

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

RESOLUTION NO. R3-2009-0007

Waiver of Waste Discharge Requirements

For

**ONSITE DISPOSAL SYSTEM
MOORE RESIDENCE, 133 WEST MOUNTAIN DRIVE
SANTA BARBARA
(APN 021-061-024)
Santa Barbara 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 Water 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 (Basin 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 include monitoring unless the Water Board determines that the discharges do not pose a significant threat to water quality.

BACKGROUND

4. The Central Coast Water Board encourages direct regulation of onsite systems by an authorized and qualified local agency, where such a policy is mutually beneficial. To facilitate direct regulation, the Water Board enters into memoranda of understanding (MOUs) with local agencies that appropriately regulate onsite system siting, design, construction, monitoring and performance in accordance with criteria specified in the Basin Plan. The MOUs provide for local regulation and implementation of the Central Coast Water Board's criteria with respect to onsite systems. The City of Santa Barbara (City) owns and operates a wastewater collection and treatment system and therefore does not normally have reason to review onsite systems. The City does not have an MOU with the Water Board. The Water Board staff reviewed the Discharger's report of waste discharge.

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Waiver of WDR – Moore Residence,
Santa Barbara County
Attachment 1

5. The subject site consists of a 3.07-acre residential property located in the City of Santa Barbara. The property is within the City of Santa Barbara, but connection to the sewer is not available to the property because the City has not provided sewer access in the area. The property owner, Jim Moore (hereafter Discharger), applied for waste discharge requirements for a conventional onsite wastewater disposal system designed to meet all Basin Plan criteria for onsite disposal systems.
6. The Regional Water Board has adopted the *Water Quality Control Plan, Central Coast Basin* (the Basin Plan) that designates beneficial uses, establishes water quality objectives, and contains implementation programs and policies to achieve those objectives for receiving waters within the Region.
7. An application containing a Report of Waste Discharge was submitted to the Water Board by the Discharger on November 18, 2008. The onsite disposal system design was prepared by Nick Brouwer, Coastal Geology & Soils, Inc. and is dated November 18, 2008.
8. The Executive Officer notified the Discharger of the proposed Waiver on November 21, 2008.
9. The Water Board has considered the design information provided in the application and has required the Discharger, as a condition of this waiver, to comply with the Basin Plan requirements for onsite disposal systems.
10. Individual subsurface disposal systems for domestic residences are categorically exempt from the California Environmental Quality Act as set forth in California Code of Regulations, Title 14, Section 15303.
11. The Water Board finds that if the onsite 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.
12. This waiver of waste discharge requirements is in the public interest because:
 - a) The Waiver requires the discharger to observe reasonable practices to minimize the deleterious effects of the discharge;
 - b) This Waiver requires the discharger to implement feasible treatment methods to control the waste constituents in the discharge; and
 - c) This Waiver includes conditions that will adequately protect beneficial uses while allowing the Water Board to utilize more of its resources to conduct field oversight, public outreach and, where necessary, enforcement.
13. The proposed onsite disposal system must comply with the Basin Plan requirements to implement design and operational controls, maintenance activities, and regular monitoring to prevent water quality impacts.
14. The conditions of this waiver are consistent with the Basin Plan because it :
 - a) Prohibits pollution, contamination or nuisance;
 - b) Requires monitoring and compliance with applicable Basin Plan prohibitions;
 - c) Requires the Discharger to grant access to Water Board staff to perform inspections;

- and
- d) Requires the onsite disposal system to comply with the Basin Plan's criteria for onsite systems.
15. Pursuant to California Water Code Section 13269, this action waiving the issuance of waste discharge requirements for this on site domestic wastewater disposal system: (a) is conditional, (b) may be terminated at any time, (c) does not permit an illegal activity, (d) does not preclude the need for permits which may be required by other local or governmental agencies, and (e) does not preclude the Water Board from administering enforcement remedies (including civil liability) pursuant to the California Water Code.
16. State Water Board Resolution No. 68-16 *Statement of Policy with Respect to Maintaining High Quality of Waters in California* (Resolution No. 68-16) requires Regional Water Boards, in regulating the discharge of waste, to maintain high quality waters of the State until it is demonstrated that any change in quality will be consistent with maximum benefit to the people of the State, will not unreasonably affect beneficial uses, and will not result in water quality less than that described in a Regional Water Board's policies (e.g., quality that exceeds applicable water quality standards). Resolution No. 68-16 also states, in part:
- Any activity which produces or may produce a waste or increased volume or concentration of waste and which discharges or proposes to discharge to existing high quality waters will be required to meet waste discharge requirements which will result in best practicable treatment and control of the discharge necessary to assure that (a) a pollution or nuisance will not occur and (b) the highest water quality consistent with maximum benefit to the people of the State will be maintained.*
- The discharges regulated by this Resolution are subject to waiver of waste discharge requirements that will result in best practicable treatment or control, the prevention of pollution and nuisance, and maintenance of the highest water quality consistent with maximum benefit to the people of the State.
17. 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.
18. The Water Board provided an opportunity for a public hearing on February 6, 2009, in San Luis Obispo, California, 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 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 onsite disposal system shall be installed under the supervision of the designer pursuant to the November 18, 2008 Onsite Wastewater System Design by Nick Brouwer, Coastal Geology & Soils, Inc., and be operated and maintained in accordance with Basin Plan criteria and manufacturer specifications.
 - b) The Discharger shall comply with Basin Plan criteria for onsite disposal systems.
 - c) The Discharger and future property owners shall be subject to the requirements of the Basin Plan.
 - d) The Discharger shall inspect the sewage disposal system every two years for solids buildup and be pumped as required by a licensed septic tank contractor.
 - e) Use of the individual sewage disposal system shall not create a condition of pollution, contamination, or condition of nuisance, as defined by California Water Code Section 13050.
 - f) Only domestic wastewater shall be discharged to the individual sewage disposal system.
 - g) The Discharger shall immediately notify the Water Board of any proposed change(s) in discharge volume, nature, or location.
 - h) 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.
 - 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 immediately notify the Water Board of any discharges threatening water quality or public health.
 - k) The Discharger shall allow the Water Board to inspect the onsite disposal system at any time to evaluate compliance with this Waiver.
 - l) Operation of the sewage disposal system shall not result in the daylighting (surfacing) of effluent from the disposal area or other portions of the system.
 - m) The Discharger and future property owners shall provide copies, upon request, of all monitoring and maintenance records to the Water Board.
2. This Waiver shall not create a vested right to discharge and all such discharges shall be considered a privilege, as provided for in California Water Code 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 **February 5, 2009**, and shall expire on **February 5, 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 in California Water Code Section 13350(a), the Discharger may be civilly liable if in violation of a waiver condition, or causes waste to be deposited where it is discharged, into the waters of the State and creates a condition of pollution or nuisance.

I, Roger W. Briggs, Executive Officer, do hereby certify the foregoing is a full, true, and correct copy of a Resolution adopted by the California Regional Water Quality Control Board, Central Coast Region, on February 5, 2009.

Roger W. Briggs
Executive Officer

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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 February 6, 2009.

Roger W. Briggs
Executive Officer