

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

CLEANUP AND ABATEMENT ORDER NO. R3-2007-[ORDER NO.]
DRAFT
Requiring

[OWNER NAMES]
OWNER AND OCCUPANT
[SITE ADDRESS], LOS OSOS
APN [#]
SAN LUIS OBISPO COUNTY
TO CEASE FROM DISCHARGING WASTES
IN VIOLATION OF A BASIN PLAN PROHIBITION
PRESCRIBED BY THE CALIFORNIA REGIONAL WATER
QUALITY CONTROL BOARD, CENTRAL COAST REGION

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

1. [Owner Names] own(s) and operate(s) an on-site wastewater treatment and disposal system (Septic System) at [Site Address] (Site) in Los Osos, California. The Site is a residence located within the prohibition zone established by Resolution No. 83-13. The Septic System consists of a septic tank that discharges wastewater to an on-site subsurface disposal facility. [Owner Names] is/are referred to in this Order as "Discharger."
2. The Site has no wastewater disposal facility other than the Septic System. Waste generated at the Site includes human waste and wastewater from toilets and from domestic activities such as bathing, laundry, dishwashing and disposal of garbage. This waste is discharged to the Septic System. Liquid waste then discharges from the Septic System and eventually to groundwater.
3. The discharge of waste or the threatened discharge of waste from the Septic System violates a prohibition of waste discharge from individual sewage disposal systems set forth in the Water Quality Control Plan, Central Coast Basin (Basin Plan). The Water Board adopted the prohibition on September 16, 1983. The Basin Plan prohibition specifies, in part (page IV-67):

"3. Discharges from individual and community sewage disposal systems are prohibited effective November 1, 1988, in Los Osos/Baywood Park area depicted in the prohibition boundary map included as Attachment "A" of Resolution 83-13".

Item No. 6 Attachment 1
May 10-11, 2007 Meeting
Consideration of How to Proceed
With the Seven Remaining
Proposed C&D Orders

The prohibition boundary map is contained in Appendix A-30 of the Basin Plan. The Site is within the prohibition area.

4. Pursuant to AB 2701, as of January 1, 2007, the County of San Luis Obispo (County) is authorized to undertake any efforts necessary to construct and operate a community wastewater collection and treatment system to serve the territory which is subject to the wastewater discharge prohibition imposed by the Central Coast Regional Water Quality Control Board (Water Board) pursuant to Resolution No. 83-13. That territory includes the Site. If the Site is connected to a community wastewater collection and treatment system as contemplated by AB 2701, the Site will comply with the applicable waste discharge prohibition in the Basin Plan. AB 2701 anticipates the County will seek approval of a benefits assessment, including providing the owners of the subject property with notice and an opportunity to protest the assessment in accordance with Article XIII D of the California Constitution, and will complete a due diligence review before deciding to proceed with the construction and operation of a wastewater collection and treatment system.
5. This Order includes monitoring and reporting requirements pursuant to Water Code Section 13267. The Water Board needs the required information to assess compliance with the Basin Plan and this Order. The Discharger is required to provide this information because the Discharger is the owner and/or operator of the Septic System. The Water Board adopted the prohibition in 1983, it became effective in 1988, and the Discharger has incurred little or no costs since then to comply with the prohibition. The burden of any monitoring or reporting required by this Order is reasonable in light of the severe pollution that has resulted from operation of septic systems in the prohibition area, and the long history of violations of the prohibition at the Site.
6. The technical report required by Section A.1.b.ii or A.2 (as applicable) is necessary to determine that any alternative to connecting to a community wastewater collection and treatment system meets applicable legal requirements, including the septic system discharge prohibition, and to assess compliance with Paragraphs A.1 and A.2 of this Order.
7. Alternatives proposed to comply with this Order may be subject to permitting requirements, including the requirement to obtain waste discharge requirements. Nothing in this Order relieves the Discharger of the obligation to obtain any necessary permit or waste discharge requirements.
8. This enforcement action is being taken for the protection of natural resources and the environment and as such is exempt from the provisions of the California Environmental Quality Act (Sections 15307, 15308, and 15321, Chapter 3, Division 6, Title 14, California Code of Regulations, "CEQA"). In addition, the Septic System is an existing facility and this Order allows no expansion of use beyond that previously existing so this enforcement action is exempt from the provisions of CEQA (Section 15301, Chapter 3, Division 6, Title 14, California Code of Regulations).

IT IS HEREBY ORDERED, pursuant to Sections 13260, 13267 and 13304 of the California Water Code, that the Discharger shall comply with the following requirements:

A. CESSATION OF DISCHARGE

1. In the event that the County constructs a community wastewater collection and treatment system in accordance with a schedule approved by the Water Board;
 - a. The Discharger shall cease all unpermitted discharges (discharges not approved or permitted by the Water Board) from the Septic System no later than 60 days after a community wastewater collection and treatment system is available for connection to the Site;
 - b. After the Water Board provides notice of the expected availability date to the Discharger and no later than 90 days before the expected availability date, the Discharger shall submit the following information, either:
 - i. A statement that the Discharger agrees to connect to the community wastewater treatment plant and sewer system within 60 days after the system becomes available for connection to the Site; or
 - ii. A technical report proposing an alternative method of ceasing all unpermitted discharges from the Septic System. The proposed alternative must be adequate to cease unpermitted discharges from the Septic System within 60 days after the date on which the approved schedule anticipates that the community wastewater collection and treatment system will be available, and must include a proposed monitoring and reporting plan. If the alternative involves a discharge of waste that could affect waters of the State, the report shall be in the form of a report of waste discharge. "Waters of the State" is defined in Water Code Section 13050(e). "Report of waste discharge" means a report that complies with Water Code Section 13260 and, if applicable, Water Code Section 13376. In the event that the proposed alternative is not approved by the Water Board, Discharger will be required to cease all unpermitted discharges from the Septic System no later than 60 days after the availability of a community wastewater collection and treatment system is available for connection to the Site in accordance with Paragraph A.1.a.
2. In the event that either (a) the County is not successful in approving a benefits assessment by July 1, 2008, as anticipated by AB 2701, or in obtaining alternative financing, to finance the construction of a community wastewater collection and treatment system or (b) there is a material cessation of the County's work, as determined by the Water Board, which prevents the implementation, completion, or availability of a community wastewater collection and treatment system to the Site, the Discharger shall cease all discharges from the Septic System by the later of January 1, 2011, or two years following written notice by the Executive

Officer of the material cessation. Six months prior to that discharge cessation date, the Discharger shall submit a technical report proposing a method of complying with the discharge cessation date. The proposed alternative must be adequate to cease unpermitted discharges from the Septic System by the discharge cessation date and must include a proposed monitoring and reporting plan. If the alternative involves a discharge of waste that could affect waters of the State, the report shall be in the form of a report of waste discharge. "Waters of the State" is defined in Water Code Section 13050(e). "Report of waste discharge" means a report that complies with Water Code Section 13260 and, if applicable, Water Code Section 13376.

3. The Executive Officer may extend the due date for any interim or reporting requirement of Section A for up to ninety days for circumstances beyond the Discharger's reasonable control.
4. Nothing in this Order authorizes discharges from the Septic System at any time, whether before or after January 1, 2011.

B. INTERIM COMPLIANCE REQUIREMENTS

The purpose of these interim compliance requirements is to prevent or reduce the Septic System's threat to public health until the Septic System discharge is eliminated. These requirements are not a substitute for actions necessary for septic systems that may require more frequent pumping and inspection.

The Discharger or its authorized representative shall observe the Septic System for the following external signs of failure **within 60 days of the date of this Order**:

- Odors, persistent wet spots and/or lush vegetative growth in the Septic System area
- Sluggish waste plumbing;
- Waste plumbing becomes sluggish when it is used heavily or during wet weather;
- Septic system was originally designed to flow by gravity, but a pump is now necessary to dispose septic tank effluent.
- Problems persist even though the septic tank has recently been pumped out.

If the Septic System exhibits any of these external signs of failure, the Discharger shall complete the following **within six months of the date of this Order**:

- (1) Have the Septic System pumped out and inspected by a state-licensed ("C42") sanitation system contractor;
- (2) Obtain and submit to the Executive Officer a report completed by a state-licensed ("C42") sanitation system contractor, on the San Luis Obispo County Septic Tank Inspection Report form and Septic Verification Form (copies of which are attached as Exhibit "A"), that either describes recommended repairs to the Septic System or states that no repairs are necessary. A copy of both completed inspection forms shall also be sent to the County of San Luis Obispo Department of Environmental Health, P.O. Box 1489, San Luis Obispo, California, 93405.

If the Septic System does not exhibit any external signs of failure, the Discharger shall sign and submit to the Executive Officer the form which is included as Exhibit B, **within three months of the date of this Order**. If the Septic System does not exhibit any external signs of failure and the Discharger signs and submits the form, the Discharger shall satisfy the Septic System pumping, inspection, and reporting requirements listed above in Section B (1) and (2) **within two years of the date of this Order**.

If the Discharger disagrees with any repair recommendations in the inspection report, the Discharger shall provide justification to the Executive Officer **no later than 30 days after the date of the inspection** explaining why the repairs are not necessary. Unless the Executive Officer agrees, in writing, that any recommended repair is not necessary, the Discharger shall provide documentation **no later than six months after the date of the inspection** that a state-licensed sanitation system contractor has completed the necessary repair(s). This documentation may be in the form of an invoice or receipt from a state-licensed sanitation system contractor.

When the Septic System is inspected, if the water level in the septic tank is above the outlet pipe, or if water flows back into the tank from the disposal field after the contents of the septic tank are pumped out, this is confirmation of disposal field failure. In this case, the disposal field shall be replaced or expanded as soon as possible, but **no later than six months after the date of the inspection**. If during replacement or expansion of the disposal field, groundwater levels are found to be higher than the bottom of the existing disposal field, this indicates that the disposal field is under groundwater and septic tank effluent is likely discharging directly to groundwater. In this case, the disposal field should be relocated to separate the disposal field from groundwater, if possible. This may require installation of an effluent pumping system. Also, access risers shall be installed on the septic tank so that the tank may be easily accessed for future pumping.

In all cases where the Septic System disposal field has failed, the Discharger should reduce indoor water use to reduce wastewater flow to the Septic System. The Discharger should also have an effluent filter installed in the septic tank to prevent flushing of solids from the septic tank into the disposal field.

Until the community wastewater collection and treatment system is available to the Site and/or all unpermitted discharges from the Septic System cease, the Discharger shall have **three months from every third anniversary of the inspection date** to satisfy the pumping, inspection and repair requirements listed above in Section B (1) and (2).

The Executive Officer may extend the due date for any requirement of Section B for up to ninety days for circumstances beyond the Discharger's reasonable control.

C. PROVISIONS

1. All reports, receipts, notifications and other documents the Discharger submits pursuant to the Order (including Paragraph A.2 of this Order) shall be accompanied by a statement from the Discharger stating: "I certify under penalty of perjury that the attached documents were prepared at my request or under my

supervision, and to the best of my knowledge are true, accurate and complete. I understand that there are significant penalties for providing false or incomplete information, including the possibility of criminal fines or imprisonment."

2. If more than one person or entity is a "Discharger" subject to this Order, compliance by any of those persons or entities with the submission requirements of this Order constitutes compliance by all Dischargers. Multiple submissions are not required. However, all named Dischargers are responsible for compliance with all requirements of this Order, and will be subject to enforcement for any non-compliance. Agreements among and/or between Dischargers as to how they will comply with this Order's requirements are not binding on the Water Board and do not protect any Discharger from enforcement actions.
3. Discharger shall inform any subsequent owner or occupant at the Site of this Order and provide a copy of the Order. The Discharger is liable for the use of the Septic System, while the Discharger owns the Site, including but not limited to the use of the Septic System by any tenant or any other person occupying the Site.
4. The property owner shall notify the Executive Officer and the Staff Prosecution Team in writing of any transfer of ownership of the Site within 30 calendar days following close of escrow or transfer of record title after transfer of ownership.
5. The property owner shall notify the Executive Officer and Staff Prosecution Team in writing of the name of any new occupant of the Site within 30 days after the new occupant takes occupancy.
6. If, in the opinion of the Executive Officer, the Discharger fails to comply with any provision of this Order, then the Executive Officer may recommend that the Water Board apply to the Attorney General for judicial enforcement or issue a complaint for Administrative Civil Liability.

FAILURE TO COMPLY WITH PROVISIONS OF THIS ORDER MAY SUBJECT THE DISCHARGER TO FURTHER ENFORCEMENT ACTION INCLUDING ASSESSMENT OF CIVIL LIABILITY UNDER SECTIONS 13268 OR 13350 OF THE WATER CODE AND REFERRAL TO THE ATTORNEY GENERAL FOR INJUNCTIVE RELIEF AND CIVIL OR CRIMINAL LIABILITY.

Executive Officer

Date

DRAFT

Exhibit "A"

San Luis Obispo County Septic Tank Inspection Form and
Septic Verification Form



County of San Luis Obispo Septic Tank Inspection Report

(Please type or print)

Date of Service / Maintenance _____

Owner's Name _____ Phone No: _____

Location of Inspection _____
(Address) (City) (Zip)

Number of Bedrooms _____ Year Septic System Built: _____

Septage disposal location / date: _____

System Components:

Septic tank with leach field or drywell Septic tank with pump Cesspool Other _____

Estimated capacity of septic tank _____ gallons Number of compartments _____

Amount Pumped _____ gallons Number of access lids: _____

Depth to Access lids: _____ Diameter of Access Lids: _____

Construction of septic tank or Cesspool:

Rectangular Round Other _____
 Concrete Fiberglass plastic Brick other _____

Condition of Tank:	No	Yes		No	Yes
Tank deteriorated	<input type="checkbox"/>	<input type="checkbox"/>	inlet tee present	<input type="checkbox"/>	<input type="checkbox"/>
Baffle Wall deteriorated	<input type="checkbox"/>	<input type="checkbox"/>	outlet tee present	<input type="checkbox"/>	<input type="checkbox"/>
Lids are deteriorated	<input type="checkbox"/>	<input type="checkbox"/>	house lateral open	<input type="checkbox"/>	<input type="checkbox"/>
Heavy grease build-up	<input type="checkbox"/>	<input type="checkbox"/>	needs pumping	<input type="checkbox"/>	<input type="checkbox"/>

Minimum concrete thickness at lids: _____ method of measurement: _____

Prior to pumping was effluent above outflow tee? No Yes (may indicate failing system)

While pumping did effluent re-enter tank from leach system No Yes (may indicate failing system)

Signs of surfacing effluent No Yes, location _____

Any signs of Past drainage problems? No Yes

site map N

Maintenance performed: _____

System appears to be functioning satisfactorily? No Yes

Repairs / upgrade required

1. _____

2. _____

3. _____

Comments / Recommendations: _____

Inspectors qualifications: _____ C-42 _____ NAWT

Other qualifications: _____

Service Company Performing Pumping / Maintenance: _____

The useful life of any septic system is determined by numerous factors, including but not limited to, soil characteristics, water usage, and proper maintenance. This inspection report is based on observations by the inspector and information provided by the system owner. It is not a guarantee of system adequacy.

Signature of Qualified Inspector: _____ Date: _____ Phone: _____

When form is completed, please return pink and yellow copy to: Department of Environmental Health, C/O Megan Lillich REHS, P.O. Box 1489, San Luis Obispo, Ca. 93405.

For any questions about septic repair or maintenance, please contact Barry Tolle REHS at 781-5628, e-mail at: btolle@co.slo.ca.us, or visit our website at www.sloplanning.org



Septic Verification Form

San Luis Obispo County Department of Planning and Building
County Government Center, San Luis Obispo, California 93408 (805) 781-5600

1. Certification of Existing Subsurface Sewage Disposal System.

Date of Inspection _____

(Property Address)

(Owner's Name)

(APN number)

(Permit number)

2. Show design and location on a scale of 1"=10' to 1"=40' of the sewage disposal system and 100% expansion area in relation to attached dwellings, structures, wells, rocks, watercourses, etc. on required plot plan.

3. a. I examined the existing subsurface sewage disposal system at the above location on (Date) _____ date.

And determined that the septic tank capacity is _____ gallons. There are _____ bedrooms in the dwelling.

b. There are _____ leachline(s), each is _____ feet long.

c. There are _____ seepage pit(s), each _____ feet in diameter and each is _____ feet deep.

d. The leach bed is _____ feet, by _____ feet, total _____ square feet of leach bed area.

4. a. Construction of septic tank (please check one of the following):

_____ concrete _____ fiberglass other _____

b. The tank is in good condition. The inlet and outlet Tees are present, and the baffle is not cracked, broken or displaced

Yes _____ No _____ Comments: _____

5. a. While pumping the tank, did effluent flow back into tank from the absorption system? _____ yes _____ no

b. Prior to pumping, was the liquid level in the tank above the outlet tee? _____ yes _____ no

c. Is design of system gravity feed? _____ yes _____ no

c. Were well(s) observed on this or adjacent property?* _____ yes _____ no

* If yes, indicate distance of well from: Septic tank, _____ Ft. Leachlines, _____ Ft. Seepage Pit, _____ Ft.

e. Distance from springs, lakes and natural drainage courses: Septic Tank, _____ Ft. Leachlines, _____ Ft. Seepage Pits _____ Ft.

ADDITIONAL COMMENTS _____

6a. _____ It is my opinion that the system appears to be in good working order and can be expected to function properly with proper maintenance. No repairs are necessary at this time.

6b. _____ It is my opinion that the system is not in good working order and will not function properly without the following repairs:

I certify under penalty of perjury that the foregoing is true and correct:

Signature

C-42 State License Number

Expiration Date

Print Name

Name of Pumper Company holding C-42 License

Address

Phone Number

DRAFT

Exhibit "B"

Discharger Statement of Septic System Observations

**Discharger Statement of Los Osos/Baywood Park
Prohibition Zone Septic System Observations**

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I, [Assessee], hereby certify under penalty of perjury that I, or my authorized representative, observed my Septic System at [Site Address] and did not find any external evidence of Septic System failure such as odors, persistent wet spots and/or lush vegetative growth in the Septic System area, sluggish waste plumbing, or persistent problems despite recent septic tank cleaning.

I hereby agree to have my Septic System pumped, inspected, and repaired if necessary within three years of the date of my Cleanup and Abatement Order, according to the interim compliance requirements of that order.

Septic System Observation Date

Signature

Printed Name

Date Signed

Submit this completed form to the Water Board Prosecution Team, attn: Matt Thompson, 895 Aerovista Place, Suite 101, San Luis Obispo, California 93401.