth to bedrock or impervious layer. Soil borings are particularly important for seepage pits. The soil boring or excavation should extend at least 10 feet below the drain field bottom at each proposed location and be performed during or shortly after the wet season to characterize the most limiting conditions.

5. An excavation ~~should~~ shall be made to detect mottling or presence of underground channels, fissures, or cracks. Soils should be excavated to a depth of 4-5 feet below drain field bottom.

6. For leachfields, at least three percolation test locations ~~should~~ shall be used to determine system acceptability.

7. Percolation tests shall be continued until a stabilized rate is obtained.

8. Percolation tests ~~should~~ shall be performed at a ~~proposed subsurface disposal system sites and~~ depth corresponding to the bottom of the subsurface disposal area.

9. If no restrictive layers intersect, and geologic conditions permit surfacing, the setback distance from a cut, embankment or steep slope (greater than 30 percent) should be determined by projecting a line 20 percent down gradient from the sidewall at the highest perforation of the discharge pipe. The leachfields ~~should~~ shall be set back far enough to prevent this projected line from intersecting the cut within 100 feet, measured horizontally, from the sidewall. If restrictive layers intersect cuts, embankments or steep slopes, and geologic conditions permit surfacing, the setback shall be at least 100 feet measured from the top of the cut.

10. Prior to permit approval, site investigation shall determine onsite system suitability (consistency with recommendations, requirements and prohibitions specified in this section). ~~Seepage pits should be utilized only after careful consideration of site suitability. Soil borings or excavations should be inspected either by~~

~~permitting agency or individual under contract to the permitting agency~~

11. Distances between trench bottom and highest seasonal usable groundwater, including perched groundwater, shall not be less than the separation specified by appropriate percolation rate:

Percolation Rate (minutes/inch)	Distance (feet)
~~<1~~	~~50[1]~~
1-4	20[1]
5-29	8
>30	5

~~[1]Unless a set back distance of at least 250 feet to any domestic well or subsurface water is assured.~~

Onsite disposal in soils with percolation rates faster than one minute per inch are prohibited without additional treatment.

12. ~~Natural ground slope of the disposal area should not exceed 20 percent.~~ Onsite disposal systems on slopes greater than 20% shall be designed by a certified professional.

PROHIBITIONS

13. For new land divisions (including lot splits) served by onsite systems, lot sizes less than one acre ~~should not be permitted~~ are prohibited unless authorized under an onsite management plan approved by the Central Coast Water Board Executive Officer. For the purpose of this prohibition, secondary units are considered "defacto" lot splits and shall not be constructed on lots less than two acres in size. CO 1984

14. Onsite wastewater disposal shall not be located in areas subject to inundation from a ~~10~~ 25-year flood.

15. Onsite disposal systems shall not be installed where natural ground slope of the disposal area exceeds 30 percent. EPA

16. Leachfields are prohibited in soils where percolation rates are slower than 120 min/in unless parcel size is at least two acres. Disposal systems designed to accommodate slow percolation rates (such as evapotranspiration systems) shall be evaluated as alternative systems.

17. Onsite discharge is prohibited on any site unable to maintain subsurface disposal.

18. Onsite discharge is prohibited where lot sizes, dwelling densities or site conditions cause detrimental impacts to water quality.

19. Onsite discharge is prohibited within a water supply reservoir watershed where parcel size is less than ~~2.5~~ one acre, unless consistent with an onsite wastewater management plan approved by the Central Coast Water Board Executive Officer.

20. Onsite discharge is prohibited in any area where continued use of onsite systems constitutes a public health hazard, an existing or threatened condition of water pollution, or nuisance.

21. Onsite discharge is prohibited where soils or formations with channels, cracks, fractures, or percolation rates allow inadequately treated waste to surface or degrade water quality.

22. Seepage pits are prohibited in soils or formations containing 60 percent or greater clay (a soil particle less than two microns in size) unless parcel size is at least two acres.

23. For seepage pits, distances between pit bottom and usable groundwater, including perched groundwater, shall not be less than separation specified by appropriate soil type:

Soil Type	Distance (feet)
Gravels[2]	50[1]
Gravels with few fines[3]	20[1]
Other	10

~~[1] Unless a setback distance of at least 250 feet to any domestic water supply well or surface water is ensured.~~
[2] Gravels - Soils with over 95 percent by weight coarser than a No. 200 sieve and over half of the coarse fraction larger than a No. 4 sieve.
[3] Gravels with few fines - Soils with 90 percent to 94 percent coarse fraction larger than a No. 4 sieve.

24. Onsite discharge in soils with percolation rates faster than one minute per inch is prohibited without additional treatment consistent with an onsite management plan implemented by the

local jurisdiction and approved by the Central Coast Water Board Executive Officer.

25. Onsite discharge is prohibited in fill unless specifically engineered as a disposal area.

VIII.D.2.b. ONSITE SYSTEM DESIGN

RECOMMENDATIONS

1. Dual disposal fields (200 percent of original calculated disposal area) ~~are recommended~~ should be installed.[EPA]

2. For commercial and institutional systems, pretreatment may be necessary if wastewater is significantly different from domestic wastewater.

3. Distance between drainfield trenches should be at least two times the effective trench depth. Distance between seepage pits (nearest sidewall to sidewall) should be at least 20 feet.

4. Application area should be calculated using trench bottom and sidewalls minus the first foot below the distribution pipe. ~~In clayey soils, systems should be constructed to place infiltrative surfaces in more permeable horizons.~~

5. Seepage pit application rate should not exceed 0.3 gpd/sq. ft.

REQUIREMENTS

6. Onsite wastewater treatment tanks shall be water-tight, and designed to remove ~~nearly 100 percent of~~ settleable solids and should provide a high degree of anaerobic decomposition of colloidal and soluble organic solids.[EPA]

7. The minimum design flow rate ~~should~~ shall be 375 gallons per day for a 3-bedroom house, and 75 gpd should be added for each additional bedroom.

8. Drainfield design ~~should~~ shall be based only upon usable permeable soil layers.

9. Leachfield loading application rate ~~should~~ shall not exceed the following:

Percolation Rate (minutes/inch)	Loading Rate (gpd/sq.ft.)
1 - 20	0.8
21 - 30	0.6
31 - 60	0.25
61 - 120	0.10

10. If curtain drains divert groundwater to subsurface soils, the upslope separation from a leachfield or pit ~~should~~ shall be at least 20 feet and the down slope separation should be at least 50 feet.

11. Onsite system ~~tank~~ design ~~must~~ shall allow access for inspection and cleaning. Septic tanks must be accessible for pumping.

12. For commercial, institutional, industrial and community systems, design ~~should~~ shall be based on daily peak flow.

13. Dual disposal systems shall be installed (200 percent of original calculated disposal area) for community systems.

14. ~~Dueal disposal fields (200 percent of original caluculated disposal area) are recommended. Commercial systems, institutional systems, or domestic industrial systems should~~ All onsite disposal systems shall reserve an expansion area (additional 100% disposal capacity) to be set aside and protected from all uses except future drainfield repair and replacement.[UPC] Community systems shall install dual drainfields (200% disposal capacity) and reserve replacement area (3rd 100% disposal capacity).

15. Community systems shall provide duplicate individual equipment components for components subject to failure (such as pumps).

16. Distances between trench/pit bottom and bedrock or other low permeability material ~~impermeable layer~~ shall be at least ten feet.

17. Where site conditions permit water migration of wastewater to water, setback distances from disposal trench/pit shall be at least:

	Minimum Setback Distance (feet)
Domestic water supply wells ~~in unconfined aquifer~~	100

Watercourse ~~(where geologic conditions permit water migration)~~	100
Drinking water supply reservoir spillway elevation	200
Springs, natural or any part of a man-made spring	100

18. Community systems shall be designed with adequate capacity to accommodate the build-out population.

19. Community wastewater treatment and disposal facilities shall be operated by a public agency. If a demonstration is made to the Central Coast Water Board that an existing public agency is unavailable and formation of a new public agency is unreasonable, a private entity with adequate financial, legal, and institutional resources to assume responsibility for waste discharges may be acceptable.

PROHIBITIONS

20. Onsite discharge to leachfields is prohibited where soil percolation rates are slower than 60 minutes per inch unless the system is designed for an effluent application rate of 0.1 gallon per day per square foot of application area, or less.

21. Discharge ~~should~~ shall not exceed 40 grams per day of total nitrogen, on the average, per acre served by onsite system overlying groundwater recharge areas, except where a local governing jurisdiction has adopted a Wastewater Management Plan ~~subsequently~~ approved by the Central Coast Water Board Executive Officer.

22. Community system seepage pits are prohibited unless additional treatment is provided consistent with an onsite management plan implemented by the local jurisdiction and approved by the Central Coast Water Board Executive Officer. Such seepage pits shall have at least 15 vertical feet between pit bottom and highest usable groundwater, including perched groundwater.

23. Inflow and infiltration shall be precluded from the system unless design specifically accommodates such excess flows.

24. Onsite wastewater systems are prohibited in any subdivision unless the subdivider clearly demonstrates the installation, operation and maintenance of the onsite system will be properly functional and in compliance with all Basin Plan criteria.

25. Curtain drains that discharge to groundsurface or surface water are prohibited within 50 feet downgradient of onsite system disposal areas.

VIII.D.2.c. DESIGN FOR ALTERNATIVE AND ENGINEERED SYSTEMS

RECOMMENDATIONS

1. Mound systems, evapotranspiration systems, and other alternative onsite systems should be designed and installed in accordance with guidelines available from the State Water Resources Control Board. ~~For evapotranspiration systems, each month of the highest precipitation year and lowest evaporation year within the previous ten years of record should be used for design.~~

REQUIREMENTS

2. Alternative onsite wastewater systems shall be designed by a ~~registered civil engineer~~ certified professional competent in ~~sanitary engineering~~ alternative onsite wastewater system design.

3. Alternative and engineered onsite wastewater systems shall be located, designed, installed, operated, maintained, and monitored in accordance with a locally implemented onsite management plan approved by the Central Coast Water Board Executive Officer.[UPC]

PROHIBITIONS

4. Alternative and engineered onsite wastewater systems are prohibited, except where consistent with a locally implemented onsite management plan approved by the Central Coast Water Board Executive Officer.[UPC]

VIII.D.2.d. CONSTRUCTION

RECOMMENDATIONS

1. Construction activities should follow recommendations and precautions described in

the Environmental Protection Agency's Design Manual: Onsite Wastewater Treatment and Disposal Systems.[EPA]

2. ~~Subsurface disposal~~ Onsite wastewater systems should have a slightly sloped finished grade to promote surface runoff.

3. Surface runoff should be diverted around open trenches/pits to limit siltation of trench bottom area.

4. Work should be scheduled only when infiltrative surfaces can be covered in one day to minimize windblown silt or rain clogging the soil.

5. In clayey soils, work should be done only when soil moisture content is low enough to avoid smearing of infiltrative surfaces.

6. Bottom and sidewall areas should be left with a rough surface. Any smeared or compacted surfaces should be removed.

7. Bottom of trench or bed ~~leach~~ distribution piping should be level throughout to prevent localized overloading.

8. ~~Two inches of coarse sand should be placed on the bottom of trenches to prevent compacting soil when leachrock is dumped into drainfields. Fine sand should not be used as it may lead to system failure.~~

9. Properly constructed distribution boxes or junction fittings should be installed to maintain equal flow to each trench. Distribution boxes should be placed with extreme care outside the leaching area to ensure settling does not occur.

10. Risers to the ground surface and manholes should be installed over the septic tank inspection ports, access ports and distribution boxes.

11. Drainfields should include inspection pipes to check water level.

12. Nutrient and heavy metal removal should be facilitated by planting ground cover vegetation over shallow subsurface drainfields. The plants must have the following characteristics: (1) evergreen, (2) shallow root systems, (3) numerous leaves, (4) salt resistant, (5) ability to grow in soggy soils, and (6) low or no maintenance. Plants downstream of leaching area may also be effective in nutrient removal.

REQUIREMENTS

13. Prior to backfilling, the distribution system ~~should~~ shall be tested to check the hydraulic loading pattern.

14. Disposal systems ~~should~~ shall be inspected by the permitting agency prior to covering to ensure proper construction. Designers and/or installers of engineered onsite wastewater systems shall provide a letter to the permitting authority stating that the onsite system was installed in substantial comformance with the approved plans.

VIII.D.2.e. ONSITE SYSTEM MAINTENANCE

RECOMMENDATIONS

1. Septic tanks should be inspected every two to five years to determine the need for pumping.

2. Drainfields should be alternated when drainfield inspection pipes reveal a high water level or every six months, whichever is sooner.

REQUIREMENTS

3. Onsite wastewater systems shall be maintained in accordance with approved onsite management plans. Where onsite management plans have not been approved by the Central Coast Water Board Executive Officer, onsite systems shall be maintained as described in the following specifications.[EPA]

4. Septic tanks shall be pumped whenever: (1) the scum layer is within three inches of the outlet device, (2) the sludge level is within eight inches of the bottom of the outlet device, or (3) every 5 years; whichever is sooner.[EPA]

5. Disposal of septage (solid residue pumped from septic tanks) shall be accomplished in a manner acceptable to the Central Coast Water Board Executive Officer.

6. Records of maintenance, pumping, septage disposal, etc. shall be maintained by the onsite system owner and available upon request. EPA

VIII.D.2.f. USE CONSIDERATIONS

RECOMMENDATIONS

1. Water conservation and solids reduction practices should be implemented by all onsite system users. Garbage grinders should not be used in homes with septic tanks. Where grinders are used, septic tank capacity and inspection/pumping frequency should be increased.

2. Metering and water use costs should be used to encourage water conservation in areas served by onsite systems.

3. Bleach, solvents, fungicides and any other toxic material, grease and oil should not be discharged into onsite wastewater systems.

4. Self-regenerating water softeners should not be used where discharge is to onsite systems. If water softening is necessary, use of canister-type softeners will protect the treatment and disposal systems and underlying groundwater from unnecessary accumulation of salts.

PROHIBITIONS

5. Self-regenerating water softener brine discharge to onsite wastewater systems is prohibited unless consistent with a salts minimization plan approved by the Water Board Executive Officer and implemented by the local jurisdiction.

VIII.D.2.g. ONSITE WASTEWATER SYSTEM PROHIBITION AREAS

In order to achieve water quality objectives, protect present and future beneficial water uses, protect public health, and prevent nuisance, discharges are prohibited in the following areas:

1. Discharges from individual sewage disposal systems are prohibited in portions of the community of Nipomo, San Luis Obispo County, which are particularly described in Appendix A-27.

2. Discharges from individual sewage disposal systems within the San Lorenzo River Watershed shall be managed as follows: Discharges shall be allowed providing the County of Santa Cruz, as lead agency, implements the "Wastewater Management Plan for the San Lorenzo River Watershed, County of Santa Cruz, Health Services Agency, Environmental Health Service:, February 1995 and "San Lorenzo Nitrate Management Plan, Phase II Final Report", February 1995, County of Santa Cruz, Health Services Agency, Environmental Health Service (Wastewater Management Plan) and assures the Central Coast Water Board that areas of the San Lorenzo River Watershed are serviced by wastewater disposal systems to protect and enhance water quality, to protect and restore beneficial uses of water, and to abate and prevent nuisance, pollution, and contamination.

3. Discharges from individual and community sewage disposal systems are prohibited, effective November 1, 1988, in the Los Osos/Baywood Park area depicted in the Prohibition Boundary Map included as Attachment A of Resolution No. 83-13, which can be found in Appendix A-30.

VIII.D.2.h. SUBSURFACE DISPOSAL EXEMPTIONS

The Central Coast Water Board or Executive Officer may grant exemption to prohibitions for: (1) engineered new onsite ~~disposal~~ wastewater systems for sites unsuitable for standard systems; and (2) new or existing onsite systems within the specific prohibition areas cited above. Such exemptions may be granted only after presentation by the discharger of sufficient justification, including geologic and hydrologic evidence that the continued operation of such system(s) in a particular area will not individually or collectively, directly or indirectly, result in pollution or nuisance, or affect water quality adversely.

Individual, alternative, and community systems shall not be approved for any area where it appears that the total discharge of leachate to the geological system, under fully developed conditions, will cause: (1) damage to public or private property; (2)

ground or surface water degradation; (3) nuisance condition; or, (4) a public health hazard. Interim use of septic tank systems may be permitted where alternate parcels are held in reserve until sewer systems are available.

Requests for exemptions will not be considered until the local entity has reviewed the system and submitted the proposal for Central Coast Water Board review. Dischargers requesting exemptions must submit a Report of Waste Discharge. Exemptions will be subject to filing fees as established by the State Water Code.

Discharges from onsite wastewater systems regulated by waste discharge requirements or waiver of such requirements may be exempt from the requirements of this chapter. The waste discharge requirements order or waiver will act in lieu of exemption, and separate exemption is not required.

Further information concerning individual, alternative, or community onsite sewage disposal systems can be found in Chapter 5 in the Management Principals and Control Actions sections. State Water Resources Control Board Plans and Policies, Discharge Prohibitions, and Central Coast Water Board Policies may also apply depending on individual circumstances.

CHAPTER 5. PLANS AND POLICIES

III. REGIONAL WATER QUALITY CONTROL BOARD MANAGEMENT PRINCIPLES

III.F. INDIVIDUAL, ALTERNATIVE AND COMMUNITY ONSITE DISPOSAL SYSTEMS

The Regional Board intends to discourage high-density development on septic tank disposal systems and generally will require increased size of parcels with increasing slopes and slower percolation rates. Consideration of development will be based upon the percolation rates and engineering reports supplied. In any questionable situation, engineer-designed systems will be required.

Further information concerning onsite disposal systems can be found in Chapter Four.

V.D. INDIVIDUAL, ALTERNATIVE AND COMMUNITY ~~SEWAGE~~ ONSITE DISPOSAL SYSTEMS

Unsewered areas having high density (one acre lots or smaller) should be organized into septic tank management districts and sewerage feasibility studies should be ~~encouraged~~ completed in potential problem areas. Local implementation should be encouraged by Regional Board action.

V.H.3. SEPTIC TANK MANAGEMENT AGENCIES

1. County governments should revise septic tank ordinances to ~~conform~~ be consistent with Basin Plan recommendations and requirements, and State Board guidelines.

2. Formation of septic tank management districts within existing local agencies should be accomplished in areas where directed by Regional Board action.

VI. REGIONAL BOARD POLICIES

Formal specific policies adopted by the Regional Board are presented below according to various categories.

VI.A. SEWERAGE FACILITIES AND SEPTIC TANKS IN URBANIZING AREAS IN THE CENTRAL COAST REGION

Resolution 69-01: Adopting Policy Statement Regarding Sewerage Facilities and Septic Tanks in Urbanizing Areas in the Central Coast Region. ~~This policy prohibits septic tank or community systems unless particular criteria are satisfied.~~ Resolution 69-01 states Regional Board policy to support local jurisdictions in their efforts to prohibit subdivisions using onsite wastewater disposal, unless water quality protection is demonstrated by the implementation of specified onsite system criteria. The Resolution also states Regional Board intention to take enforcement actions, if local jurisdictions fail

to manage onsite wastewater systems in a water quality protective manner.

VI.J. INTERPRETATION OF MINIMUM PARCEL SIZE REQUIREMENTS FOR ONSITE SEWAGE SYSTEMS

Resolution No. 91-04 – Interpretation of Basin Plan's Minimum Parcel Size for Onsite Sewage Systems. This policy clarifies Regional Board minimum parcel size requirements for onsite systems contained in Chapter Four of this document. A copy of this policy is shown in the appendix.

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL COAST REGION
895 AEROVISTA PLACE, SUITE 101
SAN LUIS OBISPO, CALIFORNIA

RESOLUTION R3-2008-0006

General Waiver of Waste Discharge Requirements for Onsite Wastewater Systems

The California Regional Water Quality Control Board, Central Coast Region (hereafter Central Coast Water Board) finds:

1. California Water Code (Water Code) Section 13260(a) requires that any person discharging waste or proposing to discharge waste within any region that could affect the quality of the waters of the State, other than into a community sewer system, shall file with the appropriate Regional Board a report of waste discharge (ROWD) containing such information and data as may be required by the Central Coast Water Board, unless the Central Coast Water Board waives such requirement.

2. California Water Code Section 13263 requires the Central Coast Water Board to prescribe waste discharge requirements, or waive waste discharge requirements, for the discharge. The waste discharge requirements must implement relevant water quality control plans and the Water Code.

3. California Water Code §13269 authorizes the Central Coast Water Board to waive the submittal of reports of waste discharge and waste discharge requirements for specific types of discharges where such a waiver is consistent with applicable state and regional water quality control plans and is in the public interest.

4. California Water Code §13269 requires that waivers shall be conditional and may be terminated at any time by the Central Coast Water Board. Waivers may be granted for discharges of waste to land, but may not be granted for discharges of waste subject to the NPDES requirements of the federal Clean Water Act. The waiver must also include monitoring unless the Regional Board determines that the discharges do not pose a significant threat to water quality.

5. Waivers granted for discharges that do not pose a significant threat to water quality, and where such waivers are in the public interest, enable staff resources to be used more effectively and avoid unnecessary expenditures of limited resources.

6. Central Coast Water Board staff will develop and implement a waiver tracking and compliance program.

7. Issuance of a waiver does not override other more stringent local, state, or federal regulations prescribed by other agencies or departments.

8. Although a discharge may qualify for waiver enrollment, the Central Coast Water Board retains the right to regulate that discharge through other programs or Central Coast Water Board actions (such as enforcement orders, individual waste discharge

requirements, general orders, etc.). The Central Coast Water Board may terminate a waiver at any time and require the discharge to obtain waste discharge requirements or terminate the discharge.

9. Onsite wastewater systems have been used as a form of wastewater treatment and disposal for many decades. Currently, the number of individual residential and small community onsite wastewater systems in the Central Coast Region exceeds 100,000. In many instances, the discharge from onsite wastewater systems does not adversely affect the beneficial uses of groundwater or surface water quality due to favorable site conditions, adequate system design, and ongoing management practices.

10. When improperly sited, improperly designed, or improperly managed, discharges from onsite wastewater systems may cause or contribute to degradation of water quality. The Basin Plan Implementation Program includes criteria to ensure long-term water quality protection in areas where onsite wastewater systems are used. Onsite wastewater systems located, designed, installed and managed in accordance with the Basin Plan criteria are not expected to cause or contribute to water quality impacts.

11. Sections (3) and (4) of this Resolution identify the types and conditions of discharges for which waivers are granted by this Resolution. These discharges will not have a significant effect on the quality of waters of the State provided the conditions of this waiver are met.

12. Appropriately developed and implemented memoranda of understanding (MOUs) between the Central Coast Water Board and local permitting agencies (e.g., counties and cities) provide practical and enforceable tools to compel compliance with the Basin Plan criteria for onsite systems and ensure water quality protection. Such MOUs allow the Central Coast Water Board to issue a waiver of waste discharge requirements for onsite sewage treatment systems regulated by local agencies which enter into such MOUs.

13. This Resolution waives the requirement that certain individual onsite wastewater system dischargers submit ROWD and obtain waste discharge requirements from the Central Coast Water Board, if the discharge is regulated by a local agency that has a Memorandum of Understanding (MOU) with the Water Board that meets the conditions of the Basin Plan and complies with the criteria set forth in the Implementation Program for Onsite Wastewater Systems in the Basin Plan.

14. Such a waiver is consistent with the Basin Plan and is in the public interest, if conditioned upon a local agency entering into an individual MOU and compliance with the criteria. By entering into an MOU, a local agency commits to ensuring that its onsite wastewater system permitting program is substantially equivalent to the Basin Plan and any statewide standards adopted pursuant to California Water Code §13291. The adoption of this Conditional Waiver is also in the public interest because: (1) it was adopted in compliance with Water Code Sections 13260, 13263, and 13269 and other applicable law; (2) it requires compliance with the Basin Plan criteria that are developed to be protective of waters of the state; (3) it includes conditions that are intended to reduce and prevent pollution and nuisance and protect the beneficial uses of the waters of the State; (4) it contains more specific

and more stringent conditions for protection of water quality compared to the existing Basin Plan criteria; and (5) given the magnitude of the number of persons who operate onsite systems, it provides for an efficient and effective use of limited Central Coast Water Board resources.

15. This Conditional Waiver does not impose monitoring and reporting requirements for each discharge. The types of discharges subject to this Conditional Waiver are not expected to pose a significant threat to water quality if the Basin Plan criteria are properly implemented. The Water Board's Executive Officer may impose monitoring and reporting requirements as authorized pursuant to Water Code section 13267 on any discharger subject to this Conditional Waiver.

16. State Water Board Resolution No. 68-16 *Statement of Policy with Respect to Maintaining High Quality of Waters in California* (Resolution No. 68-16) requires Regional Water Boards, in regulating the discharge of waste, to maintain high quality waters of the State until it is demonstrated that any change in quality will be consistent with maximum benefit to the people of the State, will not unreasonably affect beneficial uses, and will not result in water quality less than that described in a Regional Water Board's policies (e.g., quality that exceeds applicable water quality standards). Resolution No. 68-16 also states, in part:

    Any activity which produces or may produce a waste or increased volume or concentration of waste and which discharges or proposes to discharge to existing high quality waters will be required to meet waste discharge requirements which will result in best practicable treatment and control of the discharge necessary to assure that (a) a pollution or nuisance will not occur and (b) the highest water quality consistent with maximum benefit to the people of the State will be maintained.

17. This Resolution implements Resolution 68-16. Dischargers that could be subject to this conditional waiver will be required to comply with the Basin Plan criteria that are expected to prevent degradation of waters of the state, prevent pollution or nuisance, and implement best practicable treatment or control. The Basin Plan Implementation Program prohibits systems that do not meet the criteria.

18. At this time, it is appropriate to adopt a waiver of waste discharge requirements for onsite wastewater systems that fit within the Basin Plan criteria because: 1) the discharges have the same or similar waste from the same or similar operations and use the same or similar treatment methods and management practices; 2) the discharges will be regulated by local agencies in compliance with the Basin Plan criteria.

19. In addition, it is appropriate to regulate onsite wastewater systems with a Conditional Waiver rather than individual waste discharge requirements in order to simplify and streamline the regulatory process. There are more than 100,000 individual onsite wastewater systems in the Central Coast Region and it would not be practicable for the Water Board to issue individual waste discharge requirements. These systems are already being regulated by local permitting agencies applying Basin Plan criteria.

20. Central Coast Water Board will evaluate local permitting agencies at least once every five years to ensure their onsite wastewater system approval practices

consistently implement Basin Plan criteria for onsite wastewater systems and ensure water quality protection.

21. Central Coast Water Board staff will develop and implement a waiver tracking and compliance program.

22. Issuance of a waiver does not override other more stringent local, state, or federal regulations prescribed by other agencies or departments.

23. Although a discharge may qualify for waiver enrollment, the Central Coast Water Board retains the right to regulate that discharge through other programs or Central Coast Water Board actions (such as enforcement orders, individual waste discharge requirements, general orders, etc.). The Central Coast Water Board may terminate a waiver at any time and require the discharge to obtain waste discharge requirements or terminate the discharge.

24. Central Coast Water Board staff followed appropriate procedures to satisfy the environmental documentation requirements of the California Environmental Quality Act [in accordance with §15307 and §15308 of the California Code of Regulations (CCR)].

25. The Central Coast Water Board has reviewed the Initial Study and Negative Declaration concerning this Resolution prepared in accordance with the California Environmental Quality Act and concurs that the action to adopt this Resolution waiving waste discharge requirements with respect to onsite wastewater systems will not have a significant impact on the environment.

26. On May 9, 2008, the Central Coast Water Board held a public hearing and considered all the evidence and comments concerning this matter. Notice of this hearing was given to all interested parties in accordance with CCR, Title 14, §15072.

THEREFORE, BE IT RESOLVED

1. The Central Coast Water Board's Executive Officer is authorized to enroll and terminate enrollment in the waiver granted by this Resolution.

2. The Central Coast Water Board's Executive Officer is authorized to approve and execute, on behalf of the Central Coast Water Board, individual MOUs with local agencies in the Region based substantially on the requirements specified in Chapter 4, Section VIII.D of the Basin Plan (sections pertaining to onsite wastewater systems). Individual MOUs shall commit the local agency to amending its municipal code and onsite wastewater system program, if necessary, in order to be substantially equivalent to the Basin Plan and any statewide standards adopted pursuant to California Water Code §13290 and §13291. Individual MOUs shall incorporate additional measures to be taken by the local agency to identify and address areas of degraded groundwater or surface water quality, where onsite wastewater systems are a potential source of pollution.

3. Conditions for Waiver- Waste discharge requirements [California Water Code §13263(a)] are waived for discharges from onsite wastewater systems sited, designed, managed and maintained in a manner consistent with control actions

specified in the Basin Plan, Chapter 4, Section VIII.D. Documentation of consistency with each control action shall be provided in a report of waste discharge (ROWD) submitted to the Central Coast Water Board for approval. Each ROWD submittal shall be accompanied by a fee corresponding to the lowest applicable fee for waste discharge requirements (threat and complexity rating of III-C) identified in the State Water Board's fee schedule. Applicants seeking enrollment in this waiver are required to comply with conditions specified in a Water Board-approved onsite management program implemented by the local permitting authority, when such a plan is implemented.

4. Conditions for waived ROWD requirements - Requirements for submittal of ROWD, issuance of waste discharge requirements, and enrollment notification [California Water Code §13260(a) and (b), §13263(a), and §13264(a)] are waived for discharges from onsite wastewater systems sited, designed, managed and maintained in a manner consistent with a Water Board-approved onsite management program implemented by the local permitting authority, which also implements an authorizing MOU with the Central Coast Water Board. Provided all conditions are met, these dischargers need not submit applications to the Central Coast Water Board, pay fees, or receive waiver enrollment notification.

5. The Central Coast Water Board's Executive Officer may tentatively enroll proposed discharges not listed in No. 3 (above), provided the discharge meets all general conditions listed in No. 3 and any additional site-specific or discharge-specific conditions prescribed by the Executive Officer. These discharges require a report of waste discharge including a one-time fee equal to the minimum annual fee identified in the State Water Board's fee schedule. Tentative enrollments will be brought before the Central Coast Water Board at regularly scheduled meetings for formal approval.

6. The Central Coast Water Board hereby adopts the Initial Study and Negative Declaration regarding waivers of waste discharge requirements for onsite wastewater systems. The Executive Officer will file a Notice of Determination with the State Clearinghouse as required by the California Code of Regulations.

I, Roger W. Briggs, Executive Officer of the California Regional Water Quality Control Board, Central Coast Region, do hereby certify that the foregoing is a full, true, and correct copy of a resolution adopted by the California Regional Water Quality Control Board, Central Coast Region, on May 9, 2008.

_____
Executive Officer

_____
Date

Attachment: A - CEQA Report (including the Environmental Checklist)

S:\WQ Control Planning\Onsite\Waiver\Resolution 2008-0006.doc

CALIFORNIA ENVIRONMENTAL QUALITY ACT
ENVIRONMENTAL CHECKLIST AND NEGATIVE DECLARATION

(RESOLUTION NO. R3-2008-0006)

The Central Coast Regional Water Quality Control Board (Central Coast Water Board) is proposing to adopt a Resolution that would waive the requirement in the Water Code to obtain waste discharge requirements for discharges from onsite wastewater systems that are consistent with criteria set forth in the *Water Quality Control Plan, Central Coast Basin* (Basin Plan) and the local agency has an agreement with the Central Coast Water Board. The Basin Plan serves as the cornerstone for protection of waters of the State through identification of beneficial uses of surface and ground waters, establishment of water quality objectives to protect beneficial uses, and establishment of an implementation plan to achieve those objectives.

This Report satisfies the documentation requirements of the California Environmental Quality Act (CEQA) and the CEQA Guidelines [§15251, Title 14, California Code of Regulations (CCR)]. It contains the following:

1. A description of proposed activity and proposed alternatives,
2. An environmental checklist and a description of the proposed activity,
3. An environmental evaluation, and
4. A determination with respect to significant environmental impacts.

The environmental analysis contained in this report and accompanying documents, including the Environmental Checklist, the staff report and the responses to comments complies with the requirements of the State Water Board's certified regulatory process, as set forth in CCR, Title 23, §3775 et seq. All public comments were considered.

I. DESCRIPTION OF PROPOSED ACTIVITY

The purpose of this Resolution is to adopt a conditional waiver of waste discharge requirements for discharges from onsite wastewater systems and to update the implementation policy in the Basin Plan with respect to onsite wastewater system requirements. Historically, discharge from conventional onsite wastewater systems has been regulated by local permitting agencies (cities and counties). The Central Coast Water Board's general waiver of waste discharge requirements for such systems was implemented through multi-agency memoranda of understanding (MOUs), and local permitting agencies implemented Basin Plan criteria for onsite systems through their own permits. Pursuant to Water Code §13269(b)(2), the Central Coast Water Board's general waiver for discharges from onsite wastewater systems expired on June 30, 2004. Since expiration of the waiver, discharges from onsite systems have not been formally authorized by the Central Coast Water Board. Formal discharge authorization is required pursuant to California Water Code §13264. The proposed Resolution No. R3-2008-0006 establishes regulatory oversight, management, and monitoring of onsite systems in a manner that is clear, streamlined and protective of water quality.

By adopting the proposed resolution, Water Board oversight of onsite system discharges will be streamlined and clarified in a manner expected to result in improved long-term water quality protection in areas served by onsite wastewater systems. The proposed resolution is also expected to improve consistency and customer service by reducing the need for staff resources utilized in a manner redundant with local jurisdictions. Adoption of the proposed resolution will complete a Triennial Review list priority task, which has been backlogged for many years.

Alternatives to this Project

1. Adoption of an alternative waiver policy

The Central Coast Water Board could adopt a waiver policy for onsite wastewater systems with conditions different from those proposed. This alternative is not recommended as it could result in implementation of only some of the Basin Plan criteria for onsite wastewater systems and would not achieve the goals of effective long-term water quality protection in a clear and efficient manner. Adoption of a different waiver policy can only be addressed relative to specified alternate proposals. Such discussion is addressed in the response to comments included in the staff report. This alternative is not recommended.

2. Adopt individual or general waste discharge requirements

The Central Coast Water Board could adopt individual or general waste discharge requirements for onsite wastewater systems. This alternative is not recommended. Individual waste discharge requirements would overwhelm the staff resources as there are many hundreds of such systems in the Region. General waste discharge requirements are not necessary because the local agencies are best situated to regulate onsite wastewater systems in compliance with the Basin Plan. The proposed conditional waiver requiring compliance with Basin Plan criteria provides appropriate protection of waters of the state.

3. Take no action

Formal discharge authorization is required pursuant to California Water Code §13264. Currently, no such authorization is in place. If no action is taken, the current situation would continue, which does not provide adequate protection of water quality or compliance with the California Water Code. This alternative is not recommended.

II. APPLICABLE INFORMATON

1. Lead Agency Name and Address

Central Coast Water Board
895 Aerovista Place, Suite 101
San Luis Obispo, CA 93401-7906

2. Contact Person and Phone Number: Sorrel Marks (805) 549-3595

3. **Project Location:** Central Coast Region: including Monterey, Santa Cruz, San Luis Obispo, and Santa Barbara Counties; and portions of Santa Clara, San Benito, San Mateo, and Ventura Counties.

4. **Project Sponsor's Name and Address**

Central Coast Water Board
895 Aerovista Place, Suite 101
San Luis Obispo, CA 93401-7906

5. **Other Public Agencies whose Approval is Required**

Although formal approval by local jurisdictions is not required for this waiver policy, cooperative implementation by local permitting authorities (cities, counties, community services districts) is necessary to effectively protect water quality. Local jurisdictions likely to be affected by the proposed project include: Monterey, San Benito, San Luis Obispo, Santa Barbara, Santa Clara, Santa Cruz, and Ventura Counties, and the cities and special districts therein.

ENVIRONMENTAL CHECKLIST

III. EVALUATION OF ENVIRONMENTAL IMPACTS

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
1. AESTHETICS -- Would the project:				
a) Have a substantial adverse effect on a scenic vista?	☐	☐	☐	☒
b) Substantially damage scenic resources, including, But not limited to, trees, rock outcroppings, and historic buildings with a state scenic highway?	☐	☐	☐	☒
c) Substantially degrade the existing visual character or quality of the site and its surroundings?	☐	☐	☐	☒
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area	☐	☐	☐	☒
2. AGRICULTURE RESOURCES -- Would the project:				
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	☐	☐	☐	☒
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	☐	☐	☐	☒

c) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use?	☐	☐	☐	☒
3. AIR QUALITY – Would the project:				
a) Conflict with or obstruct implementation of the applicable air quality plan?	☐	☐	☐	☒
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	☐	☐	☐	☒
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is not attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?	☐	☐	☐	☒
d) Expose sensitive receptors to substantial pollutant concentrations?	☐	☐	☐	☒
e) Create objectionable odors affecting a substantial number of people?	☐	☐	☐	☒
4. BIOLOGICAL RESOURCES – Would the project:				
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	☐	☐	☐	☒
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or US Fish and Wildlife Service?	☐	☐	☐	☒
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	☐	☐	☐	☒
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	☐	☐	☐	☒
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	☐	☐	☐	☒
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	☐	☐	☐	☒
5. CULTURAL RESOURCES – Would the project:				
a) Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5?	☐	☐	☐	☒

b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?	☐	☐	☐	☒
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	☐	☐	☐	☒
d) Disturb any human remains, including those interred outside of formal cemeteries?	☐	☐	☐	☒
6. GEOLOGY AND SOILS – Would the project:				
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:	☐	☐	☐	☒
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.	☐	☐	☐	☒
ii) Strong seismic ground shaking?	☐	☐	☐	☒
iii) Seismic-related ground failure, including liquefaction?	☐	☐	☐	☒
iv) Landslides?	☐	☐	☐	☒
b) Result in substantial soil erosion or the loss of topsoil?	☐	☐	☐	☒
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	☐	☐	☐	☒
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?	☐	☐	☐	☒
e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?	☐	☐	☐	☒
7. HAZARDS AND HAZARDOUS MATERIALS – Would the project:				
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	☐	☐	☐	☒
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	☐	☐	☐	☒
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	☐	☐	☐	☒
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	☐	☐	☐	☒

e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?	☐	☐	☐	☒
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?	☐	☐	☐	☒
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	☐	☐	☐	☒
h) Expose people or structures to a significant risk of loss injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?	☐	☐	☐	☒
7. HYDROLOGY AND WATER QUALITY -- Would the project:				
a) Violate any water quality standards or waste discharge requirements?	☐	☐	☐	☒
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?	☐	☐	☐	☒
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner, which would result in substantial erosion or siltation on or off-site?	☐	☐	☐	☒
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner, which would result in flooding on- or off-site?	☐	☐	☐	☒
e) Create or contribute runoff water, which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?	☐	☐	☐	☒
f) Otherwise substantially degrade water quality?	☐	☐	☐	☒
g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?	☐	☐	☐	☒
h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?	☐	☐	☐	☒
i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?	☐	☐	☐	☒
j) Inundation by seiche, tsunami, or mudflow?	☐	☐	☐	☒

8. LAND USE AND PLANNING – Would the project:				
a) Physically divide an established community?	☐	☐	☐	☒
b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	☐	☐	☐	☒
c) Conflict with any applicable habitat conservation plan or natural community conservation plan?	☐	☐	☐	☒
9. MINERAL RESOURCES -- Would the project:				
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	☐	☐	☐	☒
b) Result in the loss of availability of a locally -important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	☐	☐	☐	☒
10. NOISE -- Would the project result in:				
a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	☐	☐	☐	☒
b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?	☐	☐	☐	☒
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	☐	☐	☐	☒
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	☐	☐	☐	☒
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	☐	☐	☐	☒
f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?	☐	☐	☐	☒
10. POPULATION AND HOUSING – Would the project:				
a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	☐	☐	☐	☒
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?	☐	☐	☐	☒
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	☐	☐	☐	☒

11. PUBLIC SERVICES -- Would the project result in:				
a) Substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:	☐	☐	☐	☒
b) Fire protection?	☐	☐	☐	☒
c) Police protection?	☐	☐	☐	☒
d) Schools?	☐	☐	☐	☒
e) Parks?	☐	☐	☐	☒
f) Other public facilities?	☐	☐	☐	☒
12. RECREATION:				
a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	☐	☐	☐	☒
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?	☐	☐	☐	☒
13. TRANSPORTATION/TRAFFIC -- Would the project:				
a) Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections)?	☐	☐	☐	☒
b) Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?	☐	☐	☐	☒
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?	☐	☐	☐	☒
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	☐	☐	☐	☒
e) Result in inadequate emergency access?	☐	☐	☐	☒
f) Result in inadequate parking capacity?	☐	☐	☐	☒
g) Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?	☐	☐	☐	☒

14. UTILITIES AND SERVICE SYSTEMS – Would the project:				
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	☐	☐	☐	☒
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	☐	☐	☐	☒
c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	☐	☐	☐	☒
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	☐	☐	☐	☒
e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	☐	☐	☐	☒
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	☐	☐	☐	☒
g) Comply with federal, state, and local statutes and regulations related to solid waste?	☐	☐	☐	☒
15. MANDATORY FINDINGS OF SIGNIFICANCE				
a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	☐	☐	☐	☒
b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?	☐	☐	☐	☒
c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	☐	☐	☐	☒

IV. ENVIRONMENTAL EVALUATION (of checklist questions answered Potentially Significant Impact, Less than Significant with Mitigation Incorporation, or Less than Significant Impact): Not applicable.

V. PRELIMINARY STAFF DETERMINATION

☐ The proposed project COULD NOT have a significant effect on the environment, and, therefore, no alternatives or mitigation measures are proposed.

☐ The proposed project MAY have a significant or potentially significant effect on the environment, and therefore alternatives and mitigation measures have been evaluated.

Signature	Date
Printed Name	For

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL COAST REGION
895 Aerovista Place, Suite 101, San Luis Obispo, CA 93401

NOTICE OF PUBLIC HEARING
&
NOTICE OF FILING A DRAFT ENVIRONMENTAL DOCUMENT

TO CONSIDER REVISIONS OF BASIN PLAN CRITERIA AND WAIVER OF WASTE DISCHARGE REQUIREMENTS FOR ONSITE WASTEWATER SYSTEMS

NOTICE IS HEREBY GIVEN that the California Regional Water Quality Control Board, Central Coast Region (Central Coast Water Board), will hold a public hearing on May 9, 2008, to hear comments and consider adoption of a resolution amending the *Water Quality Control Plan, Central Coast Basin* (Basin Plan) criteria regarding onsite wastewater systems. Additionally, the Central Coast Water Board will hear comments and consider adoption of a general waiver regarding onsite wastewater systems. The proposed actions include:

1. Adoption of Resolution No. R3-2008-0005, amendment to the Basin Plan criteria for onsite wastewater systems (specifically described in Chapters 4 and 5).

2. Adoption of Resolution No. R3-2008-0006, waiver of waste discharge requirements for onsite wastewater system discharges.

Copies of the proposed resolutions, associated staff reports, proposed Basin Plan revisions, California Environmental Quality Act functionally equivalent document (including Environmental Checklist) are available on the Internet at http://www.waterboards.ca.gov/centralcoast/Permits/Index.htm. These documents are also available by request at the office of the Central Coast Water Board. You may also request a mailed copy of these documents by contacting Sorrel Marks at 805-549-3695 or smarks@waterboards.ca.gov.

Actions to amend the Basin Plan will be taken in accordance with a regulatory program exempt (under §21080.5 of the Public Resources Code) from the requirement to prepare an environmental impact report under the California Environmental Quality Act (Public Resources Code, §21000 et seq.) and with other applicable laws and regulations. At the conclusion of the meeting the Central Coast Water Board will consider certification of the environmental document and approval of the proposed amendment and onsite wastewater system waiver policy.

Please submit your written comments and recommendations regarding the proposed actions no later than April 7, 2008. Comments received by this date will be considered in preparation of staff recommendations to the Central Coast Water Board. Time limits may be imposed on oral presentations at the hearing. Additional or alternative rules or regulations consistent with the general purpose of the amendment and complementary to the specific proposed rules may be developed at the hearing as a logical outgrowth of this hearing. Please note that all exhibits, charts, graphs, and other testimony presented, as evidence must be left with the Water Board as part of the administrative record. If you have any questions regarding these documents or the proposed actions,

please call Sorrel Marks at 805/549-3695 or Burton Chadwick at 805/542-4786. Please bring this information to the attention of anyone you know to be interested in the issue.

The public hearing is scheduled as follows:

Date: May 9, 2008
Time: 8:30 A.M.
Place: Conference Room
Regional Water Quality Control Board
895 Aerovista Place, Suite 101
San Luis Obispo, CA 93401-5427

The location of the hearing is accessible to persons with disabilities. If you require special accommodations, please contact Cyndee Jones at 805-549-3372 at least 5 working days prior to the hearing.

_____ Date: _____

Roger Briggs
Executive Officer

S:\WQ Control Planning\Onsite\Public Notice.doc
Task: 126-01
File: Basin Plan
File: Waivers

CALIFORNIA DEPARTMENT OF FISH AND GAME

CERTIFICATE OF FEE EXEMPTION

De Minimis Impact Finding

Project Title/Location Name and Address of Project Proponent:

AMENDMENT OF "WATER QUALITY CONTROL PLAN - CENTRAL COASTAL BASIN" REGARDING REVISED ONSITE WASTEWATER SYSTEM CRITERIA

Central Coast Regional Water Quality Control Board
895 Aerovista Place, Suite 101
San Luis Obispo, California 93401
San Luis Obispo County
Contact: Sorrel Marks (805/549-3695 or smarks@waterboards.ca.gov)

Project Description: The California Regional Water Quality Control Board, Central Coast Region (Central Coast Water Board), will hold a public hearing to receive comments and consider adoption of a resolution amending the Water Quality Control Plan, Central Coast Basin (Basin Plan). The proposed amendment to the Basin Plan includes revisions to onsite wastewater system criteria specified in Chapters 4 and 5 of the Basin Plan.

Findings of Exemption: Please see the attached Environmental Checklist for description and findings.

Certification: I hereby certify that the California Regional Water Quality Control Board, Central Coast Region, has made the above findings of fact and that based upon the Environmental Checklist, written report, and record of hearing finds that the project will not individually or cumulatively have an adverse effect on wildlife resources, as defined in Section 711.2 of the Fish and Game Code.

_____
Roger Briggs, Executive Officer
Regional Water Quality Control Board

_____
Date

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CALIFORNIA ENVIRONMENTAL QUALITY ACT SUBSTITUTE ENVIRONMENTAL DOCUMENT REPORT FOR BASIN PLAN AMENDMENT REGARDING ONSITE WASTEWATER SYSTEMS (RESOLUTION NO. R3-2008-0005)

The Central Coast Regional Water Quality Control Board (Central Coast Water Board) is proposing an amendment to the *Water Quality Control Plan, Central Coast Basin* (Basin Plan). The Basin Plan serves as the cornerstone for protection of waters of the State through identification of beneficial uses of surface and ground waters, establishment of water quality objectives to protect beneficial uses, and establishment of an implementation plan to achieve those objectives.

The California Resources Agency has certified the Basin Planning process as an exempt regulatory program for the purposes of complying with the California Environmental Quality Act (CEQA) and the CEQA Guidelines [§15251, Title 14, California Code of Regulation (CCR)]. The Water Board is exempt from the requirement to prepare an environmental impact report or negative declaration. Any Regional Board exempt regulatory program must satisfy the documentation requirements of §3775(a), Title 23, CCR. This report constitutes a substitute environmental document as set forth in §3775(a), Title 23, CCR. It contains the following:

1. A description of proposed activity and proposed alternatives,
2. An environmental checklist and a description of the proposed activity,
3. An environmental evaluation, and
4. A determination with respect to significant environmental impacts.

The environmental analysis contained in this Report for Basin Plan Amendment and accompanying documents, including the Environmental Checklist, the staff report and the responses to comments complies with the requirements of the State Water Board's certified regulatory process, as set forth in CCR, Title 23, §3775 et seq. All public comments were considered.

I. DESCRIPTION OF PROPOSED ACTIVITY

The purpose of this Resolution is to update and revise the Basin Plan sections pertaining to onsite wastewater system requirements. This section describes the changes proposed and alternatives to this proposal.

Chapters IV and V of the Water Quality Control Plan, Central Coast Basin (Basin Plan) specify criteria for siting, design and ongoing management of individual and community onsite wastewater disposal systems (commonly called septic systems). The Basin Plan criteria also recommend a variety of management measures intended to ensure long-term success of properly functioning systems and prevent water quality impacts from such systems. The existing Basin Plan criteria for onsite wastewater systems were last updated in 1983. During the past 25 years, implementation of those criteria has

demonstrated revisions are needed to clarify vague language and, in some cases, strengthen language from recommendations to requirements. The proposed project (adoption of Resolution No. R3-2008-0005) will update and revise existing Basin Plan criteria for onsite wastewater systems. Most of the proposed revisions provide clarifying language to existing requirements without substantially changing such requirements. However, some revisions replace discretionary language of recommendations (should) with mandatory language of requirements (shall). By adopting the proposed resolution, language in the Basin Plan will be strengthened and clarified in a manner expected to result in improved long-term water quality protection in areas served by onsite wastewater systems. The proposed revisions are also expected to improve consistency and customer service by reducing the need for subjective interpretation of imprecise language. Updating the Basin Plan criteria for onsite wastewater systems will complete a Triennial Review list priority task, which has been backlogged for more than a decade.

Alternatives to this Project

1. Incomplete adoption of the proposed amendment

The Central Coast Water Board could amend only a portion of the existing Basin Plan criteria for onsite wastewater systems. The Basin Plan criteria could be amended with some of the proposed revisions or amended with different revisions. This alternative is not recommended as it would result in addressing only some of the needed clarifications or strengthening of the existing Basin Plan language and would not achieve the goals of effective long-term water quality protection in a clear and efficient manner. Adoption of different criteria can only be addressed relative to specified alternate criteria, such discussion is included in the response to comments included in the staff report. This alternative is not recommended.

2. Take no action

The proposed revisions to the Basin Plan criteria for onsite wastewater systems are needed to clarify vague and imprecise requirements and to strengthen requirements needed to protect water quality. Updating the onsite criteria has been prioritized on the Central Coast Water Board's Triennial Review List for many years. Failing to take action would result in ongoing confusion regarding requirements, utilization of staff time to individually clarify and interpret requirements, and inadequate long-term water quality protection in areas served by onsite wastewater systems. This alternative is not recommended.

II. APPLICABLE INFORMATON

1. Lead Agency Name and Address

Central Coast Water Board
895 Aerovista Place, Suite 101
San Luis Obispo, CA 93401-7906

2. Contact Person and Phone Number: Sorrel Marks (805) 549-3595

3. Project Location: Central Coast Region

4. Project Sponsor's Name and Address

Central Coast Water Board
895 Aerovista Place, Suite 101
San Luis Obispo, CA 93401-7906

5. Other Public Agencies whose Approval is Required

State Water Resources Control Board approval is required for this Basin Plan amendment. Although formal approval by local jurisdictions is not required for Basin Plan amendments, cooperative implementation by local permitting authorities (cities, counties, community services districts) is necessary to effectively protect water quality. Local jurisdictions likely to be affected by the proposed project include: Monterey, San Benito, San Luis Obispo, Santa Barbara, Santa Clara, Santa Cruz, and Ventura Counties, and the cities and special districts therein.

ENVIRONMENTAL CHECKLIST

III. EVALUATION OF ENVIRONMENTAL IMPACTS

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
1. AESTHETICS – Would the project:				
a) Have a substantial adverse effect on a scenic vista?	☐	☐	☐	☒
b) Substantially damage scenic resources, including, But not limited to, trees, rock outcroppings, and historic buildings with a state scenic highway?	☐	☐	☐	☒
c) Substantially degrade the existing visual character or quality of the site and its surroundings?	☐	☐	☐	☒
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area	☐	☐	☐	☒
2. AGRICULTURE RESOURCES – Would the project:				
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	☐	☐	☐	☒
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	☐	☐	☐	☒
c) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use?	☐	☐	☐	☒
3. AIR QUALITY -- Would the project:				

a) Conflict with or obstruct implementation of the applicable air quality plan?	☐	☐	☐	☒
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	☐	☐	☐	☒
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is not attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?	☐	☐	☐	☒
d) Expose sensitive receptors to substantial pollutant concentrations?	☐	☐	☐	☒
e) Create objectionable odors affecting a substantial number of people?	☐	☐	☐	☒
4. BIOLOGICAL RESOURCES – Would the project:				
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	☐	☐	☐	☒
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or US Fish and Wildlife Service?	☐	☐	☐	☒
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	☐	☐	☐	☒
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	☐	☐	☐	☒
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	☐	☐	☐	☒
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	☐	☐	☐	☒
5. CULTURAL RESOURCES – Would the project:				
a) Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5?	☐	☐	☐	☒
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?	☐	☐	☐	☒

c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	☐	☐	☐	☒
d) Disturb any human remains, including those interred outside of formal cemeteries?	☐	☐	☐	☒
6. GEOLOGY AND SOILS -- Would the project:				
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:	☐	☐	☐	☒
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.	☐	☐	☐	☒
ii) Strong seismic ground shaking?	☐	☐	☐	☒
iii) Seismic-related ground failure, including liquefaction?	☐	☐	☐	☒
iv) Landslides?	☐	☐	☐	☒
b) Result in substantial soil erosion or the loss of topsoil?	☐	☐	☐	☒
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	☐	☐	☐	☒
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?	☐	☐	☐	☒
e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?	☐	☐	☐	☒
7. HAZARDS AND HAZARDOUS MATERIALS -- Would the project:				
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	☐	☐	☐	☒
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	☐	☐	☐	☒
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	☐	☐	☐	☒
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code §65962.5 and, as a result, would it create a significant hazard to the public or the environment?	☐	☐	☐	☒

e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?	☐	☐	☐	☒
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?	☐	☐	☐	☒
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	☐	☐	☐	☒
h) Expose people or structures to a significant risk of loss injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?	☐	☐	☐	☒
8. HYDROLOGY AND WATER QUALITY --Would the project:				
a) Violate any water quality standards or waste discharge requirements?	☐	☐	☐	☒
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?	☐	☐	☐	☒
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner, which would result in substantial erosion or siltation on or off-site?	☐	☐	☐	☒
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner, which would result in flooding on- or off-site?	☐	☐	☐	☒
e) Create or contribute runoff water, which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?	☐	☐	☐	☒
f) Otherwise substantially degrade water quality?	☐	☐	☐	☒
g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?	☐	☐	☐	☒
h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?	☐	☐	☐	☒
i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?	☐	☐	☐	☒

j) Inundation by seiche, tsunami, or mudflow?	☐	☐	☐	☒
9. LAND USE AND PLANNING – Would the project:				
a) Physically divide an established community?	☐	☐	☐	☒
b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	☐	☐	☐	☒
c) Conflict with any applicable habitat conservation plan or natural community conservation plan?	☐	☐	☐	☒
10. MINERAL RESOURCES -- Would the project:				
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	☐	☐	☐	☒
b) Result in the loss of availability of a locally -important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	☐	☐	☐	☒
11. NOISE -- Would the project result in:				
a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	☐	☐	☐	☒
b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?	☐	☐	☐	☒
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	☐	☐	☐	☒
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	☐	☐	☐	☒
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	☐	☐	☐	☒
f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?	☐	☐	☐	☒
12. POPULATION AND HOUSING -- Would the project:				
a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	☐	☐	☐	☒
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?	☐	☐	☐	☒

c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	☐	☐	☐	☒
13. PUBLIC SERVICES --Would the project result in:				
a) Substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:	☐	☐	☐	☒
b) Fire protection?	☐	☐	☐	☒
c) Police protection?	☐	☐	☐	☒
d) Schools?	☐	☐	☐	☒
e) Parks?	☐	☐	☐	☒
f) Other public facilities?	☐	☐	☐	☒
14. RECREATION:				
a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	☐	☐	☐	☒
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?	☐	☐	☐	☒
15. TRANSPORTATION/TRAFFIC -- Would the project:				
a) Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections)?	☐	☐	☐	☒
b) Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?	☐	☐	☐	☒
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?	☐	☐	☐	☒
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	☐	☐	☐	☒
e) Result in inadequate emergency access?	☐	☐	☐	☒
f) Result in inadequate parking capacity?	☐	☐	☐	☒
g) Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?	☐	☐	☐	☒

16. UTILITIES AND SERVICE SYSTEMS –Would the project:				
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	☐	☐	☐	☒
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	☐	☐	☐	☒
c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	☐	☐	☐	☒
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	☐	☐	☐	☒
e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	☐	☐	☐	☒
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	☐	☐	☐	☒
g) Comply with federal, state, and local statutes and regulations related to solid waste?	☐	☐	☐	☒
17. MANDATORY FINDINGS OF SIGNIFICANCE				
a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	☐	☐	☐	☒
b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?	☐	☐	☐	☒
c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	☐	☐	☐	☒

IV. ENVIRONMENTAL EVALUATION (of checklist questions answered Potentially Significant Impact, Less than Significant with Mitigation Incorporation, or Less than Significant Impact): Not applicable.

V. PRELIMINARY STAFF DETERMINATION

☐ The proposed project COULD NOT have a significant effect on the environment, and, therefore, no alternatives or mitigation measures are proposed.

☐ The proposed project MAY have a significant or potentially significant effect on the environment, and therefore alternatives and mitigation measures have been evaluated.

Signature	Date
Printed Name	For