

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL COAST REGION
895 AEROVISTA PLACE, SUITE 101
SAN LUIS OBISPO, CALIFORNIA**

DRAFT RESOLUTION NO. R3-2005-0019

Waiver of Waste Discharge Requirements

For

**FAST TREATMENT AND GEOFLOW DISPOSAL SYSTEM
NOTT PROJECT, 763 AMESTI ROAD, WATSONVILLE
APN No. 050-061-40
Santa Cruz County**

The California Regional Water Quality Control Board, Central Coast Region (hereinafter Regional Board) finds that:

1. California Water Code Section 13260(a) requires any person discharging waste, or proposing to discharge waste within any region that could affect the quality of the waters of the state, other than into a community sewer system, shall file with the appropriate Regional Board a report of the discharge (“report of waste discharge” or “ROWD”) or other report containing such information and data as may be required by the Regional Board.
2. The Regional Board prescribes waste discharge requirements except where the Regional Board finds that a waiver of waste discharge requirements is consistent with applicable water quality control plans and is in the public interest, pursuant to California Water Code Section 13269.
3. California Water Code (CWC) Section 13269 provides that all waivers of waste discharge requirements must be conditional, may not exceed five years in duration, and may be terminated at any time by the Regional Board.
4. The subject site consists of an approximately 1.0-acre residential property comprising APN No. 050-061-40 located at 763 Amesti Road in Watsonville. The property is within an unincorporated area of Santa Cruz County and is not within a sewer services district and requires an on-site wastewater disposal system. The property owner, Mr. Ken Nott (hereafter Discharger), applied for a permit from the Santa Cruz County Health Services Agency (County Health Services) to install an on-site wastewater disposal system (a 0.5 FAST treatment system with Geoflow pressure shallow disposal system). Depth to groundwater at the subject site is approximately 48 inches.
5. The Regional Board’s Water Quality Control Plan (Basin Plan) specifically prohibits discharges from new soil absorption systems installed after September 16, 1983, at sites where the distance between trench bottom and usable groundwater, including perched groundwater, is less than five feet.
6. County Health Services determined the site does not meet Basin Plan requirements for a standard on-site subsurface disposal system because of insufficient vertical separation between disposal trench bottom and first encountered groundwater. Consequently, County Health Services is not authorized to issue a permit without an exemption from the Basin Plan prohibition.
7. On November 10, 2004, County Health Services submitted a request for Regional Board concurrence with County approval of the proposed system in accordance with the County of Santa Cruz Sewage Disposal regulations. The County’s request constitutes a request for a Basin Plan exemption and a report of waste discharge.

8. The Discharger designed the proposed 0.5 FAST treatment system and Geoflow disposal system.
9. The Executive Officer approved the Basin Plan exemption and notified the Discharger of the proposed waiver on December 16, 2004.
10. The Regional Board has considered the design information provided in the application and has required the Discharger, as a condition of this waiver, to comply with all Santa Cruz County permit requirements.
11. Individual subsurface disposal systems for domestic residences are categorically exempt from CEQA under California Code of Regulations, Title 14, Section 15303. FAST treatment systems and Geoflow disposal systems have been successfully operated under similar conditions throughout the Region.
12. Relevant factors in determining whether a waiver is in the public interest include the following:
 - a) Whether the discharge is already regulated by another governmental entity;
 - b) Whether the discharger will observe reasonable practices to minimize the deleterious effects of the discharge;
 - c) Whether a feasible treatment method exists to control the pollutants in the discharge; and
 - d) Whether conditionally waiving ROWDs and/or waste discharge requirements will adequately protect beneficial uses while allowing the Regional Board to utilize more of its resources to conduct field oversight, public outreach and, where necessary, enforcement.
13. The treatment and disposal system is regulated by County Health Services, which requires the Discharger to implement operational controls, maintenance activities, and regular monitoring and reporting to prevent water quality impacts as a result of system overloading, power failure, and system failure.
14. The conditions of this waiver protect beneficial uses by:
 - a) Prohibiting pollution, contamination or nuisance;
 - b) Requiring monitoring and compliance with applicable water quality control plans and Santa Cruz County permit requirements; and
 - c) Requiring the Discharger to grant access to Regional Board staff to perform inspections.
15. If the proposed treatment and disposal system is properly operated and maintained in accordance with Santa Cruz County permit conditions and the conditions of this Resolution, a waiver of waste discharge requirements is in the public interest and is consistent with applicable water quality control plans, including the Water Quality Control Plan, Central Coast Region.
16. Pursuant to CWC Section 13269, this action waiving the issuance of waste discharge requirements for this on-site treatment and disposal system: (a) is conditional, (b) may be terminated at any time, (c) does not permit an illegal activity, (d) does not preclude the need for permits which may be required by other local or governmental agencies, and (e) does not preclude the Regional Board from administering enforcement remedies (including civil liability) pursuant to the CWC.
17. Operation of the system consistent with this Resolution will not degrade groundwater and is consistent with State Water Resources Control Board Resolution No. 68-16. Resolution No. 68-16 provides, if there is degradation of water quality, it must not “unreasonably affect present and anticipated beneficial use of such water and will not result in water quality less than that prescribed [by the water quality control] policies.” In short, the degradation may not violate water quality objectives or in the absence of objectives, must not unreasonably affect existing and designated beneficial uses. Also, if there is degradation the Board must determine that it has been demonstrated the change “will be consistent with

the maximum benefit to the people of the State.”

18. The monitoring and reporting requirements of this Resolution are imposed pursuant to CWC Section 13267. The monitoring and reporting are necessary to ensure compliance with the conditions of this Resolution and to verify the adequacy and effectiveness of the conditions.
19. The Regional Board conducted a public hearing on February 11, 2005, in Salinas, California, and considered all evidence concerning this matter.

THEREFORE BE IT RESOLVED:

1. In accordance with CWC Sections 13267 and 13269, waste discharge requirements for the proposed on-site treatment and disposal system are hereby waived subject to the following conditions:
 - a) The individual sewage disposal system shall be installed under the oversight of County Health Services and be operated and maintained in accordance with Santa Cruz County permit conditions.
 - b) The Discharger shall comply with Santa Cruz County Permit Conditions.
 - c) In accordance with the maintenance contract between County Health Services and the property owner, the treatment and disposal system shall be inspected at least every two years for adequate treatment and operation, and monitoring reports shall be submitted to the County.
 - d) The disposal system shall be flushed every six months, the date logged by the contractor, and the information included in the report to County Health Services.
 - e) An area on the subject property comprising 600 square feet shall be set aside for future replacement of the proposed disposal system, if necessary.
 - f) Monthly average daily flow shall not exceed 400 gallons per day.
 - g) Use of the individual sewage disposal system shall not create a condition of pollution, contamination, or condition of nuisance, as defined by CWC Section 13050.
 - h) Only domestic wastewater shall be discharged to the individual sewage disposal system.
 - i) The Regional Board and County Health Services shall be immediately notified of any proposed change(s) in discharge volume, nature, or location.
 - j) The Regional Board and County Health Services shall be immediately notified of any discharges threatening water quality or public health.
 - k) The Regional Board may inspect the treatment/disposal system at any time to evaluate compliance with this Region’s Basin Plan.
2. This waiver shall not create a vested right and all such discharges shall be considered a privilege, as provided for in CWC Section 13263.
3. The Executive Officer or Regional Board may terminate the applicability of the waiver described herein at any time if the Discharger violates the conditions of this waiver, if such termination is in the public interest, or if the disposal system could adversely affect the quality or beneficial uses of the waters of the State.
4. This waiver shall become effective on **February 11, 2005**, and shall expire on **February 11, 2010**.
5. As provided by CWC Section 13350(a), any person may be civilly liable if that person is in violation of a waiver condition or waste discharge requirements, intentionally or negligently discharges waste, or causes

waste to be deposited where it is discharged, into the waters of the State and creates a condition of pollution or nuisance.

6. Any person affected by this action of the Regional Board may petition the State Water Resources Control Board (State Board) to review the action in accordance with section 13320 of the California Water Code and Title 23, California Code of Regulations, Section 2050. The petition must be received by the State Board within 30 days of the date of this Resolution. Copies of the law and regulations applicable to filing petitions will be provided upon request.

I, Roger W. Briggs, Executive Officer, do hereby certify the foregoing is a full, true, and correct copy of a Resolution adopted by the California Regional Water Quality Control Board, Central Coast Region, on February 11, 2005.

Roger W. Briggs, Executive Officer