

**STATE WATER RESOURCES CONTROL BOARD
BOARD MEETING SESSION – LOS ANGELES REGIONAL WATER BOARD
OCTOBER 7, 2014**

ITEM 4

SUBJECT

CONSIDERATION OF A PROPOSED RESOLUTION APPROVING AMENDMENTS TO THE WATER QUALITY CONTROL PLAN FOR THE LOS ANGELES REGION TO INCORPORATE THE STATEWIDE WATER QUALITY CONTROL POLICY FOR SITING, DESIGN, OPERATION AND MAINTENANCE OF ONSITE WASTEWATER TREATMENT SYSTEMS (OWTS)

DISCUSSION

On May 8, 2014, the Los Angeles Regional Water Quality Control Board (Los Angeles Water Board) adopted [Resolution No. R14-007](#). This amendment incorporates the Statewide OWTS Policy, which was adopted by the State Water Board in 2012 with the intent of providing a streamlined regulatory tool for effective and efficient statewide regulation of onsite wastewater treatment systems. This action is consistent with the State Water Board's directive that Regional Water Boards incorporate this policy into their Basin Plans by May 2014.

Background

The State Water Board's OWTS Policy, adopted on June 19, 2012, provides criteria for siting, design, operation, and maintenance of onsite wastewater treatment systems and provides a conditional waiver of waste discharge requirements for onsite wastewater treatment systems that comply with the Policy. The State Water Board's OWTS Policy implements water quality protection measures in a manner that allows for the protection of beneficial uses of waters and the prevention and correction of conditions of pollution and nuisance.

The OWTS Policy requires that the Regional Water Boards incorporate the requirements established in the policy into regional Basin Plans within 12 months of the effective date of the policy (OWTS Policy section 4.2). The proposed amendments incorporate the requirements of the policy through revisions to Chapter 4 (Strategic Planning and Implementation) and Chapter 5 (Plans and Policies) of the Basin Plan.

The OWTS Policy conditionally waives requirements to submit a report of waste discharge and associated application fees, and to obtain waste discharge requirements for onsite wastewater treatment systems that comply with the Policy (OWTS Policy section 12). The conditional waiver allows for use of onsite wastewater treatment systems in a manner protective of water quality without the administrative burden of applying for and issuing waste discharge requirements.

While the OWTS Policy provides for regulation of onsite wastewater treatment systems under a conditional waiver, the policy does not limit the Los Angeles Water Board's authority to regulate OWTS in an alternate manner, including requiring ROWDs and issuing WDRs, when it may be necessary to protect water quality. Additionally, the OWTS Policy upholds and does not supersede or modify any discharge prohibitions imposed on onsite wastewater treatment systems.

With regard to the relationship between the OWTS Policy requirements and existing local codes or ordinances, in the absence of a Tier 2 Local Agency Management Program, to the extent that there is a direct conflict between the applicable minimum standards and the local codes or ordinances (such that it is impossible to comply with both the applicable minimum standards and the local ordinances or codes), the more restrictive standards shall govern.

POLICY ISSUE

Should the State Water Board approve the amendment to the Water Quality Control Plan of the Los Angeles Region to incorporate the State Water Resources Control Board's (State Water Board's) Onsite Wastewater Treatment Systems (OWTS) Policy as adopted by Los Angeles Water Board Resolution No.R14-007?

FISCAL IMPACT

Los Angeles Water Board and State Water Board staff work associated with or resulting from this action will be addressed with existing and future budgeted resources.

REGIONAL BOARD IMPACT

Approval of Los Angeles Water Board Resolution No. R14-007 will be consistent with the State Water Board's directive that Regional Water Boards incorporate this policy into their Basin Plans.

STAFF RECOMMENDATION

That the State Water Board:

1. Approve the Basin Plan amendments adopted under Los Angeles Water Board Resolution No. No. R14-007.
2. Authorize and direct the Executive Director or designee to submit the Basin Plan amendments adopted under Los Angeles Water Board Resolution No. R14-007 to the Office of Administrative Law (OAL) for approval of the regulatory provisions.

State Water Board action on this item will assist the Water Boards in reaching Goal 4 of the Strategic Plan Update: 2008-2012 to comprehensively address water quality protection, restoration throughout California's water planning process, and Goal 6: to enhance consistency across the Water Boards to ensure fair application of laws, regulations, policies and procedures.

DRAFT

STATE WATER RESOURCES CONTROL BOARD RESOLUTION NO. 2014-

APPROVING AMENDMENTS TO THE WATER QUALITY CONTROL PLAN FOR THE LOS ANGELES REGION TO INCORPORATE THE STATEWIDE WATER QUALITY CONTROL POLICY FOR SITING, DESIGN, OPERATION AND MAINTENANCE OF ONSITE WASTEWATER TREATMENT SYSTEMS

WHEREAS:

1. On June 19, 2012, the State Water Resources Control Board (State Water Board) adopted Water Quality Control Policy for Siting, Design, Operation, and Maintenance of Onsite Wastewater Treatment Systems (OWTS Policy). The OWTS Policy was approved by the California Office of Administrative Law on November 13, 2012, and became effective on May 13, 2013.
2. On May 8, 2014, the Regional Water Quality Control Board for the Los Angeles Region (Los Angeles Water Board) adopted [Resolution No. R14-007](#), an amendment to the Water Quality Control Plan for the Los Angeles Region to incorporate the OWTS Policy.
3. The State Water Board prepared Substitute Environmental Documentation (SED) for the OWTS Policy in accordance with the water boards' certified regulatory program (23 Cal. Code Regs. §§ 3775-3781), which was approved on June 19, 2012, along with the OWTS Policy. The proposed amendment incorporates the OWTS Policy and removes certain existing Basin Plan provisions regulating onsite wastewater treatment systems that are no longer applicable as a result of the OWTS Policy. Regional Board Resolution No. 2014-007 did not make any substantive changes or modifications to the OWTS Policy, nor did it contain any substantial changes with respect to the circumstances under which the Policy will apply. Therefore, the Regional Board determined that there was no new information to trigger the need for supplemental or subsequent CEQA analysis. The State Water Board concurs with the Los Angeles Water Board's findings and determinations that this Basin Plan amendment is wholly within the scope of the OWTS Policy as analyzed by State Board in the SED, and as such, the recommended actions do not require further environmental review pursuant to the certified regulatory program or CEQA (Pub. Resources Code § 21166; Cal. Code Regs., title 14, §§ 15162 & 15163).
4. The Los Angeles Water Board also adopted the Basin Plan amendment pursuant to the "Necessity" standard of the Administrative Procedures Act, Government Code section 11353, subdivision (b).
5. The State Water Board finds that the Basin Plan amendment is in conformance with Water Code section 13240, which specifies that regional water quality control boards may revise basin plans; section 13242, which requires a program of implementation to achieve water quality objectives; and section 13243 which authorizes regional water quality control boards to specify certain conditions or areas where the discharges of certain types of waste will not be permitted.

D R A F T

- 6 . This Basin Plan amendment does not become effective until approved by the State Water Board and, until regulatory provisions are approved by the California Office of Administrative Law (OAL)

THEREFORE BE IT RESOLVED THAT:

The State Water Board:

1. Approves the Basin Plan amendment adopted under Los Angeles Water Board Resolution No. R14-007.
2. Authorizes and directs the Executive Director or designee to submit the Basin Plan amendment adopted under Los Angeles Water Board Resolution No. R14-007 and the administrative record for this action to OAL for approval.

CERTIFICATION

The undersigned Clerk to the Board does hereby certify that the foregoing is a full, true, and correct copy of a resolution duly and regularly adopted at a meeting of the State Water Resources Control Board held on October 7, 2014.

Jeanine Townsend
Clerk to the Board