

From: "John Ricker" <ENV012@co.santa-cruz.ca.us>
To: "Sorrel Marks" <Smarks@waterboards.ca.gov>
Date: 4/6/2008 10:35:02 PM
Subject: RE: Basin Plan amendment & waiver for onsite systems

Sorrel, attached are my comments on the proposal. John

John Ricker
 Water Resources Division Director
 Santa Cruz County Environmental Health Services
 (831) 454-2750

-----Original Message-----

From: Sorrel Marks [mailto:Smarks@waterboards.ca.gov]
 Sent: Thursday, February 28, 2008 1:34 PM
 To: David Athey; wfrace@atascadero.org; KnasterA@co.monterey.ca.us;
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 paul.jenzen@sbcphd.org; Rick.Merrifield@sbcphd.org; erickson@stamplaw.us
 Subject: Basin Plan amendment & waiver for onsite systems

Hello All: Attached please find a letter notifying interested parties that the staff reports for proposed amendments to the Basin Plan criteria for onsite wastewater systems and proposed waiver of waste discharge requirements for discharges from onsite wastewater systems are available for review. The documents are attached or available online at the following link: <http://www.waterboards.ca.gov/centralcoast/>

If you prefer hard copy, please give me a call at 805/549-3695 and I will be happy to send you one. Also, if you know of others interested in this issue, please pass along this message.

Thank you for your time and effort contributed to developing these proposals. Please submit your comments and recommendations by April 7, 2008. If comments provided in our recent discussions of the preliminary draft documents are not reflected in these drafts, please include them in your formal response to this public comment draft. Technical support for recommended changes will assist development of technically sound revisions, so please include such reference information with your comments. If you have any questions, please give me a call or email. Many thanks. Sorrel Marks

CC: <russell@russellgross.com>, <chris.rummel@comcast.net>, <realrose@norcalbroker.com>, "Troy Boone" <ENV065@co.santa-cruz.ca.us>, "Bob Kennedy (E-mail)" <Bob.Kennedy@co.santa-cruz.ca.us>, "Brian Blease (E-mail)" <ENV053@co.santa-cruz.ca.us>, "Chris Berry (E-mail)" <CBerry@ci.santa-cruz.ca.us>, "Darlene Oertle" <ENV107@co.santa-cruz.ca.us>, "Datta Khalsa (E-mail)" <datta@mainstrealtors.com>, "David Roberts" <ENV070@co.santa-cruz.ca.us>, "Doug Pearson (E-mail)" <ENV044@co.santa-cruz.ca.us>, "Howard Kolb (E-mail)" <HKolb@rb3.swrcb.ca.gov>, "Howard Liebenberg (E-mail)" <TheEarthSmith@msn.com>, "Jeff Nolan (E-mail)" <jeff@nolanzinn.com>, "Ken Mabie (E-mail)" <kmabie@aol.com>, "Pat Gill (E-mail)" <thegills@cruzio.com>, "Peter Haase (E-mail)" <phaase@fallcreekengineering.com>, "Rafael Sanchez (E-mail)" <ENV048@co.santa-cruz.ca.us>, "Rich Wilson (E-mail)" <ENV047@co.santa-cruz.ca.us>, "Ruben Sanchez (E-mail)" <ENV028@co.santa-

Item No. 9 Attachment 3
 May 9, 2008 Meeting
 Basin Plan Amendment Updating
 Onsite Wastewater System Criteria
 (Resolution No. R3-2008-0005)

Comments on proposed amendment of requirements for Onsite sewage disposal systems in the Central Coast Region – Submitted by John Ricker, Water Resources Division Director, Santa Cruz County Environmental Health Services

Resolution 2008-0006

P.4, no. 2: MOU's will commit local agencies to adoption of criteria contained in statewide regulations developed pursuant to AB 885. However, these criteria are unknown and could be unreasonable. We cannot agree to adopt them this unless there is an option to review the criteria for reasonableness and applicability. Suggest using language similar to that in the staff report for Resolution 2008-0005: if and when statewide criteria are adopted, the MOU's will be reviewed to determine if they need to be modified.

pp-4-5, No. 3. Conditions of waiver: Are all systems not under a wastewater management program going to have to submit a ROWD and pay a fee? Seems like unnecessary effort and cost. However, Santa Cruz County has an onsite wastewater management program and it would appear systems in the county are exempt.

Proposed amendments to Basin Plan Chapter 4

p.2.

- Why does application area exclude the top foot? This runs contrary to encouraging shallow disposal trenches in the biologically active topsoil. ①
- What is the distinction between alternative and engineered systems? Maybe for simplicity use just one term ②
- The definition of new onsite system includes upgrades for increased flow. We grappled with this issue before and determined to allow upgrades of existing systems using repair criteria. This is a more fair approach to allowing somebody the ability to add a bedroom if their site can meet repair criteria but not new system standards. ③
- Defining onsite disposal area to include the surrounding 100 ft could be problematic, particularly if 200% of that area must be preserved with no other uses. But it's not clear where that comes into play ④

p. 3: The definition of watercourse is overly broad and should specify a duration of flow. Otherwise a 100 ft setback could refer to all roadside ditches that only carry stormwater. We require a 25 ft setback from any drainageway that does not run for more than 1 week after rainfall. ⑤

p.5, Similar to the comment on page 2, land use changes should be allowed if locally established repair criteria can be met. ③

Rec. 3 Maintenance by local maintenance districts is probably not practical, but local districts can include programs to require maintenance. ⑥

p.6: It's unclear how a wastewater management plan would project demand and determine best ways to meet demand. Seems better to just establish site criteria specific to any watersheds or basins of concern. ⑦

Onsite wastewater management districts can fund administration of programs for maintenance without actually performing the maintenance themselves. This may be more realistic, given the constraints of Prop 218. (6)

p. 7, no. 8: This requires that at least 3 percolation tests shall be conducted at the depth of the bottom of the trench. We currently require 3, but at least one is 5-10 ft below the trench to confirm adequate subsurface permeability in soils below the trench. (8)

No. 9. Required set back from a slope over 30% and calculation of setback for any slope over 20% seems unnecessarily restrictive. We require setback from slope over 67% and no restrictions on slopes less than 30%. We have never seen surfacing effluent as a result of slope. What are geologic conditions that permit surfacing? An arbitrary 100 ft setback seems excessive. Setback should depend on the height of the cut. That saves the step of having to make horizontal cross-sections. We currently require 4X the height up to 25 ft or up to 50 feet if there are fractures or an impermeable layer present (geologic conditions that permit surfacing?). (9)

p.8, no. 11, The change will require a 20 ft separation to groundwater for soils that perc 1-4 mpi whether or not a well is located within 250 ft. Why? What is the required separation to groundwater with enhanced treatment? (10)

No. 12, Why is a certified professional required for slopes over 20%? Seems like up to 30% should be ok. What is the limit with professional design? How is that determined? What is a certified professional? (11)

No. 13. We completely disagree with the restriction on second units on parcels less than two acres. Systems serving duplexes or multiple units are allowed without regard to parcel size. Secondary units are not defacto subdivisions, with the restrictions we have in place. We allow second units on parcels less than 2 acres provided they share a common system and they can meet new system criteria. (12)

p. 9, no. 6, There is a new requirement that tanks be watertight. We concur with this. ✓

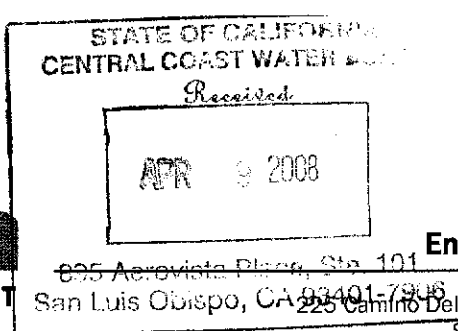
No. 7, The flow rate is not specified for a one or two bedroom house. We allow reduced design flow for houses smaller than 3 bedrooms as some sites cannot accommodate a larger system that has a design flow of 375 gpd. (13)

p. 11, no. 13. All dispersal systems shall be hydraulically tested after installation and before covering. This is new. ✓

No. 4, Requiring septic tanks to be pumped every 5 years may be excessive. 7-10 years can be ok. How will this be required? (14)

p. 12, no. 6, Suggest requiring local jurisdictions to maintain records of pumping and septage disposal. It's not hard. (15)

Santa Barbara County
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DEPARTMENT



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April 7, 2008

Sorrel Marks
Central Coast Water Board
895 Aerovista, Suite 101
San Luis Obispo, CA. 93401

Dear Ms. Marks:

SUBJECT: Draft Revisions to Basin Plan

Santa Barbara County Environmental Health Services has received a copy of the proposed changes to the Central Coast Water Board's Basin Plan criteria for onsite wastewater treatment systems. After reviewing the draft document, we offer the following comments/suggestions:

Page 2, Definitions:

1. The definitions of "Alternative onsite system" and "Engineered system" on page 2 appear to be nearly identical. In a practical sense, alternative systems are engineered systems. Therefore, it is recommended that "engineered system" be used as part of the definition of an alternative system and the separate definition for engineered system be deleted.
2. The definition of "Failed or failing onsite system" is vague and includes conditions that are not necessarily indications of failure such as odors. In order to be useful, the criteria should be limited to verifiable items such as surface discharge, impacts to water resources, backup into the structure or backflow from the dispersal field on repeated occasions.
3. Within the definition of "New onsite system," the word "or" should be substituted for "and" so that it reads "A new onsite system is an onsite wastewater system placed on property that has not previously been developed or expansion of an existing onsite system to accommodate an increase in wastewater generation. Otherwise, the definition as written does not make sense.

Section VIII.D.1, Pg 5, Requirements:

4. Item 5: the terms "urbanizing and high density areas" are used but there are no corresponding definitions. If these are to be limiting conditions to the use of an onsite system then they should be clearly defined.
5. Item 6 stipulates that repairs "be in substantial conformance (to the greatest extent practicable) with the Basin Plan recommendations, requirements and prohibitions or the local onsite wastewater management plans." This runs contrary to the first paragraph on pg. 5 that says that failing systems "shall be brought into compliance with Basin Plan recommendations, requirements and prohibitions." These sections should be made consistent with each other. It is suggested that the proviso "to the maximum extent practicable" be used in both sections. In addition, if recommendations are mandatory, they really are not recommendations, but rather requirements.
6. Item 8 requires that "Local ordinances shall be updated to reflect Basin Plan Criteria." A requirement dictating the content of local ordinances is inappropriate for inclusion in the Basin Plan and should be addressed in the new Memorandum of Understanding between the local jurisdictions and the Central Coast Water Board.

Section VIII.D.1.b, Wastewater Management Plans:

7. Pg. 6: the second bullet item pertaining to Wastewater Management Plans (WWMPs) requires that the County have a ground and surface water monitoring program. This could be considered an unfunded mandate as such programs do not currently exist and there are no funds to support them. Additionally, they are part of the

Central Coast Water Board TMDL program and addressed in the County's NPDES permit and would therefore be an unnecessary duplication of effort. It is recommended that this item be made a recommendation or deleted from this section.

8. **Section VIII.D.1.b**, Pg 6, the fifth bullet item pertaining to WWMPs, requires a monitoring program for existing onsite systems. This also could be considered an unfunded mandate as this type of mandatory maintenance program currently does not exist and there is no funding to start and maintain such a program.
9. **Section VIII.D.2** Pg. 7: the fourth paragraph requires that the local agency develop a septage disposal plan. This is problematic because the wastewater treatment plants are regulated by the Central Coast Water Board and are beyond the ability of the local authority to regulate. Therefore, any septage plan would be a multi-regulatory issue not just the local agency.

Site Suitability, Section VIII.D.2.a, Pg. 7, Requirements:

10. Item 4, states that a boring shall be performed but it is unclear if this is a pilot boring done adjacent to the disposal area or within the disposal area. This requires clarification. Additionally, the wording that a boring should extend at least 10 feet below the drain field bottom should be changed to shall extend at least 10 feet below the drain field bottom. Further, in that same sentence, there is a requirement for a wet season boring "shortly after the wet season". What is "shortly" after the wet season? One week, a month, six weeks? The need for a wet season boring is not necessary in all situations or areas. Wet season borings should be limited to those areas where high seasonal groundwater is a concern. It is suggested that this requirement be modified to apply only to such areas.
11. Item 5 states that "an excavation shall be made to detect mottling or the presence of underground channels, fissures or cracks". Research conducted at North Carolina State University indicates that soil mottling requires high carbon content, saturated conditions and the presence of specific bacteria to occur. Such conditions would rarely occur in the arid type environment of Santa Barbara County. Therefore, it is recommended that the term "mottling" be removed from this item.
12. Item 7 uses the term "stabilized rate". This term requires a definition in order to be useful.
13. Item 9 reads "the setback distance from a cut, embankment or steep cut should be determined by projecting a line...." If the intent is to make this a mandatory requirement, the term "should" needs to be replaced with "shall."
14. Item 10 has been changed to delete the requirement that seepage pits be used only after careful consideration. This is unfortunate. Environmental Health Services agrees that seepage pits should be considered carefully due to their greater potential threat to groundwater and recommends that this comment be returned to the document.
15. Items 11, 21 and 24 all deal with rapid soil percolation rates. However, they are inconsistent with each other and should be combined and clarified.

Section VIII.D.2.a, Pg.8, Prohibitions:

16. Items 17 & 18 are vague statements with little practical use. Do they have any real use in this part of the document or should they be moved or eliminated?
17. Items 22 & 23 prohibit or place conditions on the use of seepage pits on the basis of soil particle size. This does not appear to be justified as some high clay soils do have adequate absorptive capacity. It would be more useful to place conditions or prohibitions on seepage pits based on their ability or their lack of ability, to actually absorb water.

Section VIII.D.2.b, Requirements, Pg.9:

18. Item 8 requires design be based only on usable permeable soil layers. This is a standard that is not useful. How exactly is the enforcement agency supposed to know which layers are permeable and which are not? It is recommended that this requirement be modified or deleted.
19. Item 9 specifies excessively conservative application rates. There is nothing in recent publication that would support this conservative application rate. Consequently it is recommended that these rates be replaced with those specified by the USEPA.
20. Item 17 requires setbacks based on the determination of wastewater having the ability to migrate to water. There is no way of knowing the subsurface conditions that allow migration of wastewater therefore the standard has little practical use and should be modified or deleted. In addition the setbacks specified from drinking water wells is inconsistent with the setbacks specified in the California Department of Water Resources Bulletin 74-91 California Well Standards which stipulate a setback of 100 ft from a leachfield to a well and 150 ft. to a seepage

pit. It is recommended that the setbacks in the basin plan be changed to correlate with those in the California Well Standards.

21. Item 21 prohibits the discharge of greater than 40 grams per day of total nitrogen. Such a restriction seems arbitrary in light of the fact that the USEPA provides for a range of nitrogen discharged per capita. Furthermore, this is redundant to the other sections of the Basin Plan restricting density and is largely unenforceable. It is recommended that the fixed rate restriction be eliminated or be modified to incorporate a range similar to that allowed by USEPA.
22. Item 23 should be modified to simply say that the system shall be installed in such a manner to preclude inflow and infiltration. The second part of this requirement is of little practical use since no system could be designed to accommodate such unknown but potentially large flows.

Section VIII.D.2.e, Onsite System Maintenance, Requirements, Pg.11:

23. Items 3 & 4 require WWMPs and a mandatory maintenance program. As stated previously, this could be viewed as an unfunded mandate.
24. Item 5 requires that the disposal of septage be accomplished in a manner "acceptable" to the CCWB Executive Officer yet it provides no examples of what constitutes acceptable disposal. As stated previously, most wastewater treatment plants are reluctant to take this material and are under permit from the Regional Water Quality Control Board. Consequently it will require a coordinated, multi-agency effort to deal with septage disposal.
25. Item 6 requires that a property owner maintain various records of onsite system maintenance. While EHS agrees that such record keeping is worthwhile and desirable, it is largely unenforceable and should be moved to the Recommendations section.

Use Considerations, Section VIII.d.2.f, Prohibitions, Pg.12:

26. Item 5 prohibits the discharge of the brine from self-regenerating water softeners to an onsite system unless it is consistent with an approved "salt minimization plan". While EHS agrees that regeneration brine should not be discharged to an onsite system, prohibiting such action is largely unenforceable. Consequently, it is recommended that this item be moved to the Recommendations section.

Thank you for the opportunity to review and comment on these proposed amendments. Please call my office at (805) 681-4900 if you have any questions or need clarification on the issues discussed in our letter.

Sincerely,

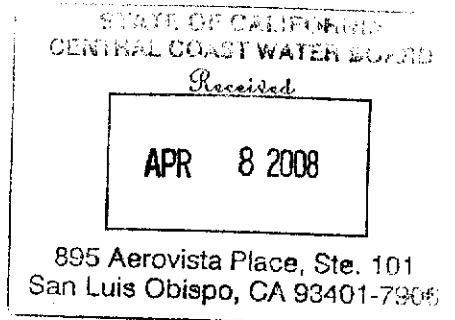


Richard Merrifield, Director
Santa Barbara County
Environmental Health Services



SAN LUIS OBISPO COUNTY DEPARTMENT OF PLANNING AND BUILDING

VICTOR HOLANDA, AICP
DIRECTOR



April 7, 2008

Sorrell Marks
Sanitary Engineering Associate
Central Coast Waterboards
895 Aerovista Place Suite 101
San Luis Obispo, Ca. 93401-7906

RE: Comments on Basin Plan Revision

Ms. Marks:

Thank you for the opportunity to make comments on the latest draft of the Basin Plan. San Luis Obispo County has several serious concerns regarding the proposed plan. Many of the requirements require a large financial burden on the part of the County and property owners for conformance.

1. Section VIII.D1b. ONSITE WASTEWATER MANAGEMENT PLANS (pg 6)

Water Quality monitoring program

Water quality monitoring is going to be a big issue with our county. If our department has to take and test water samples it will be incredibly expensive and time consuming. The most streamline method for us to handle this issue will be to allow the home owner to take their own water samples. Unfortunately, this could lead to improper testing techniques and faulty samples. (1)

Septage Management

This program will be very difficult to promote without a funding mechanism available or a program is figured in advance as part of the build-out of a sewer facility. If the RWQCB staff is intending to regulate this program away from sewer facilities it will make the process even harder. Septage management programs will require a lot of money and a reduction of environmental standards to allow the use of the by-product as fertilizer. If the by-product can not be used as fertilizer then land will have to be condemned for storage of the product. These storage facilities are never a friendly neighbor and are subject to numerous (2)

complaints. Without funding available no one will be willing to pursue such a project.

Program administration, staffing, records keeping etc.

This part of the program will be hard to accomplish immediately as all government agencies are having financial difficulties due to the economy and the State budget. San Luis Obispo County will need a minimum of four additional employees to follow-up on data, track records, issue inspection notices and complete inspections. (This is based on 20,000 systems or 5,000 systems per year. Each system will require one hour of data input, follow-up, and time to issue letters/reports. We will also need a technician to follow-up on mandatory repair inspections and spot check advanced treatment systems at a minimum of 2 hours per inspection).

3

2. Section VIII.D.2.a. Site Suitability (pg. 8 number 13, and number 21 on pg. 10)

Prohibitions

This section limits buildings to one house per acre. This will limit the number of lots allowed to be built in rural areas and seems to remove the term "favorable conditions" for building on ½ acre lots. This regulation seems a bit stringent and not based on any specific data that documents problem with groundwater in areas where ½ acre lots have been allowed.

4

3. VIII.D.2.e ONSITE SYSTEM MAINTENANCE (pg 11 number 4)

Requirements

This regulation will require mandatory inspection and pumping every five years minimum. If county has 20,000 systems then we will have to issue 5,000 septic inspection / pumping letters a year. In order to keep up with the data, send out the notifications and follow-up, the county we will need additional employees. This is going to be difficult to fund with the current economy.

5

In summary if the proposed Basin Plan is approved as is, it will substantially increase the County's operating costs and add to the cost of housing. Although it is very important to protect ground and surface waters of the State, it is equally important to provide reasonable regulations to maintain that end. This proposed Basin Plan asks for a substantial amount of protection yet does not offer any economic reward. It is important to balance protection with economic feasibility.

Section 13241 of the Porter Cologne Water Quality Control Act states:

Each regional board shall establish such water quality objectives in water quality control plans as in its judgment will ensure the reasonable protection of beneficial uses and the prevention of nuisance; however, it is recognized that it may be possible for the quality of the water to be changed to some degree without unreasonably affecting beneficial uses. Factors to be considered by a regional board in establishing water quality objectives shall include, but not be necessarily limited to, all of the following:

(d) Economic considerations.

(e) The need for developing housing within the region.

Thank you again for the opportunity to comment on the proposed draft.

Barry Tolle, REHS
County of San Luis Obispo Planning & Building Dept
(805) 781-5629



California Regional Water Quality Control Board

Central Coast Region



Linda S. Adams
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Arnold Schwarzenegger
Governor

September 6, 2006

Victor Holanda
Director of Planning & Building
San Luis Obispo County Government Center
San Luis Obispo, CA 93408

Dear Mr. Holanda:

SEPTAGE AND SLUDGE RECEIVING FACILITIES IN SAN LUIS OBISPO COUNTY

San Luis Obispo County has authorized thousands of onsite septic systems within the County and continues to permit additional development discharging to septic systems. However, the County has yet to develop a long-term solution for disposal of septage and/or sludge. For many years, septage and sludge have been hauled out of the County for disposal at facilities in Santa Barbara and Kern Counties, but those options appear to be rapidly dwindling as receiving facilities near capacity. The responsibility for developing a solution to this issue ultimately lies with the County. However, we have mutual interests in ensuring adequate waste treatment, disposal and reuse facilities are available to provide environmental protection from illegal disposal, spills and excess hauling impacts.

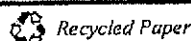
In addition, statewide requirements developed in compliance with Assembly Bill 885 will undoubtedly call for regular septic tank pumping, generating additional septage disposal needs. If the County has a long-term plan for septage/sludge disposal of which we are unaware, please provide us with a copy of the plan. If no such plan exists, we would like to meet with appropriate staff to discuss plan development and resolution of this growing environmental concern.

If you would like to arrange to meet with Water Board staff regarding this issue, please contact **Sorrel Marks** at (805) 549-3695 or Harvey Packard at (805) 542-4639.

Sincerely,

Roger W. Briggs
Executive Officer

California Environmental Protection Agency





CITY OF ATASCADERO

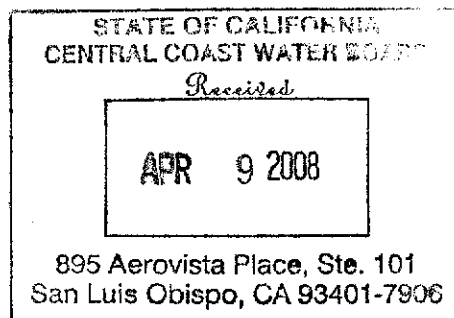
PUBLIC WORKS DEPARTMENT

6907 EL CAMINO REAL, ATASCADERO, CA 93422

Telephone (805) 461-5000 * Fax (805) 461-7612

April 7, 2008

Ms. Sorrel Marks
Central Coast Regional
Water Quality Control Board
895 Aerovista Place, Suite 101
San Luis Obispo, CA 93401



Comments on Amendments to the Central Coast Water Quality Control Plan (Basin Plan) Onsite Wastewater Requirements

Dear Ms. Marks,

The City of Atascadero (City) appreciates the opportunity to comment on the Central Coast Regional Water Quality Control Board's (Water Board) proposed Onsite Wastewater Basin Plan Amendments. The City agrees with the Water Board staff that amendments to the Onsite Wastewater Basin Plan requirements are long overdue. The City appreciates Water Board staff's eye towards making the requirements straightforward and implementable. However, the City believes that a number of the amendments should be modified or clarified prior to adoption. The City has the following comments:

Resolution No. R3-2208-0005

1. *Page 3, Definition of "Watercourse"* -

Regional Board staff has changed the definition of a watercourse, mainly by deleting some language and adding "man-made" to the definition. City staff is concerned that the new definition is too flexible and is still open to broad interpretation. Past experience has shown that not all Water Board staffers interpret the Basin Plan equally. In addition the old definition was much clearer and provided language that assisted City staff in identifying watercourses. However, City staff understands that the original definition was problematic for Water Board staff and we are therefore recommending the following definition¹:

Watercourse – A running stream of water; a natural stream fed from permanent or natural sources, including rivers, creeks, runs, and rivulets. There must be a stream, usually flowing in a particular direction, though it need not flow continuously. It may sometimes be dry. It must flow in a definite channel, having a bed or banks, and usually discharges itself into some other stream or body of water. It must be something more than a mere surface drainage over the entire face of the tract of land, occasioned by freshets or other extraordinary causes.

It is important to define watercourse in a straight forward, easy to interpret manner. The above definition provides the minimum guidelines that agency staff, homeowners, and the public can use to determine appropriate setback distances.

2. *Page 5, RECOMMENDATIONS, Number 1* -

City staff recommends that the first sentence be amended as follows:

¹ Definition from Black's Law Dictionary, Fifth Edition, 1989

"...Provide property buyers, upon request, with legally available records regarding the existence, location, operation, and maintenance of onsite disposal systems..."

(2)

It is not the City's responsibility to track or be involved with property transfers within our boundary. We will provide any documents that we physically possess, in conformance with the Freedom of Information Act.

3. Page 5, Item 7 -

City staff recommends that additional language be added to the following sentence:

"...Local jurisdictions shall ensure that alternate onsite system owners are provided an informational maintenance or replacement document by the system designer engineer or representative *installer*..."

(3)

This language better clarifies who is responsible for providing operational documents to homeowners since non-engineers are allowed to design septic systems.

4. Page 5, PROHIBITIONS, Page 9 -

We recommend that Water Board staff take a collaborative approach to achieving its goal of getting Cities and Counties to develop and implement Onsite Wastewater Management Plans, as described further below. We recommend that Water Board staff add the following language to the end of this prohibition: "...Central Coast Water Board Executive Officer or individual Waste Discharge Requirements issued by the Water Board..."

(4)

5. Page 5, VIII.D.2.1.b. ONSITE WASTEWATER MANAGEMENT PLANS -

The City, with Water Board staff's knowledge and approval, has been implementing the Water Board's Basin Plan requirements at the City's own expense. We have consented to this situation in order to provide a service to the City's homeowners. This has worked for the most part and has freed up valuable Water Board staff time, allowed for speedy permitting and eliminated duplicative governmental oversight. However, we are now perplexed on why the development of Onsite Wastewater Management Plans have become such an important and immediate issue. It appears that the Water Board staff desires that the City spend a potentially significant amount of funds on an issue that, to City staff's knowledge, is not currently needed in Atascadero.

(5)

Overall, it is unclear to City staff how the Water Board can require Cities and Counties to prepare Onsite Wastewater Management Plans. Staff has looked at the Basin Plan's governing document, the Porter Cologne Water Quality Act. City staff has found no instance where the Water Board is given the authority to require the City to address a waste discharge that is not the City's responsibility (The City is not the owner of the individual septic systems.) Therefore, we strongly recommend that the Basin Plan language be reverted back to the current language. Additionally, this requirement, as written, is an unfunded mandate. If the current language is not changed, then the City requests that the Water Board provide the funding for plan development.

(5)

City staff agrees with Water Board Staff that Onsite Wastewater Management Plans may be a good tool to prevent ground or surface water contamination in areas where limiting site conditions could lead to problems. Indeed, Water Board staff has already identified the urbanizing areas with septic systems that may be impacting water quality. These areas were noted in Basin Plan Section VIII.D2.b. Curiously enough, Atascadero was not listed in

(5)

that section even though septic systems have been in use for over 75 plus years, a majority of the land has been previously subdivided, and it incorporates approximately 25 square miles of land. It is also important to note that the City does not allow new divisions of land less than one acre if sewer is not available. Therefore, even if further "urbanization" were to occur, the current Basin Plan requirements would be adequate to protect water quality in Atascadero. Lastly, all new subdivisions that are less than one acre are connected to our wastewater collection system.

(5)

The City sees itself as a partner in the effort to protect water quality. We believe that forcing Cities and Counties to produce Onsite Wastewater Management Plans (if it is somehow legal, we believe it is an undue requirement) is a step in the wrong direction. Water Board staff should use a collaborative approach, much like the approach that was used to develop the Ag Waiver program, for each individual jurisdiction. City staff also believes that this new water quality objective should be focused on the areas where septic systems are known problems (those listed in the current Basin Plan.) This would ensure that funds and resources are spent on real problem areas.

City staff pledges to work with Water Board staff to implement changes that may be needed in our upcoming Memorandum of Understanding (MOU) discussions. We believe that a collaborative approach and minor changes may be all that is needed.

6. Page 8, PROHIBITIONS, Number 13 -

Water Board staff have added new language to prohibit second units on lots less than 2-acres. This new language is based on a Water Board legal opinion and does not appear to be supported by technically sound science. City staff sees no difference between building a second unit or a single home with additional bedrooms. Each situation would have to show that the property is capable of handling the entire wastewater flow and include open land for the reserve leachfield. City staff also recommends removal of the term "defacto" since the words use implies that the construction of a second unit on lots of less than 2 acres constitutes an illegitimate or illegal² lot split. City staff recommends the following amendments be made:

(6)

"...For the purpose of this prohibition, secondary units *construction on a lot of less than 2 acres is are considered "defacto" a lot splits and shall not be allowed, constructed on lots less than two acres in size unless it is shown that the lot can accept the wastewater flow from the primary and second unit.*

It also appears that Water Board staff has removed language that was previously contained in the Basin Plan that allowed lot splits of less than one acre, if favorable site conditions were present. No justification was provided in the amended requirements.

Lastly, it appears short sighted to require that lots be 2-acres or larger for second units. California, especially the Central Coast, is dealing with a large population of aging individuals. These individuals are being cared for by their adult children, hence, there is a demand for second units. The Water Code requires Water Board staff to consider housing needs when establishing new requirements. It does not appear that the housing needs requirement was considered. City staff believes that the threshold for second units vs. lot size should be based on whether or not the land can accept the onsite wastewater load.

(6)

² The use of De facto: As defined in Black's Law Dictionary, Fifth Edition, 1989

Failure to do so would potentially cause undue hardships on families when the potential for water quality improvement or protection is insignificant.

7. Page 9, REQUIREMENTS, Number 9 -

City staff is unclear why the requirement for a 0.1 gallon per day per square foot application rate is required for percolation rates between 61 and 120 minutes per inch. It is not reasonable to require a landowner with a percolation rate of 61 minutes per inch to construct an onsite wastewater system that would be the same size as the system on a lot with an 120 minute per inch percolation rate. The 61 minute per inch percolation rate is almost twice as fast as the 120 minutes per inch rate. Therefore, the system would be twice the needed size, twice the cost and provide no greater water quality protection. Agencies have to be responsive and only require what is necessary to protect human health and the environment. City staff proposes the following application rates for percolation rates between 61 and 120 minutes per inch:

(minutes/inch)	(gpd/sq.ft)
61-80	0.2
81-100	0.15
101- 120	0.1

8. Page 9 & 10, REQUIREMENTS, Number 17 -

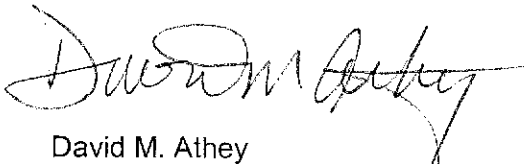
City staff recommends that a note be included with each setback clarifying that a 100-foot setback applies to the areas upslope from a Water Course, Drinking Water Supply Reservoir Spillway Elevation or Spring. Onsite wastewater systems that are downslope from the aforementioned features do not pose a risk to the upslope features (water doesn't flow uphill.)

9. Page 10, REQUIREMENTS, Number 25 -

City staff recommends that the word "downgradient" in this paragraph be changed to "downslope" since this more accurately describes the surface location.

City staff appreciates the opportunity to review and comment on the proposed Onsite Wastewater Basin Plan Amendments. Please call me should you have any questions.

Sincerely,



David M. Athey
Deputy Public Works Director
City of Atascadero

Cc: Steve Kahn, City of Atascadero
Warren Frace, City of Atascadero

NIPOMO COMMUNITY



SERVICES DISTRICT

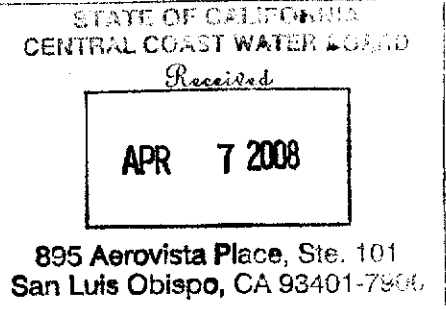
BOARD MEMBERS

MICHAEL WINN, PRESIDENT
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BRUCE BUEL, GENERAL MANAGER
LISA BOGNUDA, ASSISTANT GENERAL MANAGER
JON SEITZ, GENERAL COUNSEL

148 SOUTH WILSON STREET POST OFFICE BOX 326 NIPOMO, CA 93444 - 0326
(805) 929-1133 FAX (805) 929-1932 Website address: NCS.D.CA.GOV



April 7, 2008

Sorrel Marks
California Regional Water Quality Control Board – Central Coast Region
895 Aerovista Place, Suite 101
San Luis Obispo, CA 93401-7906

SUBJECT: REVISION OF BASIN PLAN CRITERIA RE WASTE DISCHARGE REQUIREMENTS
FOR ONSITE SYSTEMS – RESOLUTION R3-2008-0005 & 0006

Dear Sorrel,

The Nipomo Community Services District (NCS.D) Board of Directors reviewed the February 26, 2008 draft revisions at its March 26, 2008 Meeting and directed me to respond with the following comments. The Board wishes to thank the RWQCB for proposing Basin Plan Revisions that could improve Central Coast groundwater quality and protect public health. NCS.D also appreciates the opportunity to comment on the draft revisions.

The NCS.D Board respectfully requests that Resolution R3-2008-0005 be amended to clearly define and standardize terms. The red-lined section of the Basin Plan attached to the Resolution, uses the terms Local Governing Jurisdiction, Local Jurisdiction, and Local Agency in various sections and it is not always clear that the terms are interchangeable. In Section VIII.D., the NCS.D Board requests that a new term "Local Governing Jurisdiction" be clearly defined as a County or City vested with legislative authority to regulate on-site systems verses Community Services Districts that are not vested with such legislative authority. NCS.D further requests that every time the terms "Local Jurisdiction" and "Local Agency" are used that the RWQCB determine if that term should be "Local Governing Jurisdiction".

The NCS.D Board respectfully requests that an additional paragraph be added to Section VIII.D.1.c to recognize that the formation of onsite wastewater system maintenance districts are subject to the requirements of Articles XIII C and XIII D of the California Constitution (Proposition 218) and that the property owners in such zones have the ability to reject new fees proposed to fund management activities.

Name: Sorrel Marks
Subject: Onsite System Regulations
Date: April 7, 2008

Nipomo Community Services District
Page 2 of 2

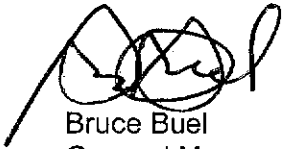
The NCSD Board felt that the current draft was confusing regarding the application of the new standards to existing onsite systems and respectfully requests a new section be added to the redlined section of the Basin Plan detailing what new provisions would be apply and under what circumstances. (3)

NCSD would like to note that it has no facilities to process septage at either the Southland WWTF or the Blacklake WWTF. (4)

Thank you again for your efforts on behalf of clean water and the environment.

Sincerely,

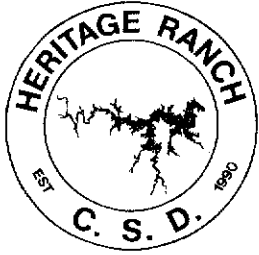
NIPOMO COMMUNITY SERVICES DISTRICT



Bruce Buel
General Manager

CC: Board
Jon Seitz, District Legal Counsel
Peter Sevcik, District Engineer
Tina Grietens, District Superintendent
Barry Tolle, SLO County Planning Dept.
Chronological File

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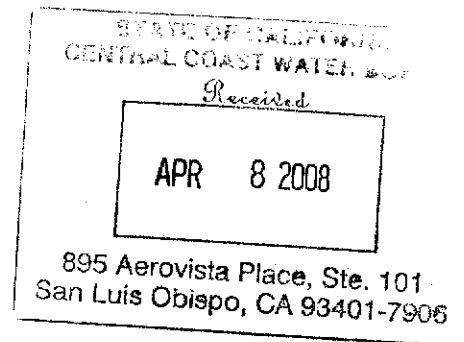


Heritage Ranch Community Services District

4870 Heritage Road, Paso Robles, California 93446
(805) 227-6230 • fax 227-6231

April 7, 2008

Ms. Sorrel Marks
Central Coast Water Board
895 Aerovista Place, Suite 101
San Luis Obispo, CA 93401-7906



Re: Revision of Basin Plan Onsite Wastewater Systems

Dear Ms. Marks:

The Heritage Ranch Community Services District (HRCSD) thanks you for this opportunity to comment on proposed revisions to the Water Quality Control Plan, Central Coast Basin – Onsite Wastewater Systems. HRCSD is a community services district serving the Heritage Ranch area approximately fourteen miles west of Paso Robles. We operate and maintain the community's wastewater collection and treatment system under Waste Discharge Requirements Order No. R3-2006-0012.

As a non onsite wastewater system regulator HRCSD was not formally asked for comments on the proposed revisions to the Basin Plan. However, we are interested in the implications to our agency with the proposed revisions to the Basin Plan. HRCSD supports actions to improve water quality within the Central Coast region. Our comments below are made after a review of Resolution No. R3-2008-0005.

1. What is the definition of a Local Agency as used in Chapter 4?
2. What is the definition of an Urbanizing and High Density Area as used in Chapter 4?
3. Section V.H.3. of Chapter 5 is titled Septic Tank Management Agencies. Item 2 states that formation of septic tank maintenance districts within existing local agencies should be accomplished in areas where directed by Regional Board action. Will the Regional Board direct local property owners to form these districts or local agencies to form these districts?

4. Will there be a requirement for an existing local special district to absorb or otherwise administer the functions of the proposed onsite wastewater system maintenance district? There may be a requirement to apply to the Local Agency Formation Commission (LAFCO) for the formation of these onsite wastewater system maintenance districts. Who will administer the LAFCO application process and pay the fees for the formation of these onsite wastewater system maintenance districts?
5. How will these onsite wastewater system maintenance districts be funded once they are formed? If these agencies are assessment districts it will require a ballot measure vote of the property owners to assess fees. What will happen to an onsite wastewater system maintenance district if the property owners vote against the necessary funding to operate the district? California Constitution Article XIII D was added by the initiative measure of Prop 218 and is titled Assessment and Property Related Fee Reform. Fee adjustments for districts that collect property assessments are very cumbersome to manage because of the procedural requirements of Article XIII D.

Thank you for your consideration of our comments.

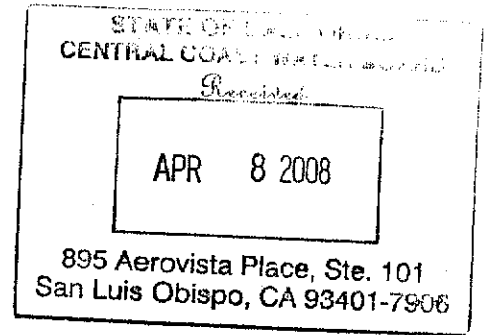
Sincerely,



John D'Ornellas
General Manager
Heritage Ranch Community Services District



April 7, 2008



President
Chuck Cesena

Vice-President
Julie Tacker

Director
Lisa Schicker
Steve Senet
Joe Sparks

General Manager
John B. Schempf

Utilities Manager
George J. Milanés

Fire Chief
Matt Jenkins

Regional Water Quality Control Board
c/o Ms. Sorrel Marks
895 Aerovista Drive, Suite 101
San Luis Obispo, Ca 93402

By mail and electronic delivery

RE: Comments on Triennial Review Process of Basin Plan and the Proposed Basin Plan Amendments, including Onsite Wastewater Management Systems

Dear Honorable Board Members:

Please accept this letter and attachments as our formal comment and testimony, to be included in the record for the May 9, 2008 hearing regarding the Triennial Review of the Basin Plan. Specific comments to the newly proposed onsite regulations for wastewater management (as part of the Triennial Review) are included, in response to the recently noticed hearing found on your website on February 22, 2008.

Although, our Los Osos Community Services District (LOCSO) never received any official noticing of this hearing from the Regional Water Quality Control Board (RWQCB), the proposed Basin Plan Revisions for onsite systems were found and reviewed from your website by our board and staff and the website version was used as the basis for our comments.

In general, the LOCSO remains proactive and supportive of all amendments and updates to the Basin Plan that provide for clean water, amendments that are fair and equitable and based in current research and science, as well as being based on current environmental policy regarding air quality, energy usage and environmental justice. We continue to remain supportive of onsite wastewater management because of the benefits to clean water and we were always curious as to why RWQCB Resolution 83-12, made with the County was never fully implemented a long time ago, long before the LOCSO had ever been formed (LOCSO was formed in 1998).

Offices At:
2122 9th Street
Los Osos, California 93402

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Los Osos, California 93412
Phone 805/528-9370
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www.losososcso.org



1

Historically, the LOCSD has prepared two Draft Onsite Wastewater Management Ordinances (with our Wastewater Committees) and we also adopted several resolutions which include numerous attempts to improve water quality in Los Osos and a voluntary Interim Clean Water Compliance Plan to do our part to support onsite wastewater management in Los Osos.

Also, in 2005, just after the recall election, we worked closely with Assemblyman Blakeslee and the SWRCB staff on negotiations to move the sewer away from the center of our town. Prior to the ACL hearings in December, we also affirmed our commitment to onsite wastewater management in a series of negotiated offers sent to the SWRCB.

In April 2007, President Chuck Cesena sent you a letter, requesting to be part of the Triennial Review process and listed several items of concern to the Los Osos Groundwater basin and our constituents, but our concerns do not appear to be addressed in the current draft.

Here is a brief summary of our major concerns with the proposed triennial review items:

Basin Plan Triennial Review in general:

a) Triennial review does not address anything except onsite management and is lacking in other important areas. For instance, it does not provide the necessary updates and clarification of 83-12 and 83-13 as these are old and outdated documents. Amending and/or rescinding these Resolutions are needed now. They must be based in current science and knowledge about the Los Osos groundwater basin as numerous studies and reports have been published on the Basin since these Resolutions were adopted. These new studies provide updated information regarding depth to groundwater, nitrate levels and modeling, affects of agriculture and new technology and laws. (2)

Ambiguity and outdated information has been costly for the state and the citizens and needs to be cleared up as soon as possible. This should be the first and foremost priority of the Basin Plan Triennial Review.

b) The Triennial review and proposed changes are also lacking in addressing any of the more serious and wider ranging pollution problems in the 303(d) streams such as those in the Chorro Valley – the effects and amounts of these pollutant loads far exceed those of the onsite system issue which is already being addressed by the AB 885 process.

In light of the serious nitrate problems just now being discovered in Morro Bay (a community with a sewer, but nitrates 2-3 times higher than most areas in Los Osos) we believe that addressing these issues first may be more cost effective for RWQCB to pursue, since these are issues that have greater potential to effect water quality in the overall basin.

Summarized Comments on the proposed onsite wastewater management regulations:

a) These basin plan amendments for onsite appear to be the same as those found in "AB885", but are instead incorporated into our basin plan triennial review – this seems like the wrong process – if 885 isn't possible, why will this be a better approach? The AB 885 process was designed to address the above onsite issues and we recognize that the proposed updates to the Basin Plan as an equivalent regulatory process selectively instituted only within this Region. ③

b) There is no CEQA analysis, yet this is a project and a full CEQA analysis is required, especially with regards to AB32, energy, air quality and environmental justice. If 885 required an EIR and full CEQA review, then this process would also trigger that same level of CEQA; ④

c) The proposed resolution violates Article XIIB of the California constitution which requires that "Whenever the Legislature or any state agency mandates a new program or higher level of service on any local government, the State shall provide a subvention of funds to reimburse that local government for the costs of the program or increases level of service". The proposed resolution is unconstitutional as it mandates a higher level of services, regulation, monitoring and enforcement of septic maintenance without providing any funds to implement same. Unfunded mandates are problematic for small agencies such as community service districts – how is this program paid for and who pays? There is currently no funding to implement such a program. A Cost-benefit analysis including the issue of unfunded mandates needs to be included; ⑤

d) Enforcement placed in the homeowner's Title report – we object to this onerous Provision – please check with your legal review; ⑥

e) It is unclear in the document as to who is the actual "management agency" – please clarify; ⑦

f) RWQCB becomes another layer of review, perhaps repetitive to existing processes and a very expensive without any way to pay for it; ⑧

g) There appears to be conflicts with the Porter Cologne Act and water code section 13360 regarding the RWQCB' role of oversight, without the ability or authority to specify methods or location of compliance; ⑨

- h) There is no evaluation of actual costs, or how these regulations fit into local Government 218 process; (10)
- i) The noticing process is too short, no noticing to individual septic tank owners, who will be affected in major way (lack of due process issues). Issues of this importance require, at a minimum, notification by letter or postcard to each permitted onsite system owner; (1)
- j) There is not enough time between the release of the proposed amendments and the due date for comments – extend the comment period; (1)
- k) It is unknown as to how these proposed amendments affect the current CDO and ACL processes and pending lawsuits in Los Osos, document must clarify this issue; (11)
- l) Regulations are onerous to individual property owners in and out of current Los Osos prohibition zone; (12)
- m) No economic analysis of costs, no justification for what is deemed “reasonable costs”; (10)
- n) No science was used, and no justification as to why updated science was not used – but current science and modeling studies must be included. The State Water Resources Control Board (SWRCB) and EPA both state that “Technically sound regulatory policy is based on assumptions supported by science”; the amendments must be revised to reflect current science and research; (13)
- o) Where is inclusion and evaluation of new and additional “green solutions” that are more cost effective affordable? (14)
- p) The proposed amendments seem to overlap with land use authority of SLO County - and steps beyond the scope of water protection to land planning. (15)

Due to the short turn-around time between receiving the proposed changes and the deadline, the LOCSD Board wishes to reserve its rights to comment further on this complex matter. Also included with this letter are the detailed comments received from each individual Board member and all comments received by the general public during the public hearing held at an LOCSD meeting on April 3, 2008 to add into the record. Some of the comments are questions and we would very much appreciate a written response to those issues, too.

Please also include all additional attachments into the record – they demonstrate our agencies continued commitment to clean water, in a manner that is affordable and as fair as possible to all of our constituents.

Thank you - we will see you on May 9th and would like to request time to speak and make a short presentation on behalf of the LOCSD at the hearing.

Most respectfully,



Chuck Cesena
President
Los Osos Community Services District Board

cc:

SLO County Planning
SLO County Public Works
SLO County Air Pollution Control District
SLO County Board of Supervisors
SLO County Planning Commission
SLO County Water Resource Advisory Committee
Assemblyman Sam Blakeslee
State Senator Abel Maldonado
State Water Resource Control Board

Attachments:

1. Original Letter from LOCSD Board President Chuck Cesena to RWQCB requesting that LOCSD assist with Triennial Review Process – sent April 2007
2. Comments and Questions from LOCSD Board Members and Minutes from April 3, 2008 LOCSD Board Meeting: Public Comments from the Public (Karen Vega, LOCSD Secretary)
3. California Constitution Article 13B Government Spending Limitation
4. Copy of packet regarding historical interpretation of 83-12 and 83-13 between RWQCB and SLO County – to include Triennial Review.
5. Relevant LOCSD Resolutions:

2005-45 AFFIRMING ITS COMMITMENT TO PROCEED WITH THE
 CONSTRUCTION OF A WASTEWATER COLLECTION AND
 TREATMENT SYSTEM FOR THE LOS OSOS COMMUNITY

2006-03 REQUESTING ASSEMBLYMAN SAM BLAKESLEE TO
INTRODUCE LEGISLATION IN THE 2006 SESSION ENABLING
THE LOS OSOS COMMUNITY SERVICES DISTRICT TO
IMPLEMENT AN ON-SITE SEPTIC SYSTEM MANAGEMENT
PROGRAM

2006 - 27 Oct 5, 2006 - Resolution to Adopt Voluntary Compliance Program
for septic tank inspections and pumping - CLEAN WATER
INTERIM WATER COMPLIANCE PLAN -

6. LOCSD Draft Wastewater Management Ordinances: both versions from
Board/LOCSD Wastewater Committees, which have been reviewed by RWQCB.

References

1. Yates report – Los Osos Groundwater Nitrate Modeling Report, 2004
commissioned by LOCSD and RWQCB: 885 comments on SWRCB site:
<http://www.swrcb.ca.gov/ab885/docs/scopingreport.pdf>
2. SWRCB website – Onsite Sewage Treatment in California and the
Progression Toward Statewide Standards June 2004 - California Wastewater
Training and Research Center at California State University, Chico Research
Foundation: <http://www.ndwrcdp.org/userfiles/ACFoc1vrb.pdf>

ATTACHMENT 1

2pages

FILE COPY



May 2, 2007

President

Chuck Cesena

Vice-President

Joe Sparks

Director

Lisa Schicker

Steve Senet

Julie Tacker

Jeffrey Young, Board Chairman
Roger Briggs, Executive Officer
Michael Thomas, Assistant Executive Officer
Central Coast Regional Water Quality Control Board
895 Aerovista Place, Suite 101, San Luis Obispo, CA 93401-7906

Dear Chairman Young and Honorable Board Members and Staff of the Central Coast Regional Board:

Interim General Manager

Annajane L. Hugh

Utilities Manager

George J. Milanés

Fire Chief

Matt Jenkins

The Los Osos Community Services District has been a designated party to the enforcement proceedings against the individual citizens within the District boundaries. As such, District counsel participated in the Cease and Desist Order hearings held December 14-15, 2005 and January 22, 2006.

The District President, Lisa Schicker, testified concerning the issues within the amendments to the Basin Plan that gave rise to the enforcement proceedings. All parties were barred from addressing the Basin Plan. President Schicker was advised that she could address changes to the Basin Plan in the upcoming triennial review process.

I am therefore following Chairman Young's advice from December to contact your staff regarding the upcoming Basin Plan process, to register our request to participate in amending the Basin Plan; in particular, updating the sparse information that describes the Los Osos water resources, ground water quality, point and non point pollution, including saltwater intrusion, storm water programs, pollutant loads to the bay, and recharge issues.

LOCSO Board approval for District participation in proposing amendments to the Basin Plan was granted on January 18, 2007, with direction to contact you for specific procedures, protocol and coordination of Basin Plan information. The District anticipates that a working group will be formed from within the District's wastewater advisory committee.

Offices At:

2122 9th Street

Los Osos, California 93402

Mailing Address:

P.O. Box 6064

Los Osos, California 93412

Phone 805/528-9370

Fax 805/528-9377

www.lososcsd.org

Please provide us with the triennial review schedule and add the District to all mailing lists and emails regarding all activities regarding the Basin Plan review.

We know that cooperation is vital between agencies, and I wish to communicate our sincere desire to work cooperatively with the Regional Board in all facets related to Los Osos. The District stands with the Regional Board in all facets public processes that will assist Los Osos with developing affordable, sustainable, and environmentally and technically viable water and wastewater management programs that will serve our citizens now and in the future.

Thank you for your assistance, and we look forward to hearing from you at your earliest convenience. Please contact our Wastewater Committee Board Liaison Lisa Schicker at 305-9166 or our Interim General Manager Annajane Hugh at 528-9370 to discuss further and to coordinate dates and times for meeting together to discuss the process presentation.

Sincerely,



Chuck Cesena, President
Board of Directors

Cc: Honorable Sam Blakeslee, State Assembly Member, 33rd District
Honorable Harry Ovitt, San Luis Obispo County Supervisor, 1st District
Honorable Bruce Gibson, San Luis Obispo County Supervisor, 2nd District
Honorable Jerry Lenthall, San Luis Obispo County Supervisor, 3rd District
Honorable K.H. Katcho Achadjian, San Luis Obispo County Supervisor, 4th District
Honorable James Patterson, San Luis Obispo County Supervisor, 5th District
Tam Doduc, Chairperson, State Water Resources Control Board
Steve Monowitz, Central Coast District Manager, California Coastal Commission
Dan Berman, Executive Director, Morro Bay National Estuary Program
Paavo Ogren, Deputy Public Works Director, San Luis Obispo County Board of Directors, Los Osos Community Services District
Annajane Hugh, LOCSO Interim General Manager
File

ATTACHMENT 2

6 pages

LOCSD Board –
Individual Comments and Questions – April 4, 2008

Board Member 1.

Hold public meetings in each affected County – need better public noticing to individuals with onsite systems, more time to review everything. (1)

This appears to be an end-run around “885”, and 885 required CEQA, this document must also conduct a CEQA analysis and cannot be exempt. (3)

Enforcement now proposed as part of title report- this is onerous and is it allowable? (6)

Land use and groundwater basin impacts should be analyzed under CEQA and coordinated with SLO County. (4)

Energy, Environmental Justice and comparison to other green systems also need to be analyzed, (14)

Better cost data required – cost-benefit analysis needed. (10)

.....

Board Member 2.

I am no expert, but common sense would say, the amendments proposed will trigger CEQA. The sheer volume of septic systems that will be required to be managed within the region will have an environmental and economic impact on the residents. (4)

San Martin, San Lorenzo Valley, Carmel Valley, Carmel Highlands, Prunedale, El Toro, Shandon, Templeton, Santa Margarita, Garden Farms, Los Osos, Baywood Park, Arroyo Grande, Nipomo, Upper Santa Ynez Valley, Los Olivos and Ballard equates to tens of thousands of septic systems that would need service at 5 year increments, what are the impacts to waste water treatment plants that handle septage...there are few and the material is concentrated, consequently special attention must be paid to treat all the waste. The mere trucking of such material will impact air quality (similar concerns were raised in the initial Los Osos 45 CDO hearings by the APCD). (10b)

The impacts to local government are unclear; if a management district were to be formed in each community wouldn't LAFCO have to give each entity the authority to perform such service? There will be fees associated with the bureaucratic processes necessary to test, monitor, and report for each district. These fees will need homeowner approval through the 218 special assessment process, voters may in fact decline the service by voting “no” in the district formation/fee schedule approval. (10)

Economic impacts are unclear, residents will have to pay for the management services and increase pumping regime. (10)

This is an important process, more time should be given to include and encourage public input. (1)

.....
Board Member 3

In regards to the District Engineer assessment of the Basin Plan:

Clarification that the County of SLO is the lead agency for both permitting and development of an OWSMP within the LOCSD service district should be made. Clarification that the LOCSD (5) may develop an OWSMP with a MOU with the County of SLO and/or RWQCB should be made.

In regards to the Attachment A, Requirements, Page 5:

Clarification should be made to define both 'urbanizing' & 'high density' in para. 5 so that there is no ambiguity on the definition of either term, and the amendment should be explicit as to application for both existing structures and land zoned for use that would meet the 'high density' (17) definition, so that the lead implementing OWSMP agency can reliably comply with Title notification recommendations.

.....
Board Member 4.

Questions

1. What formal notification regarding the basin plan amendment process did the csd receive? Was it published in the local newspapers, any press releases? Were notifications sent to everyone who had septic tanks and would be affected by these regulations and all elected officials - how was every community reached? (1)
2. How do the basin plan amendments address the CA 218 process - unfunded mandate argument , yet counties and csd must still apply a 218 process – how will the program be paid for? (16)
3. How do the draft amendments plan address groundwater issues and air quality issues and environmental justice issues - the CEQA checklist says no impacts , there are impacts, that is why 885 had an EIR prepared for it. (4)
4. How do to amendments address the outdated 83-13 and prohibition zone? These items are also 25+ years old and was not addressed. (11)
5. Can you please cite water boards authority in water code to issue waivers - what are criteria of such waivers and how do you assure an even handed process? (18)
6. How does slo county deal with increased septage requirement when they have no septage receiving facility. (16)

7. Can you clarify who maintains responsibility for onsite design, permitting and wastewater onsite management plans? ⑦
8. What science and research was used to come up with the new design criteria? Can you please cite the sources of this info? ⑬
9. Can you please elaborate on how you made determination that the costs of implementing these regulations is "reasonable" as stated in several places in the document - how did you determine what is reasonable and can you be more specific about the actual costs? ⑩
10. Can you please incorporate the csd letter from President Chuck Cesena, received last year requesting basin plan amendments into the record? ✓
11. How are the current Los Osos CDO's addressed in the amendments? ⑪
12. Are you planning any other basin plan amendments besides onsite? The Triennial review is every 3 years and there are other topics that also are timely. ✓
13. How are you addressing the new findings on large pipe collection systems that leak pollutants into the groundwater? NR
14. How are you addressing the new findings on endocrine disruptors into the amendments? ⑨
15. Where is environmental justice evaluation: with state and fed money, this a requirement. ④
16. Has LAFCO been notified to comment on the onsite wastewater authority? ②⑤
17. How do new amendments affect properties inside prohibition zone that were previously exempt ,but are smaller than one acre? ⑧
18. How have you and County coordinated on prep of these amendments? ①
19. You mention San Lorenzo and their approved onsite management plan - can you publish their plan for use by other communities? ②①

Comments

1. Public comment time too short for such complex issue - please stop process, step back a step and re-do. More public outreach to the four counties affected. ①
2. Individual septic tank owners have not been adequately noticed – public notification and increase time before hearing - all due process issues. ①
3. I support external scientific review – which this process does not have. Who made the finding that is was not required - this resolution does not identify anyone in particular. ⑬

- 4.. Suggest public workshops (1)
- 5. LOCSD did not receive formal noticing in the mail, as is required (1)
- 6. Economic considerations needs more evaluation - no justification as to what is considered "reasonable" (10)
- 7. Resolution – there is a typo on number 8. "exiting" should be existing i think ✓
- 8. Page 4 "Prohibition" listed on the title of property too onerous – OAL should review this. (12)
- 9. Page9 Attach. A- dual fields in all cases? How much of a cost increase? Costs are needed to evaluate (16)
- 10. Page12 Attach A- salts - how to regulate pre-existing systems? (22)
- 11. Los Osos Prohibition zone needs to be revised, amended, updated, clarified. as part of basin plan amendments- our board as supported this since 2005 - it is outdated and not based in current science and modeling studies performed by scientific and geologic experts. NA
- 12. These new regs may constitute regulatory taking of private property is some cases. (23)
- 13. Don't see any actual science and/or measurable goals to justify the amendments being made- please cite. (15)
- 14. There is no cost analysis, environmental justice findings, or requirements to produce quantified results. (10)
- 15. No costs have been developed based on anticipated results. The potential for "criminalization of onsite discharges is real! (10)
- 16. The proposed resolutions appear to unlawfully allow fees to be assessed by the RWQCB's "delegated authority" without a 218 vote, or approvals, and the owners of affected properties have not been notified of these changes. – seems like a redundancy of regulation and expense. NA

.....

Board Member 5

- Seems to be circumvention of 885 process, which required CEQA (4)
- Short processing time, no public noticing to LOCSD (1)
- Unfunded mandate (5)

83-13 needs updating and clarifying – include MOU agreement between SLO County and RWQCB that clarifies that 83-13 discharges pertained only to new building, not existing – put this in as attachment to this letter. NA

Let's suggest that they approach our Basin Plan as Region One has proposed, Chapter by Chapter, in a workshop type format: (1)
http://www.waterboards.ca.gov/northcoast/water_issues/programs/basin_plan/editorial_amendment.shtml

Chapter 4, Section VIII.D.2.g, ONSITE WASTEWATER SYSTEM PROHIBITION AREAS: Paragraph 3 of this section, which pertains to the Los Osos/Baywood Park area, currently refers only to “the Prohibition Boundary Map included as Attachment A of Resolution No. 83-13,” and does not specifically cite the actual Resolution No. 83-13 as the origin and basis of the discharge prohibition. NA

Chapter 4, Section VIII.D.1.a: DISCLOSURE AND COMPLIANCE OF EXISTING ONSITE WASTEWATER SYSTEMS prescribes that “Prospective property buyers should be informed of any enforcement action affecting parcels or houses they wish to buy.” While this notification practice is prudent and advisable, specifically adding reference to the Resolution 83-13, and including the complete Resolution No. 83-13 in Appendix A-30 would provide adequate and consistent information that would be needed, not only by prospective buyers, but also by realtors, brokers, attorneys, appraisers, and financial institutions. (2A)

.....

Comments RE Basin Plan Review – Public Hearing and Public Comment -
LOCSD Meeting 4-3-08

Meeting minutes taken by Karen Vega, Official LOCSD Secretary

Tom Murphy and Patrick Sparks want the following added to the Basin Plan:
Clean Water Act – Title 33, Chapter 26, Subchapter V, Section 1370. State Authority
Clean Water Act – Title 33, Chapter 26, Subchapter III, Section 1316

Ann Norment wants RWQCB to clarify the authority and responsibility of the County and Districts regarding on-site management and water conservation issues. Regarding proposed Resolution R3-2008-0005, Attachment A “Implementation Plan” page 4, she has concerns regarding language that “local agencies should ensure the terms of the enforcement action are entered into the county record for each affected parcel. When a prospective buyer conducts a title search, terms of the prohibition would appear in the preliminary title report.” She also expressed concern regarding Environmental Checklist Item 7B being given the designation of “no impact”.

Bruce Payne encouraged everyone to send comments to the RWQCB by the deadline. ✓

Alon Perlman stated that these proposed Basin Plan changes were an effort to respond to the fact that AB885 was not finalized, and therefore there is a general uncertainty regarding the future of development in the area. ✓

Martha Goldin wants clarification of which entity is responsible for on-site management – County or local agencies. She wants the RWQCB to stop this process until all affected property owners are properly noticed and informed using language everyone can understand. She also recommended adoption of Nipomo CSD comments. (7)

Gwynne Taylor stated there had been insufficient notice regarding proposed changes to Basin Plan regulations. She also stated that these proposals were an attempt to circumvent AB885. (1)

Al Barrow agreed that the proposed revisions were an “end run” on AB885, and suggested that the Board speak with Todd Thompson at the State Water Board, who is an expert on AB885. He wants the RWQCB to delay this hearing. (3)

David Duggan stated that the RWQCB would most likely not agree to a delay. He recommended that the Board appoint a committee to track important topics being addressed at other agencies. ✓

Director Senet stated that these proposed changes seemed to be focused on tightening the regulations on newly constructed on-site systems. He wants to know if the provisions of 83-13 will still be in force, or will they be superseded by the new regulations. NA

Director Sparks wants clarification of onsite management authority and responsibility by County and local agencies, rescinding of 83-13 and replacing it with a community-wide waiver. (25)

1 page

CALIFORNIA CONSTITUTION
ARTICLE 13B GOVERNMENT SPENDING LIMITATION

SEC. 6. (a) Whenever the Legislature or any state agency mandates a new program or higher level of service on any local government, the State shall provide a subvention of funds to reimburse that local government for the costs of the program or increased level of service, except that the Legislature may, but need not, provide a subvention of funds for the following mandates:

(1) Legislative mandates requested by the local agency affected.
(2) Legislation defining a new crime or changing an existing definition of a crime.

(3) Legislative mandates enacted prior to January 1, 1975, or executive orders or regulations initially implementing legislation enacted prior to January 1, 1975.

(b) (1) Except as provided in paragraph (2), for the 2005-06 fiscal year and every subsequent fiscal year, for a mandate for which the costs of a local government claimant have been determined in a preceding fiscal year to be payable by the State pursuant to law, the Legislature shall either appropriate, in the annual Budget Act, the full payable amount that has not been previously paid, or suspend the operation of the mandate for the fiscal year for which the annual Budget Act is applicable in a manner prescribed by law.

(2) Payable claims for costs incurred prior to the 2004-05 fiscal year that have not been paid prior to the 2005-06 fiscal year may be paid over a term of years, as prescribed by law.

(3) Ad valorem property tax revenues shall not be used to reimburse a local government for the costs of a new program or higher level of service.

(4) This subdivision applies to a mandate only as it affects a city, county, city and county, or special district.

(5) This subdivision shall not apply to a requirement to provide or recognize any procedural or substantive protection, right, benefit, or employment status of any local government employee or retiree, or of any local government employee organization, that arises from, affects, or directly relates to future, current, or past local government employment and that constitutes a mandate subject to this section.

(c) A mandated new program or higher level of service includes a transfer by the Legislature from the State to cities, counties, cities and counties, or special districts of complete or partial financial responsibility for a required program for which the State previously had complete or partial financial responsibility.

ATTACHMENT 4

18 pages

STATE OF CALIFORNIA

GEORGE DEUK MEJIAN, Governor

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD —

CENTRAL COAST REGION

1102 A LAUREL LANE

SAN LUIS OBISPO CALIFORNIA 93401

(805) 549 3147



Jay Evans -
SCOTT MINNES -

February 21, 1984

RECEIVED

Mr. Chuck Stevenson
San Luis Obispo County
Planning Department
County Government Center
San Luis Obispo, CA 93408

FEB 23 1984

S.L.O. COUNTY
PLANNING DEPT.

Dear Mr. Stevenson:

SUBJECT: IMPLEMENTATION OF RESOLUTION 83-12

As per your request, enclosed are copies of the State Water Resources Control Board Guidelines for Mound Systems and Evapotranspiration Systems. All such systems permitted by San Luis Obispo County must be built to these standards. The Regional Board need not be consulted for approval of these systems unless a Basin Plan prohibition exemption is requested. For your information, the evapotranspiration system design calculations may be modified as described on page 8 of Resolution 83-12.

The general process for on-site system approval is as follows:

1. On-site disposal systems serving up to five dwelling units or designed for less than 2500 gallons per day are under the regulatory authority of San Luis Obispo County. The Regional Board, which has conditionally waived regulation of this size system, need not be informed of approval or denial of these systems.
2. Alternative on-site disposal systems (mound or evapotranspiration systems) must be built to meet state guidelines. The Regional Board need not be informed of system approval or denial.
3. All requests for variances from the Basin Plan prohibitions first are to be submitted to the County for review. If the County is willing to accept the request, the proposal is then submitted to the Regional Board by the County for approval, conditional approval, or denial. Submittals for Basin Plan prohibition exemptions must come from the County. The Regional Board will not consider a request that has been denied by the County.

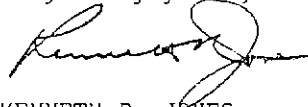
Chuck Stevenson
San Luis Obispo County
Planning Department
Page 2
February 21, 1984

4. The Regional Board may determine specific on-site systems serving more than five units or 2500 GPD are best subject to local control. In such cases, Regulatory control will be delegated to the County in writing. All such systems will be subject to County and Basin Plan criteria.

Any revisions to County ordinances or procedures should be discussed with this Board's staff to ensure that Basin Plan criteria are interpreted the same by all parties.

If you have any questions concerning interpretation of the Basin Plan criteria or approval of on-site systems, please contact John Goni of this Board's staff.

Very truly yours,



KENNETH R. JONES
Executive Officer

JG:bf

Enclosure

cc: San Luis Obispo County Health Dept.

MEMORANDUM OF UNDERSTANDING
REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL COAST REGION
AND
COUNTY OF SAN LUIS OBISPO

I. BACKGROUND

Section 13260 of the California Water Code authorizes the Regional Water Quality Control Board, Central Coast Region, (Regional Board), to regulate all discharges which could affect the quality of waters in the State, including discharges from individual sewage disposal systems. However, Section 13269 of the California Water Code permits the Regional Board to waive regulatory provisions as to a specific type of discharge where such a waiver is in the public interest.

Pursuant to the delegation of authority in Regional Board Resolution No. 70-1, the Executive Officer has waived reporting of waste discharges under specific conditions, including single family dwellings having individual on-site waste disposal systems.

The Regional Board encourages direct regulation by individual counties where such a policy is mutually beneficial. For dwellings involving five-family units or less, the Regional Board will waive consideration of discharge permits to County authorities. Waiver is conditional upon County administrative authorities enforcing the Regional Water Quality Control Plan, Central Coastal Basin (Basin Plan), prohibitions governing installation of individual sewage disposal systems and otherwise assuring favorable conditions whenever Basin Plan individual sewage disposal systems installation recommendations are not met.

The County of San Luis Obispo has adopted and implemented individual sewage disposal system regulations (Ordinance No. _____) in conformity with the Basin Plan and said regulations are at least equal to waste discharge requirements that the Regional Board would establish.

In the County of San Luis Obispo, the Planning Director is the administrator of the individual sewage disposal system regulations.

II. PURPOSE

This Memorandum of Understanding defines cooperative roles for the County of San Luis Obispo and the Regional Board with respect to regulation of on-site sewage disposal systems and compliance with the purpose and intent of the Basin Plan and applicable County ordinances and regulations.

III. MANAGEMENT AND ADMINISTRATION

1. The County representative responsible for the administration of the applicable individual sewage disposal system ordinances and regulations shall assure that all approved systems comply fully with such ordinances and regulations.
2. When permits issued for individual sewage disposal systems comply fully with applicable County ordinances and regulations, the Regional Board need not be notified nor consulted.
3. When variance is being sought from County individual sewage disposal system regulation or where compliance with such regulation may be questionable or subject of dispute, the Regional Board's staff shall be consulted.
4. At any time that the County representative responsible for the administration of the individual sewage disposal system regulations feels the need to consult with or refer matters contained in this Memorandum of Understanding to the Regional Board, the Regional Board staff agrees to provide assistance.
5. No individual sewage disposal system approvals shall be issued which are not consistent with Basin Plan prohibitions unless prior approval of the Regional Board's Executive Officer is obtained.
6. The Regional Board will send the County new and amended Basin Plan sections relative to individual sewage disposal systems prohibitions and/or regulations.
7. Regional Board shall assume jurisdiction for all community sewage collection, treatment and disposal systems. Such community sewage and disposal systems are defined as any system having more than five dwellings being served by a common treatment and disposal system or any combination of commercial, industrial, or dwelling units having a total discharge in excess of 2,500 gallons per day regardless of the mode of treatment and disposal.
8. Individual sewage treatment and/or disposal systems alternatives to conventional septic tanks, leach fields, seepage pits and adsorption beds will be evaluated according to guidelines to be promulgated by the State Water Resources Control Board following a study of all such systems. In the interim, approval of alternative treatment and/or disposal systems shall be given only if the proponent will install such systems at one or two selected locations and shall provide adequate research and monitoring to demonstrate the efficiency of such alternative system. In addition, proponents shall provide bonds to the County sufficient to replace, repair or otherwise provide waste treatment and/or disposal for the properties involved. Final acceptance of such alternate systems shall rest with the County after consultation with the Regional Board staff.

9. This agreement shall be renegotiable upon the request of either party.

APPROVED:

CALIFORNIA REGIONAL WATER QUALITY
CONTROL BOARD, CENTRAL COAST REGION

By _____
HAROLD M. COTA, Ph.D., Chairman

Date _____

COUNTY OF SAN LUIS OBISPO

By _____ Chairman,
Board of Supervisors

Date _____



Department of Planning and Building San Luis Obispo County

County Government Center
San Luis Obispo
California 93408
(805) 549-5600

Paul C. Crawford, AICP
Director

January 21, 1988

Mr. Roger Briggs
California Regional Water Quality Control Board
1102A Laurel Lane
San Luis Obispo, CA 93401

Dear Mr. Briggs:

SUBJECT: LOS OSOS MORATORIUM

This is intended to summarize the conclusions reached at our meeting on January 21, 1988, which included John Goni and Jay Kano of your staff, Tim Mazzacano, county Director of Environmental Health, Fred Norton and Doug Morris of my staff, you and I. We met to clarify the provisions of your Board's order of January 8, and agreed upon the following points, all of which resulted from the basic understanding that the order of the Regional Water Quality Control Board prohibits this office from issuing any construction permits which would result in new sewage discharge or increases in discharge from existing sewage disposal systems within the prohibition area.

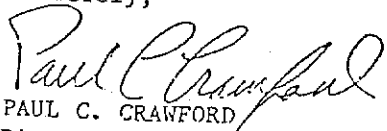
1. Independent structures without toilets or other plumbing fixtures (e.g. detached garages) may be approved.
2. Additions to existing buildings which would normally (in circumstances other than the moratorium) require accompanying expansion of on-site sewage disposal (septic) systems shall not be approved, even where the existing septic system was originally oversized and could accommodate the addition without expansion.
3. Proposed living area (not bedroom) additions to existing dwellings will be processed per normal procedures: if they would not normally require accompanying septic system expansion, we will approve them.
4. Any change in occupancy of commercial structures which would increase the "fixture unit" requirements per the Uniform Plumbing Code shall not be approved.

Mr. Roger Briggs
January 21, 1988
Page 2

5. Alterations of existing buildings which propose additional plumbing fixtures, including but not limited to water supply fixtures, drain or disposal fixtures, shall not be approved. No replacement of existing fixtures shall be approved except where replacement is in-kind or involves a reduction in the actual number of fixtures. No "credit" will be allowed for fixtures which use less water.
6. Commercial shell buildings may undergo internal modifications through tenant improvements, limited only by the design capacity of the originally-approved and installed septic system.
7. Swimming pools and hot tubs/spas may be approved.
8. Holding tanks shall not be allowed as a method of sewage disposal.
9. No "exotic" disposal systems shall be allowed as an alternative to the moratorium.
10. Repair and/or replacement of existing septic systems will be approved as usual.
11. An expired building permit shall not be reissued.
12. Exceptions to any of the above "prohibitions" may be granted by the Regional Water Quality Control Board.

Please notify me as soon as possible if your understanding of any of the above points differs from mine.

Sincerely,


PAUL C. CRAWFORD
Director of Planning and Building

1801k/2

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL COAST REGIONLAUREL LANE
SANTA LUIS OBISPO, CALIFORNIA 93401
(805) 549-3147

February 8, 1988

Mr. Paul Crawford
San Luis Obispo County Planning & Building Dept.
County Government Center
San Luis Obispo, CA 93408

Dear Mr. Crawford:

SUBJECT: LOS OSOS MORATORIUM

Thank you for your letter of January 21, 1988, summarizing conclusions of our meeting on that same date. The twelve items listed in your letter correctly describe allowable and prohibited projects within the Baywood/Los Osos moratorium area. Allowable projects are also those with complete building permit applications submitted on or before January 8, 1988. You are also correct in your basic assumption projects which create new waste discharges or increases in waste discharges will not be allowed.

The County Planning Department may make the initial determination of which projects may proceed within the moratorium area. My staff will be available to assist you in making determinations on projects difficult to define. Any applicants desiring an exemption from the moratorium must make their appeal to the Regional Water Quality Control Board, and should contact my staff. To grant an exemption, the applicant must provide us with the following information:

1. A building permit application was complete as of January 8, 1988; or
2. The project will not generate a new or increased waste discharge; or
3. The project will result in a water quality benefit.

RECEIVED

FEB 9 1988

S.L.O. COUNTY
PLANNING DEPT.

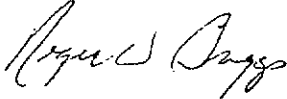
Mr. Paul Crawford

Page 2

February 8, 1988

Questions on prohibited projects or exemption requests should be referred to John Goni, Jay Cano or Roger Briggs of my staff.

Very truly yours,



WILLIAM R. LEONARD
Executive Officer

JG:sg

cc: Mr. George Protopapas, San Luis Obispo County Engineer
Mr. Fred Norton, San Luis Obispo County Planning Building
Mr. Tim Mazzacano, San Luis Obispo County Environmental
Health
Ms. Ellen Rognas, San Luis Obispo County Environmental
Coordinator

PAULCRAWFORD.LTR/7

Resolution # 83-12

CALIFORNIA

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD —

CENTRAL COAST REGION

1102 A LAUREL LANE

SAN LUIS OBISPO CALIFORNIA 93401

805/549-3347

GEORGE DEUKMEJIAN, Governor



December 16, 1983

SEE MAILING LIST

LADIES/GENTLEMEN:

SUBJECT: IMPLEMENTATION OF AMENDMENT TO THE WATER QUALITY CONTROL PLAN, CENTRAL COASTAL BASIN (BASIN PLAN), CONCERNING INDIVIDUAL/COMMUNITY ON-SITE SEWAGE DISPOSAL SYSTEMS

The State Water Resources Control Board has approved an amendment to the Basin Plan concerning individual/community on-site sewage disposal systems (our Resolution 83-12). This amendment is now effective. However, we are providing a grace period of three months to revise ordinances. You must begin enforcing this Resolution on March 15, 1984.

Your regulations must comply with items within the "prohibitions" section of this amendment. I urge you to seriously consider adopting and/or implementing recommendations as well.

While I do not wish to minimize the importance of other recommendations, I would like to stress the significance of conforming with the recommended standard percolation test procedure. Percolation rate test results can vary significantly with minor modifications in water filling depth, hole width, mode of drilling, method of reading measurement, etc. For this reason, it is important test methods be consistent. If you would like additional information that discusses these percolation test variations, please refer to John T. Winneberger and John W. Klocks article Current and Recommended Practices for Subsurface Waste Water Disposal Systems in Arizona: Engineering Research Center, Arizona State University, Tempe, Arizona, 1973.

I believe our existing Memorandum of Understanding with respect to the regulation of on-site sewage disposal systems is still satisfactory and need not be renegotiated. However, a Memorandum of Understanding will have to be established with agencies we currently do not have an agreement with.

RECEIVED

DEC 30 1983

SLO COUNTY

Mailing List
Page 2
December 16, 1983

A copy of Resolution 83-12 is enclosed for your reference. If you have any questions concerning this matter, please contact Angela Charpentier at (805) 549-3147.

Very truly yours,

RC Baldy

for KENNETH R. JONES
Executive Officer

AGC:emt

Enclosure - Resolution 83-12



California Regional Water Quality Control Board
Central Coast Region

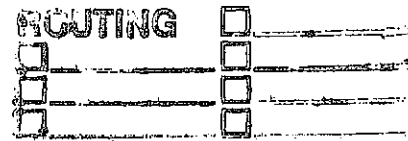


Linda S. Adams
 Secretary for
 Environmental
 Protection

895 Aerovista Place, Suite 101, San Luis Obispo, California 93401-7906
 Phone (805) 549-3147 • FAX (805) 543-0397
<http://www.waterboards.ca.gov/centralcoast>

Arnold Schwarzenegger
 Governor

September 5, 2006



Victor Holanda, Director
 County of San Luis Obispo Building and Planning
 County Government Center
 San Luis Obispo, CA 93408

Dear Mr. Holanda:

PERMIT APPROVALS WITHIN THE LOS OSOS/BAYWOOD PARK PROHIBITION AREA

As you know, the Water Quality Control Plan (Basin Plan) prohibits wastewater discharges to on-site systems in Los Osos/Baywood Park. It has come to our attention that County Planning staff continues to approve projects within the Los Osos/Baywood Park Prohibition Area, which appear to be in violation of the Basin Plan on-site discharge prohibition.

There have been several projects recently noted by Water Board staff that shows the potential for an increase in wastewater being discharged to their on-site septic systems. For example, the residence at 591 Ramona obtained a minor use permit in May of 2004 for a 2,134 square foot **addition** to a single-family dwelling. This addition more than doubled the size of the existing single-family residence and causes concern that there is additional wastewater from the residence. Another example, the property at 2009 9th Street was an existing ~900 square-foot single family dwelling; permits were obtained in 2001-2002 for construction of a ~900 square-foot office and 900 square-foot residence on top having one bedroom and 1.5 baths. This change in use potentially may have increased wastewater from the property and brings into question the reliability of County Planning to adequately evaluate wastewater issues and permit such projects in the Los Osos/Baywood Park Prohibition area.

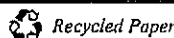
Therefore, at this time, we ask that no permits be approved within the Los Osos/Baywood Park Prohibition area without our written approval.

RECEIVED

SEP 07 2006

Planning & Bldg

California Environmental Protection Agency



If you have questions, please contact **Allison Millhollen** at (805) 549-3882 or Harvey Packard at (805) 542-4639.

Sincerely,



Roger W. Briggs
Executive Officer

cc:

Mike Wulkan, Los Osos Land Use Projects
County of San Luis Obispo Building and Planning
County Government Center
San Luis Obispo, CA 93408

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SAN LUIS OBISPO COUNTY
DEPARTMENT OF PLANNING AND BUILDING

VICTOR HOLANDA, AICP
DIRECTOR

September 21, 2006

Roger Briggs
Executive Director
Regional Water Quality Control Board
895 Aerovista Place, Suite 101
San Luis Obispo, CA 93401-7906

Re: **Permit Approvals within the Los Osos/Baywood Prohibition Area**

Dear Mr. Briggs:

Thank you for your letter of September 5 regarding the above referenced subject. I understood that the Regional Water Quality Control Board (RWQCB) is concerned about the county's existing review process and subsequent Building Permit issuance of construction remodels, e.g. residential, in the Los Osos/Baywood Park prohibition area. However, I believe the examples you cited are conceivably inaccurate, and choose to discuss the fine points of those applications in a joint staff meeting.

With the objective of maintaining clean water and avoiding potential pollution within Los Osos/Baywood Park prohibition area, the County is prepared, effective immediately, not to issue any permits in this area without expressed written approval from the RWQCB. Because Building Permits are *ministerial* under the law, we will assume that the RWQCB staff understands the liability and consequences associated with delaying the issuance of *Building Permits*. Moreover and in the spirit of professional cooperation and good customer service we will assume the RWQCB staff will review building permit applications in a timely manner.

Finally, I have asked Matt Janssen of my staff to contact your office to arrange a meeting for the purpose of reviewing the moratorium exemption criteria developed in 1988, and to determine whether or not those criteria are still relevant.

Again, thank you for bringing this issue to my attention.

Sincerely,

Victor Holanda, AICP
Planning Director

Attachments: Letter from Paul Crawford to Roger Briggs (1/21/88)

Cc: Cheryl Journey, Chief Building Official
Matt Janssen, Coastal Zone Supervising Planner



Los Osos Building Moratorium

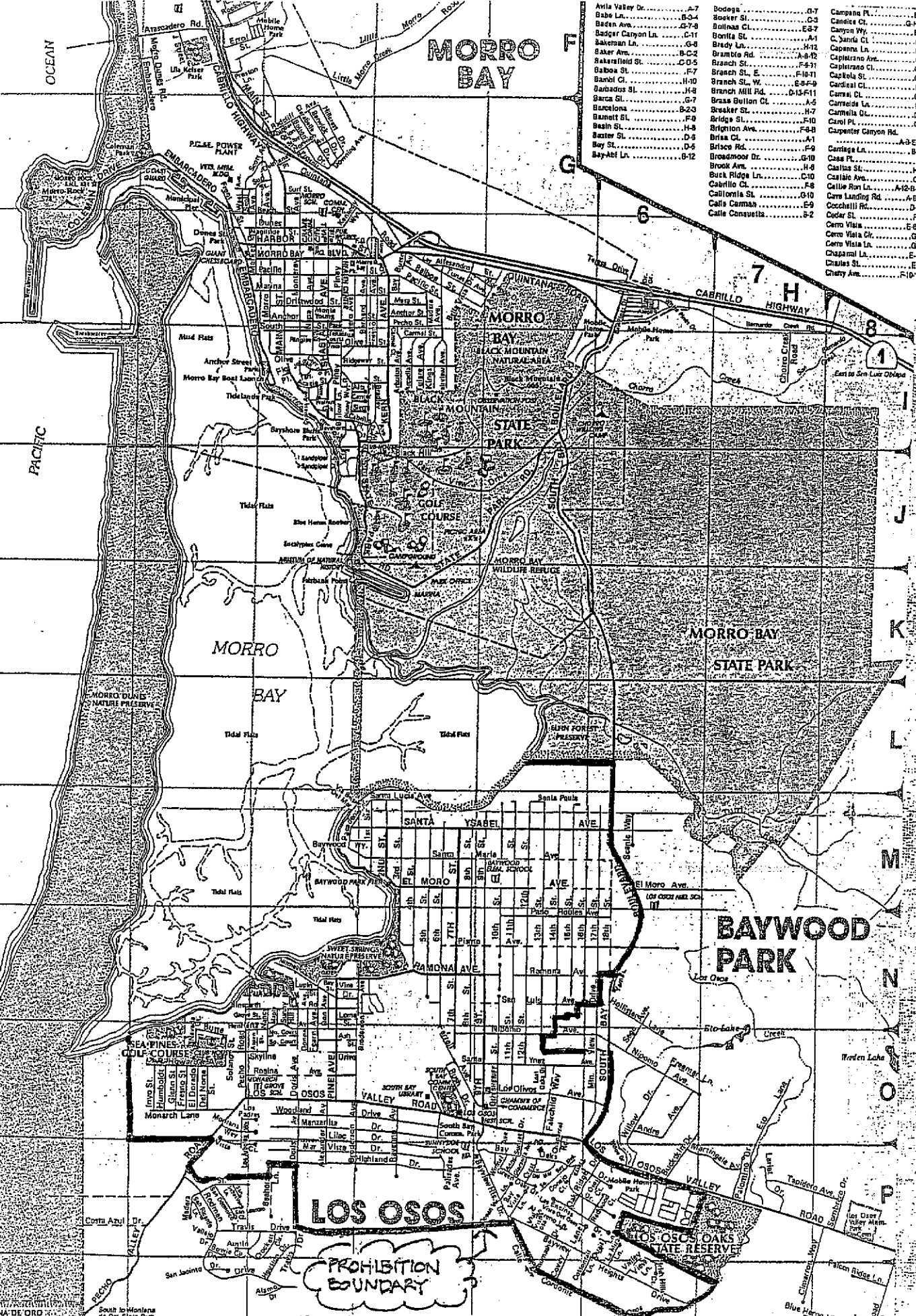
San Luis Obispo County Department of Planning and Building

On Friday, January 8, 1988, the California Regional Water Quality Control Board (RWQCB) imposed a moratorium on new sources of sewage discharge (and increases in the volume of existing sources) in the community of Baywood-Los Osos. The moratorium was imposed through the provisions of a Memorandum of Understanding executed between the county and the RWQCB in December, 1978, and imposes a variety of responsibilities on the county. The purpose of this memo is to set forth official Department of Planning and Building policy on the implementation of the moratorium by staff.

1. Area where moratorium applies. The area subject to the moratorium is shown on the attached map, and is known as the prohibition area. The provisions of the moratorium do not apply outside of the prohibition area.
2. Effect of moratorium on the permit process:
 - a. Construction involving new or expanded septic systems prohibited. The primary effect of the moratorium is that this office is prohibited from issuing any permits for new on-site sewage disposal systems (commonly called "septic" systems) within the prohibition area. We are also prohibited from issuing permits for expansion of the capacities of any existing systems. These mandates (for our purposes) translate into the following specific requirements:
 - (1) Independent structures without toilets or other plumbing fixtures (e.g. detached garages) may be approved.
 - (2) Additions to existing buildings which would normally (in circumstances other than the moratorium) require accompanying expansion of on-site sewage disposal (septic) systems shall not be approved, even where the existing septic system was originally oversized and could accommodate the addition without expansion.
 - (3) Proposed living area (not bedroom) additions to existing dwellings will be processed per normal procedures: if they would not normally require accompanying septic system expansion, they may be approved. However, only living area additions that are open to the "core" of the house (kitchen, living room or dining room), that have large cased openings (no doors), and that do not have closets will be approved. If you have any questions about these requirements, please call Bob Mourenza, Supervising Plans Examiner, at 781-5709 before you complete your design.
 - (4) Any change in occupancy of commercial structures which would increase the "fixture unit" requirements per the Uniform Plumbing Code shall not be approved.

MORRO BAY

Avila Valley Dr.	A-7	Dodge	D-7	Campana Pl.	E-2
Baba Ln.	B-3-4	Booker St.	D-3	Candice Ct.	G-H
Baden Ave.	B-7-8	Bohaca St.	E-3-7	Canyon Wy.	E-1
Sadger Canyon Ln.	C-11	Bonita St.	A-1	C. Santa Ct.	C
Bakeman Ln.	G-6	Brady Ln.	A-12	Capanna Ln.	C
Baker Ave.	B-C-2	Branch Rd.	A-8-12	Capistrano Ave.	C
Bakerfield St.	C-D-5	Branch St.	F-3-11	Capistrano Ct.	C
Balboa St.	F-7	Branch St. E.	F-10-11	Capitola St.	G
Barclay Ct.	H-10	Branch St. W.	E-8-F-9	Cardinal Ct.	E
Barbados St.	H-8	Branch Hill Pk.	D-13-F-11	Carra Ct.	E
Barcelona	B-2-3	Brass Station Ct.	A-5	Carroide Ln.	E
Barnett St.	F-9	Breaker St.	A-12	Carrolla Ct.	G
Bath St.	H-8	Bridge St.	F-10	Carroll Pl.	G
Baxter St.	D-6	Brighton Ave.	F-8-8	Carpenter Canyon Rd.	G
Bay St.	D-6	Brisa Ct.	A-1	Carriga Ln.	B
Bay-Vel Ln.	B-12	Briscoe Rd.	F-9	Case Pl.	B
		Broadmoor Dr.	G-10	Castillo St.	H
		Brook Ave.	H-6	Castillo Ave.	C
		Buck Ridge Ln.	C-10	Castle Rock Ln.	A-12
		Cabrillo Ct.	F-8	Care Landing Rd.	A-12
		California St.	G-10	Carrizo Ln.	E
		Calif. Caman	E-9	Chaparral Ln.	E
		Calif. Conquist.	B-2	Chaparral St.	E
				Cherry Ave.	F-10



PROHIBITION BOUNDARY

0 Feet 1000' 2000' 3000' 4000' 5000'

MONTANA DE ORO STATE PARK
South to Montana
44 Old State Park

ARTICLE 3

Judicial Review and Enforcement

Section	
13330.	Petition for writ of mandate; Other remedies; Evidence
13331.	Attorney General's petition for injunction against violation of cease and desist order; Evidence; Order to appear, and relief granted thereon; Stay
13331.2.	Applicable law

§ 13330. Petition for writ of mandate; Other remedies; Evidence

(a) Not later than 30 days from the date of service of a copy of a decision or order issued by the state board under this division, other than a decision or order issued pursuant to Article 7 (commencing with Section 13550) of Chapter 7, any aggrieved party may file with the superior court a petition for writ of mandate for review thereof.

(b) Any party aggrieved by a final decision or order of a regional board for which the state board denies review may obtain review of the decision or order of the regional board in the superior court by filing in the court a petition for writ of mandate not later than 30 days from the date on which the state board denies review.

(c) If no aggrieved party petitions for writ of mandate within the time provided by this section, a decision or order of the state board or a regional board shall not be subject to review by any court.

(d) Except as otherwise provided herein, Section 1094.5 of the Code of Civil Procedure shall govern proceedings for which petitions are filed pursuant to this section. For the purposes of subdivision (c) of Section 1094.5 of the Code of Civil Procedure, the court shall exercise its independent judgment on the evidence in any case involving the judicial review of a decision or order of the state board issued under Section 13320, or a decision or order of a regional board for which the state board denies review under Section 13320, other than a decision or order issued under Section 13323.

(e) Any party aggrieved by a decision or order issued by the state board under Article 7 (commencing with Section 13550) of Chapter 7 may petition for reconsideration or judicial review in accordance with Chapter 4 (commencing with Section 1120) of Part 1 of Division 2.

ENFORCEMENT

§ 13330

Added Stats 1969 ch 482 § 18, operative January 1, 1970. Amended Stats 1996 ch 659 § 24 (AB 3036).

Amendments:

1996 Amendments: Substituted the section for the former section which read: "(a) Within 30 days after service of a copy of a decision and order issued by the state board under Section 13320, any aggrieved party may file with the superior court a petition for a writ of mandate for review thereof. Failure to file such an action shall not preclude a party from challenging the reasonableness and validity of a decision or order of a regional board or the state board in any judicial proceedings brought to enforce such decision or order or for other civil remedies.

"(b) The evidence before the court shall consist of the record before the state board, including the regional board's record, and any other relevant evidence which, in the judgment of the court, should be considered to effectuate and implement the policies of this division. In every such case, the court shall exercise its independent judgment on the evidence.

"(c) Except as otherwise provided herein, the provisions of subdivisions (e) and (f) of Section 1094.5 of the Code of Civil Procedure shall govern proceedings pursuant to this section."

Cross References:

Writ of mandate: CCP §§ 1084 et seq.

NOTES OF DECISIONS

1. Limitations

1. Limitations

The California Environmental Quality Act of 1970 (Pub. Resources Code, § 21000 et seq.), has its own statute of limitations (Pub. Resources Code, § 21165 et seq.), which, being specifically applicable, takes precedence over the general provisions of Code of Civ. Proc., § 860 (limitations for actions validating actions of public agency). By a parity of reasoning,

the CEQA statute of limitations also takes precedence over the general provisions of Wat. Code, § 13330 (limitations for actions under Porter-Cologne Water Quality Control Act, Wat. Code, § 13000 et seq., to review decisions of regional water quality control board). *Committee for a Progressive Gilroy v State Water Resources Control Bd.* (1987, 3rd Dist) 192 Cal App 3d 847, 237 Cal Rptr 723.

SUGGESTED FORMS

Petition for Writ of Mandamus—To Challenge Order Issued by State Board Against Corporation—Affecting Proposed Change in Waste Discharge Procedures

[Title of Court and Cause]

_____, petitioner herein, petitions this court for a writ of mandamus pursuant to Section 1094.5 of the Code of Civil Procedure of the State of California, directed to respondent State Water Resources Control Board of the State of California, and by this verified petition represents as follows:

1. Petitioner _____ is a corporation duly organized and existing under the laws of the State of California, and is engaged in the business of _____ [chemical processing or as the case may be], with its principal executive office located at _____ [address], in the City of _____, County of _____, State of California.
2. Respondent is the State Water Resources Control Board of the State of California, hereinafter referred to as respondent Board. Respondent Board, _____ [if applicable, add: together with the various regional water quality control boards], is the duly constituted authority for the regulation and control of waste discharge within the waters of the State of California.
3. For _____ years, petitioner has owned and operated a _____ [chemical processing plant] located at _____ [specify] _____ [on or near] _____ [stream]. Petitioner uses the following chemical substances at such plant: _____.
4. _____ [Set forth petitioner's procedure of disposing and treating of waste from chemical processing].
5. On _____, [date], in accordance with the provisions of Section 13260 of the Water Code

2005-45

9 pages

**A RESOLUTION OF THE BOARD OF DIRECTORS OF
THE LOS OSOS COMMUNITY SERVICES DISTRICT
AFFIRMING ITS COMMITMENT TO PROCEED WITH
THE CONSTRUCTION OF A WASTEWATER COLLECTION
AND TREATMENT SYSTEM FOR THE LOS OSOS COMMUNITY**

WHEREAS, the Los Osos Community Services District ("LOCSD") is a public agency, corporate and politic, exercising its authority pursuant to applicable local and State law, including (without limitation) Government Code section 61600 *et seq.*;

WHEREAS, the LOCSD provides water, wastewater, drainage, and parks, recreation, street lighting, solid waste, fire, emergency and rescue response services to the residents of the Los Osos community and is authorized to develop and operate a wastewater collection and treatment system ("System") for the community;

WHEREAS, the original SRF loan for the Los Osos Wastewater System was issued to the County of San Luis Obispo, who was the responsible agency prior to the formation of the LOCSD;

WHEREAS, in November 1998, by a vote of the Los Osos Community, the LOCSD was formed;

WHEREAS, the Regional Water Quality Control Board - Central Coast ("Regional Board") has concluded that the septic systems within a portion of LOCSD's jurisdiction commonly referred to as the "Prohibition Zone" are polluting groundwater and the estuary and in October 27, 2000, issued Time Schedule Order No. 00-131 (the "Regional Board Order"), directing that the LOCSD construct a System to serve the Prohibition Zone by August 30, 2004;

WHEREAS, the LOCSD was unable to comply with the time schedule set forth in the Regional Board Order and, to date, the Regional Board has determined that the LOCSD's failure to comply with the Regional Board Order was due to circumstances beyond the LOCSD's control;

WHEREAS, on November 20, 2000, the LOCSD first petitioned the State Water Resources Control Board ("State Board") for relief from the Regional Board Order, and since then the State Board has held that petition in abeyance through December 18, 2005;

WHEREAS, on November 4, 2004, voters in the Los Osos community elected two new LOCSD Board members who had campaigned in opposition to constructing the above-ground MBR facility at the Tri-W site;

WHEREAS, in December, 2004, voters in the Los Osos community began circulating three recall petitions against the three LOCSD Directors who favored constructing the above-ground MBR facility at the Tri-W site;

WHEREAS, on January 20, 2005, the State Board increased the SRF Loan amount for the Project from \$67,000,000 to \$93,000,000, with a cap of \$139,500,000;

WHEREAS, on March 1, 2005, voters in the Los Osos community began circulating a ballot initiative that set forth siting requirements for LOCSD's wastewater treatment facility and required that the voters first approve the siting of that facility for environmental, health and safety reasons("Measure B");

WHEREAS, on May 6, 2005, the County Clerk-Recorder certified Measure B and the three recall petitions; on June 2, 2005, the LOCSD set the election date on these matters for September 27, 2005;

WHEREAS, On August 16, 2005, the LOCSD submitted Request for Disbursement No. 1, in the amount of \$6,486,144;

WHEREAS, on August 22, 2005, the State Board issued a check to the LOCSD in the amount of \$6,486,144, as payment of Disbursement No. 1;

WHEREAS, on August 22, 2005, the construction of the Project commenced;

WHEREAS, on September 27, 2005, the LOCSD submitted its second disbursement request on the SRF Loan to the State Board, in the amount of \$6,361,122;

WHEREAS, on September 27, 2005, voters in the LOCSD approved Measure B and recalled the three LOCSD Directors who favored constructing the above-ground MBR facility at the Tri-W site, and the County Clerk-Recorder certified the election results on September 30, 2005, and administered the oath of office to three newly-elected LOCSD Directors;

WHEREAS, on October 1, 2005, the new LOCSD Board met in a special meeting; and directed that in accordance with the provisions of the State Board approved Construction Contracts and the provisions of the SRF Contract, that effective October 3, 2005, all work on the Project be temporarily suspended in order to provide a brief "time out" for the Board to assess the LOCSD's current situation;

WHEREAS, on October 13, 2005, the LOCSD drafted letters which were intended to be distributed to the Project's contractors notifying them that the LOCSD was lifting the temporary suspension of work;

WHEREAS, on October 13, 2005, the LOCSD received telephonic notice by staff of the State Board that the State Board intended to withhold the second disbursement on the SRF Loan due to the LOCSD's suspension of work and stated that the voters' approval of Measure B was an intention by the LOCSD to materially breach the conditions of the SRF Contract;

WHEREAS, on October 18, 2005, State Board staff issued a letter which was received by the LOCSD on October 25, 2005, informing the LOCSD that the State Board had withheld the second disbursement on the SRF Loan due to the State Board staff's determination that the LOCSD had materially breached the SRF Loan Contract and the LOCSD also threatened to materially breach the SRF Loan Contract;

WHEREAS, on October 21, 2005, LOCSD revoked the suspension of work and directed the Contractors on all phases of the work to return to work;

WHEREAS, California Assemblymember Sam Blakeslee offered to act as a mediator to facilitate a resolution to the SRF Loan impasse;

WHEREAS, between October 24 and 29, 2005, the LOCSD's negotiating team met with Assemblymember Blakeslee and State Board negotiators;

WHEREAS, at the end of those negotiations, on October 27, 2005, the LOCSD presented the State Board a proposal, in accordance with the results of the negotiations, for the reinstatement of the SRF Loan;

WHEREAS, on October 28, 2005, the State Board presented, a counteroffer to the LOCSD with a take-it-or-leave-it, all-or-nothing proposal that the LOCSD must agree to in order for the State Board to resume its SRF Loan funding obligations;

WHEREAS, on October 30, 2005, the LOCSD Board met in open session and, after six hours of public comment, by a unanimous vote, approved the State Board's proposal as stated in Attachment A, in its entirety and directed LOCSD staff to notify the State Board of this approval;

WHEREAS, on October 31, 2005, the LOCSD sent the State Board written notification of its Board's unanimous approval of the State Board's proposal and requested that staff immediately agendaize the item for formal State Board approval; State Board staff informed LOCSD staff that the item could not be agendaized until November 16, 2005;

NOW, THEREFORE, THE BOARD OF DIRECTORS OF THE LOS OSOS COMMUNITY SERVICES DISTRICT HEREBY RESOLVES AS FOLLOWS:

1. The LOCSD Board finds that the foregoing recitals are true and correct.

2. That on October 30, 2005, at a Special Meeting of the LOCSD, the LOCSD affirmed its commitment to the State Board's proposal as stated in Attachment A and accepted all terms of the State Board's proposal, unconditionally.

3. That by this resolution the LOCSD Board further reaffirms its commitment to the State Board's proposal and accepts all terms of the State Board's proposal, unconditionally.

4. That on October 30, 2005, at a Special Meeting of the LOCSD, the LOCSD reaffirmed its commitment to quickly construct the Los Osos Wastewater Project in accordance with State and local laws and the terms of the SRF Contract.

5. That by this resolution the LOCSD Board further reaffirms its commitment to quickly construct the Los Osos Wastewater Project in accordance with State and local laws and the terms of the SRF Contract.

PASSED, APPROVED, AND ADOPTED THIS 7th DAY OF NOVEMBER, 2005,
BY THE FOLLOWING VOTE:

AYE: 5 Schicker, Fouche, Cesena, Sunet, Tackler

NOES: 0

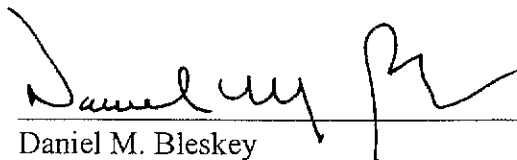
ABSTAIN: 0

The foregoing resolution is hereby passed, approved and adopted by the Board of Directors of the Los Osos Community Services District this 7th day of November 2005.



Lisa Schicker, President
Board of Directors
Los Osos CSD

ATTEST:



Daniel M. Bleskey
Interim General Manager and Secretary to the Board

ATTACHMENT A


Preamble: In good faith, understanding that the history of the Los Osos Sewer has been complex, the LOCSD seeks to partner with the State Water Board to achieve an agreeable solution that will expedite the construction of a project out of town with a minimum delay. We are submitting this proposal to demonstrate that we are willing to make numerous concessions which, if adopted, would reduce future conflict. We hereby make the following acknowledgements:

1. That the groundwater quality in Los Osos is continuing to degrade because of the continued use of septic tanks.
2. That time is of the essence, and LOCSD agrees to whenever given discretion, to take any measure and expend funds as necessary to assure the quickest remedy.
3. That this agreement in no way precludes any all enforcement actions to be taken by the Central Coast Regional Water Board, nor does any agreement with the State Water Board in anyway imply that penalties should not be imposed for past or future delays in construction of a complete wastewater treatment facility.

Terms

1. Continue collection work immediately, foregoing any consideration of STEP/STEG, and implementing the current Gravity system with the current contractors as designed, notwithstanding minor modifications.
2. Commitment to the current disposal system, with future efforts to improve Ag exchange in cooperation with State Water Board experts and consistent with original timeframe.
3. Commitment to complete entire project within 2 years of original timeframe. A full schedule indicating all tasks necessary for completion will be submitted for approval. This task list should indicate the decision points at which if a task is not completed, the LOCSD will continue to construct the current approved project.
4. Commitment to pursue MBR as first-course technology, with a concurrent review of limited alternative technologies (that meet WDR) with final selection to be made by a time specified by State Water Board. The technologies to be reviewed must be standard technologies, commonly used, and their selection approved by the State Water Board. Regardless of the findings as to the cost savings of a different technology, the MBR will be utilized if a change in treatment technology would in anyway extend the completion of the project beyond the 2 years as indicated in item 3 above.
5. LOCSD will secure an option on those properties which are most likely under consideration.
6. A vote to comply with all legal requirements and to reaffirm that the LOCSD Board commits a dedicated source of revenue for repayment of loan. This includes continuation of the entire project until such time that alternative financing is in place as discussed in item 7 below.
7. Commitment to put in place within 6 months an assessment district vote to further secure the SRF loan. Construction activities will continue on the current Tri-W site until such time that an assessment is in place to secure an SRF loan amount that will cover at a minimum the collection and disposal portions of the project. If the assessment vote fails, then LOCSD will continue to build the current project at the current sites.
8. A vote of the CSD Board, authorizing immediate implementation of mailed ballot to repeal Measure B, and an advisory vote to allow the public to indicate whether it recommends that LOCSD continue to pursue a wastewater treatment plant out of town or to continue construction of the present project in it entirety at the Tri-W site.
 - a. Agreement to not litigate on Measure B.
 - b. Will ask the court to hear and render a decision as soon as possible.
 - c. Pass a Board resolution stating opposition to Measure B as it duly inhibits the future decisions of the LOCSD Board and makes maintaining current financial arrangements suspect as well as makes any future arrangements difficult and costly.

Adopted by a 5-0 vote of the CSD on October 30, 2005.


Lisa Schicker, LOSCD Board President


Date

RESOLUTION NO 2006 - 03

A RESOLUTION OF THE LOS OSOS COMMUNITY SERVICES DISTRICT, SAN LUIS OBISPO COUNTY, CALIFORNIA REQUESTING ASSEMBLYMAN SAM BLAKESLEE TO INTRODUCE LEGISLATION IN THE 2006 SESSION ENABLING THE LOS OSOS COMMUNITY SERVICES DISTRICT TO IMPLEMENT AN ON-SITE SEPTIC SYSTEM MANAGEMENT PROGRAM

WHEREAS, the Community Services District Law (Government Code Sections 61000 et seq.) authorizes a district to exercise various powers as set forth in its incorporation documents; and

WHEREAS, in order to enable the Los Osos Community Services District (the "District") to implement an on-site septic system management program for Los Osos special legislation is required; and

WHEREAS, on February 3, 2005, the District adopted Resolution 2005-03 requesting State Senator Maldonado to prepare a bill to be submitted to the California Legislature enabling the District to implement an on-site septic system management program for certain areas within the District; and

WHEREAS, Assembly Bill No. 2506 was prepared for submission to the California Legislature; and

WHEREAS, Assembly Bill No. 2506 was not adopted by the California Legislature; and

WHEREAS, Assembly Member Sam Blakeslee, representative for Los Osos in the California Assembly, has prepared and is willing to introduce and carry legislation modeled on the draft Assembly Bill No. 2506 covering all properties located within the District in the 2006 Legislative session; and

WHEREAS, establishment of an on-site septic system management program will enable the District to comply with Central Coast Regional Water Quality Control Board Orders R#-2003-007 (Section 7), 1983-12, 1983-13 and State Water Resources Control Board Order 1984-13.

NOW, THEREFORE, THE BOARD OF DIRECTORS OF THE LOS OSOS COMMUNITY SERVICES DISTRICT, SAN LUIS OBISPO COUNTY, CALIFORNIA DOES HEREBY RESOLVE, DECLARE, DETERMINE AND ORDER AS FOLLOWS:

SECTION 1. Request to Assembly Member Blakeslee. The Los Osos Community Services District hereby requests that Assembly Member Sam Blakeslee introduce legislation substantially similar to Assembly Bill 2506 as prepared by Senator Maldonado in 2005, applying to all property within the Los Osos Community Services District, enabling the District to implement an on-site septic system management program and to charge fees to recover the Los Osos Community Services District's capital and operating costs related to implementation of that program as permitted by law.

SECTION 2. Certification

The Clerk of the Board shall certify to the passage and adoption of this resolution and enter it into the book of original resolutions.

On the motion of Director Senet, seconded by Director Cesena and on the following roll call vote, to wit:

AYES: Directors Senet, Cesena, Schicker, Fouche, Tacker
NOES: _____
ABSENT: _____
CONFLICTS: _____

The foregoing resolution is hereby passed, approved and adopted by the Board of Directors of the Los Osos Community Services District this 2 day of February 2006.

Lisa Schicker
Lisa Schicker
President, Board of Directors
Los Osos Community Services District

ATTEST:

Daniel M. Bleskey
Daniel M. Bleskey
Interim General Manager and
Secretary to the Board

Date: October 5, 2006
Agenda Item: A
 Approved
 Denied
 Continued to

RESOLUTION NO. 2006-27

**A RESOLUTION OF THE BOARD OF DIRECTORS
OF THE LOS OSOS COMMUNITY SERVICES DISTRICT
TO SUPPORT AND PARTICIPATE IN A CLEAN WATER - INTERIM COMPLIANCE PLAN
AND TO ASSIST CITIZENS WHO WISH TO VOLUNTARILY COMPLY WITH
CENTRAL COAST REGIONAL WATER QUALITY CONTROL BOARD
ENFORCEMENT IN THE DISCHARGE PROHIBITION ZONE**

Whereas, the Los Osos CSD is committed to protecting and improving the water quality in Los Osos and assuring ample clean water supplies in the future;

Whereas, the Los Osos CSD has worked diligently toward water quality improvements and has pursued the establishment and implementation of water conservation measures and a water management plan, has updated the required Wastewater Facilities Plan for a project acceptable to the community, and is pursuing a septic management program;

Whereas, in January 2006, the Central Coast Regional Water Quality Control Board (CCRWQCB) proposed individual enforcement actions through the use of Cease and Desist Orders (CDO's), randomly selecting 50 properties for prosecution, as a method to compel property owners within the discharge Prohibition Zone to pump and inspect their septic tanks, make repairs (if needed), and to cease discharging by January 1, 2010;

Whereas, the LOCSO is a designated party in the CCRWQCB proposed CDO's to individual property owners;

Whereas, in September 2006, CCRWQCB revised the January 2006 terms of the proposed CDO's regarding septic tank pumping and repairs,

Whereas, many Los Osos citizens have shown a willingness to support a sustainable project, as well as meet the September 2006 CCRWQCB septic pumping requirements voluntarily, thus demonstrating cooperation;

Whereas, The CCRWQCB has discretion within their enforcement guidelines for implementation of progressive compliance programs, including Interim Compliance Plans, thus allowing dischargers to demonstrate voluntary compliance before receiving CDO's;

Whereas, The District supports the citizens who are proposing the use of progressive compliance measures in the form of an INTERIM COMPLIANCE PLAN, in lieu of the CCRWQCB's issuance of Cease and Desist orders, as the first enforcement step, thus reserving CDO's for recalcitrant dischargers only.

NOW, THEREFORE, THE BOARD OF DIRECTORS OF THE LOS OSOS COMMUNITY SERVICES DISTRICT DOES HEREBY RESOLVE, DECLARE, DETERMINE AND ORDER AS FOLLOWS:

1. The LOCSO is hereby authorized to provide information to the public on the importance of water quality, proper septic tank maintenance and compliance with the CCRWQCB water basin plan requirements.

2. The LOCSD agrees to promote the "Clean Water-Interim Compliance Plan", and invites citizens to voluntarily participate in this plan in order to meet the CCRWQCB goals of interim compliance for septic tank maintenance as contained in the September 2006 Proposed Cease and Desist Orders (NO. R3-2006 (0-45)).
3. The LOCSD agrees to assist with providing information to the public for the coordination and tracking of those willing to voluntarily comply with the "Clean Water-Interim Compliance Plan" and will voluntarily provide periodic updates to the CCRWQCB on properties that have met the requirements of the interim compliance plan.

On the motion of Director Casero, seconded by Director Schicker, and on the following roll call vote,
To wit:

Ayes: Sext, Casero, Tacker, Schicker
 Noes: _____
 Absent: Fouch
 Conflicts: _____

The foregoing resolution is hereby passed, approved, and adopted by the Board of Directors of the Los Osos Community Services District this 5th day of October 2006.

Lisa Schicker
 Lisa Schicker, President
 Board of Directors, Los Osos CSD

CERTIFICATION

I, Karen Vega, Deputy Secretary to the Board of Directors of the Los Osos Community Services District, do hereby certify that the foregoing is a full, true, and correct copy of the Resolution duly and regularly adopted at a meeting of the Board of Directors of the Los Osos Community Services District held on October 5, 2006.

ATTEST:

Karen Vega
 Karen Vega, Interim Administrative Services Manager and
 Deputy Secretary to the Board of Director

ATTACHMENT 6

27 pages



January 26, 2005

TO: LOCSO Board of Directors

SUBJECT: Agenda Item G – 2/3/05 Board Meeting -
Adopt Resolution Requesting Senator Maldonado to
Introduce Septic System Management Legislation

President
Stan Gustafson

Vice-President
Gordon Hensley

Director
Richard LeGros
Lisa Schicker
Julie Tocker

General Manager
Bruce S. Buel

Utilities Manager
George J. Milanés

**Administrative
Services Manager**
Patricia J. McClenahan

Fire Chief
Phill Veneris

SUMMARY


The Board in November 2004 authorized submittal of requests to Senator Maldonado and Assembly Member Blakeslee to author the 2005 version of the Septic System Management Bill. President Gustafson and I have spoken to each and Senator Maldonado agreed to secure the attached mock up of a possible bill from legislative counsel, however, Senator Maldonado will not consider authoring the bill unless the Board unanimously adopts a resolution asking him to do so. Assembly Member Blakeslee has indicated he will wait to see what Senator Maldonado does. If a Bill is to be considered this year by the state legislature, at least one of our representatives would need to introduce it by 2/18/05.

Attached is a draft resolution drafted in response to Senator Maldonado's request. It should be noted that this version is similar to AB2506 of 2004 after edits in the Assembly. It should also be noted that the legislature frequently edits a bill during its consideration and the final bill could be substantially different than the attached version, however, the District's goal is to get a bill signed that authorizes the implementation of a Septic system management program and authorizes collection of costs.

RECOMMENDATION

Staff recommends that the Board receive comments from the public; consider adopting the resolution; and if the resolution is adopted submitting the final to Senator Maldonado and Assembly Member Blakeslee.

Sincerely,


Bruce Buel
General Manager

★

Offices At:
2122 9th Street
Los Osos, California 93402

Mailing Address:
PO. Box 6064
Los Osos, California 93412
Phone 805/528-9370
Fax 805/528-9377
www.lososascsd.org

2/3/05- G -01

OFFICE OF LEGISLATIVE COUNSEL
DRAFT BILL

TO: *Bruce Buel*

RN: 0501688

This request was prepared for you in accordance with instructions provided to us by Julia King.

FR: *Julia King*

LCB Deputy Contact: Mr. Paul Antilla at 341-8295.

The boxes checked below, if any, apply to this request:

- Cover letter:** This request is accompanied by a cover letter, to bring to your attention legal or practical issues that may be raised by this bill, if introduced.
- Appropriation bill:** This bill, if introduced, will constitute an appropriation bill that the California Constitution prohibits the Legislature from sending to the Governor before the Budget Bill is finally enacted, unless it is recommended by the Governor as an emergency bill (see subd. (c), Sec. 12, Art. IV, Cal. Const.).
- Unbacked bill:** The attached bill draft has **not** been backed for introduction. When a Member has decided to introduce this bill draft, the draft should be returned to the Office of Legislative Counsel as soon as possible so that it can be prepared for introduction by that Member.
- Spot bill:** This bill, if introduced, may not be qualified for referral to a committee, if it is deemed a bill that makes no substantive change in or addition to existing law, or that would not otherwise affect the ongoing operations of state or local government (see, for example, Assembly Rule 51.5).
- Reintroduced bill:** This bill, if introduced, may violate the rule that, except as specified, a Member may not author a bill during a session that would have substantially the same effect as a bill he or she previously introduced during that session (Joint Rule 54(c)).

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An act to add Section 61600.35 to the Government Code, relating to
community services districts.

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THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 61600.35 is added to the Government Code, to read:

61600.35. (a) As used in this section these terms have the following meanings:

- (1) "Board" means the board of directors of the district.
- (2) "District" means the Los Osos Community Services District.
- (3) "Exclusive disposal system handling services" means any arrangement, pursuant to an action by the board, whether by franchise, contract, license, permit, or otherwise, whereby the district itself or one or more other local agencies or onsite disposal system enterprise has the exclusive right to provide onsite disposal system services within all or any part of the onsite wastewater management zone.
- (4) "Onsite disposal system" means a septic tank, septic leach pit, leach line, or other structure into which sewage is drained for the purposes of disposal and which is not connected to the district's wastewater treatment project.
- (5) "Onsite disposal system enterprise" means any individual, partnership, joint venture, unincorporated private organization, or private corporation regularly engaged in the business of providing onsite disposal handling services.
- (6) "Onsite disposal system services" means the collection, transportation, storage, and transfer of septage from onsite disposal system septic tanks that are located within the onsite wastewater management zone.
- (7) "Onsite wastewater management zone" means the unsewered area within the Los Osos Community Services District.



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(8) "Person" means any individual, firm, partnership, association, corporation, estate, trust, joint venture, receiver, county, or other political subdivision, or any other group or combination acting as a unit.

(9) "Property owner" means the owner of real property within the onsite wastewater management zone, as shown on the last equalized assessment roll and is the person liable for violations of the rules and regulations adopted by the district pursuant to this section.

(10) "Resident" means those persons who occupy real property within the onsite wastewater management zone.

(11) "Septage" means the liquid and solid material pumped from onsite disposal system holding tanks, when the system is cleaned or maintained.

(b) Notwithstanding Sections 61600 and 61601, whenever the Board of Directors of the Los Osos Community Services District determines, by resolution, that it is feasible, economically sound, and in the public interest for the district to exercise its power to provide for an onsite sewage disposal system pursuant to this section, the board may adopt those additional purposes by resolution entered in the minutes, and those powers of the district may be exercised.

(c) The district may exercise the powers granted by this section to achieve compliance with Section 7 of Regional Water Quality Control Board Order R3-2003-007 and other water quality orders adopted by the Regional Water Quality Control Board to protect existing and beneficial water uses and to protect public health. The district shall have the powers set forth in this section in addition to other powers of the district authorized by law.

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(d) (1) The district shall have the following powers with respect to onsite disposal systems:

(A) To collect, treat, reclaim, or dispose of septage from onsite disposal systems within the onsite wastewater management zone.

(B) To adopt standards for the issuance of permits for, and the operation of, onsite disposal systems.

(C) To monitor, inspect, and establish frequency of collection for onsite disposal systems within the onsite wastewater management zone.

(D) To adopt by ordinance and enforce rules and regulations necessary to implement the district's purposes and powers authorized by this section. The ordinances may be adopted only after the board conducts a public hearing after giving public notice pursuant to Section 6066.

(E) To provide or arrange for exclusive disposal handling services.

(2) The district may, by ordinance, prescribe, revise, and collect rates or other charges for the services and facilities it provides to the property owners and residents within the onsite wastewater management zone.

(3) (A) The district may provide for onsite disposal system services by one or any combination of the following:

(i) The furnishing of the services by the district itself.

(ii) The furnishing of the services by another local agency.

(iii) The furnishing of the services by an onsite disposal system enterprise.

(B) Notwithstanding any other provision of law, the district may determine all of the following:

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(i) Aspects of onsite disposal system service, including, but not limited to, frequency of collection, means of collection and transportation, level of services, charges and fees, and the method and location of septage reclamation, disposal, and processing.

(ii) Whether the onsite disposal system services are to be provided by means of nonexclusive franchise, contract, license, permit, or otherwise, either with or without competitive bidding, or if, in the opinion of the board, the public health, safety, and well-being so require, by partially exclusive or wholly exclusive franchise, contract, license, permit, or otherwise, either with or without competitive bidding. The authority to provide onsite disposal system services may be granted under terms and conditions prescribed by resolution adopted by the board.

(e) The violation of any of the provisions of an ordinance, other than rates and charges, adopted pursuant to this section may be abated as a public nuisance by the board. The board may by regulation establish a procedure for the abatement of such a nuisance and to assess the costs, including administrative costs and attorney's fees, of the abatement to the district's regulation may provide that the assessment may constitute a lien upon the property of the owner in a manner provided in Sections 61621.2, 61621.3, and 61621.4.

(f) Nothing in this section affects any obligation of the district to comply with, to prohibit any action by a person or resident inconsistent with, or to obtain, a permit that may be required by law or a regional water quality board order for activities undertaken pursuant to this section.

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SEC. 2. The Legislature finds and declares that there are unique circumstances in the Los Osos Community Services District with respect to the necessity for the district to provide for an onsite sewage disposal system. The Legislature further finds and declares that this need is not common to all districts formed under the Community Services District Law. It is therefore declared that a general law cannot be made applicable within the meaning of Section 16 of Article IV of the Constitution, and that enactment of this act as a special law is necessary for the solution of problems existing in the Los Osos Community Services District.

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LEGISLATIVE COUNSEL'S DIGEST

Bill No.

as introduced, _____.

General Subject: Community services districts: wastewater disposal.

The Community Services District Law authorizes a district to exercise various powers designated in the petition for formation or adopted by the district.

This bill would authorize the Board of Directors of the Los Osos Community Services District to determine by resolution to provide for an onsite sewage disposal system, as defined, pursuant to specified powers and procedures.

Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

RESOLUTION NO. 2005 - ____

A RESOLUTION OF THE BOARD OF DIRECTORS
OF THE LOS OSOS COMMUNITY SERVICES DISTRICT
REQUESTING SENATOR MALDONADO TO AUTHOR LEGISLATION IN THE 2005
SESSION ENABLING LOCS D TO IMPLEMENT A SEPTIC SYSTEM MANAGEMENT
PROGRAM FOR THE UN-SEWERED PORTION OF LOS OSOS

WHEREAS, the RWQCB has ordered LOCS D to implement a septic
system management program for the un-sewered portion of Los Osos;
and

WHEREAS, State law does not currently enable LOCS D to
enable such a program or to charge fees to recover LOCS D's
capital and operating costs related to program implementation;

NOW, THEREFORE, THE BOARD OF DIRECTORS OF THE LOS OSOS
COMMUNITY SERVICES DISTRICT DOES HEREBY REQUEST THAT SENATOR ABEL
MALDONADO AUTHOR A BILL TO ENABLE LOCS D IMPLEMENTATION OF A
SEPTIC SYSTEM MANAGEMENT PROGRAM FOR THE UNSEWERED PORTION OF LOS
OSOS AND TO CHARGE FEES TO RECOVER LOCS D'S CAPITAL AND OPERATING
COSTS RELATED TO PROGRAM IMPLEMENTATION.

On the motion of Director _____, seconded by
Director _____, and on the following roll call vote,
to wit:

AYES:
NOES:
ABSENT:
CONFLICTS:

The foregoing resolution is hereby passed, approved and adopted
by the Board of Directors of the Los Osos Community Services
District this _____ day of _____ 2005.

Stan Gustafson, President
Board of Directors, Los Osos CSD

ATTEST:

Bruce Buel, General Manager
and Secretary to the Board

January 31, 2006

FROM : Dan Bleskey, Interim General Manager
TO: LOCSD Board of Directors
SUBJECT: Agenda Item No. D – 02/02/2006 Board Meeting
Consider Onsite Septic Management Legislation (Similar to AB 2506) Amended to Include District Wide Septic Management Program

SUMMARY

The Community Services District Law authorizes a district to exercise various powers designated in the petition for formation or adopted by the specific district. The proposed bill would authorize the Board of Directors of the Los Osos Community Services District to determine by resolution to provide an onsite management program. The proposed management program incorporates water quality protection measures. These measures are in accordance with the San Luis Obispo County Septic Management Ordinance. The County Septic Management Ordinance is based on and in compliance with the Central Coast Regional Water Quality Control Board (RWQCB) Basin Plan.

In 1984 the State Water Resources Control Board (SWRCB) determined that continued discharge of waste from individual or community onsite wastewater treatment systems will unreasonably degrade the water quality of the underlying groundwater basin,(due primarily to nitrate contamination)

Further, the purpose of the legislation is to comply with section 7 of Order R#-2003-007 that established Waste Discharge and recycled water requirements for the Districts wastewater treatment facility.

“Discharger (District) shall develop and implement an On-Site Wastewater Management Plan no later than January 1 2004, assure ongoing operations, maintenance and monitoring of On-Site Disposal Systems for unsewered areas of the community of Los Osos.”

Pursuant to the RWQCB Order 00-131 the District is in the process of designing and constructing a Community Wastewater treatment and recycled water project. Furthermore, the RWQCB's goals require the permitting and managing of onsite wastewater treatment systems in Los Osos through a comprehensive program with the intended purpose to protect the common groundwater resources and improve the water quality of the basin.

The proposed Bill authorizes District to perform the permitting and managing of onsite wastewater treatment systems in Los Osos through a comprehensive program that meets the RWQCB goals to protect the common groundwater resources and improve the water quality of the basin. In addition the proposed Bill allows the District to recover costs related to program implementation,

Elements included in the program:

- Periodic monitoring and pumping of On-Site Systems
- Collection of data regarding the location and condition of On-Site Systems
- Educational Programs that provides residents with operation and maintenance guidelines for On-Site Systems
- Groundwater management that assures On-Site Wastewater Treatment Systems are effective where appropriate
- Assurances that septage generated by properties within the district are treated at the district 's treatment facility

On September 28, 2000, Assembly Bill 885 (AB 885) was signed into law. AB 885 adopted statewide standards or regulations for existing, construction, and performance of onsite sewage disposal systems by the State Water Resources Control Board by January 1, 2004. The regulations will become effective six months after the regulations are adopted. This is currently planned for implementation in June 2006. The yet to be finalized statewide standards will not preempt local jurisdictions from having more protective or stringent standards for protection of public health. Basin Plans will be amended to include minimum statewide standards for existing, construction and performance requirements for onsite sewage disposal systems, with local provisions to address regional geological or hydrological conditions.

The proposed Bill will authorize the LOCSO as the permitting authority (PA) in accordance with the requirements in the draft AB 885. Implementation of AB 885 would be incorporated when the regulations becomes final.

RECOMMENDATION

It is therefore recommended that the Board of Directors (1) approve the proposed resolution authorizing the re-introduction of AB 2506 by Assemblyman Blakeslee, (2) authorize the Interim General Manager to direct District legal Staff to review and update the Los Osos Community Services District On-Site Wastewater Management Plan and amend the text of Bill 2506 in accordance with the revised draft and recommendations.

DMB

Attachment

March 2, 2006

FROM: Dan Bleskey, Interim General Manager
TO: LOCSD Board of Directors
SUBJECT: Agenda Item No. B – 03/02/2006 Board Meeting -
Authorization to Negotiate Sole Source Contract for
Assistance with Septic Management Program and
ACL Sites Remediation Efforts

SUMMARY

The Regional Water Quality Control Board previously adopted Waste Discharge/Recycled Water Requirements for the District (Order R3-2003-0007). The Order requires the District to develop an On-site Wastewater Management Plan, also known as a Septic System Management Program (SSMP), for the unsewered areas of the community. The District is pursuing the implementation of a SSMP not only to address properties outside of the Prohibition Zone, but also to provide interim mitigation for areas that will be connected to the District's wastewater project. The District is also pursuing short-term mitigation options for District-operated septic systems serving Bay Ridge Estates, Vista De Oro, and the Fire Station. The implementation of these programs will require technical input from a consultant with substantial experience in the design, implementation, funding, and management of on-site systems.

Ensitu Engineering, Inc. in Morro Bay is a locally owned engineering firm that specializes in on-site systems (see www.ensitu.com). John Yaroslaski is the firm's founder and principal engineer. Staff proposes to work with Mr. Yaroslaski to develop a Scope of Work for engineering assistance on the above-referenced projects. These services would occur concurrently with the preparation of a Project Report Update. Given Ensitu's unique focus and experience, Staff will be proposing a sole-source contract for hourly consulting services. This contract will include a detailed Scope of Work and a not-to-exceed fee.

RECOMMENDATION

This item is for information purposes only. Staff will bring back a contract for Board consideration in the near future.

LOS OSOS ON-SITE SYSTEMS MANAGEMENT PROGRAM V. 4.0

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1- Mission Statement

An Onsite System Management Program is essential to address, mitigate and sustain the future Los Osos Groundwater Basin. The objective of this program is to assess the current condition of all individual onsite septic systems, remediate the problem systems, educate the community and develop a funding mechanism to implement a continued inspection regimen to ensure compliance.

To ensure success, a comprehensive water conservation program must become an integral component of the Onsite System Management Program to reduce water consumption and waste water discharge into the Los Osos Ground Water Basin.

2- Background

In 1983 the Central Coast Regional Water Quality Control Board (CCRWQCB) passed resolution 83-12 requiring an On-site Septic Management Plan (OSMP). AB 885 is currently being developed by the State of California, requiring management for all on-site systems within the state. Los Osos currently has approximately 6000 septic tanks in use; their management to date has been left primarily to owner/ occupants.

Over the years, several management programs have entered the design phase, but none have been implemented due primarily to the belief that a sewer would soon be in place. With passage of AB 2701 again delaying the construction of a sewer in Los Osos the Los Osos Community Services district seeks status as the Authorized Legal Authority (ALA) with formal written permission from the (CCRWQCB) to administer this OSMP within the boundaries of the LOCSD. The county of San Luis Obispo is, and will remain, the Permitting Authority (PA) responsible for permitting new systems.

3- Program Development

OSMP Public Process

The OSMP development process includes a sub-committee OSMP draft, LOCSD Wastewater Advisory Committee with public review and final recommendations conveyed to the LOCSD Board in a public hearing. The review process shall include:

1. Costs of the program and how funds will be managed.
2. Implementation process including any requirements of homeowners in the process.
3. Repair options for those with faulty or failing systems including any possible repair alternatives offered and available funding programs.
4. Goals of OSMP including decreased pollution risk of onsite systems working with best management practices; Prevention of surfacing septage in regards to poorly operating septic systems or high groundwater situations.
5. Compliance components are consistent with CCRWQCB resolution 83-12 and CA AB 885.
6. OSMP Role as a part of over all Water Master Plan and potential integration with a STEP/STEG wastewater collection system.
7. Possible enforcement options for those who fail to comply.

Upon acceptance of the OSMP, the LOCSD shall draft and adopt an ordinance, as specified in California Water Code Section 31141 and 31142.

The LOCSD may also draft legislation to expand the district's, powers provided by law, to effectively exercise such powers as may be appropriate for improving water quality and supply, reducing use of water, and preventing nuisance, pollution, waste, and contamination of water. (Similar to Water Code Section 31145 legislatively enacted for Stinson Beach.)

4- Public Education Information and Process

Public Education Information

Public Education of the OSMP will be indispensable in disseminating program information ~~primarily in three areas~~, regarding the Proper Use of Onsite Systems, OSMP Operations and proper Water Management:

~~Proper Use of Onsite Systems~~

With ~~Despite~~ widespread use of septic systems in our community, education on the proper use of onsite systems is vital for a successful program. Homeowners and residents need to be familiar with how their systems work and maintain their functionality.

Public education is a vital part toward the successful implementation of the OSMP and to convey the benefits of the program. The program will inform participating homeowners, service providers and stakeholders involved in the process. This information shall be provided by the LOCSO.

Reference material should include

1. The Homeowner Guide to On-Site Sewage Disposal Systems
2. The Septic System Homeowner's Manual
3. LOCSO -produced brochure (w/permission of the National Small Flows Clearinghouse, a division of the EPA), includes how a septic tank works, STEP collection system info, and excellent information about best maintenance practices
4. Various videos produced by NSFC regarding Onsite Systems.

Water Management

Water conservation is an important part of the OSMP. Currently, water consumption in Los Osos is substantially higher than its neighboring communities. Water consumption is directly related to the quantity of water entering an onsite system and the amount wastewater discharged. Reduced water consumption will benefit leach systems, water management practices, mitigate seawater intrusion and address potential Level Three Severity water supply shortage.

Public Education Process

The public education process must involve the entire community. In addition to normal advertising options, other methods of information distribution include:

1. Create and distribute brochures regarding Proper Use of Onsite Systems, OSMP Operations and Water Management based on the criteria discussed previously.
2. Town hall meetings and information workshops.
3. Information included in LOCSO Newsletter (Bear Pride) and/or Water Bill Inserts.

4. Playing NSFC videos on CSD Channel 20, as well as tips and information slideshows between regular programming.
5. Interactive website information including videos, clips and tips.
6. Work with local schools to create a school education program about onsite systems, waste reduction and water conservation. Demonstrate to students how they can effect positive change in the community by being responsible at home.
7. Outreach at community events
8. Contests and or giveaways promoting water conservation and program objectives.
9. Create 'catchy' signage to be placed ~~put~~ near sink, tub, and toilet to further family awareness.
10. Construct signs created by community artists promoting water conservations and program objectives.
11. Create outreach presentations targeting businesses, service groups community organizations and New Comers Club.
12. Distribute information through realty offices, CSD headquarters, Chamber of Commerce and Newcomers Club.

5-System Certification

Agency Roles, Inventory, Initial Inspection

Agency Roles

To ensure oversight of existing septic systems within the Boundaries of the LOCSO, the County of San Luis Obispo will continue to administer construction standards as the Permitting Authority (PA) while LOCSO shall perform periodic maintenance inspections of OWTS as the Authorized Legal Agency (ALA).

In order to effectively manage new and existing OWTS, LOCSO requests coordination from the County of San Luis Obispo regarding

1. Written or electronic notification of all building permits issued for OWTS installation, repair or upgrades.
2. Any OWTS design data regarding current systems for continued oversight within the LOCSO boundaries.
3. Informing all permit requestors that construction permitting fees cover only the design and installation oversight by the County.

LOCSO will coordinate all efforts with the County including but not limited to

1. Notifications of faulty or failing OWTS.
2. Necessary upgrades or repairs on troubled OWTS.
3. Program information and database.
4. Properties enrolled in OSMP.

Program Conformance

All existing and new OWTS owners within the LOCSO boundaries shall submit to the LOCSO a maintenance agreement: a site diagram as well as any available documentation from the County. After OWTS owner or agent submits all required information and fees, OSMP shall provide a letter of certification for the respective OWTS.

Maintenance Agreement

The Maintenance Agreement shall include the following information and easements.

1. Name, address, and telephone number of the property owner and owner's agent (if applicable)
2. OWTS site street address (if applicable) and assessor's parcel number.
3. Easement allowing access to OWTS components and inspections.
4. Prior documented inspection information.
5. Signature of property owner, owner's agent or legal representative including documentation designating agent status as applicable.

Site Diagram

The Site Diagram shall be roughly to scale on an 8½ by 11 sheet. Site diagram shall include the following applicable information:

1. OWTS site street address (if applicable) and assessor's parcel number.
2. North arrow (Magnetic North)
3. Property line corners and dimensions.
4. Setbacks required by local ordinance and regulations.
5. Ground slopes and direction.
6. Location of structures, including but not limited to dwellings, garages, out-buildings, swimming pools, patios and decks.
7. Paved and unpaved routes for vehicular traffic.
8. Location of water lines and all utilities.
9. Public and private easements.
10. Delineation of areas known to be subject to flooding or seasonal inundation.
11. Location of known wells and surface water bodies within 600 feet of the proposed OWTS.
12. Location of any existing failed OWTS on the subject parcel, where applicable.
13. Location of trees on property or off property within 10 feet of dispersal area(s).
14. Electronic or hard copy of any OWTS related documents on file with the County.
15. County of San Luis Obispo Septic Tank Inspection Report.
16. Approved SLO County OWTS Plans.
17. Perk tests and groundwater separation evaluations.

Initial Inspection

All OWTS owners will require an Initial Inspection. Due to the large number of existing OWTS in use within the LOCSD Boundaries, Initial Inspections of existing OWTS will be completed in phases. Any necessary OWTS pumping will require submission of an Initial Inspection Report. An OWTS inspection within the previous three years may be accepted as Initial Inspection Compliance if inspection meets program criteria.

Guidelines for setting Initial Inspections priorities will be based upon pertinent data, including depth to ground water or perched aquifers, proximity to drinking water wells and proximity to monitoring wells showing water quality problems.

Initial Inspection Reports may be accomplished by submitting a completed official County of San Luis Obispo Septic Tank Inspection Report.

6- Program Administration

Reporting Guidelines, Inspector Certification, Procedures

Reporting Guidelines

To ensure the proper function of OWTS and provide pertinent information to regulating agencies within the County and State, LOCSD shall:

1. Maintain all site information as required under Chapter 5 **System Certification** and Chapter 6 **Program Administration**.
2. Investigate complaints regarding inadequate and/or failing systems and utilize enforcement procedures detailed in Chapter 7 **Enforcement** to obtain compliance.

LOCSD will annually submit electronically and/or via mail to the County and RWQCB a report summarizing the year's inspection and results activity. The report shall address and/or contain, as a minimum, the following information:

1. A listing of all new OWTS in OSMP, including locations (street address and APN)
2. A listing of all repair requirements issued, including locations (street address and APN) with a summary of repair actions;
3. All variances issued, including the nature and rationale of the variance, including locations (e.g., street address);
4. The number of water quality problems discovered
5. Total number of investigations;
6. Number of samples taken (including sample sites and date), and sample results;
7. Date of inspection;
8. Location (street address and APN)
9. Actions taken to address failing OWTS,
10. Any changes in local ordinances affecting how OWTS are regulated;
11. Other information available from the OSMP that can be used by the RWQCB to assess the adequacy of the OSMP(e.g., septic tank pumping or monitoring records, resolved and unresolved complaints

OSMP Inspector Certification

Registration

Any OWTS pumper/ inspector operating within the district must have a current OSMP Inspector Certification permit issued by LOCSD, in addition to any requirements from County or State Agencies. Each certification is for one year and must be renewed annually. An additional late fee will be assessed if certification is renewed subsequent to its expiration.

Certified OSMP Inspectors shall be approved by LOCSD and have qualifications and knowledge in all the following areas:

1. Permitting and inspection of OWTS;
2. State policies and requirements and basin plans;
3. Soil and site evaluation;
4. OWTS design, installation, performance, and monitoring; and
5. Design and operation of supplemental treatment systems

A permit will be issued only upon proper application by the business owner/ operator on forms provided by LOCSD, payment of the registration fee, inspection of the pumping equipment and approval of proposed dumping sites.

A valid certificate as to the capacity of the tank must first be secured from the County before a permit will be issued.

The permittee and the employees must demonstrate knowledge of the operation of the equipment and must comply with the proper procedures for cleaning and inspecting a septic tank, as set forth in this document, LOCSD Ordinance #XXXX and applicable County codes.

A permit may be denied, temporarily suspended, or revoked by the Administration Officer in the event of violations by the applicant or permittee of the provisions set forth in this document or in LOCSD Ordinance #XXXX. Such action may be appealed according to procedures set forth in Chapter 7 **Enforcement**.

A change of address of the septic tank pumper must be reported within ten days by certified mail to Environmental Health Services.

Equipment

The vehicle and pumping equipment must be adequate and kept clean and in good and proper working order. The pump shall be leakproof and spillproof.

The name and address or phone number of the owner (permittee) shall appear on each side of the truck in letters at least 4 inches high. All lettering is to be permanent.

Pumper trucks for septic tank cleaning must have a tank with minimum 1500 gallon capacity. The tank must be watertight and have tight manholes. Discharge valves shall shut tight. All valves shall be operated from the valve itself and not at the driver's seat or by remote control.

A special hose for cleaning purposes must be carried. All hoses and pipes used in cleaning shall be flushed back into the tank being cleaned and not onto the ground or premises. The hose shall be equipped with a dual check valve to prevent backflow of contaminated water into the customer's water system. A customer's hose shall not be used.

OSMP Inspection Reports

OSMP Inspection Reports shall be submitted to LOSCD monthly, providing a report for each septic tank pumped. Reports shall be made on forms supplied by LOCSD or on other approved forms and shall contain the following information:

1. Date tank pumped.
2. Property owner's name and address of the property where the septic tank is located.
3. Location of septic tank on property (sketch or describe).
4. Gallons pumped.
5. Septic tank or sump size (in gallons, or inside dimensions below inlet pipe).
6. Septic tank material and condition (broken baffles, broken tees, rotten sides or top, leaks, etc.).

7. Indications of septic system failure (high liquid level, backflow, surfacing sewage onsite, etc.).

Procedures

Pumping, Cleaning and Inspection Procedures

All permittees and their employees must follow proper procedures for pumping, cleaning, and inspecting the septic tank, as described below.

1. All liquid and accumulated solids shall be removed from all compartments of the septic tank. The water hose shall be used as an aid in loosening solids for removal.
2. During the cleaning operation, a complete and accurate County of San Luis Obispo Septic Tank Inspection Report, must be completed and provided to the property owner and LOCSO. Failure to provide accurate and complete inspection forms after any pump to LOCSO and property owner may result in a denied, suspended or revoked
3. Upon completion of the cleaning operation, the manhole covers or top of the tank shall be properly replaced and sealed.
4. All septic tank cleaners must provide to the person contracting to have the tank pumped, a receipt bearing the name and address of the licensed pumper and the address of the tank pumped.
5. Any minor spillage of waste resulting from the cleaning operation shall be cleaned by rinsing with water. Major spillage shall be removed, disinfected, or buried. The LOCSO and/or County Officials must be notified if the spill is significant, as defined in the next section

Disposal of Septic Tank Cleanings

Septic tank cleanings shall be disposed of only by disposal into a public septage receiving facility, if permission is first secured from officials in charge of the facility.

If a significant spill of septic tank sludge occurs, or if sludge is discharged to an unapproved site, the operator shall immediately notify the County Department of Health Services and shall take steps to clean-up the spill, disinfect the area, and prevent any discharge to a waterway. A significant spill is any spill that occurs in a public right-of-way, that enters a waterway or water source, that leaves the property where the spill occurs, or that exceeds 15 gallons in volume.

Septic tank sludge or chemical toilet cleanings containing hazardous materials, as defined by the County of San Luis Obispo County, including, but not limited to, gasoline, caustic chemicals, paints, solvents, or materials which may interface with the processes of a wastewater treatment plant, may only be discharged to a Class I disposal site or other site specifically approved by the County Department of Health Services for disposal of contaminated sludge.

7- Enforcement

Notice of Violation (NOV)

If an owner of an OWTS is determined to be in violation of this ordinance the Program Administrator or his designee shall issue a written Notice of Violation (NOV) via certified mail to the owner. The notice shall explain the nature of the violation, required actions, any assistance that is available from the LOCSD staff or management, a reasonable time frame for compliance, and the possible consequences for noncompliance.

Administrative Review Meeting

A property owner is encouraged to resolve issues at an informal administrative level before appealing a decision of the Program Administrator. Any owner of an OWTS who receives an NOV shall have the right to an administrative conference with the designated LOCSD staff or management to determine how best to bring the system into compliance. LOCSD designated staff or management may seek an advisory opinion from the LOCSD Board of Directors relative to available compliance methods. An administrative meeting, if desired, shall be requested in writing within ten (10) days following the date of NOV. A signed consent agreement between LOCSD designated staff or management and the OWTS owner shall outline the specifics of the any agreements.

Penalties

Any person who fails to comply in a timely manner after receiving an NOV and has exhausted all administrative remedies issued under the provisions of this ordinance may be fined not more than \$100 per violation. Each day of a continuing violation may constitute a separate and distinct violation. All fees/fines shall be paid to the LOCSD for the administration and implementation of the OSMP or a compliance plan at the discretion of the LOCSD designated staff or management. The LOCSD shall maintain its right to legal and equitable remedies that may be available in order to enforce compliance with the provisions of this ordinance. Recalcitrant Violators may be referred to the RWQCB for further enforcement action.

Failure to Pay

Failure to pay any fees or fines assessed by the LOCSD for the administration of the OSMP shall constitute a lien on the owner's property. In addition to the bill and any associated fines, the OWTS owner shall be responsible for any and all interest, administrative and court costs associated with the collection of the funds.

Appeals

Any aggrieved party shall have the right to appeal a decision made under the provisions of this ordinance to the LOCSD Board of Directors.

8 Financial Plan

Expected Costs, Expected Revenues

Expected costs:

Certified Septic pumpers will do initial inspections. The initial inspection database will be maintained by the LOCSD.

Initially, community volunteers may input OSMP inspection information into a database until sufficient funds are generated to hire a full time employee to perform these tasks. Once the program is fully operational, two full time employees may be needed to perform routine inspections, collect information for the County and RWQCB reporting requirements and conduct OSMP day to day operations.

\$ 6,000/ year vehicle costs including insurance, gas and maintenance.
 \$ 31,200/ year wages at \$15 per hour
 \$ 41,600/ year wages at \$20 per hour
 \$ 18,200/ year in employee taxes and insurance (25%)
 \$ 8,400/ year in employee benefits
 \$ 19,400/ year available for raises, added vehicle or benefits.
 \$124,800 per year employee costs

\$30/ hour average employee costs including vehicle.

\$124,800 per year employee costs = 2 employees X \$30/ hr X 40 Hrs/ wk X 52 wk/ yr
 \$ 15,000 Admin fees (office, phones, paper, equipment costs)
 \$ 10,200 per year reserves/ incidentals (Mailings not covered under Admin...)
 \$150,000 expenditures.

Expected Revenues

The LOCSD will establish and adopt a new enterprise fund. The LOCSD will establish an appropriate budget reserve. The LOCSD will establish a user fee to support the OSMP program.

There are approximately 6,000 Developmental Equivalent Units (D.U.E.) developed within the district boundaries. To cover the proposed expenditures, the LOCSD may establish an OSMP \$25 annual user fee per developed D.U.E.

6000	D.U.E.
x \$25	Annual Program administration user fee per D.U.E.
\$150,000	Annual revenue for OSMP

9- Financial Assistance Opportunities

The LOCSD may develop programs, alliances or other sources of funding to assist those home owners who cannot afford to make immediate repair or replace failed systems.

Community Development Block Grants (CDBG)

The LOCSD may apply for and, upon receipt of grant funds, administer the CDGB Grant funds via an established criterion for households The LOCSD may fund up to \$5000 to qualified low to moderate-income households.

The LOCSD shall submit a request for \$100,000 for the first year of the program. CDBG grants need to be applied for by October 31st of 2006 with funding arriving in September of 2007. From the time funding is issued, OSMP will have one year to distribute all said funds.

Other Funding Options

1. SRF Loan distributed through LOCSD or Banks
2. Clean Beaches Grant Program.

System operation and maintenance: Septic tank inspection guidelines

One advantage of the septic tank/absorption field system is that it has no moving parts and requires little maintenance. However, the septic tank does require routine inspections to check the sludge level. It's time to pump the tank when the sludge level is less than 12 inches below the bottom of the outlet baffle or when the bottom of the scum layer is less than 3 inches above the bottom of the outlet baffle. Figure 6 shows a method for determining sludge and scum levels in the tank.

It should be remembered that garbage disposals will nearly double the amount of solids accumulated in the tank. The most common cause of the shortened lifespan of the system is soil clogging caused by neglecting regular pumping of the septic tank.

Although the average dwelling has a life of about 80 years, the useful life of an absorption field system is about 10 years with a maximum life of about 20 years. The corrosion-resistant tanks will last about the same length of time if properly maintained. However, the internal baffles of the metal septic tanks are not corrosion resistant and will last no more than a maximum of 5 to 7 years before replacement is needed.

Listed below are maintenance measures that the homeowner can do.

1. Make a map showing the location of the septic tank and absorption field relative to the home and/or other permanent landmarks. Keep this information with your house records.
2. Ensure that rainwater does not enter the system. This can be accomplished with diversion terraces, embankments, downspout extensions, retaining walls, etc.
3. Check the scum and sludge levels in the septic tank at least once a year. Once the normal sludge accumulation rate is known, inspection frequency can be adjusted accordingly.
4. Keep manhole covers easily accessible. The covers should be locked or of sufficient weight to prevent a child from lifting them.
5. When the septic tank must be pumped out, record the pumping date and number of people in the home. When your tank is pumped, ensure that the tees or baffles are not harmed.
6. Never enter the septic tank; toxic gases produced inside can be explosive and can cause asphyxiation. Do not wash the interior walls of the septic tank after pumping; the solids adhering to the sides will restart the microbial action necessary for the system to function.
7. Keep the absorption area free of obstructions. Do not build any structures over the system. Do not drive over the system. Do not plant a garden over the absorption system.
8. Reduce water usage with flow-reducing devices.

9. Do not put grease, solvents, paints, caustic or oily liquids, kerosene, gasoline, motor oil or cooking fats into any drain or toilet. These materials can upset the bacterial action in the tank.
10. Do not put coffee grounds, bones, filter cigarette butts, disposable diapers, paper towels, tissues, newspaper, rags or plastic into the system. These materials decompose very slowly and will quickly fill the tank, leading to early failure of the absorption field.
11. Do not add enzyme or yeast additives to the septic tank in hopes of improving bacterial action. Of the 1,200 different additive products placed on the market, none have proven beneficial in controlled testing programs. Some additives actually cause damage to the system or surrounding soil and vegetation and may contribute to chemical contamination of ground water.
12. Repair all faucet leaks as soon as possible.

Measuring scum and sludge layers

Measure the scum layer with a stick with a hinged flap as in Figure 7. Push the stick through the scum until the flap falls into the horizontal position. Raise the stick until you can feel the bottom of the mat. Mark the stick to indicate the scum depth (see Figure 6). Locate the lower end of the submerged tank outlet baffle the same way. If the scum mat is less than 3 inches above the lower end of the submerged outlet, clean the tank. If you cannot locate the submerged outlet, clean the tank if the scum is more than 12 inches thick.

To measure sludge depth, wrap a rough cloth strip around the bottom 3 feet of the measuring stick (see Figure 8) and lower it to the tank bottom through the hole in the scum made while checking its thickness, as shown in Figure 6. If the tank has a baffle in front of the outlet pipe, measure the sludge behind that baffle. Wait a few minutes and remove the stick slowly and carefully. Sludge depth is shown by black particles clinging to the cloth. Clean the tank if sludge is 1/3 or more of the liquid depth.