

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

STAFF REPORT FOR REGULAR MEETING OF MAY 14, 2004

Prepared on March 26, 2004

ITEMS: 27, 28, 29, 30, 31, 35, 36, 37, 38, and 39

**SUBJECT: Rescission of Waste Discharge Requirements for five single family residences in Los Osos, San Luis Obispo County
Order No. 01-94 (Bock Residence)
Order No. 93-15 (Clover Residence)
Order No. 93-17 (Nielsen Residence)
Order No. 93-19 (Riolo Residence)
Order No. 93-21 (Szopinski Residence)
And revision of Cease and Desist Orders for these Facilities**

KEY INFORMATION

Locations:	1190 7 th Street; and 1655, 1665, 1731 and 1775 5 th Street, Los Osos
Type of Waste:	Domestic
Design Capacity:	375 gallons per day (each)
Treatment:	Septic tanks
Disposal:	Percolation via leach fields
Existing Orders:	Waste Discharge Requirements Order Nos. 01-04, 93-15, 93-17, 93-19, 93-21 Cease and Desist Order Nos. 01-97, 93-16, 93-18, 93-20, 93-22

SUMMARY

Five single-family residential discharges in Los Osos are regulated by Waste Discharge Requirements (WDR) and associated Cease and Desist Orders, because the discharges were created after implementation of the on-site discharge prohibition. In each case, wastewater is treated and discharged in septic tank/leachfield systems similar to those used throughout the community. The proposed action is to rescind the WDR and revise the Cease and Desist Orders to be based on Resolution No. 83-13 (Basin Plan prohibition against on-site discharge in Los Osos) in lieu of the current basis (the WDR).

BACKGROUND

The Basin Plan prohibits discharge from individual and community on-site sewage disposal systems (septic systems) in Los Osos, effective November 1, 1988.

In 1990, the Regional Board granted an exemption and adopted WDR for a four-unit residential

development, which was already under construction when the discharge prohibition went into effect. The original discharger (Morningstar Development) subsequently sold the residences to separate owners (Clover, Nielsen, Riolo and Szopinski) and WDR were updated in 1993 to reflect the changes in ownership.

In 1992, the Regional Board granted Richard Bock an exemption to the discharge prohibition and allowed him to build a residence in Los Osos using an on-site septic system with an experimental nitrogen reduction component (called a zeolite process). The zeolite process proved to be ineffective (in this application) and the Regional Board updated Mr. Bock's WDRs in 2001. The residence subsequently sold to Peter and Tracy Beck, thus from here on we will refer to Beck as the discharger even though the current WDR is issued to Richard Bock.

DISCUSSION

Waste Discharge Requirements adopted for the five single-family residences in Los Osos simply prohibit discharge. However, each WDR Order is accompanied by a corresponding Cease and Desist Order, which allows the discharge under specific conditions. Conditions specified in the Cease and Desist Orders include:

- a) Prohibitions against overflow, bypass or discharge to locations other than those authorized;
- b) Discharge Specifications limiting flow to system capacity and preventing public contact with wastewater;
- c) Ground Water Limitations prohibiting degradation of ground water; and
- d) Provisions requiring ongoing system maintenance, connection to the community sewer within 30 day of its availability, and notification of subsequent owners of these requirements.

The requirements specified in the WDR and Cease and Desist Orders are the same for each residence. Samples of the existing orders are included as Attachments 1 and 2 to this report.

During the past few years, annual fees associated with these WDRs have increased from \$200 to \$872 per facility (residence). This significant cost increase prompted staff to pursue alternatives for meeting water quality goals (eliminating the on-site discharges by connecting to community sewer) in a more cost-effective manner. Accordingly, rescinding the WDRs (which will eliminate the fees) is a practical option. Water quality protection can be simply and reasonably implemented through revised Cease and Desist Orders.

PROPOSED ORDERS

The revised Cease and Desist Orders are similar to the existing Cease and Desist Orders, except that they cite the Basin Plan prohibition in lieu of the WDRs as the basis for enforcement. The proposed Cease and Desist Orders prohibit overflow, bypass or discharge to locations other than those authorized; discharge in excess of system capacity; public contact with wastewater; and degradation of ground water. The proposed Orders also require

ongoing system maintenance, connection to the community sewer within 30 day of its availability, and notification of subsequent owners of these requirements.

ENVIRONMENTAL SUMMARY

These enforcement actions are being taken for the protection of the environment and as such are exempt from the provisions of the California Environmental Quality Act (Section 15321, Chapter 3, Division 6, Title 14, California Code of Regulations). In addition, the subject septic systems are existing facilities and this Order allows no expansion of use beyond that previously existing. These enforcement actions are exempt from the provisions of the California Environmental Quality Act (Section 15301, Chapter 3, Division 6, Title 14, California Code of Regulations).

COMMENTS

Mr. Clover: (one of the subject residential dischargers) submitted the following comments and questions by email.

1. A statement should be included in the Cease and Desist Orders indicating those Orders will terminate upon connected to the community sewer system.

Staff Response: Cease and Desist Orders, like any enforcement orders adopted by the Regional Board, can only be rescinded by the Regional Board (as opposed to including sunset language in the Order). However, from a practical standpoint, once the conditions of the Order have been met (hookup to the community sewer system), nothing further is required of the Discharger (homeowner). Upon satisfaction of all requirements contained in the Order staff will request rescission of these Cease and Desist Orders at the earliest available future Board meeting.

2. Standard Provisions and Reporting Requirements, referenced in Provision C.3 of the proposed Orders, were not attached to the draft agenda package circulated for comments. The provision should state that copies of the Standard Provisions are available upon request.

Staff Response: The Standard Provisions and Reporting Requirements are included by reference to all waste discharge requirements adopted by the Regional Board. The Standard Provisions (originally adopted in 1984) are the same as those adopted with the existing Orders and provided to the Dischargers at the time of adoption of those Orders. Like all of the public records maintained at the Regional Board, copies are available upon request. A copy of the Standard Provisions, with applicable sections highlighted, was mailed to Mr. Clover in response to his comment.

Beck – No comments received

Riolo – No comments received

Szopinski – No comments received

Nielsen – No comments received

Los Osos CSD – No comments received

SLO Co. Planning – No comments received

SLO Co. Health – No comments received

RECOMMENDATION

Rescind WDR Order Nos. 01-94, 93-15, 93-17, 93-19 and 93-21; and adopt revised Cease and Desist Order Nos. R3-2004-0014, -0015, -0016, -0017 and -0018.

ATTACHMENTS

1. Existing WDR Order No. 01-94
2. Existing Cease & Desist Order No. 01-97
3. Proposed Cease & Desist Order Nos. R3-2004-0014, -0015, -0016, -0017 and -0018

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