

**STATE OF CALIFORNIA
REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL COAST REGION**

STAFF REPORT FOR REGULAR MEETING OF JANUARY 29, 2021

Prepared on November 10, 2020

ITEM NUMBER: 10

SUBJECT: ORDER NO. R3-2021-0007, TERMINATION OF ORDER 00-12, GENERAL WASTE DISCHARGE REQUIREMENTS FOR RESIDENTIAL ON-SITE WASTEWATER SYSTEMS WITHIN THE BAYVIEW HEIGHTS AND MARTIN TRACT AREAS OF LOS OSOS, SAN LUIS OBISPO COUNTY

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KEY INFORMATION

Location: Los Osos/Baywood Park, San Luis Obispo County
Type of Discharge: Domestic wastewater
Treatment: Standard onsite wastewater treatment systems
Disposal: Subsurface dispersal
Reclamation: None
Existing Order: Order 00-12

ACTION: Adoption of Order No. R3-2021-0007 Terminating General Waste Discharge Requirements Order No. 00-12

SUMMARY

Staff proposes terminating General Waste Discharge Requirements Order 00-12 for residential onsite wastewater systems within the Bayview Heights and Martin Tract areas of Los Osos. Order 00-12 regulates discharges of waste from residential onsite systems in those areas.

Order 00-12 is no longer needed because San Luis Obispo County is now managing the regulation of onsite systems under the local area management program (LAMP) that was approved by the Central Coast Water Board on September 25, 2020.

DISCUSSION

Background

In 1983, the Central Coast Water Board established the Los Osos prohibition zone by amending the Basin Plan to prohibit the use of onsite wastewater treatment systems in specified areas of Los Osos and Baywood Park, San Luis Obispo County.

Subsequently, the Central Coast Water Board approved criteria for granting exemptions to the prohibition. In 2000, the Central Coast Water Board adopted General Waste Discharge Requirements Order 00-12, which formalized exemption criteria for the Martin Tract and Bayview Heights areas. Currently, the Central Coast Water Board regulates 20 properties through Order 00-12.

In 2016, San Luis Obispo County began operating the Los Osos Recycled Water Facility. The collection system does not include the Martin Tract or Bayview Heights, and homes in these areas continue to use onsite wastewater treatment systems.

On September 25, 2020, the Central Coast Water Board adopted San Luis Obispo County's LAMP. The LAMP establishes criteria that allow the county to manage the installation, maintenance, and repair of new and replacement septic systems.

Discussion

In general, parcels in the Martin Tract and Bayview Heights areas are over one acre in size, and depth to groundwater is typically more than 30 feet. The Central Coast Water Board approved exemption criteria for these areas because these conditions are more protective of groundwater than the higher parcel density and shallower groundwater typical of other parts of Baywood Park/Los Osos. Plans to sewer the Los Osos area did not include the Martin Tract or Bayview Heights because of the increased cost of constructing collection systems to serve the larger lot sizes in these areas.

With the county's LAMP in place, the county will regulate onsite systems throughout its jurisdiction, including the Los Osos area. Therefore, the Central Coast Water Board's separate regulation of onsite systems through Order 00-12 is not necessary. As the staff report for the LAMP approval stated:

Upon approval of the LAMP by the Central Coast Water Board followed by the San Luis Obispo County Board of Supervisors, General Order No. 00-12 will be terminated, and the Bayview Heights and Martin Tract areas will be regulated according to the LAMP criteria and requirements. The lot size restrictions contained in the LAMP for this area are sufficient to protect groundwater quality in these areas.

After termination of Order 00-12, onsite systems currently regulated by the Central Coast Water Board through this order will be regulated by the county. New and replacement systems and repairs of existing systems will be regulated pursuant to LAMP requirements. The LAMP criteria and requirements ensure increased protection compared to those in Order 00-12.

Compliance History

There are no documented cases of water-quality-related noncompliance with Order 00-12. However, many notices of violation have been issued over the years to remind regulated parties to pay their annual fees.

Human Right to Water

California Water Code section 106.3, subdivision (a) states that it is “the established policy of the state that every human being has the right to safe, clean, affordable, and accessible water adequate for human consumption, cooking, and sanitation purposes.” On January 26, 2017, the Central Coast Water Board adopted Resolution No. R3-2017-0004, which affirms the realization of the human right to water and the protection of human health as the Central Coast Water Board's top priorities.

Terminating Order 00-12 is consistent with Resolution No. R3-2017-0004 as it ensures regulatory consistency and protection of groundwater by requiring compliance with the county's local area management program for onsite wastewater systems.

Disadvantaged Communities

The Central Coast Water Board implements regulatory activities and water quality projects in a manner that ensures the fair treatment of people of all ethnicities, cultures, backgrounds and income levels, including disadvantaged communities (DACs). Additionally, the Central Coast Water Board is committed to providing all stakeholders the opportunity to participate in the public process and provide meaningful input to decisions that affect their communities.

Termination of Order 00-12 affects only the Martin Tract and Bayview Heights neighborhoods. These neighborhoods are not considered disadvantaged communities.

Climate Change

The Central Coast faces the threat and the effects of climate change for the foreseeable and distant future. To proactively prepare and respond, Central Coast Water Board staff has launched the Central Coast Water Board's Climate Action Initiative, which identifies how our work relates to climate change and prioritizes actions that promote adaptation and mitigation to improve resilience and protect beneficial uses. The Climate Action Initiative is consistent with the Governor's Executive Order B-30-15 and the State Water Board's Climate Change Resolution No. 2017-0012.

Termination of Order 00-12 will not have an effect on climate change response.

CONCLUSION

It is appropriate to terminate Order 00-12 because the county's LAMP ensures appropriate regulation of septic systems in these unsewered areas of Los Osos.

RECOMMENDATION

Adopt Order No. R3-2021-0007 terminating Order 00-12.

ATTACHMENTS

1. Proposed Order No. R3-2021-0007

WDR Program

ECM Subject Name = Los Osos Water Recycling Facility

ECM/CIWQS Place ID = CW-822816

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