

Central Coast Regional Water Quality Control Board

April 21, 2016

Interested Parties:

STATUS OF ONSITE WASTEWATER SYSTEM REGULATION

On April 14, 2015 we sent you a letter regarding changes in onsite wastewater treatment system regulations, how these changes may affect your community, and how you can participate in the Central Coast Water Board's decision-making process. We have not heard from your agency and we encourage you to contact our agency to discuss your options for regulating onsite wastewater disposal within your jurisdictional boundaries. The information below reiterates the policy and requirements for local agencies.

On June 19, 2012, the State Water Resources Control Board (State Water Board) adopted the *Water Quality Control Policy for Siting, Design, Operation, and Maintenance of Onsite Wastewater Treatment Systems* (OWTS Policy). On November 13, 2012, the California Office of Administrative Law approved the action, and the OWTS Policy became effective May 13, 2013. On May 30-31, 2013, the Central Coast Water Board amended its Basin Plan to address the OWTS Policy. Applicable statewide, the OWTS Policy specifies criteria for onsite systems based upon levels (tiers) of potential threat to water quality. Tier 0 addresses existing systems, Tier 1 addresses new and replacement systems, Tier 2 addresses systems regulated by a Local Agency Management Program (LAMP), Tier 3 addresses systems near impaired waters (TMDL-listed water bodies), and Tier 4 addresses systems in need of corrective action.

The OWTS Policy includes a conditional waiver of waste discharge requirements for Tier 0 (existing, properly functioning) systems that are not determined to be contributing to an impairment of surface water (Tier 3). The conditional waiver of waste discharge requirements also applies to Tier 1 (new or replacement systems) that comply with specific criteria intended to be protective of water quality. The criteria are intentionally conservative (similar to those adopted by the Central Coast Water Board) to ensure that use of such systems, without specific monitoring, will not result in water quality impairment. The OWTS Policy also provides for local agencies to implement alternative onsite criteria through Local Area Management Programs (LAMPs) (Tier 2). In short, the new OWTS Policy replaces the memoranda of understanding (MOU) process we have employed since 2008.

The OWTS Policy requires the following actions:

- a) In order to qualify for a conditional waiver of waste discharge requirements, onsite system owners must maintain existing systems in good repair.

b) If a local agency plans to develop a LAMP (Tier 2) implementing alternatives to the Tier 1 criteria, the LAMP must be submitted to the Water Board by May 13, 2016. The Water Board will review and approve the LAMP within one year of submittal.

c) Local agencies must submit annual reports describing implementation of OWTS programs (with or without a LAMP in place). The first annual report is due February 1, 2017.

d) If a local agency does not plan to develop a LAMP, then the local agency must either:

- Incorporate OWTS Policy Tier 1 criteria into their permitting by May 13, 2018;

or

- Obtain coverage for the areas (e.g., city boundary) managed by the local agency through a signed agreement with a separate local agency (e.g. County) that has an approved LAMP. Coverage means a separate local agency (e.g., county) shall implement the LAMP requirements and provide oversight to all OWTS within a defined area (e.g., city boundary).

Until the above actions take place, except for Tier 3 (Impaired Area) situations, the OWTS Policy allows local agencies to continue to implement their onsite programs consistent with the Basin Plan in place at the effective date of the Policy until 60 months after the effective date of the Policy (May 13, 2018), or approval of a LAMP, whichever comes first. In the Central Coast Region, the approved Basin Plan requirements are those adopted in 1983. If your local agency does not have an onsite program or an onsite program consistent with the Basin Plan, please contact the Water Board.

The Central Coast Water Board believes that local agency development and implementation of LAMPs will facilitate protection and improvement of regional water resources. Your agency will have the opportunity to tailor its onsite wastewater management program considering a variety of important criteria, including budgetary needs, land use issues, and local ordinances. Basin Plan criteria have recommended development of onsite management plans since 1983; however, the OWTS Policy requires such programs in areas where alternatives to Tier 1 criteria are implemented.


The OWTS Policy requires that specific components be addressed in LAMPs. We have updated the previously provided guidance to assist you in developing your submittal for approval (see attached LAMP Guidance Checklist). Please see the OWTS Policy for detailed requirements and submittal dates at:

http://www.swrcb.ca.gov/water_issues/programs/owts/docs/owts_policy.pdf

April 21, 2016

We look forward to continued open dialogue between your staff and ours regarding the implementation of onsite wastewater system programs and the new statewide policy. If you have any questions, please call or e-mail **Howard Kolb** at **805-549-3332** or **Howard.Kolb@waterboards.ca.gov**.

Sincerely,


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for
John M. Robertson
Executive Officer

cc: IPL

Attachments: LAMP Guidance Checklist

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