

**STATE WATER RESOURCES CONTROL BOARD
BOARD MEETING SESSION – CENTRAL COAST REGIONAL WATER BOARD
JANUARY 21, 2014**

ITEM 5

SUBJECT

CONSIDERATION OF A RESOLUTION TO APPROVE AN AMENDMENT TO THE WATER QUALITY CONTROL PLAN FOR THE CENTRAL COASTAL BASIN (BASIN PLAN) TO REVISE THE ONSITE WASTEWATER SYSTEM IMPLEMENTATION PROGRAM

DISCUSSION

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). The OWTS Policy designates regional boards with principal responsibility for overseeing its implementation and calls for incorporation of the OWTS Policy requirements into regions' basin plans within a year of the policy's effective date. The California Regional Water Quality Control Board, Central Coast Region (Central Coast Water Board) took action at its May 30-31, 2013 meeting, to align its Basin Plan with the OWTS Policy.

The OWTS Policy conditionally waives requirements to submit a report of waste discharge and associated application fees, and waives waste discharge requirements for onsite systems that comply with the Policy (OWTS Policy Section 12). The conditional waiver effectively replaces the Central Coast Water Board's waiver for onsite systems that expired in 2004. The OWTS Policy does not limit the Central Coast Water Board's authority to require reports of waste discharge and to issue individual or general waste discharge requirements when such actions are needed to protect water quality. The OWTS Policy upholds, and does not waive, any Basin Plan prohibitions and/or local agency requirements.

The requirements of the OWTS Policy are effective through the OWTS Policy regardless of Basin Plan provisions. However, updating the Basin Plan will provide the public and local agencies with more clear and consistent direction regarding onsite systems and is required by the OWTS Policy.

Proposed Resolution - This resolution approves [Resolution No. R3-2013-0005](#), adopted by the Central Coast Water Board to align the Basin Plan with the State Water Board's OWTS Policy, as required by state law and the OWTS Policy.

Resolution No. R3-2013-0005 amends the Basin Plan onsite wastewater sections by incorporating (by reference) the State Water Board's OWTS Policy. Much of the existing (1983) Basin Plan language describing onsite criteria and implementation program is deleted, and resolutions adopted by the Central Coast Water Board in 2008, 2009 and 2011 amending the onsite sections are rescinded, as such language would be redundant with the OWTS Policy. For clarity, some renumbering of sections is also included in the Basin Plan amendment. Specific revisions and revised Basin Plan text are shown on Attachments A and B of Resolution No. R3-2013-0005, available for review on the Central Coast Water Board program page:

Most significantly, the following text is added to the Basin Plan:

“Requirements for siting, design, operation, maintenance, and management of onsite wastewater systems are specified in the State Water Resources Control Board’s *Water Quality Control Policy for Siting, Design, Operation, and Maintenance of Onsite Wastewater Treatment Systems* (OWTS Policy). The OWTS Policy sets forth a tiered implementation program with requirements based upon levels (tiers) of potential threat to water quality. The OWTS Policy includes a conditional waiver of waste discharge requirements for onsite systems that comply with the policy.

“The OWTS Policy, including future revisions, is incorporated into this Basin Plan and shall be implemented according to the policy’s provisions.”

Revisions are also added to clarify that exemption authority of the Central Coast Water Board is limited to prohibition area exemptions and does not extend to granting exemption to the OWTS Policy, as such exemptions remain the authority of the State Water Board.

POLICY ISSUE

Should the State Water Board approve an amendment of the Central Coast Water Board’s Basin Plan to align the Basin Plan with the OWTS Policy?

FISCAL IMPACT

Central Coast Water Board staff work associated with or resulting from this action will be addressed with existing and future budgeted resources. This amendment does not create new requirements, but clarifies provisions of the OWTS Policy by aligning the Basin Plan with the OWTS Policy. This alignment could result in savings of staff resources that would otherwise be needed to clarify such provisions on a case-by-case basis.

REGIONAL BOARD IMPACT

Approval of this resolution will amend the Central Coast Water Board’s Basin Plan, meet requirement for Basin Plan alignment specified in the OWTS Policy, and complete a triennial review priority action that has been backlogged for more than 15 years.

STAFF RECOMMENDATION

That the State Water Board:

1. Approve the amendment to the Basin Plan adopted under Central Coast Water Board Resolution No. R3-2013-0005.
2. Authorizes the Executive Director or designee to submit the amendment as approved and the administrative record for this action to the Office of Administrative Law for approval.

State Water Board action on this item will assist the Water Boards in reaching Goal 2 to improve and protect groundwater quality in high-use basins by 2030 and in reaching Goal 6 to enhance consistency across the Water Boards, on an ongoing basis, to ensure our processes are effective, efficient, and predictable, and to promote fair and equitable application of laws, regulations, policies, and procedures. In particular, approval of this item will assist in fulfilling Objective 2.1 to implement an integrated groundwater protection approach by 2012 to improve and protect groundwater in high-use basins that (a) evaluates and regulates activities that impact or have the potential to impact beneficial uses, (b) recognizes the effects of groundwater and surface water interactions on groundwater quality and quantity, and (c) encourages and facilitates local management of groundwater resources. Also, approval of this item will assist in fulfilling Objective 6.1 to target consistency improvements in process and policy for Water Board enforcement activities to promote compliance.

DRAFT

STATE WATER RESOURCES CONTROL BOARD RESOLUTION NO. 2014-

APPROVING AN AMENDMENT TO THE WATER QUALITY CONTROL PLAN FOR THE CENTRAL COASTAL BASIN TO REVISE THE ONSITE WASTEWATER SYSTEM IMPLEMENTATION PROGRAM

WHEREAS:

1. On June 19, 2012, the State Water Resources Control Board (State Water Board) adopted Water Quality Control Policy for Siting, Design, Operation, and Maintenance of Onsite Wastewater Treatment Systems (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.
2. On May 30, 2013, the Regional Water Quality Control Board, Central Coast Region adopted [Resolution R3-2013-0005](#), an amendment to the Water Quality Control Plan for the Central Coastal Basin to revise the onsite wastewater implementation sections of the Basin Plan and to incorporate by reference the OWTS Policy into the Basin Plan. Resolution R3-2013-0005 also rescinds three resolutions related to onsite systems that were not approved by the State Water Board ([Resolution No. R3-2008-0005](#), [Resolution No. R3-2009-0012](#), and [Resolution No. R3-2011-0004](#)).
3. 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 Basin Plan 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.
4. Central Coast Water Board found the Basin Plan amendment to be 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).
5. The State Water Board finds that the Basin Plan amendment is in conformance with Water Code section 13240, which specifies that regional water quality control boards may revise basin plans; section 13242, which requires a program of implementation to achieve water quality objectives; and section 13243 which authorizes regional water quality control boards to specify certain conditions or areas where the discharges of certain types of waste will not be permitted.
6. A Basin Plan amendment does not become effective until approved by the State Water Board and until the regulatory provisions are approved by the California Office of Administrative Law.

D R A F T

THEREFORE BE IT RESOLVED THAT:

The State Water Resources Control Board:

1. Approves the amendment to the Basin Plan adopted under Central Coast Water Board Resolution No. R3-2013-0005.
2. Authorizes and directs the Executive Director or designee to submit the amendment adopted under Central Coast Water Board Resolution No. R3-2013-0005 and the administrative record for this action to the California Office of Administrative Law.

CERTIFICATION

The undersigned Clerk to the Board does hereby certify that the foregoing is a full, true, and correct copy of a resolution duly and regularly adopted at a meeting of the State Water Resources Control Board held on January 21, 2014.

Jeanine Townsend
Clerk to the Board