

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

STAFF REPORT FOR REGULAR MEETING OF DECEMBER 3, 2004

Prepared on November 8, 2004

ITEM NUMBER 22

**SUBJECT: WAIVER OF WASTE DISCHARGE REQUIREMENTS FOR ON-SITE
COMMERCIAL SEWAGE DISPOSAL SYSTEM, PREMIER CINEMAS,
851 MCCRAY STREET, HOLLISTER (APN 20-02-13), SAN BENITO
COUNTY, RESOLUTION NO. R3-2004-0174**

KEY INFORMATION

Disposal Type:	On-site septic system with standard subsurface disposal system for commercial theater complex
Design Flow:	6,500 gallons per day
Property:	4.8 Acre commercial (2.5 acres) and industrial (2.3 acres)
Discharger:	Premier Cinemas, Inc./Mr. Ted Intravia
Local Oversight Agency:	San Benito County Division of Environmental Health

DISCUSSION

On June 16, 2004, the San Benito County Division of Environmental Health (SBCDEH) forwarded an on-site sewage disposal system design package for a 10 theater multiplex expansion at the above referenced property. The project applicant, Premier Cinemas Inc./Mr. Ted Intravia (hereafter Discharger), applied for a permit with the SBCDEH to install an on-site sanitary wastewater disposal system (septic tank with leachfield soil absorption disposal system) for the multiplex.


Evaluation of historic water usage rates for the existing theater resulted in projected daily wastewater flows of approximately 2,033 gallons per day (gpd) for the 10 theater multiplex. An empirical evaluation of projected wastewater flows requested by SBCDEH using gallons per seat per day estimates in the Manual of Septic Tank Practices published by US Public Health Services resulted in estimated flows of approximately 6,500 gpd. Based on the conflicting flow estimates, the SBCDEH requested Regional Board determination regarding Basin Plan language stating that sanitary

wastewater systems for commercial facilities with flows of 2,500 gpd or greater may be subject to individual waste discharge requirements.

The subject property consists of a 4.8-acre mixed commercial and industrial property that is currently an unincorporated island of San Benito County within the City of Hollister at 851 McCray Street. Subsequently, the site property is not within the City's sewer services district and requires an on-site wastewater disposal system. The property is subject to future annexation by the City. At which time the property is annexed by the City and the sewer connection moratorium is lifted the theater complex will be connected to the City's sewer collection system.

The proposed septic and leachfield disposal system design complies with the Central Coast Region Water Quality Control Plan (Basin Plan) and was designed for the empirical loading rate of 6,500 gpd. The proposed system has been designed for connection to the City of Hollister wastewater collection system once the property is annexed and the City's sewer connection moratorium is lifted.

The eventual connection of the theater to the City's collection system is required by the conditions of the proposed waiver and SBCDEH permit conditions.

Semiannual inspection of the septic tank, wet well, and alarm system, and depth to groundwater monitoring are required for the life of the system. The owner  also required to have the system inspected by a licensed septic tank contractor at least every two years for solids buildup and pump the system as necessary. SBCDEH staff will provide regular inspection and oversight of the sewage disposal system and will monitor the system after all rainfall events resulting in greater than one inch of precipitation.

Based on the provided information Regional Board staff feels individual waste discharge requirements are not warranted for the proposed interim on-site wastewater disposal system and that the proposed conditional waiver is sufficiently protective of water quality. Staff notified the Discharger of the proposed waiver of waste discharge requirements on November 9, 2004.

Waste discharge requirements for on-site wastewater disposal systems were formerly waived under Resolution 89-04, Waiver of Regulation of Specific Types of Waste Discharges. This waiver policy expired January 1, 2003. State Board staff is currently developing state-wide regulations for on-site systems. Once these regulations are in place, Regional Board staff plan on bringing a general waiver of waste discharge requirements to the Regional Board for review and approval. In the meantime, we propose that on-site systems that local agencies can't permit be authorized by individual conditional waivers of waste discharge requirements.

Conditional Waiver

The waiver of waste discharge requirements and discharge of domestic wastewater to the proposed commercial on-site sewage disposal system is subject to various conditions and monitoring and reporting requirements as specified in the attached waiver resolution.

The proposed on-site commercial sewage disposal system, if operated and maintained in accordance with the San Benito County Division of Environmental Health permit requirements and the waiver conditions, will be in the public interest.

This waiver is conditional and can be terminated at any time. This waiver expires on September December 3, 2009.

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

The proposed on-site sewage disposal system and eventual connection to the City of Hollister was addressed in the September 28, 2004, San Benito County Notice of Proposed Negative Declaration for rezoning and development of the site property to allow expansion of the theater complex. The City of Hollister prepared and adopted a mitigated negative declaration and monitoring program for the pre-zoning and annexation of the property in 2002.

RECOMMENDATION

Adopt Resolution No. R3-2004-0174

ATTACHMENTS

- 1. Proposed Board Resolution No. R3-2004-0174

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