STATE OF CALIFORNIA
REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL COAST REGION
895 Aerovista Place, Suite 101
San Luis Obispo, CA 93401

RESOLUTION No. R3-2009-0012

AMENDING THE WATER QUALITY CONTROL PLAN REGARDING ONSITE WASTEWATER SYSTEM IMPLEMENTATION PROGRAM

WHEREAS, the California Regional Water Quality Control Board, Central Coast Region (hereafter Central Coast Water Board) finds:

1. The Central Coast Water Board adopted the second edition of the Water Quality Control Plan, Central Coastal Basin (Basin Plan) on September 8, 1994. The Basin Plan designates beneficial uses and water quality objectives, implementation programs for achieving water quality objectives addressing point source and nonpoint source discharges, adopts prohibitions, and incorporates statewide plans and policies.

2. The Basin Plan contains an Implementation Program setting forth criteria regarding siting and design of onsite wastewater systems. The Central Coast Water Board updated its policy regarding siting and design of onsite wastewater systems on September 16, 1983, by adopting Resolution No. 83-12. The text and requirements specified in Resolution No. 83-12 are included in the Basin Plan as provisions of Chapters 4 and 5.

3. On May 9, 2008, the Central Coast Water Board adopted Resolution No. R3-2008-0005, revising the Basin Plan onsite wastewater system criteria. In this Resolution No. R3-2009-0012, the Central Coast Water Board is adopting minor revisions to the onsite wastewater criteria set forth in Resolution No. R3-2008-0005. The text and requirements specified in Resolution No. R3-2008-0005 and Resolution No. R3-2009-0012, as amended with these revisions, will be incorporated into the Basin Plan after review and approval by the State Water Resources Control Board and the Office of Administrative Law.

4. The Central Coast Water Board proposes to amend the Basin Plan by inserting amendments into Chapter 4 of the Basin Plan. To implement the onsite wastewater system criteria set forth in the Basin Plan, this Resolution No. R3-2009-0012 adopts amendments to the Basin Plan Implementation Program that provide for a conditional waiver of waste discharge requirements. The proposed amendment is a revision of the Implementation Program for onsite wastewater systems implemented by the Central Coast Water Board throughout the Region. The revisions to Chapter 4 of the Basin Plan are shown on Attachment A to this Resolution. Attachment A identifies significant additions/deletions shown with underline/strikeout. Text that is simply moved is not identified as a proposed change. The Implementation Program provides that onsite wastewater systems will be regulated under the California Water Code in one of three ways – (1) through issuance of waste discharge requirements

by the Central Coast Water Board, (2) by a conditional waiver of waste discharge requirements for those systems that comply with the Basin Plan criteria and are regulated directly by the Central Coast Water Board, or (3) by a conditional waiver of waste discharge requirements and reports of waste discharge for those systems regulated by local governing agencies where the system complies with the Basin Plan criteria and the agency has entered into a memorandum of understanding (MOU) with the Central Coast Water Board.

5. Appropriately developed and implemented MOUs between the Central Coast Water Board and local permitting agencies (e.g., counties and cities) provide practical and enforceable tools to compel compliance with the Basin Plan criteria for onsite systems and ensure water quality protection.

6. Onsite wastewater systems have been used as a form of wastewater treatment and disposal for many decades. Currently, the number of individual residential and small community onsite wastewater systems in the Central Coast Region exceeds 100,000. In many instances, the discharge from onsite wastewater systems does not adversely affect the beneficial uses of groundwater or surface water quality due to favorable site conditions, adequate system design, and ongoing management practices.

7. When improperly sited, improperly designed, or improperly managed, discharges from onsite wastewater systems may cause or contribute to degradation of water quality. The Basin Plan Implementation Program includes criteria to ensure long-term water quality protection in areas where onsite wastewater systems are used. Onsite wastewater systems located, designed, installed and managed in accordance with the Basin Plan criteria are not expected to cause or contribute to water quality impacts.

8. Section VIII.D.3. of the Basin Plan, as amended by this Resolution, identifies the types and conditions of discharges for which waivers are granted by this Resolution. These discharges will not have a significant effect on the quality of waters of the State provided the conditions of this waiver are met.

9. Area of Applicability - The effect of this amendment will be throughout the Central Coast Region, where onsite systems are used for treatment and disposal of wastewater.

10. California Water Code (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 Board a report of waste discharge containing such information and data as may be required by the Central Coast Water Board, unless the Central Coast Water Board waives such requirement.

11. California Water Code §13263 requires the Central Coast Water Board to prescribe waste discharge requirements, or waive waste discharge requirements, for the discharge. The waste discharge requirements must implement relevant water quality control plans and the Water Code.

12. California Water Code §13269 authorizes the Central Coast Water Board to waive the submittal of reports of waste discharge and waste discharge requirements for specific types of discharges where such a waiver is consistent with applicable state and regional water quality control plans and is in the public interest.

13. California Water Code §13269 requires that waivers shall be conditional and may be terminated at any time by the Central Coast Water Board. Waivers may be granted for discharges of waste to land, but may not be granted for discharges of waste subject to the NPDES requirements of the federal Clean Water Act. The waiver must also include monitoring unless the Regional Board determines that the discharges do not pose a significant threat to water quality.

14. This Resolution waives the requirement that certain individual onsite wastewater system dischargers submit a report of waste discharge and obtain waste discharge requirements from the Central Coast Water Board, if the discharge is regulated by a local agency that has an MOU with the Water Board that meets the conditions of the Basin Plan and complies with the criteria set forth in the Implementation Program for Onsite Wastewater Systems in the Basin Plan.

15. Such a waiver is consistent with the Basin Plan and is in the public interest, if conditioned upon a local agency entering into an individual MOU and compliance with the criteria. By entering into an MOU, a local agency commits to ensuring that its onsite wastewater system permitting program is substantially equivalent to the Basin Plan and any statewide standards adopted pursuant to California Water Code §13291. The adoption of this Basin Plan amendment and conditional waiver is also in the public interest because: (1) it was adopted in compliance with Water Code Sections 13260, 13263, and 13269 and other applicable law; (2) it requires compliance with the Basin Plan criteria that are developed to be protective of waters of the state; (3) it includes conditions that are intended to reduce and prevent pollution and nuisance and protect the beneficial uses of the waters of the State; (4) it contains more specific and more stringent conditions for protection of water quality compared to the existing Basin Plan criteria; and (5) given the magnitude of the number of persons who operate onsite systems, it provides for an efficient and effective use of limited Central Coast Water Board resources.

16. This Basin Plan amendment and conditional waiver do not impose monitoring and reporting requirements for each discharge. The types of discharges subject to this conditional waiver are not expected to pose a significant threat to water quality if the Basin Plan criteria are properly implemented. The Water Board's Executive Officer may impose monitoring and reporting requirements as authorized pursuant to Water Code section 13267 on any discharger subject to this conditional waiver.

17. At this time, it is appropriate to adopt a Basin Plan amendment conditionally waiving waste discharge requirements for onsite wastewater systems that fit within the Basin Plan criteria because: 1) the discharges have the same or similar waste from the same or similar operations and use the same or similar treatment methods and management practices; and 2) the discharges will be regulated by local agencies in compliance with the Basin Plan criteria.

18. In addition, it is appropriate to regulate onsite wastewater systems with a conditional waiver rather than individual waste discharge requirements in order to simplify and

streamline the regulatory process. There are more than 100,000 individual onsite wastewater systems in the Central Coast Region and it would not be practicable for the Water Board to issue individual waste discharge requirements. These systems are already being regulated by local permitting agencies applying Basin Plan criteria.

19. The Central Coast Water Board will evaluate local permitting agencies at least once every five years to ensure their onsite wastewater system approval practices consistently implement Basin Plan criteria for onsite wastewater systems and ensure water quality protection.

20. Anti-Degradation – 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.

    This Resolution is consistent with the provisions of the State Water Board Resolution No. 68-16. Dischargers that could be subject to this conditional waiver will be required to comply with the Basin Plan criteria that are expected to prevent degradation of waters of the state, prevent pollution or nuisance, and implement best practicable treatment or control. The Basin Plan Implementation Program prohibits systems that do not meet the criteria.

21. Waivers granted for discharges that do not pose a significant threat to water quality, and where such waivers are in the public interest, enable staff resources to be used more effectively and avoid unnecessary expenditures of limited resources.

22. Central Coast Water Board staff will develop and implement a waiver tracking and compliance program.

23. Issuance of a waiver does not override other more stringent local, state, or federal regulations prescribed by other agencies.

24. Although a discharge may qualify for waiver enrollment, the Central Coast Water Board retains the right to regulate that discharge through other programs or Central Coast Water Board actions (such as enforcement orders, individual waste discharge requirements, general orders, etc.) The Central Coast Water Board may terminate a waiver at any time and require the discharger to obtain waste discharge requirements or terminate the discharge.

25. CEQA – The Central Coast Water Board is the lead agency with respect to the California Environmental Quality Act (CEQA). The action proposed in this Resolution is an amendment to the Basin Plan. The Secretary of Resources has certified the basin planning process as exempt from the CEQA requirement to prepare an environmental impact report or negative declaration. (PRC 21080.5; Cal. Code Regs., tit. 14, §15251(g)). The State Water Resources Control Board (State Water Board) has adopted regulations to implement certified regulatory programs that require the regional boards to prepare substitute environmental documents, including a written report and an accompanying CEQA Environmental Checklist. (Cal. Code Regs., tit. 23, §3775 et seq.) The staff of the Central Coast Water Board has prepared substitute environmental documents. The Central Coast Water Board concurs with the analysis contained in the Substitute Environmental Document, including the Environmental Checklist, the staff report, and the responses to comments and finds that the analysis complies with the requirements of CEQA and the State Water Board's regulations with respect to certified regulatory programs. The Central Coast Water Board finds that, as described in the staff report and the CEQA Checklist, the proposed amendments to the Basin Plan will not have a significant effect on the environment.

26. Central Coast Water Board staff followed appropriate procedures to satisfy the environmental documentation requirements of the California Environmental Quality Act [in accordance with §15307 and §15308 of the California Code of Regulations (CCR)].

27. Public Notice - Interested persons and the public have been informed of the Central Coast Water Board's intent to revise the Basin Plan Implementation Program for onsite wastewater systems. Efforts to inform the public and solicit public comment include a public meeting/workshop and meetings with interested persons. Public notice of the amendments provided the public with a public comment period in excess of 45 days in advance of the Central Coast Water Board hearing. Notice of public hearing was given by advertising in newspapers of general circulation within the region, by posting on the Water Board website, and by mailing a copy of the notice to all persons requesting such notice and applicable government agencies. Central Coast Water Board staff responded to oral and written comments received from interested persons.

28. On March 20, 2009, the Central Coast Water Board held a public hearing and considered all the evidence and comments concerning this matter. Notice of this hearing was given to all interested parties in accordance with CCR, Title 14, §15072.

29. The Basin Plan amendment must be submitted for review and approval by the State Water Resources Control Board (State Board) and the State Office of Administrative Law (OAL). The Basin Plan amendment will become effective upon approval by OAL. The subject Resolution will become effective immediately.

30. This amendment to the Basin Plan will result in no potential for adverse effect, either individually or cumulatively, on wildlife and is therefore exempt from fee payments to the Department of Fish and Game under the California Fish and Game Code.

THEREFORE, BE IT RESOLVED that:

1. Pursuant to California Water Code §13240, the Water Board, after considering the record, including oral testimony at the hearing, hereby adopts the Basin Plan amendments shown in Attachments A to this Resolution that waive waste discharge requirements and reports of waste discharge as set forth in the Resolution.

2. The Central Coast Water Board's Executive Officer is directed to forward copies of the Basin Plan amendments to the State Water Board in accordance with the requirements of California Water Code §13245.

3. The Central Coast Water Board requests that the State Water Board approve the Basin Plan amendments in accordance with the requirements of California Water Code §13245 and §13246, and forward it to OAL for approval. The Central Coast Water Board shall file a Notice of Decision with the Secretary of Resources and the Governor's Office of Planning and Research (State Clearinghouse) after approval by OAL.

4. The Central Coast Water Board Executive Officer is authorized to sign a Certificate of Fee Exemption (included as Attachment B to this Resolution).

5. If, during its approval process, the State Water Board or OAL determines that minor, non-substantive corrections to the language of the amendment are needed for clarity or consistency, the Central Coast Water Board Executive Officer may make such changes, and shall inform the Central Coast Water Board of any such changes.

I, Roger W. Briggs, Executive Officer of the California Regional Water Quality Control Board, Central Coast Region, do hereby certify that 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 March 20, 2009.

_____
Executive Officer

_____
Date

Attachments: A - Revised Basin Plan Chapter 4 (onsite sections only)
B - Certificate of Fee Exemption
C – Report for Basin Plan Amendment (with Environmental Checklist)

CHAPTER 4. IMPLEMENTATION PLAN

VIII.D. INDIVIDUAL, ALTERNATIVE AND COMMUNITY ONSITE WASTEWATER SYSTEMS

Onsite wastewater systems may be used to treat and dispose of wastewater from: (1) individual residences; (2) multi-unit residences; (3) institutions or places of commerce; (4) industrial sanitary sources; and, (5) small communities. All individual and multi-unit residential, commercial, institutional and industrial developments with a discharge flow rate less than 2,500 gallons per day and community systems not regulated by waste discharge requirements must comply with these criteria. Community systems are defined for the purposes of this Basin Plan as: (1) residential wastewater treatment systems serving more than 5 units or more than 5 parcels; or, (2) commercial, institutional or industrial systems treating sanitary wastewater equal to or greater than 2,500 gallons per day (average daily flow).

Conventional onsite wastewater systems consist of septic tanks and leachfield or seepage pits and are typically designed to treat and dispose of domestic wastewater. Alternatives to conventional onsite system designs are used when site constraints prevent the use of conventional systems. Examples of alternative systems include (but are not limited to) enhanced treatment systems, mound or evapotranspiration disposal systems, or at-grade disposal systems.

Conventional, alternative and community systems can pose serious water quality problems if improperly designed, installed, and/or managed. Failures have occurred in the past and are usually attributed to the following:

- Systems are inadequately or improperly sited, designed, or constructed.
- Long term use is not considered.
- Inadequate operation and maintenance.

The following definitions are used throughout this section of the Water Quality Control Plan.

Alternative onsite system consists of additional (beyond conventional) treatment and/or disposal features engineered to overcome site constraints. A conventional onsite system that requires a pump to reach the leach area is not considered "alternative".[EPA]

Application area shall be calculated no greater than the trench bottom and side walls below the bottom of the leach pipe, minus the first foot on each side. In seepage pits the application area refers to the total gravel depth in a seepage pit, minus any impervious, bedrock or clay lenses encountered in the sidewalls.[UPC]

At-grade disposal systems consist of distribution pipe and bed at the native ground surface level and cover provided by filled material. At-grade disposal systems are similar to mound systems without the sand layer.[UCD]

Conventional onsite system consists of a septic tank and leachfield or seepage pit.[EPA]

Detrimental Water Quality Impact is any significant increase in <u>waste</u> ~~pollutant~~ concentrations or impairment of beneficial uses of a water body.

Drainfield is used interchangeably with leachfield, leach area or disposal area.

Effective trench depth means depth below the bottom of the leach trench distribution piping minus the first foot.

Engineered systems are treatment and disposal systems that require special design features to overcome site limitations (topography, soil conditions, shallow groundwater or setback variances).[EPA]

Existing onsite system is any onsite system approved and/or installed prior to adoption of these criteria on March 20, 2009 ~~May 9, 2008~~.

Failed or failing onsite system is any system that displays symptoms of inadequate dispersion, treatment or assimilation of wastewater. These may include, but are not limited to, surfacing effluent, lush growth above the leach area, sluggish house drains, impacts to surface or groundwater from the onsite discharge, odors, frequent pumping, or backflow into tank when pumped.[EPA]

Fill is material deposited to raise the existing or excavated ground level.

Inflow and infiltration refers to non-wastewater (stormwater, groundwater, streams, seawater) entering the wastewater system through cracks, roof drains or other openings.

Low permeability material is defined as having a percolation rate slower than 120 minutes per inch or having a clay content (% passing 200 sieve) of 60 percent or greater.

Local governing jurisdiction shall refer to the local governing jurisdiction, typically city or county, vested with legislative authority for onsite wastewater system permitting.

Monitoring shall refer to any sort of quality or performance assessment, including visual inspections.

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, after adoption of these criteria (March 20, 2009 ~~May 9, 208~~). Repair or replacement of an existing onsite system does not constitute a new onsite system.

Onsite disposal area shall include the direct application area (trench, pit, bed) and surrounding 100' radius from any point in the application area that may be influenced by discharge from the disposal system.

Reservoir - A pond, lake, 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 of drinking supply water.

Septage is material removed from a septic tank; usually the accumulated scum, sludge and liquid within the tank.

Sidewall is the side portion of the leach area below the bottom of the distribution piping, or total gravel depth beneath the first hole in the central pipe of a seepage pit.[UPC]

Threatened condition is one that if left uncorrected may cause or contribute to water quality or public health impacts.

Watercourse - A natural or man-made channel for passage of water. There must be a stream, usually flowing in a particular direction (though it need not flow continuously) usually discharging into some stream or body of water.

VIII.D.1. LOCAL GOVERNING JURISDICTION ACTIONS

VIII.D.1.a. DISCLOSURE AND COMPLIANCE OF EXISTING ONSITE WASTEWATER SYSTEMS

The Water Board, on March 20, 2009, adopted a Basin Plan Implementation Program establishing a conditional waiver for onsite wastewater systems that meet the conditions (Basin Plan Section VIII.D.3). For an onsite wastewater system to be eligible for a conditional waiver, ~~It is incumbent upon~~ local governing jurisdictions must ~~to~~ develop and implement programs to ensure conformance with this Basin Plan and local regulations. Such programs shall include (but are not ~~be~~ limited to) procedures to:

- Ensure site suitability tests are performed as necessary, and that tests are performed in accordance with standard procedures;
- Ensure proper system siting, design, construction and installation; and

- Adequately inform property owners regarding proper installation, operation and ongoing maintenance of their onsite wastewater systems.

Local governing jurisdictions ~~agencies~~ can use staff inspectors or individuals under contract with the local government. A standard detailed checklist shall be completed by the inspector to verify the onsite wastewater system was constructed in conformance with the Basin Plan and local governing jurisdiction requirements.

Property owners should be aware of the nature and requirements of their onsite wastewater system. Plans should be available in city or county offices showing placement of soil absorption systems. Local governing jurisdictions ~~agencies~~ should require onsite wastewater system as-built plans as a condition of new construction final inspection.

Prospective property buyers should be informed of any enforcement action affecting parcels or houses they wish to buy. Local governing jurisdictions ~~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.

All onsite wastewater system owners need to be aware of proper operation and maintenance procedures. Local governing jurisdictions shall mount a continuing public education program to provide homeowners with onsite wastewater system operation and maintenance guidelines. Basin Plan information should be available at local governing jurisdiction health and building departments.

Dual leaching capabilities provide an immediate remedy in the event of system failure. For that reason, dual leachfields are considered appropriate for all systems. Furthermore, should wastewater flows increase, this area can be used until the system is expanded. Dedicated system expansion areas are also appropriate. To protect this set-aside area from encroachment, the local governing jurisdiction shall require restrictions on future use of the area as a condition of land division or building permit approval. For new subdivisions, Covenants, Conditions and Restrictions (CC&Rs) or additional map sheets recorded with the Parcel or Tract Final Map might provide an appropriate mechanism for protecting a set aside area. Future buyers of affected property would be notified of property use restrictions by reading the CC&Rs or Final Map.

Many existing systems do not comply with current or proposed standards. Repairs to failing systems shall be done under permit from the local governing jurisdiction. The local governing jurisdiction shall require failing systems to be brought into compliance with the Basin Plan ~~recommendations, requirements and prohibitions;~~ or repair criteria consistent with locally implemented onsite management plan (approved by the Central Coast Water Board or its Executive Officer).

Land use changes should not be approved by the local governing jurisdiction until the existing onsite system meets criteria of this Basin Plan and local ordinances.

Within the following sections, criteria are specified for RECOMMENDATIONS, REQUIREMENTS and PROHIBITIONS.

RECOMMENDATIONS

1. Inform property buyers of the existence, location, operation, and maintenance of onsite disposal systems. Prospective home or property buyers should also be informed of any enforcement action (e.g., Basin Plan prohibitions) through the County Record.

2. Conduct public education programs to provide property owners with operation and maintenance guidelines.

3. It may be appropriate for onsite systems to be maintained by local onsite maintenance districts.

4. Standard soil testing procedures should be adopted.

REQUIREMENTS

5. Onsite Wastewater Management Plans shall be prepared and implemented for urbanizing and high density areas served by onsite wastewater systems.

6. Local governing jurisdictions shall require replacements or repairs to failing systems to be

in substantial conformance (to the greatest extent practicable) with Basin Plan recommendations, requirements and prohibitions or the local onsite wastewater management plan.

7. Local governing jurisdictions shall ensure that alternative onsite system owners are provided an informational maintenance or replacement document by the system designer or installer. This document shall cite homeowner procedures to ensure maintenance, repair, or replacement of critical items within 48 hours following failure.

8. Local ordinances shall be updated to reflect Basin Plan criteria.

PROHIBITIONS

9. Alternative systems are prohibited unless consistent with a locally implemented onsite wastewater management plan approved by the Central Coast Water Board Executive Officer or waste discharge requirements issued or waived by the Water Board.[UPC, EPA]

VIII.D.1.b. ONSITE WASTEWATER MANAGEMENT PLANS

The Water Board, on March 20, 2009, adopted a Basin Plan Implementation Program that sets forth a conditional waiver for onsite wastewater systems (Basin Plan Section VIII.D.3). For an onsite wastewater system to be eligible for a conditional waiver, the local governing jurisdiction must adopt and implement an onsite wastewater management plan that complies with this section.

Onsite wastewater management plans shall be implemented in urbanizing areas to investigate and mitigate long-term cumulative impacts resulting from continued use of individual, alternative, and community onsite wastewater systems.[EPA] Onsite wastewater management plans should be a comprehensive planning tool to specify onsite disposal system limitations to prevent ground or surface water degradation. Onsite wastewater management plans shall include (but not be limited to) the following elements:

- Survey and evaluation of existing onsite systems.
- Water quality (groundwater and surface water) monitoring program.[EPA]
- Projections of onsite disposal system demand and determination of methods to best meet demand.
- Recommendations and requirements for existing onsite wastewater system inspection, monitoring, maintenance and repairs.[EPA]
- Recommendations and requirements for new onsite wastewater systems.[EPA]
- Alternative means of disposing of sewage in the event of disposal system failure and/or irreversible degradation from onsite disposal.
- Education and outreach program.[EPA]
- Enforcement options.[EPA]
- Septage management.[EPA]
- Program administration, staffing, records keeping, installation and repairs tracking, and financing.[EPA]

Onsite wastewater disposal zones, as discussed in Section 6950-6981 of the Health and Safety Code, may be an appropriate means of implementing onsite wastewater management plans.

Onsite wastewater management plans shall be approved by the Central Coast Water Board or its Executive Officer. Approval of onsite wastewater management plans shall be based upon guidance provided in the *Central Coast Water Board Checklist for Developing & Reviewing Onsite Wastewater Management Plans* (included as Attachment 2 of March 20, 2009 Staff Report).

VIII.D.1.c. ONSITE WASTEWATER SYSTEM MAINTENANCE DISTRICTS

It may be appropriate for community onsite systems to be maintained by local onsite wastewater system maintenance districts. These special districts could

be administered through existing local governments such as County Water Districts, Community Services Districts, or County Service Areas. Onsite wastewater system maintenance districts are responsible for onsite system operation and maintenance in conformance with this Water Quality Control Plan. Such districts ~~Administrators~~ should ensure proper construction, installation, operation, and maintenance of onsite wastewater systems. Maintenance districts should establish onsite system surveillance, maintenance and pumping programs, provide repairs to plumbing or leachfields, and encourage water conservation measures.

VIII.D.2. CRITERIA FOR NEW SYSTEMS

Onsite wastewater system problems can be minimized with proper site location, design, installation, operation and maintenance. The following section includes criteria for all new onsite wastewater disposal systems. Local governing jurisdictions should incorporate these criteria and guidelines into their local ordinances. These criteria will be used by the Central Coast Water Board for Water Board regulated systems and exemptions.

Local governing jurisdictions ~~agencies~~ may authorize alternative onsite systems if the agency acts consistent with locally implemented onsite wastewater management plans approved by the Central Coast Water Board or its Executive Officer and with the Basin Plan criteria.[UPC, EPA]

For any onsite system, limited disposal options are available for septage (solids periodically removed from septic tanks). As a component of a wastewater management plan, long-term septage disposal plans shall be considered and developed by local governing jurisdictions ~~onsite system management districts~~.[EPA]

Onsite wastewater system criteria are arranged in sequence under the following categories: site suitability, system design, construction, maintenance, community system design, and local governing jurisdictions ~~agencies~~. Within each category, criteria are specified for RECOMMENDATIONS, REQUIREMENTS and PROHIBITIONS.

VIII.D.2.a. SITE SUITABILITY

RECOMMENDATIONS

1. For new land divisions, onsite disposal systems and expansion areas should be protected from encroachment by provisions in covenants, conditions, and restrictions (CC&Rs), recorded in Final Maps or similar mechanisms.

2. Percolation test holes (at least three per system) should be drilled with a hand auger. A hole could be hand augered or dug with hand tools at the bottom of a larger excavation made by a backhoe.

3. Natural ground slope of the disposal area should not exceed 20 percent.

4. An excavation should be made to detect mottling or presence of underground channels, fissures, or cracks. Soils should be excavated to a depth of 4-5 feet below drain field bottom.

REQUIREMENTS

5. At least one soil boring or excavation per onsite system shall be performed to determine soil suitability, depth to groundwater, and depth to bedrock or impervious layer. Soil borings are particularly important for seepage pits. The soil boring or excavation should extend at least 10 feet below the drain field bottom at each proposed location and be performed during or shortly after the wet season to characterize the most limiting conditions.

6. For leachfields, at least three percolation test locations shall be used to determine system acceptability.

7. Percolation tests shall be continued until a stabilized rate is obtained.

8. Percolation tests shall be performed at a depth corresponding to the bottom of the subsurface disposal area.

9. If no restrictive layers intersect, and geologic conditions permit surfacing, the setback distance from a cut, embankment or steep slope (greater than 30 percent) should be determined by projecting a line 20 percent down gradient from the sidewall at the highest

perforation of the discharge pipe. The leachfields shall be set back far enough to prevent this projected line from intersecting the cut within 100 feet, measured horizontally, from the sidewall. If restrictive layers intersect cuts, embankments or steep slopes, and geologic conditions permit surfacing, the setback shall be at least 100 feet measured from the top of the cut.

10. Prior to permit approval, site investigation shall determine onsite system suitability (consistency with recommendations, requirements and prohibitions specified in this section). Seepage pits should be utilized only after careful consideration of site suitability.

11. Distances between trench bottom and highest seasonal usable groundwater, including perched groundwater, shall not be less than the separation specified by appropriate percolation rate:

Percolation Rate (minutes/inch)*	Distance (feet)
1-4	20
5-29	8
>30	5

* Onsite disposal in soils with percolation rates faster than one minute per inch are prohibited without additional treatment.

12. Onsite disposal systems on slopes greater than 20% shall be designed by a certified professional.

PROHIBITIONS

13. For new land divisions (including lot splits) served by onsite systems, lot sizes less than one acre are prohibited unless authorized under an onsite management plan approved by the Central Coast Water Board or its Executive Officer. For the purpose of this prohibition, secondary units are considered "de-facto" lot splits and shall not be constructed on lots less than two acres in size unless consistent with onsite management plans.[LO 1994]

14. Onsite wastewater disposal shall not be located in areas subject to inundation from a 25-year flood.

15. Onsite disposal systems shall not be installed where natural ground slope of the disposal area exceeds 30 percent.[EPA]

16. Leachfields are prohibited in soils where percolation rates are slower than 120 min/in unless parcel size is at least two acres. Disposal systems designed to accommodate slow percolation rates (such as evapotranspiration systems) shall be evaluated as alternative systems.

17. Onsite discharge is prohibited on any site unable to maintain subsurface disposal.

18. Onsite discharge is prohibited where lot sizes, dwelling densities or site conditions cause detrimental impacts to water quality.

19. Onsite discharge is prohibited within a water supply reservoir watershed where parcel size is less than one acre, unless consistent with an onsite wastewater management plan approved by the Central Coast Water Board Executive Officer.

20. Onsite discharge is prohibited in any area where continued use of onsite systems constitutes a public health hazard, an existing or threatened condition of water pollution, or nuisance.

21. Onsite discharge is prohibited where soils or formations with channels, cracks, fractures, or percolation rates allow inadequately treated waste to surface or degrade water quality.*

* Unless a setback distance of at least 250 feet to any domestic water supply well or surface water is ensured.

22. Seepage pits are prohibited in soils or formations containing 60 percent or greater clay (a soil particle less than two microns in size) unless parcel size is at least two acres.

23. For seepage pits, distances between pit bottom and usable groundwater, including perched groundwater, shall not be less than separation specified by appropriate soil type:

Soil Type	Distance (feet)
Gravels	additional treatment required
Gravels with few fines*	20
Other	10

* Gravels with few fines - Soils with 90 percent to 94 percent coarse fraction larger than a No. 4 sieve.

24. Onsite discharge in soils with percolation rates faster than one minute per inch is prohibited without additional treatment consistent with an onsite management plan implemented by the local governing jurisdiction and approved by the Central Coast Water Board Executive Officer.

25. Onsite discharge is prohibited in fill unless specifically engineered as a disposal area.

VIII.D.2.b. ONSITE SYSTEM DESIGN

RECOMMENDATIONS

1. Dual disposal fields (200 percent of original calculated disposal area) should be installed.[EPA]

2. For commercial and institutional systems, pretreatment may be necessary if wastewater is significantly different from domestic wastewater.

3. Distance between drainfield trenches should be at least two times the effective trench depth. Distance between seepage pits (nearest sidewall to sidewall) should be at least 20 feet.

4. Application area should be no greater than the area calculated using trench bottom and sidewalls minus the first foot below the distribution pipe.[UPC]

5. Seepage pit application rate should not exceed 0.3 gallons per day (gpd) per square foot.

REQUIREMENTS

6. Onsite wastewater treatment tanks shall be water-tight, and designed to remove settleable solids and should provide a high degree of anaerobic decomposition of colloidal and soluble organic solids.[EPA]

7. The minimum design flow rate shall be 375 gallons per day for a 3-bedroom house, and 75 gpd should be added for each additional bedroom.

8. Drainfield design shall be based only upon usable permeable soil layers.

9. Leachfield loading application rate shall not exceed the following:

Percolation Rate (minutes/inch)	Loading Rate (gpd/sq.ft.)
1 - 20	0.8
21 - 30	0.6
31 - 60	0.25
61 - 120	0.10

10. If curtain drains divert groundwater to subsurface soils, the upslope separation from a leachfield or pit shall be at least 20 feet and the down slope separation shall be at least 50 feet.

11. Onsite system design shall allow access for inspection and cleaning. Septic tanks must be accessible for pumping.

12. For commercial, institutional, industrial and community systems, design shall be based on daily peak flow.

13. Dual disposal systems shall be installed (200 percent of original calculated disposal area) for community systems.

14. All onsite disposal systems shall reserve an expansion area (additional 100% disposal capacity) to be set aside and protected from all uses except future drainfield repair and replacement.[UPC] Community systems shall install dual drainfields (200% disposal capacity) and reserve replacement area (3rd 100% disposal capacity).

15. Community systems shall provide duplicate individual equipment components for components subject to failure (such as pumps).

16. Distances between trench/pit bottom and bedrock or other low permeability material shall be at least ten feet.

17. Where site conditions permit migration of wastewater to water, setback distances from

disposal trench/pit shall be at least:

	Minimum Setback Distance (feet)
Domestic water supply wells	100
Watercourse	100
Drinking water supply reservoir spillway elevation	200
Springs, natural or any part of a man-made spring	100

18. Community systems shall be designed with adequate capacity to accommodate the build-out population.

19. Community wastewater treatment and disposal facilities shall be operated by a public agency. If a demonstration is made to the Central Coast Water Board that an existing public agency is unavailable and formation of a new public agency is unreasonable, a private entity with adequate financial, legal, and institutional resources to assume responsibility for waste discharges may be acceptable.

PROHIBITIONS

20. Onsite discharge to leachfields is prohibited where soil percolation rates are slower than 60 minutes per inch unless the system is designed for an effluent application rate of 0.1 gpd per square foot of application area, or less.

21. Discharge shall not exceed 40 grams per day of total nitrogen, on the average, per acre served by onsite system overlying groundwater recharge areas, except where a local governing jurisdiction has adopted a Wastewater Management Plan approved by the Central Coast Water Board Executive Officer.

22. Community system seepage pits are prohibited unless additional treatment is provided consistent with an onsite management plan implemented by the local governing jurisdiction and approved by the Central Coast Water Board Executive Officer. Such seepage pits shall have at least 15 vertical feet between pit bottom and highest usable groundwater, including perched groundwater.

23. Inflow and infiltration shall be precluded from the system unless design specifically accommodates such excess flows.

24. Onsite wastewater systems are prohibited in any subdivision unless the subdivider clearly demonstrates the installation, operation and maintenance of the onsite system will be properly functional and in compliance with all Basin Plan criteria.

25. Curtain drains that discharge to ground surface or surface water are prohibited within 50 feet down slope of onsite system disposal areas.

VIII.D.2.c. DESIGN FOR ALTERNATIVE AND ENGINEERED SYSTEMS

RECOMMENDATIONS

1. Mound systems, evapotranspiration systems, and other alternative onsite systems should be designed and installed in accordance with guidelines available from the State Water Resources Control Board.

REQUIREMENTS

2. Alternative onsite wastewater systems shall be designed by a certified professional competent in alternative onsite wastewater system design.[EPA]

3. Alternative and engineered onsite wastewater systems shall be located, designed, installed, operated, maintained, and monitored in accordance with a locally implemented onsite management plan approved by the Central Coast Water Board Executive Officer.[UPC, EPA]

PROHIBITIONS

4. Alternative and engineered onsite wastewater systems are prohibited, except where consistent with a locally implemented onsite management plan approved by the Central Coast Water Board Executive Officer.[UPC, EPA]

VIII.D.2.d. CONSTRUCTION

RECOMMENDATIONS

1. Construction activities should follow recommendations and precautions described in the Environmental Protection Agency's Design Manual: Onsite Wastewater Treatment and Disposal Systems.[EPA]

2. Onsite wastewater systems should have a slightly sloped finished grade to promote surface runoff.

3. Surface runoff should be diverted around open trenches/pits to limit siltation of trench bottom area.

4. Work should be scheduled only when infiltrative surfaces can be covered in one day to minimize windblown silt or rain clogging the soil.

5. In clayey soils, work should be done only when soil moisture content is low enough to avoid smearing of infiltrative surfaces.

6. Bottom and sidewall areas should be left with a rough surface. Any smeared or compacted surfaces should be removed.

7. Bottom of trench or bed distribution piping should be level throughout to prevent localized overloading.

8. Properly constructed distribution boxes or junction fittings should be installed to maintain equal flow to each trench. Distribution boxes should be placed with extreme care outside the leaching area to ensure settling does not occur.

9. Risers to the ground surface and manholes should be installed over the septic tank inspection ports, access ports and distribution boxes.

10. Drainfields should include inspection pipes to check water level.

11. Nutrient and heavy metal removal should be facilitated by planting ground cover vegetation over shallow subsurface drainfields. The plants must have the following characteristics: (1) evergreen, (2) shallow root systems, (3) numerous leaves, (4) salt resistant, (5) ability to grow in soggy soils, and (6) low or no maintenance. Plants downstream of leaching area may also be effective in nutrient removal.

REQUIREMENTS

12. Prior to backfilling, the distribution system shall be tested to check the hydraulic loading pattern.

13. Disposal systems shall be inspected by the permitting agency prior to covering to ensure proper construction. Designers and/or installers of engineered onsite wastewater systems shall provide a letter to the permitting authority stating that the onsite system was installed in conformance with the approved plans.

VIII.D.2.e. ONSITE SYSTEM MAINTENANCE

RECOMMENDATIONS

1. Septic tanks should be inspected every two to five years to determine the need for pumping.

2. Septic tanks should be pumped whenever: (1) the scum layer is within three inches of the outlet device, (2) the sludge level is within eight inches of the bottom of the outlet device, or (3) every 5 years; whichever is sooner.[EPA]

3. Drainfields should be alternated when drainfield inspection pipes reveal a high water level or every six months, whichever is sooner.

REQUIREMENTS

4. Onsite wastewater systems shall be maintained in accordance with approved onsite management plans. Where onsite management plans have not been approved by the Central Coast Water Board Executive Officer, onsite systems shall be maintained as described in the following specifications.[EPA]

5. Disposal of septage (solid residue pumped from septic tanks) shall be accomplished in a manner acceptable to the Central Coast Water Board Executive Officer.

6. Records of maintenance, pumping, septage disposal, etc. shall be maintained by the onsite system owner and available upon request.[EPA]

VIII.D.2.f. USE CONSIDERATIONS

RECOMMENDATIONS

1. Water conservation and solids reduction practices should be implemented by all onsite system users. Garbage grinders should not be used in homes with septic tanks. Where grinders are used, septic tank capacity and inspection/pumping frequency should be increased.[EPA]

2. Metering and water use costs should be used to encourage water conservation in areas served by onsite systems.

3. Bleach, solvents, fungicides and any other toxic material, grease and oil should not be discharged into onsite wastewater systems.

4. Self-regenerating water softeners should not be used where discharge is to onsite systems. If water softening is necessary, use of canister-type softeners will protect the treatment and disposal systems and underlying groundwater from unnecessary accumulation of salts.

PROHIBITIONS

5. Self-regenerating water softener brine discharge to onsite wastewater systems is prohibited unless consistent with a salts minimization plan approved by the Water Board Executive Officer and implemented by the local governing jurisdiction.

VIII.D.2.g. ONSITE WASTEWATER SYSTEM PROHIBITION AREAS

In order to achieve water quality objectives, protect present and future beneficial water uses, protect public health, and prevent nuisance, discharges are prohibited in the following areas:

PROHIBITIONS

1. Discharges from individual sewage disposal systems are prohibited in portions of the community of Nipomo, San Luis Obispo County, which are particularly described in Basin Plan Appendix A-27.

2. Discharges from individual sewage disposal systems within the San Lorenzo River Watershed shall be managed as follows: Discharges shall be allowed providing the County of Santa Cruz, as lead agency, implements the "Wastewater Management Plan for the San Lorenzo River Watershed, County of Santa Cruz, Health Services Agency, Environmental Health Service:, February 1995 and "San Lorenzo Nitrate Management Plan, Phase II Final Report", February 1995, County of Santa Cruz, Health Services Agency, Environmental Health Service (Wastewater Management Plan) and assures the Central Coast Water Board that areas of the San Lorenzo River Watershed are serviced by wastewater disposal systems to protect and enhance water quality, to protect and restore beneficial uses of water, and to abate and prevent nuisance, pollution, and contamination.

3. Discharges from individual and community sewage disposal systems are prohibited, effective November 1, 1988, in the Los Osos/Baywood Park area depicted in the Prohibition Boundary Map included as Attachment A of Resolution No. 83-13, which can be found in Basin Plan Appendix A-30.

VIII.D.2.h. SUBSURFACE DISPOSAL EXEMPTIONS

The Central Coast Water Board or Executive Officer may grant exemption to prohibitions for: (1) engineered new onsite wastewater systems for sites unsuitable for standard systems; and (2) new or existing onsite systems within the specific prohibition areas cited above. Such exemptions may be granted only after presentation by the discharger of sufficient justification, including geologic and hydrologic evidence that the continued operation of such system(s) in a particular area will not individually or collectively, directly or indirectly, result in pollution or nuisance, or affect water quality adversely.

Individual, alternative, and community systems shall not be approved for any area where it appears that the total discharge of leachate to the geological system, under fully developed conditions, will cause: (1) damage to public or private property; (2) ground or surface water degradation; (3) nuisance condition; or, (4) a public health hazard. Interim use of septic tank systems may be permitted where

alternate parcels are held in reserve until sewer systems are available.

Requests for exemptions will not be considered until the local entity has reviewed the system and submitted the proposal for Central Coast Water Board review. Dischargers requesting exemptions must submit a Report of Waste Discharge. Exemptions will be subject to filing fees as established by the State Water Code.

Discharges from onsite wastewater systems regulated by waste discharge requirements or waiver of such requirements may be exempt from the requirements of this chapter. The waste discharge requirements order or waiver will act in lieu of exemption, and separate exemption is not required.

Further information concerning individual, alternative, or community onsite sewage disposal systems can be found in Chapter 5 in the Management Principles and Control Actions sections. State Water Resources Control Board Plans and Policies, Discharge Prohibitions, and Central Coast Water Board Policies may also apply depending on individual circumstances.

VIII.D.3. ONSITE SYSTEM IMPLEMENTATION PROGRAM

California Water Code § 13260(a) requires that any person discharging waste or proposing to discharge waste that could affect the quality of the waters of the State, shall file with the appropriate Regional Board a report of waste discharge, unless the Regional Board waives such requirement.

California Water Code §13263 requires the Regional Board to prescribe waste discharge requirements, or waive waste discharge requirements, for the discharge. The waste discharge requirements must implement relevant water quality control plans and the Water Code.

California Water Code §13269 authorizes the Central Coast Water Board to waive the submittal of reports of waste discharge and waste discharge requirements for specific types of discharges where such a waiver is consistent with applicable state and regional water quality control plans and is in the public interest.

California Water Code §13269 requires that waivers shall be conditional and may be terminated at any time by the Central Coast Water Board. Waivers may be granted for discharges of waste to land, but may not be granted for discharges of waste subject to the NPDES requirements of the federal Clean Water Act. The waiver must also include monitoring unless the Regional Board determines that the discharges do not pose a significant threat to water quality.

This Basin Plan Amendment sets forth an Implementation Program to ensure protection of waters of the state as a conditional waiver of waste discharge requirements and reports of waste discharge requirements. This Conditional Waiver contains conditions and is consistent with the Basin Plan.

The Central Coast Water Board finds that this Conditional Waiver is in the public interest and consistent with the Basin Plan because:

1. Waivers granted for discharges that do not pose a significant threat to water quality enable staff resources to be used effectively and avoid unnecessary expenditures of limited resources.

2. It was adopted in compliance with Water Code Sections 13242 and 13269 and other applicable law;

3. It requires compliance with the Basin Plan;

4. It includes conditions that are intended to reduce and prevent pollution and nuisance and protect the beneficial uses of the waters of the State.

5. Dischargers may not discharge any waste not specifically regulated by this Conditional Waiver except in compliance with the Water Code.

6. Dischargers who violate the conditions of this Conditional Waiver are subject to enforcement pursuant to Water Code section 13350 and other applicable law.

7. The discharges from onsite wastewater systems all discharge the same type of waste.

8. It provides a method for coordinating regulation with local governing jurisdictions, that routinely permit and oversee onsite wastewater systems, thereby reducing overlapping regulation.

It is appropriate to regulate onsite wastewater systems by way of a Conditional Waiver rather than with individual waste discharge requirements because there are over a hundred thousand discharges of the listed categories. Issuing individual waste discharge requirements to each of those would use significant staff resources and is not necessary in most circumstances because such systems are regulated by local governing jurisdictions. The conditions imposed in this Conditional Waiver will be protective of waters of the state. This Conditional Waiver will simplify and streamline the regulatory process without compromising the protection of water quality.

Although a discharge may qualify for waiver enrollment, the Central Coast Water Board retains the right to regulate that discharge through other programs or Central Coast Water Board actions (such as enforcement orders, individual waste discharge requirements, general orders). The Central Coast Water Board may terminate a waiver at any time and require the discharge to obtain waste discharge requirements or terminate the discharge.

Appropriately developed and implemented memoranda of understanding between the Central Coast Water Board and local governing jurisdiction (e.g., counties and cities) provide practical and enforceable tools to compel compliance with the Basin Plan criteria for onsite systems and ensure water quality protection.

The Central Coast Water Board's Executive Officer is authorized to approve and execute, on behalf of the Central Coast Water Board, individual memoranda of understanding with local governing jurisdiction in the Region based substantially on the requirements specified in Chapter 4, Section VIII.D of the Basin Plan (sections pertaining to onsite wastewater systems). Individual memoranda of understanding shall commit the local governing jurisdiction to amending its municipal code and onsite wastewater system program, if necessary, in order to be substantially equivalent to the Basin Plan. If and when statewide criteria are adopted pursuant to California Water Code §13291, the memoranda of understanding will be reviewed to determine if they need to be modified. Individual memoranda of understanding shall incorporate additional measures to be taken by the local governing jurisdiction to identify and address areas of degraded groundwater or surface water quality, where onsite wastewater systems are a potential source of pollution.

This Implementation Program sets forth two types of conditional waivers for the regulation of onsite wastewater systems. Section VIII.D.3.a. conditionally waives waste discharge requirements, but not reports of waste discharges, for those systems regulated directly by the Central Coast Water Board. Section VIII.D.3.b conditionally waives waste discharge requirements and reports of waste discharge for those systems that are regulated by local governing jurisdictions that comply with the conditions of this section.

VIII.D.3.a.CONDITIONS FOR WAIVER OF WASTE DISCHARGE REQUIREMENTS FOR SYSTEMS REGULATED DIRECTLY BY THE CENTRAL COAST WATER BOARD

Waste discharge requirements [California Water Code §13263(a)] are conditionally waived as follows:

The Central Coast Water Board's Executive Officer is authorized to enroll applicants in the onsite wastewater system conditional waiver, provided the following conditions are met.

1. The onsite wastewater system is sited, designed, managed and maintained in a manner consistent with criteria specified in the Basin Plan, Chapter 4, Section VIII.D.

2. The applicant submits a report of waste discharge to the Central Coast Water Board for approval that provides documentation of consistency with each Basin Plan criterion.

3. The applicant submits with the report of waste discharge a fee corresponding to the lowest

applicable fee for waste discharge requirements (threat and complexity rating of III-C) identified in the State Water Board's fee schedule set forth in Title 23 California Code of Regulations.

4. The applicant enrolled in the Conditional Waiver complies with conditions specified in a Water Board Executive Officer-approved onsite management plan implemented by the local governing jurisdiction, if available.

The Central Coast Water Board or its Executive Officer may terminate the discharger's enrollment in the Conditional Waiver at any time.

VIII.D.3.b. CONDITIONS FOR WAIVER OF WASTE DISCHARGE REQUIREMENTS AND REPORTS OF WASTE DISCHARGE FOR SYSTEMS REGULATED BY LOCAL GOVERNING JURISDICTIONS

The requirement to submit a report of waste discharge, associated fee, and waste discharge requirements to the Central Coast Water Board and to receive enrollment notification are waived for onsite wastewater systems regulated by a local governing jurisdiction, provided the following conditions are met.

For New Discharges (systems installed after March 20, 2009):

1. The onsite wastewater system is permitted by a local governing jurisdiction that implements an onsite management plan approved by the Central Coast Water Board or its Executive Officer.

2. The local governing jurisdiction has entered into a memorandum of understanding with the Central Coast Water Board regarding onsite wastewater system management.

3. The onsite wastewater system meets the criteria in Basin Plan Chapter 4, Section VIII.D.

4. The onsite wastewater system is sited, designed, managed and maintained in a manner consistent with the Water Board or Water Board Executive Officer-approved onsite management plan implemented by the local governing jurisdiction.

For Existing Discharges (systems installed before March 20, 2009):

5. The onsite wastewater system is managed and maintained in a manner consistent with the Water Board or Water Board Executive Officer-approved onsite management plan implemented by the local governing jurisdiction.

CALIFORNIA DEPARTMENT OF FISH AND GAME

CERTIFICATE OF FEE EXEMPTION

De Minimis Impact Finding

Project Title/Location Name and Address of Project Proponent: AMENDING THE WATER QUALITY CONTROL PLAN REGARDING ONSITE WASTEWATER SYSTEM IMPLEMENTATION PROGRAM (Resolution No. R3-2009-0012)

Central Coast Regional Water Quality Control Board
895 Aerovista Place, Suite 101
San Luis Obispo, California 93401
San Luis Obispo County

Contact: Sorrel Marks (805/549-3695 or smarks@waterboards.ca.gov)

Project Description: The California Regional Water Quality Control Board, Central Coast Region (Central Coast Water Board), held a public hearing on March 19, 2009, to receive comments and consider adoption of a resolution amending the Water Quality Control Plan, Central Coast Basin (Basin Plan). The proposed amendment to the Basin Plan includes revisions to Basin Plan sections pertaining to onsite wastewater system requirements and implementation of such requirements.

Findings of Exemption: Please see the attached Report for Basin Plan Amendment and Environmental Checklist for description and findings.

Certification: I hereby certify that the California Regional Water Quality Control Board, Central Coast Region, has made the above findings of fact and that based upon the Environmental Checklist, written report, and record of hearing finds that the project will not individually or cumulatively have an adverse effect on wildlife resources, as defined in Section 711.2 of the Fish and Game Code.

_____
Roger Briggs, Executive Officer
Regional Water Quality Control Board

_____
Date

CALIFORNIA ENVIRONMENTAL QUALITY ACT SUBSTITUTE ENVIRONMENTAL DOCUMENT REPORT FOR BASIN PLAN AMENDMENT REGARDING ONSITE WASTEWATER SYSTEM IMPLEMENTATION PROGRAM (RESOLUTION NO. R3-2009-0012)

The California Regional Water Quality Control Board, Central Coast Region (Central Coast Water Board) is proposing an amendment to the *Water Quality Control Plan, Central Coast Basin* (Basin Plan). The Basin Plan serves as the cornerstone for protection of waters of the State through identification of beneficial uses of surface and ground waters, establishment of water quality objectives to protect beneficial uses, and establishment of an implementation plan to achieve those objectives.

The California Resources Agency has certified the Basin Planning process as an exempt regulatory program for the purposes of complying with the California Environmental Quality Act (CEQA) and the CEQA Guidelines [§15251, Title 14, California Code of Regulations (CCR)]. The Water Board is exempt from the requirement to prepare an environmental impact report or negative declaration. Any Regional Board exempt regulatory program must satisfy the documentation requirements of §3775(a), Title 23, CCR. This Report constitutes a substitute environmental document as set forth in §3775(a), Title 23, CCR. It contains the following:

1. A description of proposed activity and proposed alternatives,
2. An environmental checklist and a description of the proposed activity,
3. An environmental evaluation, and
4. A determination with respect to significant environmental impacts.

The environmental analysis contained in this Report for Basin Plan Amendment and accompanying documents, including the Environmental Checklist, the staff report and the responses to comments complies with the requirements of the State Water Board's certified regulatory process, as set forth in CCR, Title 23, §3775 et seq. All public comments were considered.

I. DESCRIPTION OF PROPOSED ACTIVITY

The purpose of this Resolution is to revise the Basin Plan sections pertaining to onsite wastewater system requirements and implementation of such requirements. This section describes the changes proposed and alternatives to this proposal.

Historically, discharges from conventional onsite wastewater systems have been regulated by local permitting agencies (cities and counties). The Central Coast Water Board's general waiver of waste discharge requirements for such systems was implemented through multi-agency memoranda of understanding (MOUs), and local permitting agencies implemented Basin Plan criteria for onsite systems through their own permits. Pursuant to Water Code §13269(b)(2), the Central Coast Water Board's general waiver for discharges from onsite wastewater systems expired on June 30, 2004. Since expiration of the waiver, discharges from onsite systems have not been formally authorized by the Central Coast Water Board. Formal discharge authorization is required pursuant to California Water Code §13264. The

proposed Resolution No. R3-2009-0012 establishes regulatory oversight, management, and monitoring of onsite systems in a manner that is clear, streamlined and protective of water quality.

By adopting the proposed resolution, Water Board oversight of onsite system discharges will be streamlined and clarified in a manner expected to result in improved long-term water quality protection in areas served by onsite wastewater systems. The proposed resolution is also expected to improve consistency and customer service reducing the need for staff resources utilized in a manner redundant with local jurisdictions. Adoption of the proposed resolution will complete a Triennial Review list priority task, which has been backlogged for many years.

Alternatives to this Project

1. Adoption of an alternative implementation program

The Central Coast Water Board could adopt an implementation program for onsite wastewater systems with conditions different from those proposed. This alternative is not recommended as it could result in implementation of only some of the Basin Plan criteria for onsite wastewater systems and would not achieve the goals of effective long-term water quality protection in a clear and efficient manner. Adoption of a different implementation program can only be addressed relative to specified alternate proposals. Such discussion is addressed in the response to comments included in the staff report. This alternative is not recommended.

2. Adopt individual or general waste discharge requirements

The Central Coast Water Board could adopt individual or general waste discharge requirements for onsite wastewater systems. This alternative is not recommended. Individual waste discharge requirements would overwhelm the staff resources as there are many thousands of such systems in the Region. General waste discharge requirements are not necessary because the local agencies are best situated to regulate onsite wastewater systems in compliance with the Basin Plan. The proposed conditional waiver in the implementation program requires compliance with Basin Plan criteria, providing appropriate protection of waters of the state.

3. Take no action

Formal discharge authorization is required pursuant to California Water Code §13264. Currently, no such authorization is in place. If no action is taken, the current situation would continue, which does not provide adequate protection of water quality or compliance with the California Water Code. This alternative is not recommended.

II. APPLICABLE INFORMATON

1. Lead Agency Name and Address

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

2. **Contact Person and Phone Number:** Sorrel Marks (805) 549-3595

3. **Project Location:** Central Coast Region

4. **Project Sponsor's Name and Address**

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

5. **Other Public Agencies whose Approval is Required**

State Water Resources Control Board approval is required for this Basin Plan amendment. Although formal approval by local jurisdictions is not required for Basin Plan amendments, cooperative implementation by local permitting authorities (cities, counties, community services districts) is necessary to effectively protect water quality. Local jurisdictions likely to be affected by the proposed project include: Monterey, San Benito, San Luis Obispo, Santa Barbara, Santa Clara, Santa Cruz, and Ventura Counties, and the cities and special districts therein.

III. EVALUATION OF ENVIRONMENTAL IMPACTS

A significant effect on the environment is defined in regulation as "*a substantial, or potentially substantial, adverse change in any of the physical conditions within the area affected by the project, including land, air, water, minerals, flora, fauna, ambient noise, and objects of historic or aesthetic significance. A social or economic change by itself shall not be considered a significant effect on the environment. A social or economic change related to a physical change may be considered in determining whether the physical change is significant* (14 CCR section 15382)."

ENVIRONMENTAL CHECKLIST

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
1. AESTHETICS -- Would the project:				
a) Have a substantial adverse effect on a scenic vista?	☐	☐	☐	☒
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings with a state scenic highway?	☐	☐	☐	☒
c) Substantially degrade the existing visual character or quality of the site and its surroundings	☐	☐	☐	☒
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area	☐	☐	☐	☒
2. AGRICULTURE RESOURCES -- In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may				

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. Would the project:				
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	☐	☐	☐	☒
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	☐	☐	☐	☒
c) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use?	☐	☐	☐	☒
3. AIR QUALITY -- Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:				
a) Conflict with or obstruct implementation of the applicable air quality plan?	☐	☐	☐	☒
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	☐	☐	☐	☒
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is not attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?	☐	☐	☐	☒
d) Expose sensitive receptors to substantial pollutant concentrations?	☐	☐	☐	☒
e) Create objectionable odors affecting a substantial number of people?	☐	☐	☐	☒
4. BIOLOGICAL RESOURCES -- Would the project:				
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	☐	☐	☐	☒
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Game or US Fish and Wildlife Service?	☐	☐	☐	☒
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological	☐	☐	☐	☒

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
interruption, or other means?				
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	☐	☐	☐	☒
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	☐	☐	☐	☒
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	☐	☐	☐	☒
5. CULTURAL RESOURCES -- Would the project:				
a) Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5?	☐	☐	☐	☒
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?	☐	☐	☐	☒
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	☐	☐	☐	☒
d) Disturb any human remains, including those interred outside of formal cemeteries?	☐	☐	☐	☒
6. GEOLOGY AND SOILS -- Would the project:				
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:	☐	☐	☐	☒
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.	☐	☐	☐	☒
ii) Strong seismic ground shaking	☐	☐	☐	☒
iii) Seismic-related ground failure, including liquefaction?	☐	☐	☐	☒
iv) Landslides?	☐	☐	☐	☒
b) Result in substantial soil erosion or the loss of topsoil?	☐	☐	☐	☒
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	☐	☐	☐	☒
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property	☐	☐	☐	☒
e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste-water disposal systems where sewers are not available for the disposal of waste water?	☐	☐	☐	☒
7. HAZARDS AND HAZARDOUS MATERIALS -- Would the project:				
a) Create a significant hazard to the public or the	☐	☐	☐	☒

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
environment through the routine transport, use, or disposal of hazardous materials?				
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	☐	☐	☐	☒
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	☐	☐	☐	☒
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	☐	☐	☐	☒
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?	☐	☐	☐	☒
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?	☐	☐	☐	☒
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	☐	☐	☐	☒
h) Expose people or structures to a significant risk of loss injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?	☐	☐	☐	☒
8. HYDROLOGY AND WATER QUALITY -- Would the project:				
a) Violate any water quality standards or waste discharge requirements?	☐	☐	☐	☒
b) Substantially deplete ground water supplies or interfere substantially with ground water recharge such that there would be a net deficit in aquifer volume or a lowering of the local ground water table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?	☐	☐	☐	☒
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?	☐	☐	☐	☒
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?	☐	☐	☐	☒
e) Create or contribute runoff water which would exceed	☐	☐	☐	☒

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?				
f) Otherwise substantially degrade water quality?	☐	☐	☐	☒
g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?	☐	☐	☐	☒
h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?	☐	☐	☐	☒
i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?	☐	☐	☐	☒
j) Inundation by seiche, tsunami, or mudflow?	☐	☐	☐	☒
9. LAND USE AND PLANNING -- Would the project:				
a) Physically divide an established community?	☐	☐	☐	☒
b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	☐	☐	☐	☒
c) Conflict with any applicable habitat conservation plan or natural community conservation plan?	☐	☐	☐	☒
10. MINERAL RESOURCES -- Would the project:				
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	☐	☐	☐	☒
b) Result in the loss of availability of a locally –important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	☐	☐	☐	☒
11. NOISE – Would the project result in:				
a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	☐	☐	☐	☒
b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?	☐	☐	☐	☒
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	☐	☐	☐	☒
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	☐	☐	☐	☒
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	☐	☐	☐	☒
f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in	☐	☐	☐	☒

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
the project area to excessive noise levels?				
12. POPULATION AND HOUSING -- Would the project:				
a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	☐	☐	☐	☒
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?	☐	☐	☐	☒
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	☐	☐	☐	☒
13. PUBLIC SERVICES – Would the project:				
a) Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:	☐	☐	☐	☒
Fire protection?	☐	☐	☐	☒
Police protection?	☐	☐	☐	☒
Schools?	☐	☐	☐	☒
Parks?	☐	☐	☐	☒
Other public facilities?	☐	☐	☐	☒
14. RECREATION – Would the project:				
a) Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	☐	☐	☐	☒
b) Include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?	☐	☐	☐	☒
15. TRANSPORTATION/TRAFFIC -- Would the project:				
a) Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections)?	☐	☐	☐	☒
b) Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?	☐	☐	☐	☒
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?	☐	☐	☐	☒
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	☐	☐	☐	☒
e) Result in inadequate emergency access?	☐	☐	☐	☒

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
f) Result in inadequate parking capacity?	☐	☐	☐	☒
g) Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?	☐	☐	☐	☒
16. UTILITIES AND SERVICE SYSTEMS -- Would the project:				
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	☐	☐	☐	☒
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	☐	☐	☐	☒
c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	☐	☐	☐	☒
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	☐	☐	☐	☒
e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	☐	☐	☐	☒
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	☐	☐	☐	☒
g) Comply with federal, state, and local statutes and regulations related to solid waste?	☐	☐	☐	☒
17. MANDATORY FINDINGS OF SIGNIFICANCE	☐	☐	☐	☒
a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	☐	☐	☐	☒
b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?	☐	☐	☐	☒
c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	☐	☐	☐	☒

IV. ENVIRONMENTAL EVALUATION DISCUSSION (of checklist questions answered Potentially Significant Impact, Less than Significant with Mitigation Incorporation, or Less than Significant Impact).

The Water Board concludes that adoption of an implementation program that conditionally waives waste discharge requirements and reports of waste discharge for onsite wastewater systems will not have a significant impact on the environment. The Water Board will not authorize waivers of waste discharge requirements for new discharges except where the local governing jurisdiction has approved development after complying with CEQA and incorporating appropriate mitigation measures. The Water Board does not have jurisdiction to approve development, but only to regulate discharges of waste. There is no information available to the Water Board, other than speculation, that the adoption of the Implementation Program establishing a conditional waiver will result in more or less development. The Water Board also concludes that the adoption of revised onsite wastewater system criteria will not have a significant impact on the environment. The revised criteria establish more stringent conditions regulating onsite wastewater systems and will result in protection of waters of the state. The Basin Plan criteria, if implemented, are protective of water quality.

Reasonably foreseeable means of compliance, costs associated with such compliance, and resulting environmental impacts have also been considered and are addressed in the Staff Report.

V. PRELIMINARY STAFF DETERMINATION

☐ The proposed project COULD NOT have a significant effect on the environment, and, therefore, no alternatives or mitigation measures are proposed.

☐ The proposed project MAY have a significant or potentially significant effect on the environment, and therefore alternatives and mitigation measures have been evaluated.

Signature	Date
Printed Name	For