**STATE OF CALIFORNIA**
**REGIONAL WATER QUALITY CONTROL BOARD**
**CENTRAL COAST REGION**
**895 Aerovista Place, Suite 101**
**San Luis Obispo, CA 93401**

**CEASE AND DESIST ORDER NO. R3-2006-[ORDER NO.]**

**Requiring**

**[OWNER NAMES]**
**OWNER AND OCCUPANT**
**[SITE ADDRESS], LOS OSOS**
**APN [#]**
**SAN LUIS OBISPO COUNTY**
**TO CEASE AND DESIST FROM DISCHARGING WASTES IN VIOLATION OF A BASIN PLAN PROHIBITION PRESCRIBED BY THE CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD, CENTRAL COAST REGION**

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

1. [Owner Names] own(s) and operate(s) an on-site wastewater treatment and disposal system (Septic System) at [Site Address] (Site) in Los Osos, California. The Site is a residence located within the prohibition zone established by Resolution no. 83-13. The Septic System consists of a septic tank that discharges wastewater to an on-site subsurface disposal facility. [Owner Names] is/are referred to in this Order as "Discharger."

2. The Site has no wastewater disposal facility other than the Septic System. Waste generated at the Site includes human waste and wastewater from toilets and from domestic activities such as bathing, laundry, dishwashing and disposal of garbage. This waste is discharged to the Septic System. Liquid waste then discharges from the Septic System and eventually to groundwater.

3. The discharge of waste or the threatened discharge of waste from the Septic System violates a prohibition of waste discharge from individual sewage disposal systems set forth in the Water Quality Control Plan, Central Coast Basin (Basin Plan). The Water Board adopted the prohibition on September 16, 1983. The Basin Plan prohibition specifies, in part (page IV-67):

   "3. Discharges from individual and community sewage disposal systems are prohibited effective November 1, 1988, in Los Osos/Baywood Park area depicted in the prohibition boundary map included as Attachment "A" of Resolution 83-13".

The prohibition boundary map is contained in Appendix A-30 of the Basin Plan. The Site is within the prohibition area.

4. On January 27, 2006 and February 28, 2006, notice was provided to the Discharger and other affected persons regarding the Water Board's consideration of this Order.

5. Pursuant to AB 2701, as of January 1, 2007, the County of San Luis Obispo (County) will be authorized to undertake any efforts necessary to construct and operate a community wastewater collection and treatment system to serve the territory which is subject to the wastewater discharge prohibition imposed by the Central Coast Regional Water Quality Control Board (Water Board) pursuant to Resolution No. 83-13. That territory includes the Site. If the Site is connected to a community wastewater collection and treatment system as contemplated by AB 2701 the Site will comply with the applicable waste discharge prohibition in the Basin Plan

6. The Water Board, on December 14-15, 2006, in San Luis Obispo, California, held a public hearing and heard evidence regarding this Order.

7. This Order includes monitoring and reporting requirements pursuant to Water Code Section 13267. The Water Board needs the required information in order to assess compliance with the Basin Plan and this Order, and to ensure that pollutant loading within the prohibition area is minimized to the extent possible. The Discharger is required to provide this information because the Discharger is the owner and/or operator of the Septic System. The staff report that accompanied the draft order includes additional evidence in support of this requirement. The Water Board adopted the prohibition in 1983, it became effective in 1988, and the Discharger has incurred little or no costs since then to comply with the prohibition. The burden of any monitoring or reporting required by this Order is reasonable in light of the severe pollution that has resulted from operation of septic systems in the prohibition area, and the long history of violations of the prohibition at the Site.

8. The technical report required by Section A.2.b or 3 (as applicable) is necessary to determine that any alternative to connecting to a community wastewater collection and treatment system meets applicable legal requirements, including the septic system discharge prohibition, and to assess compliance with Paragraph A.1 of this Order.

9. Alternatives proposed to comply with this Order may be subject to permitting requirements, including the requirement to obtain waste discharge requirements. Nothing in this Order relieves the Discharger of the obligation to obtain any necessary permit or waste discharge requirements.

10. This enforcement action is being taken for the protection of natural resources and the environment and as such is exempt from the provisions of the California Environmental Quality Act (Sections 15307, 15308, and 15321, Chapter 3, Division 6, Title 14, California Code of Regulations, "CEQA"). In addition, the Septic System is

an existing facility and this Order allows no expansion of use beyond that previously existing so this enforcement action is exempt from the provisions of CEQA (Section 15301, Chapter 3, Division 6, Title 14, California Code of Regulations).

**IT IS HEREBY ORDERED**, pursuant to Sections 13260, 13267 and 13301 of the California Water Code, that the Discharger shall comply with the following requirements:

## A. CESSATION OF DISCHARGE

1. In the event that the County is successful in approving a benefits assessment by July 1, 2008 to finance the construction of a community wastewater collection and treatment system after providing the owners of the subject property with notice and an opportunity to protest the assessment in accordance with Article XIII D of the California Constitution, and, thereafter, the County completes a timely due diligence review for the construction of a community wastewater collection and treatment system, and constructs a community wastewater collection and treatment system in accordance with a schedule approved by the Regional Board;

    a. The Discharger shall cease all unpermitted discharges (discharges not approved or permitted by the Water Board) from the Septic System no later than 60 days after a community wastewater collection and treatment system is available for connection to the Site;

    b. After the Water Board provides notice of the expected availability date to the Discharger and no later than 90 days before the expected availability date, the Discharger shall submit the following information, either:

        i. A statement that the Discharger agrees to connect to the community wastewater treatment plant and sewer system within 60 days after the system becomes available for connection to the Site; or

        ii. A technical report proposing an alternative method of ceasing all unpermitted discharges from the Septic System. The proposed alternative must be adequate to cease unpermitted discharges from the Septic System within 60 days after the date on which the approved schedule anticipates that the community wastewater collection and treatment system will be available, and must include a proposed monitoring and reporting plan. If the alternative involves a discharge of waste that could affect waters of the State, the report shall be in the form of a report of waste discharge. "Waters of the State" is defined in Water Code Section 13050(e). "Report of waste discharge" means a report that complies with Water Code Section 13260 and, if applicable, Water Code Section 13376. In the event that the proposed alternative is not approved by the Water Board, Discharger will be required to cease all unpermitted discharges from

the Septic System no later than 60 days after the availability of a community wastewater collection and treatment system is available for connection to the Site in accordance with Paragraph A.1.a.

2. In the event that the benefits assessment is not approved by the County before July 1, 2008, the Discharger shall cease all discharges from the Septic System no later than January 1, 2011 unless the Water Board has approved an onsite system for discharge from the Site by June 30, 2010, the Discharger shall submit a technical report proposing a method of complying with the January 1, 2011 discharge prohibition date. The proposed alternative must be adequate to cease unpermitted discharges from the Septic System by January 1, 2011, and must include a proposed monitoring and reporting plan. If the alternative involves a discharge of waste that could affect waters of the State, the report shall be in the form of a report of waste discharge. "Waters of the State" is defined in Water Code Section 13050(e). "Report of waste discharge" means a report that complies with Water Code Section 13260 and, if applicable, Water Code Section 13376.

3. In the event that after the benefits assessment is approved by the County, there is a material cessation of the work, as determined by the Water Board, which prevents the implementation, completion, or availability of a community wastewater collection and treatment system to the Site, the Discharger shall cease all discharges from the Septic System by the later of January 1, 2011 or two years following written notice by the Executive Officer of the material cessation. Six months prior to that discharge cessation date, the Discharger shall submit a technical report proposing a method of complying with the discharge cessation date. The proposed alternative must be adequate to cease unpermitted discharges from the Septic System by the discharge cessation date and must include a proposed monitoring and reporting plan. If the alternative involves a discharge of waste that could affect waters of the State, the report shall be in the form of a report of waste discharge. "Waters of the State" is defined in Water Code Section 13050(e). "Report of waste discharge" means a report that complies with Water Code Section 13260 and, if applicable, Water Code Section 13376.

4. The Executive Officer may also extend the due date for any interim or reporting requirement of Section A for up to ninety days for circumstances beyond the Discharger's reasonable control.

5. Nothing in this Order authorizes discharges from the Septic System at any time, whether before or after January 1, 2011.

## B. INTERIM COMPLIANCE REQUIREMENTS

By three months after the date of this Order, the Discharger shall (1) have the contents of the Septic System pumped or certify that the Septic System has been pumped within the previous three years, and (2) obtain and submit to the Water Board a report by the County of San Luis Obispo or a septic tank pumper with a C42 contractor's license on the San Luis Obispo County Septic Tank Inspection Form and Septic Verification Form (a copy of which is attached as Exhibit "A") that either describes recommended repairs to the Septic System or states that no repairs are necessary. If the Discharger disagrees with any repair recommendation, the Discharger shall provide justification to the Executive Officer no later than four months after the date of this Order explaining why the repairs are not necessary. Unless Water Board staff agrees, in writing, that any recommended repair is not necessary, the Discharger shall provide documentation no later than February 1, 2007, that the Discharger has complied with these pumping, inspection and repair requirements. Until the community wastewater collection and treatment system is available to the Site and/or all unpermitted discharges from the Septic System cease, the Discharger shall have three months from every third anniversary of the entry of this Order to satisfy the same pumping, inspection and repair requirements. The Executive Officer may extend the due date for any requirement of Section B for up to ninety days for circumstances beyond the Discharger's reasonable control.

## C. PROVISIONS

1. All reports, receipts, notifications and other documents the Discharger submits pursuant to the Order (including Paragraph A.2 of this Order) shall be accompanied by a statement from the Discharger stating: "I certify under penalty of perjury that the attached documents were prepared at my request or under my supervision, and to the best of my knowledge are true, accurate and complete. I understand that there are significant penalties for providing false or incomplete information, including the possibility of criminal fines or imprisonment."

2. If more than one person or entity is a "Discharger" subject to this Order, compliance by any of those persons or entities with the submission requirements of this Order constitutes compliance by all Dischargers. Multiple submissions are not required. However, all named Dischargers are responsible for compliance with all requirements of this Order, and will be subject to enforcement for any non-compliance. Agreements among and/or between Dischargers as to how they will comply with this Order's requirements are not binding on the Water Board and do not protect any Discharger from enforcement actions.

3. Discharger shall inform any subsequent owner or occupant at the Site of this Order and provide a copy of the Order. The Discharger is liable for the use of the Septic System, while the Discharger owns the Site, including but not limited to the use of the Septic System by any tenant or any other person occupying the Site.

4. The property owner shall notify the Executive Officer and the Staff Prosecution Team in writing of any transfer of ownership of the Site within 30 calendar days following close of escrow or transfer of record title after transfer of ownership.

5. The property owner shall notify the Executive Officer and Staff Prosecution Team in writing of the name of any new occupant of the Site within 30 days after the new occupant takes occupancy.

6. If, in the opinion of the Executive Officer, the Discharger fails to comply with any provision of this Order, then the Executive Officer may apply to the Attorney General for judicial enforcement or issue a complaint for Administrative Civil Liability.

**FAILURE TO COMPLY WITH PROVISIONS OF THIS ORDER MAY SUBJECT THE DISCHARGER TO FURTHER ENFORCEMENT ACTION INCLUDING ASSESSMENT OF CIVIL LIABILITY UNDER SECTIONS 13268 OR 13350 OF THE WATER CODE AND REFERRAL TO THE ATTORNEY GENERAL FOR INJUNCTIVE RELIEF AND CIVIL OR CRIMINAL LIABILITY.**

**I, Michael J. Thomas, Assistant Executive Officer,** do hereby certify the foregoing is a full, true, and correct copy of an Order adopted by the California Regional Water Quality Control Board, Central Coast Region, on December 15, 2006.

Michael Thomas

Assistant Executive Officer

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Exhibit "A"

San Luis Obispo County Septic Tank Inspection Form and
Septic Verification Form