

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

RESOLUTION NO. R3-2008-0072

Waiver of Waste Discharge Requirements

For

**MOUNDED SEPTIC DISPOSAL SYSTEM
VERISSIMO RESIDENCE 260-B FLINT ROAD
HOLLISTER, SAN BENITO COUNTY
(APN 18-16-08)**

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

1. California Water Code Section 13260(a) requires that any person discharging waste, or proposing to discharge waste that could affect the quality of the waters of the state, other than into a community sewer system, shall file with the appropriate Central Coast Water Board a report of the discharge ("report of waste discharge" or "ROWD") or other report containing such information and data as may be required by the Central Coast Water Board.
2. The Central Coast Water Board prescribes waste discharge requirements except where a waiver of waste discharge requirements is consistent with applicable water quality control plans and is in the public interest pursuant to California Water Code Section 13269.
3. California Water Code Section 13269 provides that all waivers of waste discharge requirements must be conditional, may not exceed five years in duration, and the Central Coast Water Board may terminate it at any time.
4. The subject site consists of a 20-acre, agriculture/residential property located west of the City of Hollister at 260-B Flint Road in unincorporated San Benito County. The property is not within a sewer services district, and requires an on-site wastewater disposal system. The property owner, Steven and Audrey Verissimo (hereafter Discharger), applied for a permit with the San Benito County Division of Environmental Health (Environmental Health) to install an on-site wastewater disposal system (septic tank with mound soil absorption disposal system). Depth to groundwater at the subject site is approximately nine feet based on soil mottling observed by Mr. Raymond Stevens, a geologist with Environmental Health.
5. The average percolation rate performed in the area sited for the proposed mound septic system is 7.3 minutes per inch based on eight percolation tests. The Central Coast Water Board's Water Quality Control Plan (Basin Plan) specifically prohibits discharges from new soil absorption systems installed after September 16, 1983, at sites where the distance between leachfield trench bottom and groundwater is less than eight feet when soil percolation rates range 5 to 29 minutes per inch.
6. Environmental Health determined the site does not meet Basin Plan requirements for a standard on-site subsurface disposal system because of soil mottling observed at nine feet

below grade surface. The Water Board does not allow Environmental Health to issue a permit without an authorized exemption from the Basin Plan prohibition.

7. Batz Environmental Consulting submitted a ROWD and Supplemental Form for Central Coast Water Board Subsurface Disposal Exemption (Supplemental Form) to the Central Coast Water Board on behalf of the Discharger on May 12, 2008. The Supplemental Form was for the installation of a mounded septic disposal system at the subject site. Mounded disposal system designs have been successfully operated under similar conditions throughout the state since prior to 1980. Environmental Health certified the Supplemental Form and recommended approval of the exemption request on July 10, 2008.
8. The proposed mound system design meets applicable portions of the 1980 State Water Resources Control Board Guidelines for Mound Systems and 1989 Final Draft California State Water Resources Control Board Guidelines for the Design, Installation, and Operation of Mound Sewage Disposal Systems.
9. The Executive Officer approved the Basin Plan exemption and notified the Discharger and interested parties of the proposed waiver on October 8, 2008, to solicit comments.
10. The Central Coast Water Board has considered the design information provided in the Supplemental Form and has required the Discharger, as a condition of this waiver, to comply with all permit requirements from Environmental Health.
11. Individual subsurface disposal systems for domestic residences are categorically exempt the California Environmental Quality Act as set forth in California Code of Regulations, Title 14, Section 15303.
12. This waiver of waste discharge requirements is in the public interest because:
 - a) The Waiver requires the Discharger to observe reasonable practices to minimize the deleterious effects of the discharge;
 - b) This Waiver requires the Discharger to implement feasible treatment methods to control the waste constituents in the discharge; and
 - c) This Waiver includes conditions that will adequately protect beneficial uses while allowing the Water Board to utilize more of its resources to conduct field oversight, public outreach and, where necessary, enforcement.
13. Environmental Health regulates the mounded disposal system, which requires the Discharger to implement operational controls, maintenance activities, and regular monitoring and reporting to prevent water quality impacts because of system overloading, power failure, and system failure.
14. The conditions of this waiver is consistent with the Basin Plan because it :
 - a) Prohibits pollution, contamination or nuisance;
 - b) Requires monitoring and compliance with applicable Basin Plan prohibitions; and
 - c) Requires the Discharger to grant access to Water Board staff to perform inspections.
 - d) Requires the onsite disposal system to comply with the Basin Plan's criteria for onsite systems.
15. Pursuant to California Water Code Section 13269, this action waiving the issuance of

waste discharge requirements for this on site domestic wastewater disposal system: (a) is conditional, (b) may be terminated at any time, (c) does not permit an illegal activity, (d) does not preclude the need for permits which may be required by other local or governmental agencies, and (e) does not preclude the Water Board from administering enforcement remedies (including civil liability) pursuant to the California Water Code.

16. Operation of the system consistent with this Resolution will not degrade groundwater and is consistent with State Water Resources Control Board Resolution 68-16. Resolution 68-16 provides if there is degradation of water quality it must not "unreasonably affect present and anticipated beneficial use of such water and will not result in water quality less than that prescribed [by the water quality control] policies." In short, the degradation may not violate water quality objectives or in the absence of objectives, must not affect existing and designated beneficial uses.
17. This Resolution imposes monitoring and reporting requirements pursuant to CWC Section 13267. The monitoring and reporting are necessary to ensure compliance with the conditions of this Resolution and to verify the adequacy and effectiveness of the conditions.
18. The Central Coast Water Board conducted a public hearing on December 5, 2008, in San Luis Obispo, California, and considered all evidence concerning this matter.
19. Any person affected by this action of the Water Board may petition the State Water Resources Control Board (State Board) to review the action in accordance with section 13320 of the California Water Code and Title 23, California Code of Regulations, Section 2050. The State Board must receive the petition within 30 days of the date of this Resolution. Copies of the law and regulations applicable to filing petitions will be provided upon request.

THEREFORE BE IT RESOLVED:

1. In accordance with CWC Sections 13267 and 13269, the Water Board hereby waives waste discharge requirements for the proposed on-site domestic mounded septic disposal system subject to the following conditions:
 - a) The Discharger shall install the individual sewage disposal system under the oversight of Environmental Health and shall operate and maintain the system in accordance with Environmental Health permit conditions.
 - b) Environmental Health will regularly inspect the system and monitor the system after all rainfall events resulting in greater than one inch of precipitation. The Executive Officer shall terminate this waiver if Environmental Health does not regularly inspect and monitor the system.
 - c) The Discharger shall comply with all Environmental Health permit conditions.
 - d) The Discharger shall inspect the sewage disposal system annually for solids buildup. A licensed septic tank contractor shall pump the septic tank as required.
 - e) Peak daily flow shall not exceed 600 gallons per day.
 - f) Use of the individual sewage disposal system shall not create a condition of pollution, contamination, or condition of nuisance, as defined by CWC Section 13050.
 - g) This Resolution allows only domestic wastewater discharge to the individual sewage disposal system.
 - h) The Discharger shall immediately report any proposed change(s) in volume, nature, or location of the discharge to the Central Coast Water Board and Environmental Health.
 - i) The Discharger shall immediately notify the Central Coast Water Board and Environmental Health of any discharges threatening water quality or public health.
 - j) The Central Coast Water Board may inspect the septic tank/leachfield system at any time to evaluate compliance with the Basin Plan or these conditions.
 - k) Operation of the sewage disposal system shall not result in the daylighting (surfacing) of effluent from the mounded disposal area or other portions of the system.
 - l) If the Discharger transfers the property, the Discharger shall notify the new owner of this Waiver of Waste Discharge Requirements and shall notify the Water Board of the transfer within 30 days of transfer.
 - m) The Discharger shall allow the Water Board to inspect the onsite disposal system at any time to evaluate compliance with this Waiver.
 - n) Operation of the sewage disposal system shall not result in the daylighting (surfacing) of effluent from the disposal area or other portions of the system.
 - o) The Discharger and future property owners shall provide copies, upon request, of all monitoring and maintenance records to the Water Board.
2. This Waiver shall not create a vested right to discharge waste. The ability to discharge waste is a privilege and not a right as provided for in CWC Section 13263.

3. If a centralized sewer system connection becomes available within the duration of this waiver, then the Water Board requires connection to this system.
4. The Executive Officer or Central Coast Water Board may terminate this Waiver described herein at any time if the Discharger violates any of its conditions, if such termination is in the public interest, or if the mounded septic disposal system could adversely affect the quality or beneficial uses of the waters of the State.
5. A waiver may not exceed five years in duration, but the Water Board may renew it at that time. This Waiver shall become effective on **December 5, 2008**, and shall expire on **December 5, 2013**. The Discharger must contact Water Board staff six months prior to date of expiration and state their need to continue coverage under Resolution No. R3-2008-0072.
6. The Discharger may be subject to enforcement actions for violations of this Waiver pursuant to Division 7 of the California Water Code. As provided in California Water Code Section 13350(a), the Discharger may be civilly liable if in violation of a waiver condition, or causes waste to be deposited where it is discharged, into the waters of the State and creates a condition of pollution or nuisance.

I, Roger W. Briggs, Executive Officer, do hereby certify 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 December 5, 2008.

Roger W. Briggs
Executive Officer