

Regional Water Quality Control Board
North Coast Region

Executive Officer's Summary Report
Thursday, June 19, 2014
5550 Skylane Boulevard, Suite A
Santa Rosa, California

- ITEM: 5
- SUBJECT: Adoption Hearing for the Amendment to the Water Quality Control Plan for the North Coast Region Regarding Onsite Wastewater Treatment System (OWTS) Implementation Program
(Jeremiah Puget and Rachel Prat)
- BOARD ACTION: Consider adoption of Resolution No. R1-2014-0009.
- BACKGROUND: On June 19, 2012, the State Water Resources Control Board (State Water Board) adopted the Water Quality Control Policy for Siting, Design, Operation, and Maintenance of Onsite Wastewater Treatment Systems (OWTS Policy). Applicable statewide, the OWTS Policy designates the regional water quality control boards with principal responsibility for overseeing its implementation and calls for incorporation of the OWTS Policy requirements into regional boards' basin plans within a year of the policy's effective date. This agenda item proposes revisions to Chapter 4 (Implementation Plans) of the Water Quality Control Plan for the North Coast Region (Basin Plan) to satisfy this requirement.
- Staff is requesting that the Board adopt an amendment to the Basin Plan to:
1. Incorporate the State Water Board's OWTS Policy, as required;
 2. Retain the existing onsite wastewater treatment system policy to apply to the Russian River watershed, including the Laguna de Santa Rosa, until such time as the pathogen indicator bacteria Total Maximum Daily Load (TMDL) for the Russian River watershed is adopted; and,
 3. Retain for application regionwide, an existing provision requiring the identification of a legally and financially responsible entity for the operation and maintenance of onsite systems.

DISCUSSION: The State Water Board's OWTS Policy provides criteria for siting, design, operation, and maintenance of onsite systems and provides a conditional waiver of waste discharge requirements for onsite systems that comply with the policy. The OWTS Policy implements levels (tiers) of requirements based upon potential threat to water quality that may be caused by onsite systems. Tier 0 provides a conditional waiver of waste discharge requirements for existing, properly functioning systems. Tier 1 provides a conditional waiver for new or replacement systems that meet conservative design criteria and are low risk. Tier 2 provides for alternative criteria to be developed by individual counties in the form of a Local Agency Management Plan (LAMP). LAMPs must be submitted to the Regional Water Board for approval by May 13, 2016. Tier 3 provides special conditions for OWTS located near impaired waters. Tier 4 specifies corrective actions for failing OWTS. The details of the Policy are contained in the attached Staff Report. The OWTS Policy can be found on the State Water Board's website¹.

The OWTS Policy contains an express exemption for the Russian River Watershed, located in the North Coast Region. This proposed Basin Plan amendment includes language to accommodate the exemption. In accordance with Section 4.2.1 of the OWTS Policy, the North Coast Regional Water Board will continue to implement its existing Basin Plan requirements pertaining to onsite systems within the Russian River watershed until it adopts a Total Maximum Daily Load for pathogens applicable to the Russian River. At that time, section 4.2 of the OWTS Policy for the Russian River watershed will apply.

Updating the Basin Plan requirements for onsite systems as proposed in this amendment will also complete a triennial review list task. This task was identified as priority number 25 on the most recent Triennial Review list of priorities (2011).

The proposed resolution is intended to align the Basin Plan with the State Water Board's OWTS Policy, as required by state law and the OWTS Policy. Resolution No. R1-2014-0009 amends the Basin Plan onsite systems sections by incorporating (by reference) the State Water Board's OWTS Policy. To be consistent with the OWTS Policy, the existing (1996) Basin Plan language has not been deleted. Instead the Basin Plan language, with the exception of the regionwide financially responsible entity requirement, has been modified to apply

1

http://www.waterboards.ca.gov/northcoast/water_issues/programs/basin_plan/owts_policy.shtml

only to the Russian River Watershed, including the Laguna de Santa Rosa, until the TMDL is adopted. It should be noted that the existing OWTS Policy in the Basin Plan will remain in effect until the statewide OWTS Policy is adopted by the Regional Water Board, State Water Board, and approved by OAL.

The Staff Report and associated Basin Plan language for the OWTS Policy was released for 45-day public input on March 14, 2014. The documents were posted to the Regional Water Board website and newspaper and email notifications were sent out. The comment period closed on April 30, 2014. Regional Water Board staff did not receive any comments on the proposed language regarding this Basin Plan Amendment during that time.

**SUPPORTING
MATERIALS:**

Resolution No. R1-2014-0009

Staff Report

Attachment A - Revisions to Basin Plan Chapter 4 Clean Copy

Attachment B - Revisions to Basin Plan Chapter 4 Strikeout/Underline