
North Coast Regional Water Quality Control Board

NOTICE OF PUBLIC HEARING AND OPPORTUNITY TO COMMENT

TO: Interested Persons

FROM: Alydda Mangelsdorf, Planning Unit Senior

DATE: March 14, 2014

SUBJECT:

Public Hearing and solicitation of comments for the Proposed Amendment to the *Water Quality Control Plan for the North Coast Region* to Incorporate the State Water Resources Control Board's *Onsite Wastewater Treatment Systems Policy*.

NOTICE IS HEREBY GIVEN that the California Regional Water Quality Control Board, North Coast Region (Regional Water Board) will hold a public hearing to consider adoption of amendments to the *Water Quality Control Plan for the North Coast Region* (Basin Plan). The purpose of the proposed amendment is to modify the Basin Plan to include the *Water Quality Control Policy for the Siting, Design, Operation and Maintenance of Onsite Wastewater Treatment Systems* (OWTS Policy), which was adopted by the State Water Resources Control Board (State Water Board) on June 19, 2012 and became effective on May 13, 2013.

BACKGROUND ON THE STATE WATER BOARD'S OWTS POLICY

The OWTS Policy applies statewide and designates the regional water boards with principal responsibility for overseeing implementation of the policy. In adopting the OWTS Policy, the State Water Board required that regional boards incorporate the policy's requirements into regional basin plans within a year of the policy's effective date. The proposed amendment will revise the Basin Plan for the North Coast Region to remove the existing policy for the control of waste discharge from onsite systems and incorporate the State Water Board's OWTS Policy in its place, except for the Russian River watershed (see below). Implementation of the OWTS Policy is intended to provide effective and efficient regulation of onsite wastewater treatment systems (a.k.a. septic systems) by providing clear, consistent criteria; a streamlined regulatory tool (i.e., conditional waiver of waste discharge requirements); broad coverage (systems treating up to 10,000 gallons per day); and, flexibility to implement local alternatives where Local Agency Management Programs (LAMPs) are implemented.

The OWTS Policy conditionally waives requirements to submit a report of waste discharge and pay associated application fees, and conditionally waives waste discharge requirements for onsite wastewater treatment systems that comply with the policy (OWTS Policy Section 12). The

conditional waiver allows the 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. It should be noted, however, that the OWTS Policy does not limit the Regional Water Board's authority to require reports of waste discharge and to issue individual or general waivers or waste discharge requirements when such actions are needed to protect water quality. Additionally, the OWTS Policy does not supersede or modify any discharge prohibitions imposed on onsite wastewater treatment systems and/or local agency requirements.

Water quality impairments related to pathogenic indicator bacteria apply to several segments within the Russian River watershed, including the Laguna de Santa Rosa. Under the OWTS Policy, onsite systems in the Russian River watershed must meet the requirements of the existing Basin Plan for onsite systems until the Regional Water Board adopts a pathogen TMDL for the Russian River watershed. To that end, the proposed amendment retains the existing Basin Plan onsite system requirements for the Russian River watershed.

The maintenance and monitoring of onsite wastewater treatment is a critical component in protecting and maintaining water quality. This is particularly true where an onsite system serves multiple dwellings (e.g., subdivision) or includes complicated pre-treatment. Therefore, Regional Water Board staff further proposes retaining for application regionwide the existing Basin Plan language specific to onsite system maintenance responsibilities. The existing language requires an individual property owner or a legally responsible entity to be responsible for maintenance, monitoring and repair of any onsite systems.

HEARING DATE AND LOCATION

The Regional Water Board will hold a public hearing to consider public comments on staff's recommendation to incorporate the State Water Board's OWTS Policy into the Basin Plan. The Regional Water Board is expected to take formal action on the proposed amendment at its board meeting on June 19, 2014. At that time, staff will present its recommendations and summarize written public comments and staff responses. The Regional Water Board will hear oral public testimony prior to making a decision. The public hearing is scheduled as below. Please check the Regional Water Board's website (<http://www.waterboards.ca.gov/northcoast/>) for up-to-date hearing information.

Date: June 19, 2014

Time: 9:00 AM

Place: California Regional Water Quality Control Board
North Coast Region
5550 Skylane Blvd., Suite A
Santa Rosa, CA 95403

The facility is accessible to people with disabilities. **Anyone requiring reasonable accommodation to participate in the meeting should contact Patti Corsie, Executive Assistant, at (707) 576-2307 or Patti.Corsie@waterboards.ca.gov at least 5 working days prior to the meeting.** TTY/TDD/Speech-to-Speech users may contact the California Relay Service at 1-800-735-2929 or voice line at 1-800-735-2922.

AVAILABILITY OF DOCUMENTS

The tentative resolution, proposed Basin Plan amendment language, and staff report are available on the Regional Water Board's website at:

http://www.waterboards.ca.gov/northcoast/water_issues/programs/basin_plan/owts_policy.shtml

This amendment is wholly within the scope of the OWTS Policy as analyzed by the State Water Board in the Substitute Environmental Document (SED) for the OWTS Policy. As such, the recommended actions do not require further environmental review pursuant to CEQA. (Pub. Res. Code §21166; Cal. Code Regs. tit. 14, §§15161, 15163.)

Arrangements for file review and/or obtaining copies of documents in the Administrative Record may be made by calling the North Coast Regional Board at (707) 576-2220.

PUBLIC COMMENTS AND SUBMITTAL OF EVIDENCE

Persons wishing to comment on the proposed amendment or submit evidence for the Regional Water Board to consider are invited to submit them in writing no later than 5:00 PM April 30, 2014. Written comments received by the specified deadline will be evaluated and staff's responses to those comments developed for the Regional Water Board's consideration prior to the hearing. The Regional Water Board may refuse to admit into the administrative record any written comments received after the specified deadline.

Any person may present relevant statements or arguments on the proposed Basin Plan amendments. Comments should be limited to the proposed amendment as described, including: 1) the incorporation of the OWTS Policy into the Basin Plan; 2) the retention of the existing onsite system requirements for application in the Russian River watershed including non-substantive revisions; and 3) the retention for application regionwide of an existing operation and maintenance requirement that an entity with legal authority and financial capability be responsible for operation and maintenance of onsite systems.

Interested persons are encouraged to submit comments electronically. Send comments by e-mail to: Lauren.Clyde@waterboards.ca.gov. Please indicate in the subject line, "Comment Letter – Incorporation of OWTS Policy." Written comments sent by mail should be sent to the above address to the attention of Ms. Lauren Clyde, Basin Planning Unit.

Interested persons are also invited to attend the hearing and present oral comments. At the discretion of the chair, time limitations on presentations may be imposed, depending on the number of persons wishing to be heard.

The State Water Board when considering approval of a regional water board's adoption of Basin Plan amendments may refuse to accept any comments that were not raised before the regional water board. Therefore, interested persons are strongly encouraged to submit all written comments on this proposed action on or before 5:00 PM April 30, 2014 or present oral comments during the public hearing on June 19, 2014.

Comments and responses to comments and other subsequent relevant documents will be available prior to the hearing, including on the Regional Water Board's website. Any person desiring to receive electronic notice of activity associated with this proposed action or other proposed Basin

Planning actions can sign up for the Regional Water Board's Lyris list at http://www.waterboards.ca.gov/resources/email_subscriptions/reg1_subscribe.shtml

FUTURE NOTIFICATIONS FROM THE STATE WATER BOARD

Any person desiring to receive electronic notices from the State Water Board regarding its future approval process for the proposed amendment must sign up for the State Water Board's Lyris list at http://www.waterboards.ca.gov/resources/email_subscriptions/swrcb_subscribe.shtml

REGIONAL WATER BOARD STAFF CONTACT INFORMATION

If you have any questions regarding the proposed action for the OWTS Amendment, please contact: Lauren Clyde at 707-576-2674 or Lauren.Clyde@waterboards.ca.gov

Matthias St. John
Executive Officer
March 14, 2014

