

**STATE WATER RESOURCES CONTROL BOARD
BOARD MEETING SESSION – DIVISION OF WATER QUALITY
SEPTEMBER 23, 2014**

ITEM 9

SUBJECT

CONSIDERATION OF A PROPOSED RESOLUTION TO ADOPT A NEGATIVE DECLARATION AND PROPOSED GENERAL WASTE DISCHARGE REQUIREMENTS FOR SMALL DOMESTIC WASTEWATER TREATMENT SYSTEMS

DISCUSSION

The General Waste Discharge Requirements Order (General Order) addresses land application of treated wastewater from small domestic wastewater treatment systems that will be applicable statewide. The General Order will provide coverage for systems with a monthly average flow rate up to 100,000 gallons per day. The General Order will be used by Regional Water Quality Control Boards (Regional Water Boards) to streamline permitting of small domestic wastewater treatment systems, which typically are a relatively low threat to groundwater quality.

The General Order is a revision of an existing water quality order adopted in 1997 by the State Water Resources Control Board (State Water Board) [Water Quality Order 97-10-DWQ](#) (WQO 97-10). WQO 97-10 is used to permit small domestic wastewater treatment systems. Existing enrollees under WQO 97-10 will generally remain under that order and will be transitioned to coverage under the General Order at the discretion of the Regional Water Board or when site-specific conditions warrant an update.

Attachments to the General Order provide information on the application process. Dischargers will benefit from a better understanding of the permitting process, clear direction in preparing a report of waste discharge, and reduced delays in obtaining coverage. The Regional Water Boards will benefit through reduced application review time, fewer requests for additional information, reduced permitting delays, and less staff time spent on sites that are generally considered a low threat to water quality.

The public notice of the proposed General Order and Negative Declaration began on June 25, 2014 and ended on July 25, 2014. Public notice of the General Order and Negative Declaration was transmitted by U.S. mail to all 58 county clerks for a 30-day posting of the California Environmental Quality Act (CEQA) notice, all enrollees or applicants for enrollment under WQO-97-10, and all known interested stakeholder groups. A legal notice was published in six newspapers with the largest circulation in geographic areas across the state, automated e-mail messages containing the public notice were transmitted to Lyris lists related to land discharge of wastewater (Onsite Wastewater Treatment System list and Onsite Wastewater Policy Implementation list), and the notice was published on the State Water Board's web site. Comments on the General Order were received, reviewed, and the order was revised where appropriate.

Changes to the General Order addressed clarification on consistency with the Onsite Wastewater Treatment System Policy, the Recycled Water Policy, title 22 recycled water requirements, and an evaluation process to determine the need for nitrogen effluent limits for discharges above 20,000 gallons per day.

POLICY ISSUE

Should the State Water Board adopt the proposed General Order for Small Domestic Wastewater Systems?

FISCAL IMPACT

None.

REGIONAL BOARD IMPACT

If adopted, the General Order will be available to the Regional Water Boards to use for small domestic wastewater treatment systems that meet the eligibility criteria in the General Order.

STAFF RECOMMENDATION

Staff recommends that the State Water Board approve the resolution approving an Initial Study/Negative Declaration and adopt the General Waste Discharge Requirements.

State Water Board action on this item will assist the Water Boards in reaching Goals 3 and 6 of the Strategic Plan Update: 2008-2012 to increase sustainable local water supplies and enhance consistency across the Water Boards.
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STATE WATER RESOURCES CONTROL BOARD RESOLUTION NO. 2014-

CALIFORNIA ENVIRONMENTAL QUALITY ACT NEGATIVE DECLARATION GENERAL WASTE DISCHARGE REQUIREMENTS FOR SMALL DOMESTIC WASTEWATER TREATMENT SYSTEMS

WHEREAS:

1. California Water Code section 13260(a) requires that any person discharging waste or proposing to discharge waste, other than to a community sewer system, that could affect the waters of the state, shall file a report of waste discharge with the appropriate Regional Water Quality Control Board (Regional Water Board) to prescribe waste discharge requirements as to the nature of any proposed discharge, existing discharge, or material change in an existing discharge.
2. State Water Resources Control Board (State Water Board) staff has prepared a General Waste Discharge Requirements Order ([General Order](#)) for land application of treated wastewater from small domestic wastewater treatment systems (small domestic systems) with a monthly flow rate up to 100,000 gallons per day. The adoption of the General Order involves a discretionary action by the State Water Board; therefore, it is considered a project and is subject to environmental review pursuant to the California Environmental Quality Act (CEQA). The State Water Board is the lead agency for the CEQA evaluation.
3. Consistent with Public Resources Code section 21080.3, the State Water Board consulted with responsible and trustee agencies regarding the project before determining the type of CEQA document to prepare. The list of agencies consulted was developed with assistance from the California Office of Planning and Research. A draft Initial Study was transmitted on September 27, 2012 to all identified agencies. Comments were received from the California Department of Fish and Wildlife, California State Lands Commission, and California Coastal Commission. No mitigation measures were recommended by any of the agencies.
4. The attached [Initial Study](#) addresses the environmental factors that can be reasonably anticipated when considering the use of the General Order on a statewide basis. The Initial Study does not address a site-specific project and therefore impacts for some of the environmental factors are not reasonably foreseeable.
5. The adoption of the General Order for existing small domestic systems is categorically exempt from CEQA pursuant to California Code of Regulations, title 14, section 15301 (ongoing or existing projects), section 15302 (replacement or reconstruction of existing utility systems), and section 15303 (utility extensions).
6. For new or expanding small domestic systems, the State Water Board hereby considers the environmental impacts associated with the adoption of the General Order and prepared an Initial Study in accordance with California Code of Regulations, title 14, section 15063. Analysis in the Initial Study and early consultation with responsible and trustee agencies did not identify any significant impacts on the environment. Therefore, a negative declaration was prepared.

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7. New or expanding small domestic systems are subject to further CEQA evaluation on a site-specific basis by local agencies performing CEQA evaluations of proposed projects. The potential significant environmental impacts from discharges of domestic wastewater can be mitigated to a level of insignificance by compliance with the General Order, the Notice of Applicability, and any mitigation measures adopted by local agencies.
8. The State Water Board distributed a draft Initial Study, Negative Declaration, and General Order on June 25, 2014, for a 30-day public comment period. The comment period ended on July 25, 2014.
9. Public notice of the General Order and Negative Declaration was transmitted via U.S. mail to all enrollees or applicants for enrollment under Water Quality Order 97-10, and all 58 county clerks for a 30-day posting of the CEQA notice. A legal notice was published in six newspapers with the largest circulation in geographic areas across the state, automated e-mail messages containing the public notice were transmitted to Lyris lists related to land discharge of wastewater (Onsite Wastewater Treatment System list and Onsite Wastewater Policy Implementation list), and the notice was published on the State Water Board's Internet webpage.
10. The State Water Board conducted a public hearing on September 23, 2014, in Sacramento to consider adoption of the Negative Declaration and General Order.
11. The documents and other materials that constitute the record of proceedings on which the State Water Board findings are based are located at State Water Resources Control Board, Division of Water Quality, 1001 I Street, 15th floor, Sacramento, California, 95814. The custodian for these documents is the Division of Water Quality.
12. The State Water Board will file a Notice of Determination for this project with the Governor's Office of Planning and Research within five days from issuance of this resolution in accordance with California Code of Regulations, title 14, section 15075.

THEREFORE BE IT RESOLVED THAT:

The State Water Board has determined that the proposed project will have a less-than-significant effect on the environment as described in the Initial Study and hereby adopts the [Negative Declaration](#).

CERTIFICATION

The undersigned Clerk to the Board hereby does 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 September 23, 2014.

Jeanine Townsend
Clerk to the Board