

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

RESOLUTION NO. R3-2008-0005

**AMENDING THE WATER QUALITY CONTROL PLAN
REVISING ONSITE WASTEWATER SYSTEM CRITERIA**

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

1. The Central Coast Water Board updated its policy regarding siting and design of onsite wastewater systems on September 16, 1983, by adopting Resolution No. 83-12.
2. The Central Coast Water Board adopted the current Water Quality Control Plan, Central Coastal Basin (Basin Plan) on September 8, 1994. The Basin Plan includes beneficial use designations, water quality objectives, implementation plans for point source and nonpoint source discharges, prohibitions, and statewide plans and policies. The text and requirements specified in Resolution No. 83-12 are included in the Basin Plan as provisions of Chapters 4 and 5.
3. The Central Coast Water Board periodically revises and amends the Basin Plan. The Central Coast Water Board determined that the Basin Plan requires further revision and amendment to clarify and strengthen criteria for onsite wastewater systems throughout the region. The Central Coast Water Board will regulate discharges from onsite wastewater systems using waste discharge requirements (WDRs) or waiver of WDRs, in conjunction with memoranda of understanding with local jurisdictions.
4. In December 2007, Water Board staff contacted State Water Resources Control Board (State Water Board) staff to inquire if the proposed amendment to the Basin Plan required external scientific review to comply with Health and Safety Code Section 57004. Due to the limited nature of the proposed revisions (primarily incorporating language from external documents subjected to scientific review) additional external scientific review of these proposed revisions is not required.
5. Public Notice - Interested persons and the public have been informed of the Central Coast Water Board's intent to revise the Basin Plan criteria for onsite wastewater systems. Efforts to inform the public and solicit public comment include a public meeting/workshop, several individual meetings with vested stakeholders, and a number of telephone conversations with interested parties. Notice of public hearing was given by advertising in newspapers of general circulation within the Region, by posting on the Water Board website, and by mailing a copy of the notice to all persons requesting such notice and applicable government agencies. Central Coast Water Board staff responded to oral and written comments received from the public.

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6. Economic Considerations - The Central Coast Water Board considered costs associated with implementing the revised criteria specified in this Basin Plan amendment, Resolution No. R3-2008-0005.
7. Anti-Degradation – State Water Board Resolution No. 68-16 *Statement of Policy with Respect to Maintaining High Quality of Waters in California* (Resolution No. 68-16) requires Regional Water Boards, in regulating the discharge of waste, to maintain high quality waters of the State until it is demonstrated that any change in quality will be consistent with maximum benefit to the people of the State, will not unreasonably affect beneficial uses, and will not result in water quality less than that described in a Regional Water Board's policies (e.g., quality that exceeds applicable water quality standards). Resolution No. 68-16 also states, in part:

Any activity which produces or may produce a waste or increased volume or concentration of waste and which discharges or proposes to discharge to existing high quality waters will be required to meet waste discharge requirements which will result in best practicable treatment and control of the discharge necessary to assure that (a) a pollution or nuisance will not occur and (b) the highest water quality consistent with maximum benefit to the people of the State will be maintained.

This Resolution is consistent with the provisions of the State Water Board Resolution No. 68-16. The regulation of discharges from onsite wastewater systems has been a component of the Water Board's regulatory oversight for several decades, and the clarifying and strengthening language provided in this resolution provides more regulatory oversight compared to that described in Resolution No. 83-12. Compliance with the Basin Plan criteria will result in the best practicable treatment or control of the discharges. Therefore, the Basin Plan amendment will result in improved water quality protection throughout the region and maintains the level of water quality necessary to protect existing and anticipated beneficial uses.

8. CEQA - The Central Coast Water Board concurs with the analysis contained in the Supplemental Environmental Documents, including the Environmental Checklist, the staff report, and the responses to comments and finds that the analysis complies with the requirements of the California Environmental Quality Act and the State Water Board's regulations, as set forth in the California Code of Regulations (CCR), Title 23, §3775 et seq. with respect to certified regulatory programs. The Central Coast Water Board finds that the proposed amendments to the Basin Plan will not have a significant effect on the environment. The project (adopting this Resolution) consists of amending an existing regulatory program implemented by a regulatory agency by making the existing program more stringent and providing greater environmental protection.
9. The proposed amendment is a revision of onsite wastewater system criteria specified in the Basin Plan (Chapters 4 and 5) and applicable throughout the Region. The revisions to Chapters 4 and 5 of the Basin Plan are shown on Attachments A and B (respectively) to this Resolution. Attachments A and B identify significant additions/deletions shown with underline/strikeout. Text that is simply moved is not identified as a proposed change.
10. Area of Applicability - The effect of this amendment will be throughout the Region, where onsite systems are used for treatment and disposal of wastewater.

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11. The Basin Plan amendment must be submitted for review and approval by the State Water Resources Control Board (State Board) and the State Office of Administrative Law (OAL). The Basin Plan amendment will become effective upon approval by OAL. The subject Resolution will become effective immediately.
12. The amendment to the Basin Plan will result in no potential for adverse effect, either individually or cumulatively, on wildlife and is therefore exempt from fee payments to the Department of Fish and Game under the California Fish and Game Code.
13. On May 9, 2008, in San Luis Obispo, California, the Central Coast Water Board held a public hearing and heard and considered all public comments and evidence in the record.

THEREFORE, BE IT RESOLVED that:

1. Pursuant to California Water Code §13240, the Water Board, after considering the entire record, including oral testimony at the hearing, hereby adopts the Basin Plan amendments shown in Attachments A and B to this Resolution.
2. The Central Coast Water Board's Executive Officer is directed to forward copies of the Basin Plan amendments to the State Water Board in accordance with the requirements of California Water Code §13245.
3. The Central Coast Water Board requests that the State Water Board approve the Basin Plan amendments in accordance with the requirements of California Water Code §13245 and §13246, and forward it to OAL for approval. The Central Coast Water Board shall file a Notice of Decision with the Secretary of Resources and the Governor's Office of Planning and Research (State Clearinghouse) after approval by OAL.
4. The Central Coast Water Board Executive Officer is authorized to sign a Certificate of Fee Exemption (included as Attachment C to this Resolution).
5. If, during its approval process, the State Water Board or OAL determines that minor, non-substantive corrections to the language of the amendment are needed for clarity or consistency, the Central Coast Water Board Executive Officer may make such changes, and shall inform the Central Coast Water Board of any such changes.

I, Roger W. Briggs, Executive Officer, do hereby certify the foregoing is a full, true, and correct copy of the Resolution adopted by the Central Coast Water Board, on May 9, 2008.



Roger W. Briggs, Executive Officer

Attachments: A - Revised Basin Plan Chapter 4 (onsite sections only)
B - Revised Basin Plan Chapter 5 (onsite sections only)
C - Certificate of Fee Exemption
D - Report for Basin Plan Amendment (including the Environmental Checklist)

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