California Regional Water Quality Control Board
Central Coast Region

Linda S. Adams
Secretary for Environmental Protection

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Arnold Schwarzenegger
Governor

April 22, 2008 **Certified Mail No. 7007 2560 0001 6600 5003**

Ian and Amy Trosky
P.O. Box 3108
Carmel, CA 93921

Dear Mr. and Mrs. Trosky:

220 UPPER WALDEN ROAD, CARMEL HIGHLANDS, CARMEL (APN: 241-241-004), MONTEREY COUNTY; PROPOSED WAIVER OF WASTE DISCHARGE REQUIREMENTS FOR ALTERNATIVE ONSITE WASTEWATER DISPOSAL SYSTEM (RESOLUTION R3-2008-0045)

We reviewed Monterey County Department of Health's (County) April 8, 2008, *Application for an Alternative Onsite Wastewater System Permit for the Trosky Residence at 220 Upper Walden Road, APN 241-241-004*. The application package contains a Report of Waste Discharge Supplemental Form for Regional Board Subsurface Disposal Exemption Submittal (for Basin Plan Exemption) and design documents for an engineered onsite wastewater system prepared by Andrew Brownstone of BioSphere Consulting.

The Basin Plan and existing July 1979 Memorandum of Understanding between the County and Central Coast Water Board prohibit the County from approving engineered onsite wastewater systems. The engineered system is being proposed in response to our March 7, 2007, and May 7, 2007 letters to the County regarding the ongoing use of onsite wastewater systems in the Carmel Highlands area and subsequent County Ordinance No. 5086 and No. 5093.

The secondary disposal system (a shallow gravelless drainfield) was designed using a loading rate of 0.8 gallons per day per square foot (gpd/ft^2). The Basin Plan requires a loading rate of 0.6 gpd/ft^2 for the observed [average] onsite percolation rate of 29 minutes per inch (mpi) as determined from five percolation test pits within and adjacent to the proposed disposal areas. Although onsite soil infiltration testing conducted within the proposed disposal area per the shallow gravelless drainfield manufacturer specifications resulted in design loading rates of greater than 2 gpd/ft^2, County Ordinance No. 5093 allows a maximum loading rate of 0.8 gpd/ ft^2 based on the observed percolation rate of 29 mpi. A Basin Plan exception is therefore also required for the 0.8 gpd/ ft^2 design loading rate.

Your Basin Plan exemption request for the engineered system and disposal system loading rate variance from our Basin Plan requirements is hereby approved. We intend to request the Regional Board waive waste discharge requirements for the proposed engineered system at its July 11, 2008 meeting in Watsonville. The enclosed draft Waiver (Resolution No. R3-2008-0045) contains staff-proposed conditions based on County Ordinance No. 5093 and nonstandard County permit conditions. The Waiver is subject to Water Board approval.

Please note that the Water Board retains the authority to deny the proposed Waiver or add additional conditions. We will advise you of the Water Board's determination of the proposed Waiver following the July 11, 2008 meeting. You may choose to attend the meeting.

The proposed Waiver and associated attachments can also be viewed and downloaded from our website at:

http://www.swrcb.ca.gov/rwqcb3/Permits/Index.htm

Please submit all comments regarding the proposed Waiver in writing to the above address no later than **May 25, 2008**. All comments or objections received prior to that date will be considered in the formulation of staff recommendations regarding the waste discharge. The Central Coast Water Board will not accept comments or other written submissions on the draft Waiver after **May 25, 2008**, unless the Central Coast Water Board chairman rules that exclusion would create a severe hardship, and that the late submission will not prejudice any party or the Central Coast Water Board. Any person submitting late comments must explain why the materials were not submitted by May 25, 2008. The Central Coast Water Board Chairman will rule on late submittals at or before the hearing. Late submissions that consist of evidence (as opposed to policy statements or comments) are generally prejudicial unless all designated parties and Central Coast Water Board staff have time to consider the evidence before the meeting.

The issuance of the Waiver is subject to a one-time waste discharge requirements fee of $400 upon approval. The check should be made out to the State Water Resources Control Board.

Questions regarding this matter may be directed to **Matthew Keeling at (805) 549-3685 or mkeeling@waterboards.ca.gov,** or Burton Chadwick at (805) 542-4786.

Sincerely,

for Roger W. Briggs
Executive Officer

Enclosure: Waiver Resolution No. R3-2008-0045 (DRAFT)

cc w/ attachment:

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County of Monterey
Division of Environmental Health
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Salinas, CA 93906

Andrew Brownstone
BioSphere Consulting
1315 King Street
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Liz Gonzalez
County of Monterey
Planning Department
1668 W. Alisal Street
Salinas, CA 93901

Paper File: Monterey County Basin Plan Exception/Waiver Resolution folders
Electronic File: S:\WDR\Basin Plan Exemptions\Monterey Co\ISDS\220 Upper Walden Rd\BPexcempt.doc
Task Code: 126-01