

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

**STAFF REPORT FOR REGULAR MEETING OF MARCH 20, 2009**

Prepared on February 24, 2009

**ITEM NUMBER: 18**

**SUBJECT: Resolution No. R3-2009-0012; Amendment to the Water Quality Control Plan, Central Coast Basin, regarding onsite wastewater system implementation program**

**KEY INFORMATION**

**Location:** Throughout the Central Coast Region  
**Type of Waste:** Domestic wastewater r discharged from individual and community onsite wastewater systems

**This Action:** **Adoption of Resolution No. R3-2009-0012**

**SUMMARY**

Historically, discharges from conventional onsite wastewater disposal systems (onsite systems) have been regulated by local governing jurisdictions (cities and counties) that implemented local requirements and the criteria for onsite systems set forth in the Central Coast Water Board's Water Quality Control Plan (Basin Plan). The Central Coast Water Board had also adopted a general waiver of waste discharge requirements (General Waiver) for onsite systems where such systems were regulated by local agencies. The Water Board entered into multi-agency memoranda of understanding (MOUs) governing regulation of onsite systems, and local permitting agencies implemented criteria for onsite systems through their own permits. Pursuant to Water Code §13269(b)(2), the Central Coast Water Board's General Waiver expired on June 30, 2004. Since expiration of the General Waiver, discharges from onsite systems have not been formally authorized by the Central Coast Water Board as required by the California Water Code. Due in part to this lack of regulatory oversight, consistent compliance with Basin Plan criteria is sporadic and there is little (if any) monitoring of onsite system performance or water quality impacts from onsite disposal.

To address the requirements of the California Water Code, the Central Coast Water Board, on May 9, 2008, adopted an amendment to the Basin Plan that updated and clarified criteria for onsite systems (Resolution No. R3-2008-0005). Since adoption of the amendments to the criteria, the Water Board staff noted that minor revisions were necessary to further clarify the amendment. Proposed revisions are identified by underlining (additions) and strike-out (deletions). This agenda item considers the proposed revisions to the amendment adopted on May 9, 2008, and is not intended to include reconsideration of the entire section.

To assure compliance with the California Water Code, the Central Coast Water Board will also consider on March 20, 2009, a proposed Basin Plan amendment to establish an Implementation Program as a conditional waiver of waste discharge requirements for onsite systems that meet Basin Plan criteria for siting, design, construction, and management. Adoption of the proposed Basin Plan amendment will complete a Triennial Review list priority task which has been backlogged for many years. The proposed Basin Plan amendment (Resolution No. R3-2009-0012) establishes regulatory oversight, management, and

monitoring of onsite systems in a manner that is clear, streamlined and protective of water quality.

## DISCUSSION

Background - California Water Code §13263 authorizes the Regional Water Quality Control Board, Central Coast Region (Central Coast Water Board) to regulate waste discharges that could affect the quality of State waters, including discharges from onsite wastewater systems. California Water Code section 13260 requires any person who discharges waste, except into a publicly owned treatment facility, to submit a report of waste discharge (application) for discharge authorization. Section 13269 of the California Water Code authorizes the Central Coast Water Board to waive the issuance of waste discharge requirements and the requirement to submit a report of waste discharge, provided such waivers are conditional, do not exceed five years, are consistent with applicable state or regional water quality control plans, and are in the public interest.

The Central Coast Water Board encourages direct regulation of onsite systems by an authorized and qualified local agency, where such a policy is mutually beneficial. To facilitate direct regulation, the Water Board enters into MOUs with local agencies that appropriately regulate onsite system siting, design, construction, monitoring and performance, in accordance with criteria specified in the Basin Plan. The MOUs provide for local regulation of the Central Coast Water Board's implementation program with respect to onsite systems.

On June 30, 2004, the waiver for onsite system discharges expired (in accordance with California Water Code §13269), leaving no formal authorization for local regulation of onsite system discharges. Expiration of the waiver left onsite systems subject to individual waste discharge requirements, a cumbersome and redundant manner of regulatory oversight. Accordingly, the Central Coast Water Board's onsite system General Waiver and implementing MOUs need to be revised and updated. This agenda item proposes to adopt a revised Conditional Waiver. The updating of MOUs will take place over the coming months. Conditional Waivers granted for discharges are consistent with the Basin Plan, and where such waivers are in the public interest, enable staff time to be used efficiently and avoid unnecessary expenditures of limited resources.

In 2000, the California State Legislature passed Assembly Bill 885 (§13291 of the California Water Code). Assembly Bill 885 requires the State Water Resources Control Board (State Water Board), in consultation with state and local health departments, California Coastal Commission, counties, cities and other interested persons, to adopt regulations or standards for onsite wastewater systems. For the past eight years, Central Coast Water Board staff members have been participating in the State Water Board's regulation development process. These regulations are not yet established. Also, we do not anticipate that the statewide regulations (when adopted) will replace the need for Basin Plan criteria for onsite systems. Although such statewide regulations are not yet in place, §13269 requires any waiver for onsite systems adopted or renewed after June 30, 2004, to be consistent with the applicable regulations or standards adopted pursuant to §13291. If more stringent statewide regulations are adopted pursuant to §13291, then such regulations will be incorporated into this waiver at a later date.

Proposed Resolution - Resolution No. R3-2009-0012 (presented as Attachment 1 to this staff report) adopts an Implementation Program into the Basin Plan under Water Code section 13242 that conditionally waives waste discharge requirements for discharges from onsite systems, and authorizes the Water Board's Executive Officer to enroll and terminate

enrollment in the Conditional Waiver. The proposed Implementation Program also would waive the requirement to submit reports of waste discharge for existing and certain new onsite wastewater systems.

Conditions for Waiver - Resolution No. R3-2009-0012 would adopt a Basin Plan Implementation Program to regulate onsite systems. This Implementation Program sets forth two types of conditional waivers for the regulation of onsite wastewater systems. Section VIII.D.3.a. conditionally waives waste discharge requirements, but not reports of waste discharges, for those systems regulated directly by the Central Coast Water Board. Section VIII.D.3.b conditionally waives waste discharge requirements and reports of waste discharge for those systems that are regulated by local governing jurisdictions that comply with the conditions of this section.

Water Board Only Regulated Systems: For those onsite wastewater systems regulated directly by the Water Board, the Implementation Program waives waste discharge requirements [California Water Code §13263(a)] for discharges from onsite wastewater systems sited, designed, managed and maintained in a manner consistent with criteria specified in the Basin Plan, Chapter 4, Section VIII.D. Applicants for enrollment under the proposed Conditional Waiver must submit a report to the Water Board in the form of a report of waste discharge (ROWD, standard WDR application and fee) that describes and documents the proposed onsite system's consistency with Basin Plan criteria. Each ROWD submittal shall be accompanied by a fee corresponding to the lowest applicable fee for waste discharge requirements (threat and complexity rating of III-C) identified in the State Water Board's fee schedule (currently \$560). Applicants seeking enrollment in this Conditional Waiver are required to comply with conditions specified in a Water Board-approved onsite management program implemented by the local permitting authority, when such a plan is implemented.

Other Systems: The Implementation Program would waive the requirements for submittal of reports of waste discharge, issuance of waste discharge requirements, and enrollment notification [California Water Code §13260(a) and (b), §13263(a), and §13264(a)] for discharges from existing onsite systems and new onsite systems that comply with the conditions set forth in the Implementation Program, including sites regulated directly by local governing jurisdictions and sited, designed, managed and maintained in a manner consistent with a Water Board-approved onsite management plan implemented by the local permitting authority, which also implements an authorizing MOU with the Central Coast Water Board. A checklist is included as Attachment 2 to this staff report, to be used by local agencies for developing, and Water Board staff reviewing, onsite wastewater management plans. Provided all conditions (of the onsite management plan and MOU) are met, these dischargers need not submit applications to the Central Coast Water Board, pay fees, or receive waiver enrollment notification. Applications, fees and enrollment notification are not needed for existing onsite systems managed in accordance with the local permitting agency's onsite wastewater management plan.

MOUs with Local Jurisdictions - The Central Coast Water Board creates water quality protection policies, provides guidance, and implements region-wide programs in conjunction with local agencies. Local jurisdictions implement a variety of regulations (including Water Board requirements) through their permitting processes. In order to implement these coordinated roles, the Water Board and local jurisdictions enter into memoranda of understanding (MOUs), which describe each entity's role within formal institutional agreements. Central Coast Water Board staff members have been in the process of developing and updating such MOUs over the past few years (some of which are more than 20 years old). Proposed Resolution No. R3-2009-0012 will be implemented through updated

MOUs to ensure consistent implementation of the Basin Plan criteria for onsite systems.

The proposed resolution authorizes the Executive Officer to approve and execute, on behalf of the Central Coast Water Board, individual MOUs with local agencies in the Region. The MOUs will reflect the requirements specified in Chapter 4, Section VIII.D of the Basin Plan (sections pertaining to onsite wastewater systems). The Water Board may not force the local jurisdictions to enter into an MOU, however, for the waiver of waste discharge requirements and waiver of the need for a report of waste discharge to be available for an individual discharger, the proposed Implementation Program requires an MOU as a condition of the waiver. The purpose of the MOU is to provide assurance that local regulation of onsite systems will result in compliance with the Basin Plan criteria and protect water quality. The proposed Basin Plan amendment includes a condition that the local jurisdiction to amending its municipal code and onsite system program, if necessary, to be substantially equivalent to any statewide regulations adopted by the State Water Board pursuant to California Water Code §13290 and §13291. Individual MOUs will incorporate additional measures to be taken by the local agency to identify and address areas of degraded groundwater or surface water quality where onsite systems are a potential source of pollution.

Water Board staff believe that this approach (MOUs and conditional waivers) will prove to be most effective in protecting water quality from impacts associated with onsite systems in a streamlined fashion (without duplicative agency oversight).

The proposed Basin Plan amendment also includes minor revisions to the onsite wastewater criteria updated in May 2008. Proposed revisions are identified by underlining (additions) and strike-out (deletions). These changes are intended to add clarity and consistency in terminology, applicable dates, and Implementation Program components. The Basin Plan amendment adopted by the Central Coast Water Board in May 2008 (Resolution No. R3-2008-0005) has not yet been approved by the State Water Board. Any amendment to the Basin Plan adopted with this action will be consolidated with the May 2008 amendment for State Water Board review and approval.

#### **ENVIRONMENTAL SUMMARY**

On November 14, 2008, Central Coast Water Board staff held a scoping meeting pursuant to the California Environmental Quality Act (CEQA) (California Public Resources Code §21083.9(a)(2) to discuss possible alternatives to the regulation of onsite wastewater systems and potential for adverse environmental impacts that could result from the adoption of a waiver policy. The scoping meeting was publically noticed on the Central Coast Water Board's website and individual notifications sent to 66 known interested persons. Nineteen participants signed-in at the scoping meeting, including representatives from Santa Clara, San Benito, Santa Cruz, Monterey, and San Luis Obispo Counties, the City of Atascadero, and members of the public. Central Coast Water Board staff separately discussed the scoping meeting and process with representatives of Santa Barbara County who were unable to attend the workshop due to wildfires in the area. The November 14, 2008, scoping meeting was in addition to an earlier scoping meeting held on July 30, 2004. Based upon public response to a similar agenda item proposed in May 2008, this additional opportunity for public input and public education was merited.

During the scoping meeting, considerable time was spent describing the Water Board's CEQA process, as it differs from the standard EIR process with which many are familiar. The Basin Planning process is certified by the California Resources Agency as an exempt regulatory program, in accordance with CEQA Guidelines [§15251, Title 14, California Code of Regulations (CCR)]. The Water Board is exempt from the requirement to prepare an

environmental impact report or negative declaration. In lieu of these reports, the Water Board must prepare substitute environmental documents (described in detail in Attachment 1C). Alternatives to the proposed Implementation Program, suggested during the scoping meeting, are described in the Substitute Environmental Document (Attachment 1C) and as follows.

### Discussion of Alternatives

#### No project or Status Quo

**Pros:** No Water Board action required.

**Cons:** Inconsistent with State law, as described above (page 1, paragraph 2). State law requires formal authorization for discharge of waste, including discharge from onsite wastewater systems. Without an available conditional waiver for such discharges, considerable Water Board resources (staff and hearing time) would be required to issue waste discharge requirements for onsite systems. This process would also cause significant project delays for applicants and would include application fees. Projects proceeding without authorizing waste discharge requirements would not necessarily be consistent with the Basin Plan criteria and water quality protection would not be ensured.

#### Statewide Waiver

**Pros:** The State Water Board is currently gathering public comments on a draft EIR for statewide regulations pursuant to §13291 (AB885) and an associated waiver of waste discharge requirements. If adopted, the statewide waiver could act in lieu of a region-specific waiver and require conditions designed to ensure water quality protection. The draft EIR and associated documents are available for review at the following link: [http://www.swrcb.ca.gov/water\\_issues/programs/septic\\_tanks/docs/draft\\_eir/notice\\_owts\\_ne.pdf](http://www.swrcb.ca.gov/water_issues/programs/septic_tanks/docs/draft_eir/notice_owts_ne.pdf)

**Cons:** As described above (page 2, paragraph 4), staff does not anticipate the statewide regulations will be adopted in the near future or that such requirements will preclude the need for implementing Basin Plan criteria for onsite systems.

#### General Region-wide Waste Discharge Requirements (WDRs) for Individual Owners

**Pros:** A general WDR could be developed that reflects similar conditions to the proposed Basin Plan amendment, calling for compliance with Basin Plan criteria for onsite systems. As such, water quality protection would be ensured. Enrollment under a general WDR would be similar to enrollment under the proposed waiver, requiring less staff resources than individual orders.

**Cons:** This alternative does not provide for local permitting jurisdictions to independently manage onsite systems. Redundant (local and Water Board) permitting processes, associated fees and time delays would result.

#### Local Agency-specific General WDR

**Pros:** None, this option is not feasible due to the legal limitation described below.

**Cons:** WDRs (general or individual) are issued to parties responsible for the discharge of waste. Local permitting agencies do not typically discharge to onsite wastewater systems proposed to be addressed by this action. Onsite wastewater facilities owned and operated by local agencies are typically regulated by individual waste discharge requirements (there are many examples throughout the region). However, local agencies are not the responsible parties for discharges from individual and community onsite systems subject to the proposed implementation program.

#### Tiered MOU approach

**Pros:** Implementation schedules contained in Water Board/local agency MOUs could include several tiers or phases. A tiered implementation schedule could facilitate efficient prioritization of local and Water Board staff resources in a manner protective of water quality.

**Cons:** None, this approach is being considered in developing the interagency MOUs and onsite wastewater management plans.

### Discussion of Environmental Impacts

The Central Coast Water Board must consider project alternatives, reasonably foreseeable means of compliance, reasonably foreseeable environmental impacts of the methods of compliance, reasonably foreseeable feasible mitigation measures, and must take into account economic and technical factors, and other considerations.

The Water Board has considered project alternatives. As discussed above, there are several regulatory alternatives the Water Board could choose to address onsite systems. The alternative proposed in the Implementation Program – to provide for a conditional waiver of waste discharge requirements - most effectively takes into account the scope of the program (more than a hundred thousand onsite systems in the Region) and the existing regulatory structure. For several decades, the Water Board has effectively coordinated with local jurisdictions to regulate onsite systems. It is appropriate to continue that method for regulating because local agencies have jurisdiction for approving housing and associated wastewater disposal systems. The proposed Implementation Program and Conditional Waiver do not replace local governing jurisdiction permitting processes.

The Water Board has considered the reasonably foreseeable means of compliance. The proposed Implementation Program sets forth a conditional waiver that would authorize onsite systems that comply with the Basin Plan criteria. It is not expected that these actions would have significant impacts on the environment. The adoption of the proposed Basin Plan amendment and Conditional Waiver does not result in new development projects since the Water Board does not approve development projects. The Water Board must assure protection of water quality. Onsite systems and the development they serve, must obtain local development permits that are subject to CEQA analysis conducted by local agencies. The proposed Implementation Program and Conditional Waiver would require onsite systems to comply with the Basin Plan criteria that address siting, design, construction, and maintenance. This means of compliance with the Basin Plan amendment and Implementation Program is not expected to result in significant impacts on the environment. The Basin Plan criteria, if implemented, are protective of water quality. Since the Water Board does not approve development projects, but rather only regulates proposed systems, the Water Board does not expect there to be significant impacts on the environment from adoption of the Implementation Program.

The Water Board has estimated the costs associated with compliance by enrollees in the Conditional Waiver (Basin Plan Chapter 4, Section VIII.D.3.a). Enrollees will be required to pay an application fee to the Water Board or possibly pay a fee to a local agency, may submit a report of waste discharge, and will be required to implement an onsite system that complies with the criteria. The Water Board application fee is currently \$560. The cost of preparing the report of waste discharge is not expected to be substantial since similar information would be prepared for local permitting purposes. The costs of implementing the onsite system will vary depending on the site-specific circumstances.

In order for owners to be allowed to enroll in the Conditional Waiver (Basin Plan Chapter 4, Section VIII.D.3.b) subject to direct regulation by local governing jurisdictions, the local governing jurisdiction must enter into an MOU with the Central Coast Water Board and

develop and implement onsite wastewater management plans. Based upon conversations with representatives from local governing jurisdictions, many of the components of an onsite wastewater management plan are already being implemented. Those activities could be coordinated into a cost-effective onsite wastewater management plan. Therefore, costs associated with developing and implementing the plan are limited to those components not currently implemented. Costs for development and implementation of onsite wastewater management plans will vary considerably, due to the varying needs of each community. Considerable guidance and sample plans are available online, to assist agencies in developing onsite wastewater management plans and these resources will help minimize costs associated with plan development. California Water Code §13267 authorizes the Water Board to request technical reports regarding existing or proposed discharges of waste. Development and implementation of onsite wastewater management plans will streamline the development of such technical reports by identifying where and how onsite discharges can be authorized without risk to water quality. The Water Code specifically requires the discharger (homeowner in the case of most onsite systems) to develop such reports, an admittedly cumbersome approach. Development and implementation of onsite wastewater management plans is included in the proposed Basin Plan amendment as the most cost-effective method of providing for long-term water quality protection from impacts associated with onsite discharges. Economic considerations regarding the May 2008 update of the onsite wastewater system criteria are addressed in the staff report for that item (May 9, 2008 Agenda Item No. 9).

### **Public Participation**

During the spring of 2008, a similar Conditional Waiver was circulated for public comment in preparation for the May 9, 2008, Water Board meeting. That item was removed from the agenda as it was not an appropriate format for the Water Board to consider waiver of waste discharge requirements for onsite wastewater systems. However, in preparation for that earlier item, Water Board staff members met with county representatives and other stakeholders who will most likely directly implement this onsite wastewater implementation program to gather their input. Water Board staff met (in person or by telephone) with onsite wastewater management staff from Ventura, Santa Barbara, San Luis Obispo, Monterey, Santa Cruz, and San Mateo Counties, and the City of Atascadero. Comments and recommendations received from stakeholders (i.e., local agency staff and public) in response to the item removed from the May 9, 2008 agenda were considered in preparation of this report.

A Notice of Public Hearing has been circulated (Attachment 3). The following newspaper publications provided public notice regarding the proposed action, in addition to individual notice to known interested parties, and posting on the Central Coast Water Board's website.

Santa Barbara News Press	Hollister Free Lance	Santa Cruz Sentinel
The Tribune (San Luis Obispo County)	The Monterey Herald	Santa Maria Times

A staff report, including Substitute Environmental Document and Environmental Checklist, were prepared and circulated by Water Board staff to interested agencies and persons prior to consideration of the resolution by the Central Coast Water Board.

### **COMMENTS**

**Richard Merrifield (Santa Barbara County Environmental Health Services Director)**  
Letter included as Attachment 4A to this report.

1. None of the comments submitted by Santa Barbara County on April 7, 2008, appear to be reflected in the proposed amendment and Mr. Merrifield is not aware of any response to those earlier comments.

Staff response: Last year Santa Barbara County provided valuable input (by individual meetings and written submittals) regarding the Basin Plan amendment regarding onsite wastewater system criteria adopted by the Central Coast Water Board on May 9, 2008 (Resolution No. R3-2008-0005). Santa Barbara County's prior comments are summarized, with accompanying staff responses, in the staff report for Item No. 9 of the May 9, 2008, Water Board meeting agenda, available at the following website link

[http://www.waterboards.ca.gov/centralcoast/board\\_info/agendas/2008/may/item9/index.shtm](http://www.waterboards.ca.gov/centralcoast/board_info/agendas/2008/may/item9/index.shtm)

1. No change recommended.

2. Onsite Management Plans will be costly and politically sensitive, and the implementation program should acknowledge such impediments.

Staff response: Requirements for local jurisdictions to develop and implement onsite management plans were addressed in the staff report for the Basin Plan amendment regarding onsite wastewater system criteria adopted by the Central Coast Water Board on May 9, 2008 (Resolution No. R3-2008-0005). The staff report for those requirements and response to comments regarding the costs associated with meeting the requirements are available at the website link above. The proposed Implementation Program includes a tool designed to efficiently and effectively regulate onsite discharges (a conditional waiver of waste discharge requirements), but does not in itself require development of onsite management plans. The proposed item also includes guidance to assist local agencies in developing their onsite management plans in a cost-effective manner. No change recommended.

3. Onsite management plan guidance measure 1 calls for survey and evaluation of onsite systems, and identification of suitable and problematic areas. Such studies can cost hundreds of thousands of dollars. What will be the source of such funding?

Staff response: As described in the draft guidance for developing and reviewing onsite wastewater management plans (Attachment 2 to this staff report), existing available information is expected to be utilized to the greatest extent possible. Most local governing jurisdictions have (or should have to support standard permitting processes) records generally describing areas served by onsite systems, hydrogeologic conditions, and onsite system failures. These existing information sources should be tapped in developing an onsite management plan. Assessing water quality impacts (Checklist Item 1.b) is most likely to be the component that is not currently available, and therefore represents a new cost. In order to minimize the cost of water quality assessment, existing water quality monitoring data should be evaluated first. If additional monitoring is needed to adequately characterize impacts from onsite discharges, then community-specific information (site characteristics, density of onsite system, etc.) should be used to form the basis of the most cost-effective monitoring program needed. In short, the local jurisdiction will determine what level of monitoring is needed and include in its onsite management plan technical support for such determinations. Also note that the requirement for developing onsite management plans was approved in Resolution No. R3-2008-0005 and is not proposed for revision in this action. The current proposal includes guidance for developing such plans in a cost-effective manner. No change recommended.

4. Onsite management plan guidance measure 2 calls for monitoring programs, which could be costly (wells, sampling, laboratory analyses, staff time). Approval of such programs appears to be up to the Central Coast Water Board or its staff.

Staff response: See response to comment No. 3 regarding the cost of monitoring. The comment is correct in that Resolution No. R3-2008-0005 requires local agency onsite wastewater management plans to be approved by the Central Coast Water Board Executive Officer. The Draft Guidance for developing and reviewing such plans is included specifically to facilitate that review and approval process and reduce any ambiguity regarding required plan components. No change recommended.

5. Current law does not allow agencies to mandate connecting to a sewer without specific findings. Extension of public sewers requires significant community support and funding.

Staff response: Correct. The comment highlights why discharges from onsite wastewater systems must be managed in a manner that effectively provides for long-term water quality protection. No change recommended.

6. Existing onsite systems may not be able to meet revised Basin Plan criteria, and it might be impossible for these systems to meet guidance measure 4.

Staff response: Checklist Item 4 calls for the local governing jurisdiction to incorporate into its management plan measures to address existing systems (inspection, monitoring, maintenance and repairs). Item 4 states that such management measures must be consistent with the Basin Plan criteria, which call for repairs to be in substantial conformance (to the greatest extent practicable) with Basin Plan standards or an approved onsite management plan. The Basin Plan has included similar language for more than 25 years. In order to address confusion on this issue, the proposed amendment includes the following edit to language adopted in Resolution No. R3-2008-0005 (Attachment A, page 3, column 2, paragraph 2): "The local governing jurisdiction shall require failing systems to be brought into compliance with the Basin Plan ~~recommendations, requirements and prohibitions;~~ or repair criteria consistent with locally implemented onsite management plan (approved by the Central Coast Water Board or its Executive Officer)." No change recommended.

7. Septage management (Checklist Item 9) is dependent upon available treatment capacity and willingness of publicly owned facilities to accept septage into their systems. Waste Discharge Requirements issued by the Water Board provide disincentive to these facilities to accept septage. Without Water Board support and capacity at wastewater treatment facilities, this measure is impossible to implement.

Staff response: See response to comments No. 1 and No. 2, above. Requirements to properly manage septage were discussed and adopted in Resolution No. R3-2008-0005. Similar comment and staff response is included in the staff report for Item No. 9 of the May 9, 2008, Water Board meeting agenda, available at the following web link: [http://www.waterboards.ca.gov/centralcoast/board\\_info/agendas/2008/may/item9/index.shtm](http://www.waterboards.ca.gov/centralcoast/board_info/agendas/2008/may/item9/index.shtm)  
j. No change recommended.

**Martha Goldin** (retired Superior Court Judge and Los Osos resident) Letter included as Attachment 4B to this report.

1. The Regional Board appears to retain the right to declare Prohibition Zones where septic systems cannot be used. What is the process and scientific basis for such adopting such

prohibition zones? How will individual septic systems be evaluated to determine whether or not they should be prohibited?

Staff response: New discharge prohibition areas are not proposed in this amendment, and the comment does not address the proposed action. Prohibition areas previously adopted by the Central Coast Water Board are summarized in the Basin Plan and authority for developing discharge prohibition areas is described in the California Water Code §13243, followed by the description of the process for such actions. The proposed implementation program and conditional waiver of waste discharge requirements does not include provisions for prohibiting existing onsite systems. Evaluation of individual or cumulative water quality impacts from onsite systems may be described in the onsite management plans yet to be developed by local governing jurisdictions. No change recommended.

2. There appears to be no plan to replace lost groundwater, avoid depletion of aquifers, repair environmental destruction, or control saltwater intrusion in septic system prohibition areas. What are the plans for remediation in such areas?

Staff response: See response to comment 1, the Basin Plan amendment describes an implementation program and does not propose a new prohibition area. No change recommended.

**Alon Perlman** (Los Osos resident) Letter included as Attachment 4C to this report. In addition to the comments below, minor grammatical corrections noted by Mr. Perlman have been incorporated into the text where applicable.

1. Changing the term "pollutant" to "waste" (Attachment A, page 1, column 2, paragraph 7) may lead to non-scientific definition of the term. The full and precise definition of the term Waste should also be included in this section.

Staff response: The proposed Implementation Program regulates "waste" as defined in Water Code section 13050. The term "pollutant" is a term used in the federal Clean Water Act. The minor proposed edit to the definition of Detrimental Water Quality Impact is intended to improve clarity and consistency with terminology used and defined in the California Water Code. No change recommended.

2. Successful implementation of the proposed program depends upon participation of local governing jurisdictions and adaptability of the guidance for developing onsite wastewater management plans. Lack of participation of these local governing jurisdictions in the May 9, 2008, public hearing or the November 14, 2008, CEQA workshop indicates further outreach is needed to these agencies.

Staff response: The comment does not make clear to what local governing jurisdiction it may refer. As summarized in the staff report (beginning on page 4), local governing jurisdictions throughout the Central Coast Region have participated in development, review, comment, and public meetings regarding the May 2008 update of Basin Plan criteria for onsite systems as well as the current proposed implementation program. The proposed amendment includes several edits where "local governing jurisdiction" replaces the term "local agency." These changes are simply to improve clarity with consistent terminology. The applicability of the term was addressed in the staff report for Item No. 9 of the May 9, 2008, Water Board meeting agenda, which states: "The terms "local governing jurisdiction", "local jurisdiction" and "local agency" should be standardized and defined as a county or city vested with legislative authority to regulate onsite systems. Staff response: Staff agrees and a clarifying

definition has been added to the proposed amendment and terms standardized throughout the document." No change recommended.

3. The proposed amendment should clarify that "failing systems" refers to failure of function of the individual system, rather than general widespread failure such as that documented in Los Osos.

Staff response: Failed or failing onsite system is defined (Attachment A, page 2) consistent with U.S. EPA guidance, and can be indicated by visible individual system failure and/or water quality impacts from single or multiple systems. This definition is part of the clarifying language added in May 2008, with Resolution No. R3-2008-0005. No change recommended.

4. Mr. Perlman recommends strengthening the Basin Plan language that cautions local governing jurisdictions against approving land use changes prior to demonstration of onsite system compliance of the Basin Plan (Attachment A, page 3, column 2, paragraph 3). No specific basis is provided to support the suggested change.

Staff response: Suggestion supports the value of retaining the 25-year old recommendation, but does not supply documentation supporting a change of the language. No change to this recommendation is proposed in the current amendment and no change recommended.

5. Section VIII.D.1.c refers to Onsite Wastewater System Maintenance Districts rather than the term "local governing jurisdictions" used throughout the rest of the document. For clarity, the implementing agency should be identified (service district, city or county).

Staff response: Onsite wastewater system maintenance districts are typically formed by groups of onsite system owners with common needs. They can be as small as a multi-unit development or as large as an entire watershed or county. The maintenance district is not necessarily consistent with the term local governing jurisdiction, which refers to the local permitting authority. The Basin Plan criteria accommodate this variability, and are not proposed to be materially changed by this amendment. No change recommended.

6. Requirements for Design for Alternative and Engineered Systems (VIII.D.2.c) and Onsite System Maintenance (VIII.D.2.e) do not call for approval by the Central Coast Water Board Executive Officer found in other sections.

Staff response: The comment is incorrect in that Requirements VIII.D.2.c.3 and VIII.D.2.e.5, and Prohibition VIII.D.2.c.4 each specify Executive Officer approval. These sections are not proposed to be changed in this amendment. No change recommended.

7. Septage disposal requirement specified in VIII.D.2.c.5 should be expanded with language to clarify implementation and the Executive Officer's role.

Staff response: The requirement is not intended to prescribe how or where septage will be disposed, as such is not the role of the Water Board. However, limited septage disposal options are available within the Central Coast Region, and inappropriate septage disposal could significantly impact water quality. This requirement is not proposed to be modified in this amendment. No change recommended.

8. Mr. Perlman suggests additional detail be added to the maintenance criteria specified in VIII.D.2.e. Specifically, he recommends two year inspection frequency for new alternative systems and repaired systems, five year inspection frequency for older

systems. Pumping should be done every 5 to 20 years, and drainfields should be rotated on a specified schedule.

Staff response: These maintenance criteria are not proposed to be revised in this amendment, and no technical justification was submitted to support such revision. No change recommended.

9. The terms "same" and "type" used in section VIII.D.3.7 (Attachment A, page 12) are vague and should be clarified.

Staff response: Only standard English language is intended for these terms. No change recommended.

10. Section VIII.D.3.a refers to systems "sited, designed, managed and maintained in a manner consistent with criteria..." This section should be expanded to include "sized" as part of the required criteria.

Staff response: Onsite wastewater system size is included as part of design, therefore no change is needed.

11. Are the onsite wastewater management plans, referenced in section VIII.D.3.b.5 already in existence? Do such plans comply with the Basin Plan? What is the schedule for developing such plans or updating existing plans to ensure compliance with the Basin Plan?

Staff response: Onsite management plans have not yet been developed by local governing jurisdictions, except in Santa Cruz County where comprehensive onsite management has been implemented for many years. During the past year, Water Board staff has been working with local agency staff developing such plans and some are nearing completion. Local onsite wastewater management plans will be submitted for review and approval to ensure the plans are consistent with requirements specified in the Basin Plan. In order to implement the Implementation Program described in the proposed amendment, local governing jurisdictions must enter into an MOU with the Water Board. The MOU will include a schedule to ensure timely completion and implementation of onsite management plans. Onsite wastewater management plans are long-term and dynamic documents designed to plan for and respond to cumulative impacts to water quality from onsite discharges. As such, the plans will include periodic review and update to ensure ongoing effectiveness as well as consistency with the Basin Plan. During 2008, Water Board staff sent a rough draft MOU to each of the local governing jurisdictions asking for ideas and feedback prior to meeting to discuss these issues. Staff anticipates MOU (with implementation schedule) can be completed within a year after adoption of this implementation program. No change recommended.

12. Mr. Perlman stated his concern regarding costs associated with implementing environmental regulations and his support for the regulatory streamlining efforts represented by the proposed amendment.

Staff response: Comment noted, no response needed.

**Jolene Horn** (Atascadero resident) Letter included as Attachment 4D.

1. Ms. Horn states that she is not aware that comments submitted regarding Resolution No. R3-2008-0005 were addressed in any way.

Staff response: See response to Richard Merrifield's comment No. 1, above. Comments on the 2008 staff reports regarding onsite systems are summarized, with accompanying staff responses, in the staff report for Item No. 9 and Item No. 10 of the May 9, 2008, Water Board meeting agenda, available at the following website link

[http://www.waterboards.ca.gov/centralcoast/board\\_info/agendas/2008/may/05\\_08\\_agenda.shtml](http://www.waterboards.ca.gov/centralcoast/board_info/agendas/2008/may/05_08_agenda.shtml) Ms. Horn's comment indicates some confusion remains over the onsite wastewater issues. Item 9 of the May 9, 2008, agenda relates to Resolution No. R3-2008-0005 updating the Basin Plan criteria for onsite wastewater systems. Item 10 of the May 9, 2008, agenda relates to proposed Resolution No. R3-2008-0006, a proposed waiver for onsite discharges, which was withdrawn from consideration. Proposed Resolution No. R3-2009-0012 (developing an onsite implementation program) is a replacement for the previously withdrawn agenda item No. 10. No change recommended.

2. The Regional Board should complete an EIR for the proposed project.

Staff response: The adoption of an amendment to the Basin Plan is a program certified by the Resources Agency as exempt from the CEQA requirement to prepare an environmental impact report or a negative declaration. To adopt a Basin Plan amendment, the Water Board is required to prepare substitute environmental documents that include an environmental checklist and the staff report. Compliance with the California Environmental Quality Act is described in the staff report (beginning on page 4) and Attachment 1C (Substitute Environmental Document). The Water Board has complied with the requirements for a certified regulatory program. The Water Board's CEQA process was also described in detail during the November 14, 2008, scoping workshop, at which time Ms. Horn was present. No change recommended.

3. Atascadero has different circumstances for onsite systems and should not be painted with the same broad brush as the rest of the Central Coast Region.

Staff response: The Central Coast Water Board has, for several decades, supported local management of onsite wastewater systems in order to accommodate a variety of local site conditions and management methods. The onsite wastewater criteria adopted in May 2008 provide for community-specific approaches to onsite wastewater management through development of onsite wastewater management plans. The proposed implementation program provides further authorization and incentive for local management of onsite systems so that local circumstances can be addressed in the manner most effective for the local governing jurisdiction. No change recommended.

4. The Basin Plan prohibition of second units on less than two acres remains unchanged, and this is contrary to the state mandate for affordable housing.

Staff response: This comment does not address the proposed implementation program. Similar comment was submitted and addressed in the May 9, 2008, staff report for agenda item No. 9 (available at the link above, see City of Atascadero comment No. 6, page 20). No change recommended.

5. Ms. Horn states that she is deeply disappointment with the "cavalier attitude of the Water Board," failure to acknowledge any of her concerns, comments being ignored, and her fear that the Regional Board is likely to do more harm than good.

Staff response: Ms. Horn does not indicate the basis for these comments; however, the sentiments described do not reflect the staff resources which have already been dedicated to

addressing her prior questions and concerns. Ms. Horn has contacted Water Board staff via email inquiries, and staff has responded at length to each (see email messages dated 1/22/09, 9/18/08, 8/14/08, 7/31/08, and 7/22/08 following Attachment 4D). Additionally, after participating in the November 14, 2008, scoping meeting, Ms. Horn and several other Atascadero residents remained for approximately 90 minutes for a small group question/answer session with Water Board staff. Many of the very same questions that had been previously addressed (CEQA process, secondary units, onsite management plans, and proximity to waterways) were discussed at length. No change recommended.

**Gail McPherson** (Citizens for Clean Water, Los Osos resident) Letter included as Attachment 4E. At Ms. McPherson's request, her January 22, 2009, email messages and April 7, and May 7, 2008, letters are also included (behind Attachment 4E). Comments regarding the 2008 draft agenda items and corresponding staff responses are in the staff reports for agenda item No. 9 and No. 10 at the following website link:  
[http://www.waterboards.ca.gov/centralcoast/board\\_info/agendas/2008/may/05\\_08\\_agenda.shtml](http://www.waterboards.ca.gov/centralcoast/board_info/agendas/2008/may/05_08_agenda.shtml)

1. What is the implementation hierarchy or decision process for the proposed onsite implementation program?

Staff response: The implementation program is described above (beginning on page 3 of the staff report). For a side-by-side comparison of conditions applicable in areas with or without onsite management plans, the following slide was presented at the CEQA scoping workshop. The process is also described in section VIII.D.3.a of the proposed amendment (Attachment A, page 12). No change recommended.

<u>Without Onsite Mgmt Plan</u>	<u>With MOU &amp; Onsite Mgmt Plan</u>
➤ Submittal of application	➤ Application waived
➤ \$560 fee (set by State Board)	➤ No application fee
➤ Application documents consistency with Basin Plan	➤ System consistent with local onsite management plan
➤ Staff review & enrollment	➤ Local permitting procedures
➤ Local permitting procedures	

2. What is the timeline for local agencies to enter into MOU with the Water Board and provide property owners with enrollment into an approved local program?

Staff response: As indicated in the staff report (page 3-4), Water Board staff has been working with local governing jurisdictions to update MOUs and develop onsite management plans. Staff anticipates these interagency MOUs can be completed within a year after adoption of the proposed amendment. Implementation of the conditional waiver (enrollment of individual systems) can begin immediately after approval by the State Water Board. However, staff believes most local governing jurisdictions will develop local onsite management plans in a timely manner to facilitate the waiver of individual enrollments.

Throughout Ms. McPherson's comments, she refers to enrollment in a local program. In order to prevent confusion on this issue, the proposed amendment does not call for any local program enrollment. Local onsite management plans may be developed and implemented in a manner that precludes the need for any sort of enrollment process. However, those details are left to the discretion of the local governing jurisdiction. The term "enrollment" used in response to comments below refers to enrollment under the conditional waiver described in the proposed Basin Plan amendment. No change recommended.

3. If the local agency does not implement an onsite management plan, what recourse is available to the property owner?

Staff response: Recourse of a property owner against its local governing jurisdiction is outside the purview of the Water Board. However, the conditional waiver (as proposed) provides for individuals to enroll under the waiver directly with the Water Board if a local onsite management plan is not in place. The conditional enrollment provides for a less costly, streamlined regulatory tool than that currently available (individual waste discharge requirements). No change recommended.

4. What changes to the Basin Plan are anticipated to comply with the statewide regulations proposed by the State Water Board in response to AB885? What requirements are likely to be more stringent?

Staff response: Although Water Board staff has reviewed and provided comments to the State Water Board on its draft AB885 regulations, it remains unclear what will ultimately be adopted in the statewide regulations. At this report preparation date, State Water Board consideration of statewide regulations has been postponed to a date uncertain. As described above (page 2, paragraph 5), more stringent regulations ultimately adopted in the statewide regulations must be incorporated into the Central Coast Water Board's implementation program. Copy of staff's comments on the current draft statewide regulations, draft EIR, and associated waiver are included as Attachment 5. No change recommended.

5. How will the timeframe for implementation of specific components of local programs change in response to AB885?

Staff response: See response to comment No. 4 above. Staff currently does not know the timing or content of future statewide regulations for onsite systems, therefore the implementation schedule is unknown.

6. Are waivers proposed to be issued to existing systems that are not enrolled in a local program?

Staff response: As described in the staff report (page 3, paragraph 3) and in response to Ms. McPherson's comment No. 1, owners of existing systems may seek enrollment under the proposed conditional waiver. Staff does not anticipate existing onsite system owners will take such action unless they are directed to do so in response to system failure, repair or replacement. Staff expects that existing, properly functioning systems will remain as they are today (lacking state authorization), until authorized by a local onsite management plan. At which time, authorization would be provided under the proposed conditional waiver. No change recommended.

7. What monitoring and permitting process will be used to regulate existing systems, and what is the cost to the Water Board for the tracking system? Is this cost covered by the enrollment fees?

Staff response: The proposed conditional waiver authorizes existing systems operating consistent with an approved local onsite management plan (VIII.D.3.b.5.) As indicated above, staff does not anticipate that properly functioning existing systems will seek enrollment under the waiver, outside of areas with onsite management plans. However, those that do seek enrollment will be handled on a case-by-case basis as staff resources permit. Discharge monitoring is not specified for enrollees under the waiver, since systems meeting the Basin Plan criteria are not expected to pose a significant threat to water quality. Waiver enrollment fees are expected to cover Water Board tracking of waiver enrollees. No change recommended.

8. Please provide a timeline of expected milestones that will track Water Board implementation program progress and provide alerts for property owners where local programs are absent or not progressing.

Staff response: As stated in the staff report, Santa Cruz County is the only local governing jurisdiction within the Central Coast Region that currently implements an approved onsite wastewater management plan. Property owners should be able to get information from their local governing agency on the progress of development of management plans. The Water Board will make available for public review onsite management plan drafts, final documents, periodic update reports, and any other documents submitted to the Water Board. No change recommended.

9. How will enforcement actions be prioritized and will individual property owners be fined?

Staff response: The proposed Basin Plan amendment does not create any enforcement authorities beyond those currently available in the California Water Code. Water Board enforcement actions are typically prioritized based upon water quality impact and available staff resources. The comment does not make clear to what event it refers, and is therefore too vague to answer the question of "will property owners be fined" with yes/no.

10. What are the anticipated total costs for those enrolled in programs (eligible for waivers) and the cost for those ineligible for waiver and needing Waste Discharge Requirements?

Staff response: Discharge authorization in the form of individual waste discharge requirements for onsite systems includes an annual fee (currently \$560) plus any monitoring required in the waste discharge requirements. As described in the staff report, enrollment under the waiver includes a one-time application fee (currently \$560). There is no enrollment fee for individual onsite systems located in areas with approved onsite wastewater management plans. However, local governing jurisdictions may implement local fee programs in order to pay for related activities. No change recommended.

11. What percentage of property owners do not meet the Basin Plan criteria and must make major repairs, upgrade to advanced treatment systems, or system replacement? When and how will they be informed and will Cease and Desist Orders be issued?

Staff response: Staff does not track the percentage of onsite systems that do not meet Basin Plan criteria or those that might need repair, upgrade or replacement. The Central Coast Water Board has no plans to evaluate each onsite system for compliance. Regardless of whether the proposed amendment is adopted, the Water Board may take enforcement

actions (including Cease and Desist Orders or cleanup and abatement orders) to prevent water quality impairment from onsite systems (failing systems impacting water quality, for example). No change recommended.

12. Is the permitting fee (\$560) assessed on each property or just one assessment to the local agency for all the systems enrolled in the program?

Staff response: Onsite system discharges regulated directly by the Water Board are subject to fees. The proposed waiver includes a one-time enrollment fee for individual enrollments. In areas where approved local onsite management plans are implemented, individual system enrollment (and corresponding enrollment fee) is waived.

13. Creating new and increased fees and taxes to fund programs by property owners may require approval by 218 vote, has this requirement been determined?

Staff response: Costs associated with required local onsite management plans were discussed in the staff report for the May 9, 2008, consideration of Resolution No. R3-2008-0005 (May 9, 2008, Agenda Item No. 9, staff report page 5), and in response to Ms. McPherson's comments on that item. Also see response to Richard Merrifield's comment No. 2 and No. 3, above. Mechanisms for funding local agency programs have not been evaluated by Water Board staff. No change recommended.

14. What funding and assistance will be available to local agencies and/or onsite system owners?

Staff response: See response to Richard Merrifield's comments No. 2 and No. 3, above. No change recommended.

15. Please describe the permitting, exemption, and waiver process in layman's terms.

Staff response: See response to Ms. McPherson's comment No. 1, above.

16. Will the recently adopted San Luis Obispo County onsite management program cover LAFCO organizations?

Staff response: San Luis Obispo County has been working with Water Board staff to develop its onsite management plan. However, the plan has not yet been completed or approved. We anticipate that the San Luis Obispo County plan will (in some manner) address all areas within its jurisdiction. No change recommended.

17. Will Waste Discharge Requirements be issued to each onsite system that is not enrolled in the local program? If so, has the Water Board estimated a budget for such actions?

Staff response: Waste discharge requirements are not proposed to be issued to each onsite system that is not within a local onsite management plan area. The proposed Basin Plan Implementation Program provides for a conditional waiver of waste discharge requirements to be issued directly by the Water Board upon receipt of a complete report of waste discharge and fee indicating compliance with the Basin Plan onsite criteria. The proposed conditional waiver is intended to provide discharge authorization in a more efficient manner than issuing individual WDR orders. No change recommended.

18. Is the \$560 fee for a five-year permit? Has the monitoring schedule been developed? Please provide a sample of monitoring requirements for a typical onsite wastewater system with Waste Discharge Requirements.

Staff response: As indicated above, a one-time enrollment fee of \$560 must accompany applications for enrollment under the proposed waiver. Individual system monitoring is not proposed. Specific details of area-wide monitoring that may be included as part of local onsite management plans, has not yet been proposed. Monitoring programs associated with individual waste discharge requirements are typically designed to evaluate compliance with the site-specific requirements specified in that order. Waste discharge requirements and associated monitoring programs adopted by the Central Coast Water Board can be reviewed at the following website link:

[http://www.waterboards.ca.gov/centralcoast/board\\_decisions/adopted\\_orders/index.shtml](http://www.waterboards.ca.gov/centralcoast/board_decisions/adopted_orders/index.shtml)

No change recommended.

19. If an onsite system needs to be upgraded, is that based upon individual system failure or community-wide impacts, and how are such upgrades funded?

Staff response: Improved treatment of onsite wastewater (system upgrade) may be needed to address individual system failure or community-wide impacts. However, it should be noted that community-wide impacts are most likely to be addressed in a multi-faceted manner typically implemented through onsite management plans. For response to onsite management plan funding issues, please see response to Richard Merrifield's comments No. 2 and No. 3, above. Funding for individual onsite system upgrades or repairs is typically provided by the system owner. No change recommended.

20. Under the proposed implementation program, what happens to existing lots smaller than one acre with locally permitted and properly functioning onsite systems?

Staff response: Existing onsite systems (compliant with Basin Plan criteria) may enroll under the proposed waiver for formal discharge authorization. Although enrollment will be available, staff does not anticipate such enrollment and does not plan enforcement for failure to enroll existing, Basin Plan compliant, systems. In areas with approved onsite management plans, enrollment for individual systems compliant with the management plan is waived (see Attachment A, page 13, VIII.D.3.b.5). The minimum lot size criterion (one acre per system) is not proposed to be changed in this amendment. However, staff does anticipate that some local governing jurisdictions will include alternative lot size restrictions within their local onsite management plans. No change to the proposed amendment recommended.

21. How will prohibition zones impact implementation of the proposed waiver?

Staff response: The implementation program is not proposed to alter existing discharge prohibition areas. Implementation of local onsite management plans; however, may identify potential new prohibition areas or address existing prohibition areas. Neither issue is proposed as part of this amendment. No change recommended.

22. What is the typical cost to develop and implement a local onsite management plan?

Staff response: See response to Richard Merrifield's comments No. 2 and No. 3, above. No change recommended.

23. In a prior email message, Ms. McPherson requested information regarding the cost of alternative (supplemental) onsite treatment systems. Water Board staff provided internet address of a report prepared by U.C. Davis, which contains summaries of the performance, reliability, costs, and other details on a variety of alternative treatment units. Ms. McPherson states that she located only a portion of the report and that cost information was not included.

Staff response: This comment does not directly relate to the proposed amendment. However, a report summarizing alternative treatment systems and their respective costs is included on the State Water Board's website at the following website link:

[http://www.waterboards.ca.gov/water\\_issues/programs/septic\\_tanks/technosite.shtml](http://www.waterboards.ca.gov/water_issues/programs/septic_tanks/technosite.shtml)

The report describes a variety of alternative treatment methods and includes details such as advantages, disadvantages, performance, operation and maintenance, power usage, and cost estimates. Hard copy of the report is also available at the Central Coast Water Board office for anyone who may be unable to access the on-line version. No change recommended.

24. How will the Basin Plan criteria for minimum one-acre lot size per residential onsite system be enforced in areas that violate the lot size criteria? How will these violations be rectified?

Staff response: See response to comment No. 20, above.

25. Will the Central Coast Water Board request new federal funding or reevaluate the requirements due to the current economic climate?

Staff response: See response to Richard Merrifield's comment No. 3. Central Coast Water Board is not seeking new federal funding to implement the proposed amendment. The proposed amendment is specifically designed to provide for regulatory oversight in the most cost-effective manner feasible. No change recommended.

26. The Water Board has inadequately notified the potentially interested public regarding the proposed actions. This stifling of the public, taxpayer, and property owner's access to effective public participation serves neither the interests of the agency or the people of the state. The public participation process followed in this case may be legal, but is unwise and erodes the public trust.

Staff response: This action is to consider adoption of a Basin Plan amendment consisting of an Implementation Program for onsite wastewater systems. The Water Board has complied with all notice requirements, as required by State Water Board regulations for Basin Plan amendments and for certified regulatory programs. Although not required, the Water Board held a scoping meeting under CEQA that was widely advertised. In addition to publishing notice in local newspapers throughout the region, notice was also sent directly to Ms. McPherson and other individuals who have expressed interested in this matter. See description of public notice and public participation in the staff report above (beginning on page 4, paragraph 5). No change recommended.

27. Please attach prior correspondence from Citizens for Clean Water relating to May 9, 2008, agenda item No. 9 and No. 10 as part of this agenda package.

Staff response: Citizens for Clean Water letters are included following Attachment 4E.

**RECOMMENDATION**

Adopt Resolution No. R3-2009-0012, as proposed and forward the resolution and corresponding administrative record to the State Water Board for review and approval.

**ATTACHMENTS**

1. Proposed Resolution No. R3-2009-0012 w/attachments
  - A. Revised Basin Plan text
  - B. Certificate of Fee Exemption
  - C. CEQA Report for Basin Plan Amendment
2. Checklist for Developing & Reviewing Onsite Wastewater Management Plans
3. Notice of Public Hearing & Notice of Filing a Draft Environmental Document
4. Comment letters
  - A. Richard Merrifield
  - B. Martha Goldin
  - C. Alon Perlman
  - D. Jolene Horn (followed by email messages)
  - E. Gail McPherson (followed by two January 22, 2009, email messages; and two letters, dated April 7, 2008, and May 7, 2008)
5. January 21, 2009, letter to James Giannopoulos regarding draft AB 885 regulations