

Basin Plan Amendment for Onsite Wastewater System Implementation Program (plan for regulating onsite systems)

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Amendment Objectives

- Consistent compliance with Basin Plan criteria
- Long-term water quality protection
- Streamline permitting of onsite systems
- Update MOUs with local permitting agencies
- Guidance for Onsite Wastewater Management Plans
- Does not require retrofit or enrollment of properly-functioning existing onsite wastewater systems

Criteria vs. Implementation

➤ Criteria = measure of compliance

- rules for siting, design, construction, maintenance & management
- criteria updated by Regional Board May 9, 2008
- State Board review on hold for clarification of implementation (this item)

➤ Implementation = method of compliance

- Conditional waiver adopted by Water Board
- We pulled from May 9, 2008, agenda (improper to adopt waiver in the manner proposed)
- Proper manner for Water Board consideration is in the form of a Basin Plan amendment (today's action)

Water Board's CEQA Process

- Certified regulatory program under CEQA
- Exempt from preparing EIR or Negative Declaration
- Reports substitute for environmental documents
- Substitute environmental document:
 - Includes environmental checklist
 - Identifies potentially significant environmental impacts
 - Identifies alternatives and mitigation measures if necessary
 - Identifies reasonably foreseeable means of compliance and impacts
- Scoping workshop held November 14, 2008

Purpose of Scoping Workshop

- Seek input on alternative implementation tools
- Seek input potential environmental impacts
- Receive comments and questions
- Provide information regarding future process
- Provide resources for more information

CEQA Considerations:

- Are direct or indirect physical changes in the environment reasonably foreseeable?
- Renewing previously existing waiver with more protective requirements
- Strengthening environmental regulations

Current Situation

- Water Code requires authorization for discharge
- Authorization in WDR or Waiver of WDR
- Waiver implemented in MOUs (for past 25 years)
- Waivers expired in 2004
- Water Board cannot delegate its authority to local agencies
- Does not comply with Water Code requirements
- Individual WDR cumbersome & expensive

Implementation Program

- Conditionally waives WDR for onsite systems
- Does not require enrollment of existing systems
- Requires compliance with Basin Plan criteria
- Authorizes EO to enroll & terminate enrollment
- Water Board & Local Agency enter into MOU
- Local agency onsite wastewater management plans
- Local permitting implemented

Conditions for Waived Systems

Without Local Onsite Mgmt Plan

- Submittal of application
- \$560 fee (set by State Board)
- Application documents consistency with Basin Plan
- Staff review & enrollment
- Local permitting procedures

With MOU & Onsite Mgmt Plan

- Application waived
- No application fee
- System consistent with local onsite management plan
- Local permitting procedures

Work Outstanding

- Submit Basin Plan Amendment to State Water Board and OAL for review and approval
- Develop MOUs with local permitting agencies
- Assist local agencies with onsite mgmt plans
- New onsite systems - continue status quo for limited time (1 year) while developing MOUs and onsite management plans

Comments/Responses

Summarized in staff report & focused on proposed implementation program

- **Management plans will be costly for local agencies**
 - Agencies already implement many onsite management measures
- **Guidance is needed for management plans**
 - Guidance provided (Attachment 2)
- **EIR should be prepared**
 - Certified regulatory process
 - Substitute environmental documents
- **Statewide onsite regulations may impact Region's implementation program**
 - Statewide regulations (AB885) have not been adopted
 - AB885 regulations are not anticipated within a specific time frame
 - More stringent statewide criteria will be incorporated into Basin Plan

Comments/Responses (continued)

- Will existing systems need to enroll in the waiver?
 - Properly functioning existing systems are not expected to enroll
 - Local oversight preferable to enrollment under waiver

- Will funding assistance available?
 - Staff is not aware of any currently available funding assistance

- Permit streamlining benefits stakeholders
 - Efficient compliance with state law
 - Minimize time and cost to applicant
 - Proactive and long-term water quality protection

- Local agencies can provide most effective oversight
 - Local onsite management plans consider community-specific conditions
 - Local agencies are already implementing oversight

Late Comments

- 20 Voiced opposition to action (table/delay)
 - Until AB885 regulations are adopted
 - Until further study is performed
 - Until additional public notice is provided
 - Oppose added expense to onsite system owners
 - Oppose change
 - Oppose anything I propose

- Staff response: called/emailed each to clarify issues and factual information

Implementation Program Conclusions

- 1) Provide for compliance with Water Code
- 2) Tool to streamline onsite system permitting
- 3) Consistent compliance with Basin Plan criteria
 - ~fewer failures
 - ~preventative wastewater management
 - ~maintain use of low cost systems
- 4) Long-term watershed protection

Action Recommended

Item No. 18

Adopt Resolution No. R3-2009-0012

as proposed