

**STATE WATER RESOURCES CONTROL BOARD
BOARD MEETING SESSION – NORTH COAST REGIONAL WATER BOARD
JUNE 2, 2015**

ITEM 2

SUBJECT

CONSIDERATION OF A PROPOSED RESOLUTION APPROVING AN AMENDMENT TO THE WATER QUALITY CONTROL PLAN FOR THE NORTH COAST REGION (BASIN PLAN) TO ESTABLISH THE ONSITE WASTEWATER TREATMENT SYSTEMS IMPLEMENTATION PROGRAM

DISCUSSION

The North Coast Regional Water Board adopted this amendment on June 19, 2014, with [Resolution No. R1-2014-0009](#). The amendment contains three elements: The first element revises the North Coast Region's Water Quality Control Plan's (Basin Plan's) section on onsite wastewater treatment systems (OWTS) to incorporate, by reference, the State Board's OWTS Policy (OWTS Policy) and to revise existing Basin Plan language to maintain consistency with the OWTS Policy.

The second element retains the existing onsite wastewater treatment systems policy to apply to the Russian River Watershed, including the Laguna de Santa Rosa, until such time as the pathogen indicator bacteria Total Maximum Daily Load (TMDL) for the Russian River Watershed is adopted; and,

The third element retains for application regionwide, an existing provision requiring the identification of a legally and financially responsible entity for the operation and maintenance of onsite systems.

POLICY ISSUE

Should the State Water Board approve an amendment to the North Coast Regional Water Board's Basin Plan to align the Basin Plan with the OWTS Policy?

FISCAL IMPACT

North Coast Water Board and State Water Board staff work associated with or resulting from this action will be addressed with existing and future budgeted resources.

REGIONAL BOARD IMPACT

Approval of this resolution will amend the North Coast Regional Water Board's Basin Plan and meet the requirement for Basin Plan alignment specified in the OWTS Policy.

STAFF RECOMMENDATION

That the State Water Board:

1. Approve the amendment to the Basin Plan adopted under North Coast Regional Water Board Resolution No. R1-2014-0009.
2. Authorize the Executive Director or designee to submit the amendment as approved and the administrative record for this action to the Office of Administrative Law for approval.

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STATE WATER RESOURCES CONTROL BOARD RESOLUTION NO. 2015-

APPROVING AN AMENDMENT TO THE WATER QUALITY CONTROL PLAN FOR THE NORTH COAST REGION (BASIN PLAN) TO ESTABLISH THE ONSITE WASTEWATER TREATMENT SYSTEM IMPLEMENTATION PROGRAM

WHEREAS:

1. On June 19, 2014, the North Coast Regional Water Quality Control Board (North Coast Water Board) adopted [Resolution No. R1-2014-0009](#), an amendment to the Water Quality Control Plan for the North Coast Region, to incorporate a new onsite wastewater treatment system (OWTS) policy.
2. The North Coast Water Board found that the portion of the subject amendment concerning OWTS is completely within the scope of the OWTS Policy as analyzed by the State Water Board in the Substitute Environmental Document (SED) its staff prepared for the OWTS Policy in accordance with the Water Boards' certified regulatory program (Cal. Code Regs., tit. 23, §§ 3775-3781). The State Water Board approved the OWTS Policy and the SED on June 19, 2012. No substantive changes or modifications to the previously approved OWTS Policy are proposed in the subject Basin Plan amendment, no substantial changes with respect to circumstances under which the project will be undertaken have occurred, and no new information triggers the need for supplemental or subsequent CEQA analysis (Pub. Res. Code § 21166; Cal. Code Regs., tit. 14, §§ 15162 and 15163). The rescission of Water Board policies described herein is not a project as defined in CEQA. There is no possibility that the activity in question may have a significant effect on the environment (Cal. Code Regs., tit. 14, §§ 15378 and 15061, subd. (b)(3) and Cal. Code Regs., tit. 23, § 3720).
3. The North Coast Water Board found that the operation and maintenance of onsite systems is a critical component for proper system function and waste treatment. Adequate oversight and maintenance of onsite systems is necessary to ensure the protection of water quality. This is particularly true where an onsite system serves multiple dwellings (e.g., subdivision) or includes complicated pre-treatment. Therefore, the North Coast Water Board retained the existing Basin Plan language specific to onsite system maintenance responsibilities. The existing language requires an individual property owner or a legally responsible entity to be responsible for maintenance, monitoring and repair of any onsite systems.
4. The North Coast Water Board found that several stream segments within the Russian River watershed, including the Laguna de Santa Rosa, are listed under Section 303(d) of the Clean Water Act as impaired due to pathogen indicator bacteria contamination. Under the OWTS Policy, existing onsite systems in the Russian River watershed must meet the requirements of the existing Basin Plan until the Regional Water Board adopts a pathogen indicator bacteria TMDL for the Russian River watershed.

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5. The North Coast Water Board made non-substantive changes to the OWTS Policy to accommodate its application to the Russian River watershed, only. For example, reference to the Region has either been eliminated or changed to refer to the Russian River watershed. Also, the provisions included in Section VII (Waiver Prohibition Area) have been deleted because there are no waiver prohibition areas identified in the Russian River watershed. Other minor editorial revisions are also included.
6. The North Coast Water Board found the Basin Plan amendment would not have a significant adverse effect on the environment and is consistent with the State Antidegradation Policy (State Water Board [Resolution No. 68-16](#)) and the federal Antidegradation Policy (40 C.F.R. § 131.12).
7. The State Water Board finds that the regulatory action meets the “necessity” standard of the Administrative Procedures Act, Government Code section 11353, subdivision (b). The necessity of the Basin Plan amendment is established in the Staff Report for the amendment.
8. The State Water Board finds that the Basin Plan amendment is in conformance with Water Code section 13240, which specifies that regional water quality control boards may revise basin plans.
9. A Basin Plan amendment does not become effective until approved by the State Water Board and submitted to the Office of Administrative Law (OAL).

THEREFORE BE IT RESOLVED THAT:

The State Water Board:

1. Approves the amendment to the Basin Plan adopted under Regional Water Board Resolution No. R1-2014-0009.
2. Authorizes the Executive Director or designee to submit the amendment adopted under Regional Water Board Resolution No. R1-2014-0009 as approved and the administrative record for this action to the Office of Administrative Law for approval.

CERTIFICATION

The undersigned Clerk to the Board does hereby certify that the foregoing is a full, true, and correct copy of a resolution duly and regularly adopted at a meeting of the State Water Resources Control Board held on June 2, 2015.

Jeanine Townsend
Clerk to the Board