

**State of California  
Central Coast Regional Water Quality Control Board**

**QUESTIONS AND ANSWERS FOR RECIPIENTS OF CEASE AND DESIST ORDERS  
IN LOS OSOS**

**March 2006**

**Q: Are you going to issue enforcement actions for all properties in the Prohibition Zone?**

**A:** Yes. Central Coast Water Board staff intends to continue issuing Cease and Desist Orders or similar orders to randomly selected groups until all improved property owners and tenants in the Prohibition Zone have received an enforcement order, or all have connected to a community sewer system, whichever comes sooner. We are attempting to streamline the process to reach all properties as soon as possible. The Executive Officer is considering issuing Cleanup and Abatement Orders containing the same requirements as the CDOs to streamline the hearing process.

**Q: Why are owners and tenants both subject to CDOs?**

**A:** The State Water Board's longstanding policy is that property owners are subject to regulation and enforcement for their tenants' waste discharges. However, being users of septic systems, tenants are discharging waste in violation of the Basin Plan.

**Q: Who is responsible for pumping out septic tanks, owners or tenants?**

**A:** The CDOs make both tenants and owners responsible for pumping out septic tanks. It is up to the owners and tenants to sort out who will actually take responsibility for pumping out septic tanks. Both owners and tenants are subject to enforcement action if a property is out of compliance with the requirements. Any agreements between owners and tenants do not limit the Water Board's authority to take action against all parties.

**Q: How do I pump out my septic tank?**

**A:** Many septic tank pumping service companies are available locally. We suggest looking under "septic" in the telephone book. These service companies are usually capable of locating the septic tank for you. They will pump out the tank and dispose the contents at an approved wastewater treatment facility. The cost of pumping out your septic tank may be less if you uncover your septic tank to make it easily accessible for the service company.

**Q: Who are the septic tank pumping services approved by the Executive Officer?**

**A:** Septic tank pumping services approved by the Executive Officer will be posted at [www.waterboards.ca.gov/centralcoast](http://www.waterboards.ca.gov/centralcoast) prior to March 23, 2006. In general, all of the major companies listed in the phone book are approved.

**Q: Why are properties selected randomly?**

**A:** CDOs could not be issued to all property owners and tenants in the Prohibition Zone at one time, because CDOs must be heard and approved by the Central Coast Water Board. The CDOs must be issued in manageable groups to allow for these hearings. Random selection is the fairest method of selecting these groups. We are attempting to streamline the process to reach all properties as soon as possible. The Executive Officer is also considering issuing Cleanup or Abatement Orders containing the same requirements as the CDOs, because Cleanup or Abatement Orders can be handled more quickly.

**Q: How were properties randomly selected?**

**A:** Staff used the most recent County Tax Assessor information to generate a mailing list of property owners in the Prohibition Zone. A computer-generated set of random numbers was then applied to the mailing list. In cases where the Assessor information indicated that the property owner does not live at the property, we checked voter registration lists, which are sorted by address, to find tenants' names. Properties were taken in numerical order of the random numbers. In other words, property owners and tenants of those properties receiving the lowest random numbers receive the first group of CDOs.

**Q: Can you tell me where I am on the list, and when I will receive a draft CDO?**

**A:** We have not yet applied a set of random numbers to the list of remaining properties in the Prohibition Zone, so we cannot tell you when you will receive a draft CDO. We will make another random selection just prior to issuance of the next round of draft CDOs.

**Q: Are unimproved properties (vacant lots) subject to CDOs?**

**A:** No. There is no waste discharge at unimproved properties in violation of the prohibition, and owners will not receive CDOs.

**Q: We wanted to hook up to the sewer but we have no control over the CSD's work stoppage.**

**A:** The individual dischargers are legally responsible for their own illegal discharges. If a community system is not available, the dischargers must propose alternatives for stopping the discharges. The Water Board has worked with the County and the CSD for over twenty years to facilitate a community sewer system without a successful result. Continued violations of the prohibition are not acceptable.

**Q: My septic system isn't as bad as others (e.g., bigger lot, more separation to groundwater, less nitrate in my area, etc.), so I shouldn't be in the first group.**

**A:** Water quality problems in Los Osos are primarily due to the total overloading of the area with septic system dischargers. Every site is different, but all are contributing to the problem and

all are discharging illegally. However, if you have site-specific information that you want the Water Board to consider, you must submit it by the March 1 due date.

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**Q: The Cease and Desist Order states that I may request an alternative to the septic tank pumping requirements. How do I request an alternative?**

**A:** The purpose of the septic tank pumping requirement is to reduce pollutant loading to Los Osos groundwater. Alternatives that may be considered are those that result in at least the same reduction in pollutant loading as septic tank pumping. If you pursue an alternative, you must request and receive Waste Discharge Requirements from this Regional Board. This entails submitting an engineered design (that achieves significant nitrogen reduction), annual fees, and ongoing monitoring. Note that design and installation costs may be significant. Alternatives must be considered on a case-by-case basis.

**Q: May I satisfy the pumping requirement by containing my waste within a portable-, incinerator-, or composting-toilet?**

**A:** Alternatives to pumping will be considered on a case-by-case basis. Viable alternatives will need to demonstrate reduction of discharge and dependability comparable to tank pumping. For example, proposal to use portable toilets in lieu of household plumbing must be accompanied by a reasonable plan of assurance of continued discharge elimination.

**Q: If, after January 2010, there were still not a sewer to hook up to, would the Central Coast Water Board look more favorably enforcement wise upon residents with treatment systems than those without?**

**A:** Staff can't comment on how the Central Coast Water Board might exercise its discretion years from now. However, staff will take the failure to eliminate ALL septic system discharges, as required by the Basin Plan and the Cease and Desist Orders, very seriously. In assessing penalties, the Board must consider harm to environment, but that consideration does not require the Board to reduce the penalty from the maximum. The Board has full discretion on how to weigh the factors.

**Q: My home is equipped with low-flow fixtures and generates less than average wastewater flow. Can I pump less often?**

**A:** No. Our calculations of expected waste reduction by septic tank pumping are based on average wastewater generation throughout the community. Some will be more and some will be less. If residents are complying with Los Osos Community Services District's Water Conservation Plan, then low-flow fixtures are already standard.

**Q: I didn't vote for those who put me in this predicament. Why am I being targeted?**

A: All property owners and tenants that utilize septic systems in the Prohibition Zone are discharging in violation the Basin Plan Prohibition, and therefore are subject to enforcement action.

**Q: When and under what circumstances will the septic tank pumping requirement be lifted?**

A: We will rescind your septic tank pumping requirement when you have connected to a community sewer system or have come into compliance with the Basin Plan by some other method.

**Q: Will frequent septic tank pumping disrupt proper septic system function?**

A: No. The primary function of septic tanks is to remove floating and settleable solids from wastewater, prior to it flowing into the disposal field. Septic tanks do not remove appreciable amounts of nitrogen. Although the solids are decomposed within the tank, there is always a net accumulation of sludge, which decreases the tank's capacity and function. Frequent pumping maximizes its volume and function, and will significantly reduce the volume of wastewater discharged to Los Osos' groundwater.

The secondary function of septic tanks is to break down the solids through anaerobic decomposition. Some may argue that frequent pumping will disrupt this decomposition process. However, the rate of decomposition is very slow compared to the required frequency of pumping, and frequent pumping will not completely eliminate the microbiology that contributes to anaerobic decomposition, so this is a moot point.