



California Regional Water Quality Control Board Central Coast Region



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CHANGES IN ONSITE WASTEWATER SYSTEM CRITERIA & IMPLEMENTATION PROGRAM May 2011

BASIN PLAN CRITERIA CHANGES: In 2008, the Central Coast Water Board adopted Resolution No. R3-2008-0005, to update and revise existing Basin Plan criteria for siting, design, management, and maintenance of onsite wastewater systems (commonly called septic systems). Most of the revisions provide clarifying language to existing requirements. However, some revisions replace discretionary language of recommendations (should) with mandatory language of requirements (shall). Language in the Basin Plan will be strengthened and clarified in a manner expected to result in improved long-term water quality protection in areas served by onsite wastewater systems. The revisions are also expected to improve consistency and customer service by reducing the need for subjective interpretation of imprecise language. The significant revisions and justification are summarized below.

Revision	Justification
Definitions relocated to the beginning of the section and expanded for clarity.	Clarity and consistency of requirements are increased by standard definitions and moving them to an easily identifiable location.
Streamlined definition of the term "watercourse."	Existing definition (from Webster's Dictionary) led to confusion regarding alternate meanings of all or portions of the definition. New definition is a simplified portion of existing definition.
Narrative discussion of the benefits resulting from corrective actions for existing systems is deleted and specific criteria incorporated into revised sections.	Narrative format made identification of specific requirements and recommendations difficult. Revised format provides for easily identifiable criteria for existing onsite systems.
Onsite management plans (developed and implemented by local jurisdictions) are recommended in existing criteria, and required in revisions.	Onsite systems need to be managed and tracked, and a management plan is an appropriate vehicle. See description below.
Contents of onsite management plans are expanded from the general description currently listed in the Basin Plan.	Detailed outline of onsite management plan contents is included to assist local jurisdictions in developing effective plans, specific contents based primarily upon U.S. EPA guidance.
New requirement added for additional treatment for onsite discharges to very fast percolating soils (<1 minute per inch).	Very fast percolating soils do not provide for adequate biological treatment prior to discharge into underlying groundwater. Therefore nutrient reduction needed to protect groundwater must occur in the treatment unit.
Requirement added calling for onsite disposal systems on slopes greater than 20% to be designed by certified professional.	Increased development in steep areas increases concern regarding slope stability and hydraulics. Accordingly, such systems require professional expertise.
Prohibition of onsite disposal within areas subject to 10-year flood zone is revised to 25-year flood zone.	Increased development in flood prone areas and projected long-term use of onsite disposal systems calls for a greater margin of safety.
New prohibition limiting onsite disposal in fill unless specifically designed as disposal area.	Prohibition added to prevent leachate from onsite disposal surfacing at interface of fill and native soil.
New prohibition limiting onsite disposal of water softener brine unless such disposal is consistent with the local management plan.	Salts discharged to onsite systems migrate (virtually untreated) into underlying groundwater and must be minimized to protect groundwater quality.

WHY CRITERIA UPDATE WAS NEEDED: Typically (in the experience of Water Board staff over the past 25 years), local jurisdictions have been unwilling to implement actions beyond those specifically required. As a result, thousands of onsite wastewater disposal systems have been permitted and installed without any means of evaluating resulting water quality impacts. When problems are identified, significant impacts may have already occurred and corrective actions are expensive. Also, implementation of the Basin Plan criteria has demonstrated revisions are needed to clarify vague language. Conventional onsite systems should be “fool proof:” simple design, simple installation, and simple operation. The Basin Plan criteria for onsite systems are intended to ensure ongoing water quality protection despite the simple nature of most onsite systems. The Basin Plan currently recommends that permitting agencies prepare and implement wastewater management plans. However, only one county within the Central Coast Region has developed an approved onsite wastewater management plan since the recommendation was incorporated into the Basin Plan in 1983. The new criteria require development and implementation of onsite management plans to investigate and mitigate existing and potential future water quality issues resulting from continued use of onsite systems.

IMPLEMENTATION PROGRAM: State law requires submittal of a report of waste discharge (application) and issuance of waste discharge requirements (permits) by the Water Board prior to discharging waste, such as that from an onsite wastewater system (California Water Code Sections 13260 & 13264). Water Code Section 13269 allows the Water Board to waive these regulatory provisions provided such waivers do not exceed five years, are consistent with applicable state or regional water quality control plans, and are in the public interest. Historically, the Water Board entered into MOUs with permitting agencies to implement the Basin Plan criteria and comply with state law. Until 2004, the MOUs served as waivers of Water Board permits for onsite systems. However, all such waivers expired in 2004, leaving onsite systems subject to individual permitting (a cumbersome and redundant oversight). In 2009, the Central Coast Water Board adopted Resolution No. R3-2009-0012, updating the Basin Plan with an implementation program waiving individual permit requirements for onsite systems sited, designed, managed and maintained in a manner consistent with Basin Plan criteria. The waiver conditions are described below.

Without Local Onsite Management Plan	With MOU & Local Onsite Management Plan
Submittal of application	Application waived
\$560 fee (set by State Water 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	

In areas without onsite management plans, those planning to install new systems or replace or make major repairs to existing systems can apply to the Water Board for enrollment under the waiver in lieu of applying for an individual permit. In areas with approved management plans, no Water Board permit or fee is required. The new rules provide a tool for streamlining permitting of new systems and support local agency management in lieu of direct Water Board oversight.

2011 CLARIFYING REVISIONS: The updated criteria and implementation programs adopted by the Central Coast Water Board do not take effect until they are approved by the State Water Resources Control Board (State Water Board) and the Office of Administrative Law (OAL). During its review of the 2008 and 2009 updates, State Water Board staff identified areas where language and format changes to the 2008 and 2009 revisions could improve clarity of the requirements prior to adoption by the State Board. The recommended changes include a) increased detail is incorporated into the text to clarify terms, implementation practices, and requirements; and b) sections are reorganized so that the implementation program is brought to the beginning of the onsite section. These changes were adopted by the Central Coast Water Board on May 5, 2011, in Resolution No. R3-2011-0004.

Assembly Bill 885 (adopted in 2000) requires the State Water Board (in consultation with state and local health departments, California Coastal Commission, counties, cities and other interested parties) to adopt regulations or standards for onsite wastewater systems. 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. If more stringent statewide regulations are adopted pursuant to AB885, then such regulations shall be incorporated into the implementation policy.

BASIN PLAN LANGUAGE & AMENDMENTS: The following links show the original (1983) Basin Plan criteria for onsite systems, amendments adopted by the Central Coast Water Board in 2008, 2009 and 2011. In each of the amendments below, revisions are identified by underline (additions) and strikeout (deletions). Text which is moved but otherwise unchanged is not highlighted.

1983 Basin Plan text regarding onsite wastewater systems is available at the following link:
http://www.waterboards.ca.gov/centralcoast/publications_forms/publications/basin_plan/chapter_4/chapter4.shtml#Toc3102236

2008 update of onsite wastewater system criteria is available at the following link:
http://www.waterboards.ca.gov/centralcoast/board_decisions/adopted_orders/2008/2008_0005_revised_onsite_criteria_chapter_4.pdf

2009 implementation program (conditional waiver) is available at the following link:
http://www.waterboards.ca.gov/centralcoast/board_decisions/adopted_orders/2009/2009-0012_text.pdf

2011 clarifying revisions are available at the following link:

http://www.waterboards.ca.gov/centralcoast/board_decisions/adopted_orders/2011/2011_0004_resolution_Att_A.pdf

Paper copy of these documents is available by contacting Sorrel Marks at 805/549-3695.

WHO MIGHT BE EFFECTED: Individuals, businesses and local governing agencies designing, constructing, using, maintaining or permitting onsite wastewater systems in the Central Coast Region.

WHERE TO FIND MORE INFORMATION: Staff reports, resolutions, notices of future meetings, frequently asked questions, and other related information is available on the Central Coast Water Board's website <http://www.waterboards.ca.gov/centralcoast/> (see grey *Announcements* box with *Onsite Wastewater Information* link) or by contacting Sorrel Marks at 805/549-3695 or smarks@waterboards.ca.gov.

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