

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

**RESOLUTION NO. R3-2009-0056**

**Waiver of Waste Discharge Requirements**

**For**

**ON-SITE SUBSURFACE SEPTIC DISPOSAL SYSTEM  
AROMAS WATER DISTRICT OFFICE, 490 CARPENTERIA ROAD  
AROMAS, CALIFORNIA  
(APN 011-21-0-128-0)  
San Benito County**

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

1. California Water Code Section 13260(a) requires that any person discharging waste, or proposing to discharge waste within any region that could affect the quality of the waters of the state, other than into a community sewer system, shall file with the appropriate Regional Water Board a report of the discharge ("report of waste discharge" or "ROWD") or other report containing such information and data as may be required by the Regional Board.
2. California Water Code section 13263 authorizes the Water Board to prescribe waste discharge requirements that implement the Water Board's Water Quality Control Plan.
3. California Water Code Section 13269 authorizes the Water Board to waive the issuance of waste discharge requirements provided that the waiver of waste discharge requirements is consistent with applicable water quality control plans and is in the public interest. In addition, any waiver must be conditional, may not exceed five years in duration, and may be terminated at any time. The waiver must also require monitoring unless the Regional Board determines that the discharges do not pose a significant threat to water quality.
4. The Water Quality Control Plan for the Central Coast Region (Basin Plan) designates the beneficial uses of waters within the Region, specifies the water quality objectives to protect the beneficial uses, establishes prohibitions, and establishes implementation policies to implement the water quality objectives. Pursuant to Chapter 2 of the Basin Plan, present and potential beneficial uses of groundwater (both shallow and deeper water-bearing zones) underlying the referenced property include domestic and municipal water supply, agricultural water supply, and industrial water supply. The Basin Plan incorporates the state's drinking water standards adopted by the California Department of Public Health as water quality objectives.

### BACKGROUND

5. The subject site consists of a 1.25-acre lot located in Aromas, San Benito County. There is no centralized wastewater collection system in the area, therefore the site requires the installation of an on-site wastewater disposal system. The site also requires the installation of a stormwater detention basin. The Basin Plan requires the stormwater detention basin to be located at least 200 feet from the septic system disposal field; although due to site constraints, the maximum distance between the stormwater detention basin and the septic system disposal field is 101 feet. See Exhibit 1 for site vicinity map.
6. The proposed system does not comply with Chapter IV, Section VIII.D.3.i.10 of the Basin Plan, which requires a minimum of 200 feet between the septic system disposal field and reservoirs<sup>1</sup>. The May 9, 2008, Basin Plan amendment does not require this separation between reservoirs and septic system disposal fields. The Water Board approved the amended Basin Plan at the Regional level but this amendment is still under review at the State Water Board level.
7. The stormwater basin will collect stormwater surface runoff and is designed to hold the water for a period not more than 24 hours. While it is designed for a maximum water elevation of 286.5 feet above mean sea level (ft. above MSL), calculations performed by San Benito Engineering & Surveying, Inc. show that the basin level will likely not exceed 285.52 ft. above MSL with the design bottom being at 285 ft. above MSL. The septic system is uphill from the detention basin at an elevation higher than the bottom of the basin, as well as almost entirely above the maximum water level of the basin. Storm water is designed to flow off the surface of the disposal field and into the stormwater basin due to the slight downward slope between the disposal field and the stormwater basin. Therefore, there is no potential for stormwater percolation at the stormwater basin to impact the septic system disposal field and stormwater is not expected to overload the disposal fields during a rain event.
8. The remaining design criteria and site conditions (i.e., distance to watercourses, water supply wells, and groundwater) for an individual septic system meet the required Basin Plan criteria.
9. Water Board staff received an application containing a Report of Waste Discharge, a Supplemental Form for Regional Board Subsurface Disposal Exemption, and associated design documents for the septic system from the Aromas Water District (Discharger) on February 19, 2009. The San Benito County Planning/Building Department and Environmental Health Department signed (certified) the Supplemental Form on February 14 and 17, 2009, respectively. Anne Hall,

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<sup>1</sup> A pond, lake, tank, basin, or other space either natural or created in whole or in part by the building of engineering structures, which is used for storage, regulation, and control water, recreation, power, flood control, or drinking.

registered professional engineer with San Benito Engineering and Surveying, Inc., designed the on-site disposal system on February 4, 2009. Brian Papurello, a registered professional geologist with LandSet Engineers, Inc., performed the soil engineering investigation and percolation testing on July 16, 2007.

10. The Executive Officer approved the Basin Plan exemption and notified the Discharger of the proposed Waiver on August 31, 2009.
11. The Water Board considered the information provided in the application and has required the Discharger, as a condition of this waiver, to comply with all applicable San Benito County ordinances and permit requirements and applicable Basin Plan requirements for on-site disposal systems.
12. The Water Board finds that if the on-site disposal system is properly operated and maintained in accordance with the conditions of this Resolution this waiver of waste discharge requirements is in the public interest and consistent with the Basin Plan.
13. This waiver of waste discharge requirements is in the public interest because:
  - a) The discharge is already regulated by another governmental entity;
  - b) This Waiver requires the discharger to observe reasonable practices to minimize the deleterious effects of the discharge;
  - c) This Waiver requires the discharger to implement feasible treatment methods to control the waste constituents in the discharge; and
  - d) This Waiver includes conditions that will adequately protect beneficial uses while allowing the Water Board to use more of its resources to conduct field oversight, public outreach and, where necessary, enforcement.
14. The proposed on-site disposal system is regulated by San Benito County and must comply with County ordinances and permit requirements and Basin Plan requirements to implement design and operational controls, maintenance activities, and regular monitoring to prevent water quality impacts.
15. This waiver is consistent with the Basin Plan because it:
  - a) Prohibits pollution, contamination or nuisance;
  - b) Requires monitoring and compliance with applicable Basin Plan prohibitions and San Benito County Ordinances and permit requirements;
  - c) Requires the Discharger to grant access to Water Board and San Benito County staff to perform inspections; and
  - d) Requires the on-site disposal system to comply with the Basin Plan's criteria for on-site systems.

16. Pursuant to California Water Code Section 13269, this action waiving the issuance of waste discharge requirements for this on-site domestic wastewater disposal system: (a) is conditional, (b) may be terminated at any time, (c) does not permit an illegal activity, (d) does not preclude the need for permits which may be required by other local or governmental agencies, and (e) does not preclude the Water Board from administering enforcement remedies (including civil liability) pursuant to the California Water Code.
17. Operation of the proposed on-site disposal system consistent with this Resolution is not anticipated to degrade groundwater and is consistent with State Water Resources Control Board Resolution 68-16 ("Policy for Maintenance of the High Quality of Waters of the State"). State Water Board Resolution No. 68-16 requires the Regional Board to maintain the high quality of waters of the state unless the Regional Board determines that some degradation of waters is consistent with maximum benefit to the people of the state, will not unreasonably affect present and anticipated beneficial use of such water and will not result in water quality less than set forth in the Basin Plans. The Regional Boards must ensure that waste discharge requirements will result in best practicable treatment or control of the discharge necessary to ensure against pollution or nuisance and the highest water quality is maintained. In short, the degradation may not violate water quality objectives and must not unreasonably affect existing and designated beneficial uses. Operation of the proposed system is consistent with Resolution 68-16 because the system is designed to disposal standards as prescribed in the Basin Plan and will not impact surface water and groundwater beneficial uses.
18. The monitoring and reporting requirements of this Resolution are imposed pursuant to California Water Code Section 13267. The monitoring and reporting are necessary to ensure compliance with the conditions of this Resolution and to verify the adequacy and effectiveness of the conditions.
19. The Regional Board provided an opportunity for a public hearing on December 10, 2009, in San Luis Obispo, and considered all comments and evidence concerning this matter.
20. Any person aggrieved by this action of the Central Coast Water Board may petition the State Water Board to review the action in accordance with Water Code section 13320 and California Code of Regulations, title 23, sections 2050 and following. The State Water Board must receive the petition by 5:00 p.m., 30 days after the date of the order, except that if the thirtieth day following the date of the order falls on a Saturday, Sunday, or state holiday, the petition must be received by 5:00 p.m. on the next business day. Copies of the law and regulations applicable to filing petitions may be found on the internet at:

[http://www.waterboards.ca.gov/public\\_notices/petitions/water\\_quality](http://www.waterboards.ca.gov/public_notices/petitions/water_quality)

or will be provided upon request.

**THEREFORE BE IT RESOLVED:**

1. In accordance with California Water Code Sections 13267 and 13269, waste discharge requirements for the proposed on-site domestic wastewater disposal system are hereby waived subject to the following conditions:
  - a) The on-site treatment and disposal system (System) shall be installed under the oversight of San Benito County and the designer, Anne Hall, per the February 17, 2009 (or more recent approved version) *On-site Subsurface Disposal System Design* by Anne Hall, San Benito Engineering & Surveying, Inc. The System shall be operated and maintained in accordance with applicable San Benito County Ordinances and permit conditions, the Basin Plan criteria and manufacturer specifications.
  - b) The Discharger shall comply with all applicable San Benito County Ordinances and Permit Conditions.
  - c) The Discharger and future property owners shall be subject to the requirements of the County's pending On-site Wastewater Management Plan.
  - d) Utility trenches in the vicinity of the disposal areas shall be backfilled pursuant to geotechnical engineering specifications to prevent channeling of effluent
  - e) Additional subsurface drains (french or curtain) are prohibited within 50 feet down-slope and 20 feet up-slope of the disposal areas.
  - f) Peak daily flow shall not exceed 350 gallons per day.
  - g) Use of the individual sewage disposal system shall not create a condition of pollution, contamination, or condition of nuisance, as defined by CWC Section 13050.
  - h) Only domestic wastewater shall be discharged to the individual sewage disposal system.
  - i) The use of self-regenerating water softeners is prohibited; water softening devices shall be off-site, regenerated cartridge type only.
  - j) The Discharger shall install and use low-flow plumbing fixtures on all appurtenances such as toilets, showers and faucets. Low-flow dishwashers are strongly recommended.
  - k) The Discharger shall immediately notify the Water Board and San Benito County of any proposed change(s) in discharge volume, nature, or location.
  - l) The Discharger shall immediately notify the Water Board and San Benito County of any discharges threatening water quality or public health.
  - m) The Discharger shall allow the Water Board and San Benito County to inspect the on-site disposal system at any time to evaluate compliance with this Waiver.

- n) Operation of the sewage disposal system shall not result in the surfacing of effluent from the disposal area or other portions of the system.
  - o) The Discharger and future property owners shall also provide copies of all monitoring data per County requirements to the Water Board.
  - p) The Discharger shall inspect the sewage disposal system every two years, at a minimum, for solids buildup and have it pumped out as required by a licensed septic tank contractor.
  - q) If the Discharger transfers the property, the Discharger shall notify the new owner of this Waiver of Waste Discharge Requirements and shall notify the Water Board of the transfer within 30 days of transfer.
  - r) The Discharger shall submit one of the following to the San Benito County Division of Environmental Health: 1) a letter signed by the on-site wastewater system designer certifying the system was installed pursuant to the approved system design plans, or 2) as-built plans highlighting all approved changes<sup>1</sup>.
2. This Waiver does not create a vested right to discharge and all such discharges shall be considered a privilege, as provided for in CWC Section 13263.
  3. The Executive Officer or Water Board may terminate the applicability of the Waiver described herein at any time.
  4. This Waiver shall become effective on **December 10, 2009**, and shall expire on **December 10, 2014**.
  5. The Discharger may be subject to enforcement actions for violations of this Waiver pursuant to Division 7 of the California Water Code. As provided by California Water Code Section 13350(a), the Discharger may be civilly liable if in violation of a waiver condition or causes waste to be deposited where it is discharged, into the waters of the State and creates a condition of pollution or nuisance.

I, Roger W. Briggs, Executive Officer, do hereby certify the foregoing is a full, true, and correct copy of a Resolution adopted by the California Regional Water Quality Control Board, Central Coast Region, on December 10, 2009.

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Roger W. Briggs  
Executive Officer

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<sup>1</sup> This condition does not authorize the Discharger or his agents to make modifications to the system design, layout or location without prior approval by San Benito County and the Central Coast Water Board.