

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

**DRAFT RESOLUTION NO. R3-2013-0005**

**AMENDING THE WATER QUALITY CONTROL PLAN REGARDING THE 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 *Water Quality Control Plan for the Central Coastal Basin* (Basin Plan) on March 14, 1975. The Basin Plan designates beneficial uses and water quality objectives, implementation programs for achieving water quality objectives addressing point source and nonpoint source discharges, prohibitions, and incorporates statewide plans and policies. The Basin Plan is periodically reviewed and revised. The Central Coast Water Board has determined that the Basin Plan requires further revision and amendment.
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. On March 20, 2009, the Central Coast Water Board adopted Resolution No. R3-2009-0012, revising the Basin Plan onsite implementation program. On May 5, 2011, the Central Coast Water Board adopted Resolution No. R3-2011-0004, revising the Basin Plan onsite implementation program with additional clarifying language and renumbered sections.
4. The State Water Resources Control Board (State Water Board), on June 19, 2012, adopted the *Water Quality Control Policy for Siting, Design, Operation, and Maintenance of Onsite Wastewater Treatment Systems* (OWTS Policy). The OWTS Policy includes a conditional waiver of the requirements to submit a report of waste discharge, obtain waste discharge requirements, and pay fees for discharges from onsite wastewater systems covered by the 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.
5. This Resolution No. R3-2013-0005 revises onsite wastewater sections of the Basin Plan; incorporates by reference the *Water Quality Control Policy for Siting, Design, Operation, and Maintenance of Onsite Wastewater Treatment Systems* into the Basin Plan; and rescinds Resolution No. R3-2008-0005, Resolution No. R3-2009-0012, and Resolution No. R3-2011-0004.

6. Area of Applicability - The effect of this amendment will be throughout the Central Coast Region, where onsite systems are used to treat and dispose of wastewater.
7. CEQA - The Central Coast Water Board's discretionary decisions are typically subject to the requirements of CEQA. The Secretary for Natural Resources has certified the basin planning process as an exempt regulatory program, and therefore the Water Boards are exempt from the specific CEQA requirement to prepare an environmental impact report or negative declaration when the Water Board is complying with the procedures identified in the certified regulatory program (Cal. Code Regs., tit. 23, §§3720-3781) [Pub. Res. Code §21080.5; Cal. Code Regs., tit. 14, §15251(g)].
8. A Substitute Environmental Document (SED) was prepared by the State Water Board for the OWTS Policy in accordance with the Water Board's certified regulatory program (Cal. Code Regs., tit. 23 §§3777-3781). The State Water Board approved the OWTS Policy and the SED on June 19, 2012. The proposed amendment removes existing Basin Plan provisions regulating onsite systems and incorporates the OWTS Policy. No substantive changes or modifications to the previously approved OWTS Policy are proposed, no substantial changes with respect to circumstances under which the project will be undertaken have occurred and no new information triggers the need for supplemental or subsequent CEQA analysis.
9. This amendment is completely within the scope of the OWTS Policy as analyzed by the State Water Board in the SED. As such, the recommended actions do not require further environmental review pursuant to the certified regulatory program or CEQA (Pub. Res. Code §21166; Cal. Code Regs. tit. 14, §§15161, 15163).
10. The subject 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 Wildlife under the California Fish and Game Code.
11. The State Water Board, in adopting the OWTS Policy, considered a wide range of factors affecting water quality and the availability of treatment measures to protect beneficial uses and public health, consistent with the goals and requirements set forth in State Water Board Resolution No. 68-16, Statement of Policy with Respect to Maintaining High Quality of Waters in California. The State Water Board analyzed the potential environmental impacts of reasonably foreseeable methods of compliance with the OWTS Policy, concluding that alternatives to the OWTS Policy do not accomplish the objectives of adopting consistent standards that will ensure public health and protection of beneficial uses of the state's waters while establishing an effective implementation process that considers cost and technological capabilities.
12. The State Water Board found that the OWTS Policy sets standards that could allow potentially significant direct water quality impacts from pathogen or nitrogen contamination, as well as cumulative water quality and public health impacts. The State Water Board also found that available mitigation measures would not meet the goals of the OWTS Policy, and that specific overriding economic, legal, social technological or other benefits outweigh any adverse environmental impacts resulting from new or continuing discharges in compliance with the OWTS Policy. With respect to local agency management programs, the State Water Board rejected mitigation measures that would remove too much local agency flexibility, render too many sites unsuitable for new and replaced OWTS, and/or impose significant costs without corresponding environmental benefit. The State Water Board

concluded that effective implementation of protections to allow continued use of OWTS for wastewater disposal in areas not suitable for centralized treatment systems is an important public benefit, and the protections afforded by the OWTS Policy provide the best treatment to ensure the highest water quality consistent with the maximum benefit to the people of the state. The State Water Board concluded that the OWTS Policy establishes a statewide, risk-based, tiered approach for the regulation and management of OWTS installations and replacements and sets the level of performance and protection expected from OWTS.

13. The OWTS Policy requires local agencies implementing management programs to monitor and assess water quality to ensure that beneficial uses are protected. The assessments must evaluate the impact of OWTS discharges and assess the extent to which groundwater and local surface water quality may be adversely impacted. Local agencies must report the results to the applicable Regional Water Board, and identify any changes in the local agency management program that will be undertaken to address impacts from OWTS. The Regional Water Board may also require modifications to an approved local agency management program as appropriate.
14. Consistent with the State Water Board's findings and the requirements of the OWTS Policy, this amendment is consistent with maximum benefit to the people of the State; will not unreasonably affect present and anticipated beneficial uses; will not result in water quality less than that prescribed in applicable state policies, including the OWTS Policy; and requires OWTS dischargers to use the best practicable treatment or control of the discharge necessary to avoid a pollution or nuisance and to maintain the highest water quality consistent with the maximum benefit to the people of the State.
15. 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 notice of the amendments providing the public with a comment period in excess of 45 days in advance of the Central Coast Water Board hearing. Notice of public hearing was given by posting on the Water Board website, by mailing a copy of the notice to all persons requesting such notice and applicable government agencies, and by publishing notice in newspapers throughout the Central Coast region. The public also had the opportunity to comment on the OWTS Policy during the State Water Board adoption process.
16. On May 30-31, 2013, 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 persons in accordance with CCR, Title 14, §15072.
17. The Basin Plan amendment must be submitted for review and approval by the State Water Board and the California Office of Administrative Law (OAL). The Basin Plan amendment will become effective upon approval by OAL. This Resolution will become effective upon adoption.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. Pursuant to California Water Code §13240, the Central Coast Water Board, after considering the record, including oral testimony at the hearing, hereby adopts the Basin Plan amendment set forth in Attachments A and B to this Resolution adopting the State OWTS Policy into the Basin Plan.

2. Pursuant to California Water Code §13240, the Central Coast Water Board, after considering the record, including oral testimony at the hearing, hereby rescinds Resolution No. R3-2008-0005, Resolution No. R3-2009-0012, and Resolution No. R3-2011-0004 previously adopted by this Board.
3. The Central Coast Water Board's Executive Officer is directed to forward copies of the Basin Plan amendment to the State Water Board in accordance with the requirements of California Water Code §13245.
4. The Central Coast Water Board requests the State Water Board approve the Basin Plan amendments in accordance with requirements of California Water Code §13246, and forward it to OAL for approval. The State Water Board, on behalf of 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.
5. If during the 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, Kenneth A. Harris Jr., Interim 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 May 30, 2013.

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Interim Executive Officer

- Attachments: A. Revised Basin Plan Chapters 4 and 5 (onsite sections only)  
B. Revisions to Basin Plan Chapters 4 and 5 (onsite sections only)

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