California Regional Water Quality Control Board

Central Coast Region

Linda S. Adams
Secretary for Environmental Protection

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Arnold Schwarzenegger
Governor

June 20, 2008 **Certified Mail No. 7007 0710 0004 4117 5659**

Jan De Luz
15488 Via La Gitana
Carmel Valley, CA 93924

Dear Mr. De Luz

350 VIA LOS TULARES ROAD, CARMEL VALLEY (APN: 197-132-006), MONTEREY COUNTY; PROPOSED WAIVER OF WASTE DISCHARGE REQUIREMENTS FOR ALTERNATIVE ONSITE WASTEWATER DISPOSAL SYSTEM (RESOLUTION R3-2008-0049)

We reviewed Monterey County Department of Health's (County) May 2, 2008, *Application for an Alternative Onsite Wastewater System Permit for the De Luz Residence at 350 Via Los Tulares Road, APN 197-132-006.* The application package contains a Report of Waste Discharge Supplemental Form for Regional Board Subsurface Disposal Exemption Submittal (for Basin Plan Exemption), design documents for an engineered onsite wastewater system prepared by Andrew Brownstone of BioSphere Consulting, and a geotechnical investigation report prepared by Richard Dante of Soil Surveys, Inc.

The Central Coast Water Board's Water Quality Control Plan (Basin Plan) and existing July 1979 Memorandum of Understanding between the County and Central Coast Water Board prohibit the County from approving alternative or engineered onsite wastewater treatment and disposal systems. An engineered system is being proposed to overcome slope constraints which make siting a conventional onsite wastewater treatment and disposal system on the subject property very difficult. The proposed system consists of an advanced treatment system with ultraviolet disinfection and shallow pressurized disposal trenches. The proposed system replaces an existing conventional system for a former residence that was destroyed by fire.

The pressurized disposal trenches are proposed on slopes exceeding 20% immediately adjacent to slopes in excess of 50%. The Basin Plan recommends against siting onsite wastewater disposal systems on slopes in excess of 20% and recommends minimum setbacks from slopes or cuts in excess of 30%. Neither of these "Site Suitability" recommendations could be achieved via conventional methods due to the physical conditions of the subject property. A Basin Plan exemption is therefore also required for the recommended slope and slope setback site suitability criteria.

Your Basin Plan exemption request for the engineered system and variance of the Basin Plan recommended site suitability slope criteria are hereby approved. We intend to request the Water Board waive waste discharge requirements for the proposed engineered system at its September 5, 2008 meeting in San Luis Obispo. The enclosed draft Waiver (Resolution No. R3-2008-0049) contains conditions based on the Basin Plan and nonstandard Monterey County permit conditions. The nonstandard County permit conditions consist of operations and maintenance contract and deed notification requirements for the proposed system. The Waiver is subject to Water Board approval.

Staff has no objection to the County issuing a building permit for the proposed system at this time. However, this letter does not authorize sewage discharges to the proposed system. You may choose to proceed with construction of the proposed system at your own risk given the Water Board retains the authority to deny the proposed Waiver or add additional conditions. We will advise you of the Water Board's determination of the proposed Waiver following the September 5, 2008 meeting. You may choose to attend the meeting.

The proposed Waiver and associated attachments can also be viewed and downloaded from our website at:

http://www.swrcb.ca.gov/rwqcb3/Permits/Index.htm

Please submit all comments regarding the proposed Waiver in writing to the above address no later than **July 20, 2008**. All comments or objections received prior to that date will be considered in the formulation of staff recommendations regarding the waste discharge. The Central Coast Water Board will not accept comments or other written submissions on the draft Waiver after **July 20, 2008**, unless the Central Coast Water Board chairman rules that exclusion would create a severe hardship, and that the late submission will not prejudice any party or the Central Coast Water Board. Any person submitting late comments must explain why the materials were not submitted by July 20, 2008. The Central Coast Water Board Chairman will rule on late submittals at or before the hearing. Late submissions that consist of evidence (as opposed to policy statements or comments) are generally prejudicial unless all designated parties and Central Coast Water Board staff have time to consider the evidence before the meeting.

In addition, the Waiver is subject to a one-time waste discharge requirements fee of $400. The check should be made out to the State Water Resources Control Board and submitted to the address on the letter head above. Please submit payment immediately so we can place the proposed Waiver on the September 5, 2008 hearing agenda.

Questions regarding this matter may be directed to **Matthew Keeling at (805) 549-3685 or mkeeling@waterboards.ca.gov,** or Burton Chadwick at (805) 542-4786.

Sincerely,

Roger W. Briggs
Executive Officer

Enclosure:
1. Draft Staff Report for Resolution No. R3-2008-0049
2. Waiver Resolution No. R3-2008-0049 (DRAFT)

cc w/ attachment:

Richard LeWarne
County of Monterey
Division of Environmental Health
1270 Natividad Road
Salinas, CA 93906

Andrew Brownstone
BioSphere Consulting
1315 King Street
Santa Cruz, CA 95060

Liz Gonzalez
County of Monterey
Planning Department
1668 W. Alisal Street
Salinas, CA 93901

Paper File: Monterey County Basin Plan Exception/Waiver Resolution folders
Electronic File: S:\WDR\Basin Plan Exemptions\Monterey Co\ISDS\350 Via Los Tulares Rd\BPexcempt.doc
Task Code: 126-01