

STATE OF CALIFORNIA  
REGIONAL WATER QUALITY CONTROL BOARD  
CENTRAL COAST REGION

STAFF REPORT FOR REGULAR MEETING OF AUGUST 31, 2009

Prepared on August 10, 2009

ITEM NUMBER: 10

SUBJECT: **Waiver of Waste Discharge Requirements for Engineered Onsite Disposal System, Garren Property, 277 Lower Walden Road, Carmel Highlands, Monterey County, Resolution No. R3-2009-0057**

KEY INFORMATION

Location: 277 Lower Walden Road, Carmel, Monterey County  
Lot Size & Type: Approximately 1.03 acres; Residential  
Type of Discharge: Treated domestic wastewater  
Type of Treatment: Secondary via package filtration system with ultraviolet disinfection  
Disposal Method: Primary drip dispersal area and secondary shallow pressurized trenches  
Design Flow: 450 gallons per day (gpd) - average and 900 gpd - peak daily  
Land Owner/Discharger: Donald and Donna Garren  
Local Oversight Agency: Monterey County Department of Health

**This Action: Adopt Resolution No. R3-2009-0057 for Waiver of Waste Discharge Requirements**

SUMMARY

The proposed Resolution (Attachment 1) is a Waiver of Waste Discharge Requirements for an engineered (or advanced treatment) onsite domestic wastewater and disposal system for a residential lot located in the Carmel Highlands. The residential lot is not within either a sewer or water service area and therefore requires both an onsite wastewater system and domestic water supply well for the development of a single family residence on the lot. Conditions of the proposed Resolution are primarily based on newly adopted Monterey County ordinances intended to protect the area from potential site-specific or cumulative impacts as a result of the high density of onsite domestic wastewater systems and domestic water supply wells in an area with historically unfavorable geologic conditions. The proposed Resolution is for one of ten residential lots in the Carmel Highlands subject to Monterey County ordinances allowing a limited number of pending county building permit applications to be processed subject to specific standards until the County conducts an area-wide study and adopts an Onsite Wastewater Management Plan for the Carmel Highlands area.

The proposed system consists of an advanced treatment system with ultraviolet disinfection and a subsurface drip irrigation disposal system. A secondary backup disposal system is also being proposed pursuant to county requirements that consists of shallow pressurized rock-filled dispersal trenches. Both disposal systems are designed to handle 100% of the design flow from the proposed residence.

The subject property and proposed system design meet or exceed all applicable Basin Plan numeric criteria for siting a conventional "septic system" with the exception of siting the disposal areas on slopes slightly in excess of the maximum recommended slope criteria of 20%. The disposal systems are proposed on slopes of between 20 to 23%. The Basin Plan recommends the "natural ground slope of the disposal area should not exceed 20%."

The following discussion briefly outlines the basis of the proposed Resolution with supporting attachments and the conditions of the proposed Resolution. More detailed information is contained within the Resolution and attached Central Coast Water Board written correspondence with Monterey County.

## DISCUSSION

The Monterey County Board of Supervisors adopted Ordinance No. 5093 on November 17, 2007. Ordinance No. 5093 extends Interim Ordinance No. 5086, adopted on October 2, 2007, which temporarily limits new development in the Carmel Highlands that has the potential to generate wastewater and temporarily limits the construction of new wells pending an area-wide study and consideration of an Onsite Wastewater Management Plan by the County. Ordinance No. 5093 also contains an exemption to allow a limited number of pending applications to be processed subject to specified standards as outlined in Ordinance No. 5093. Interim Ordinance No. 5086 and Ordinance No. 5093 are Exhibits 1 and 2, respectively, to the Resolution (Attachment 1) of this staff report.

The above-noted county ordinances were implemented in response to Water Board March 7, 2007 and May 7, 2007 letters to the County (Attachments 2 and 3, respectively) regarding another Carmel Highlands site and the ongoing use of onsite wastewater systems in the Carmel Highlands as a whole. The two letters reiterate a long-standing Water Board concern regarding the continued development of the Carmel Highlands without the preparation and implementation of an Onsite Wastewater Management Plan per recommendations of the Basin Plan. The letters also question whether continued development via onsite wastewater systems is in compliance with narrative Basin Plan prohibitions regarding physical constraints and potential threats to water quality, public health, and conditions of nuisance.

Water Board staff originally provided a tacit denial of any additional onsite system proposals in the Carmel Highlands requiring Water Board approval of Basin Plan exemptions in the May 7, 2007 letter. However, staff is now in support of the county's ordinance to provide relief to a limited number of pending applicants who have invested considerable time and financial resources towards their projects with the understanding that they could be permitted. Staff support is based on a long-term perspective given the ordinance contains interim standards intended to mitigate potential site specific and cumulative area-wide impacts that will also help generate geologic data for the pending area-wide study, and the county is committed to an area wide study and development of an Onsite Wastewater Management Plan for the Carmel Highlands area. The interim standards were developed by the county in consultation with Water Board staff and contain specific site investigation, design, construction, maintenance and monitoring requirements.

The Basin Plan and existing July 1979 Memorandum of Understanding between the county and Water Board prohibit the county from approving engineered onsite wastewater systems. The engineered system requires a Basin Plan exemption. Staff reviewed the Discharger's application and approved the Basin Plan exemption in a letter dated July 8, 2009 (Attachment 4). Pursuant to Water Code Section 13269, the waiver policy that formerly covered onsite wastewater systems sunsetted on January 1, 2003. Consequently, a waiver of waste discharge requirements is also required along with the Basin Plan exemption. The July 8, 2009 letter also serves as the public notification for the proposed Resolution. Water Board staff sent an additional July 31, 2009 letter to

the Discharger and interested parties notifying them of the change in the public meeting date and venue.

The proposed Waiver of Waste Discharge Requirements is subject to a list of conditions as outlined in the Resolution. The primary condition is that the Discharger comply with all applicable county ordinances and permit conditions with an emphasis on the ordinances noted above and the nonstandard permit conditions attached as Exhibits 3 and 4 to the proposed Resolution. The nonstandard permit conditions consist of an operations and maintenance contract requirement and deed notification requirement documenting the alternative onsite wastewater system and related county requirements for potential future owners. The proposed Resolution also contains standard conditions regarding system operation and maintenance, monitoring, inspection, notification and access requirements, and discharge prohibitions.

If the proposed onsite disposal system is properly operated and maintained in accordance with Monterey County ordinances and permit conditions and the conditions of this Resolution, a waiver of waste discharge requirements is in the public interest and is consistent with applicable water quality control plans, including the Water Quality Control Plan, Central Coast Region.

Conditions of the proposed Resolution are primarily based on the Basin Plan and nonstandard Monterey County permit conditions attached to the proposed Resolution. The nonstandard county permit conditions consist of operations and maintenance contract and deed notification requirements for the advanced treatment system.

The findings of the proposed Resolution and attachments to this staff report contain more detailed information regarding the proposed project.

### **COMMENTS & CHANGES**

As of August 10, 2009, just prior to the mail out date for production of this agenda item, no comments have been received. Any comments received between August 10, 2009, and the close of the public comment period on August 13, 2009, will be addressed in supplemental sheets to this item.

### **RECOMMENDATION**

Adopt Resolution No. R3-2009-0057 as proposed.

### **ATTACHMENTS**

1. Proposed Waiver Resolution No. R3-2009-0057 and associated exhibits
2. March 7, 2007, Central Coast Regional Water Quality Control Board letter to Richard LeWarne, County of Monterey, regarding: *74 Corona Road, Carmel Highlands (APN 241-052-001-000, PLN050447/Reynolds); Response to Monterey County Request for Review*
3. May 7, 2007, Central Coast Regional Water Quality Control Board letter to Richard LeWarne, County of Monterey, regarding: *74 Corona Road, Carmel Highlands (APN 241-052-001-000, PLN050447/Reynolds); Response to Monterey County Request for Clarification*
4. July 8, 2009, Central Coast Regional Water Quality Control Board letter to Donna Garren, regarding: *277 Lower Walden Road, Carmel Highlands, Carmel (APN 241-241-009), Monterey County; Proposed Waiver of Waste Discharge Requirements for Alternative Onsite Wastewater Disposal System (Resolution R3-2009-0057)*