

STATE OF CALIFORNIA
REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL COAST REGION

STAFF REPORT FOR REGULAR MEETING OF JULY 11, 2008
Prepared on May 29, 2008

ITEM NUMBER: 12

SUBJECT: Waiver of Waste Discharge Requirements for Engineered Onsite Disposal System, Trosky Residence, 220 Upper Walden Road, Carmel Highlands, Monterey County, Resolution No. R3-2008-0045

KEY INFORMATION

Location: 220 Upper Walden Road, Carmel Highlands, Monterey County
Lot Size & Type: Approximately 2.3 acre; Residential
Type of Discharge: Treated domestic wastewater
Type of Treatment: Secondary via package filtration system with ultraviolet disinfection
Disposal Method: Subsurface drip and shallow gravelless leachfields
Design Flow: 450 gallons per day (gpd) - average and 900 gpd - peak daily
Land Owner/Discharger: Ian and Amy Trosky
Local Oversight Agency: Monterey County Department of Health
This Action: Adopt Resolution No. R3-2008-0045 for Waiver of Waste Discharge Requirements

SUMMARY

The proposed Resolution (Attachment 1) is a Waiver of Waste Discharge Requirements for an engineered (or advanced treatment) onsite domestic wastewater and disposal system for a residential lot located in the Carmel Highlands. Conditions of the proposed Resolution are primarily based on newly adopted Monterey County ordinances intended to protect the area from potential site-specific or cumulative impacts as a result of the high density of onsite domestic wastewater systems and domestic water supply wells in an area of historical geologic concern. The proposed Resolution is for one of ten residential lots in the Carmel Highlands subject to County ordinance allowing a limited number of pending county building permit applications to be processed subject to specific standards until the County conducts an area-wide study and adopts an Onsite Wastewater Management Plan for the Carmel Highlands area.

The subject property and proposed system design meet or exceed all Basin Plan numeric criteria for citing a conventional "septic system" with the exception of a design effluent loading rate for an alternative [secondary] disposal system as discussed below.

The following discussion briefly outlines the basis of the proposed Resolution with supporting attachments and the conditions of the proposed Resolution. More detailed information is contained within the Resolution and attached Central Coast Water Board written correspondence with Monterey County.

DISCUSSION

The Monterey County Board of Supervisors adopted Ordinance No. 5093 on November 17, 2007. Ordinance No. 5093 extends Interim Ordinance No. 5086, adopted on October 2, 2007, which temporarily limits new development in the Carmel Highlands that has the potential to generate wastewater and temporarily limits the construction of new wells pending an area-wide study and consideration of an Onsite Wastewater Management Plan by the County. Ordinance No. 5093 also contains an exemption to allow a limited number of pending applications to be processed subject to specified standards as outlined in Ordinance No. 5093. Interim Ordinance No. 5086 and Ordinance No. 5093 are Exhibits 1 and 2, respectively, to the Resolution (Attachment 1) of this staff report.

The above noted County ordinances were implemented in response to Water Board March 7, 2007 and May 7, 2007 letters to the County (Attachments 2 and 3, respectively) regarding another Carmel Highlands site and the ongoing use of onsite wastewater systems in the Carmel Highlands as a whole. The two letters reiterate a long standing Water Board concern regarding the continued development of the Carmel Highlands without the preparation and implementation of an Onsite Wastewater Management Plan per recommendations of the Basin Plan. The letters also question whether continued development via onsite wastewater systems is in compliance with narrative Basin Plan prohibitions regarding physical constraints and potential threats to water quality, public health, and conditions of nuisance.

Staff originally provided a tacit denial of any additional onsite system proposals in the Carmel Highlands requiring Water Board approval of Basin Plan exemptions in the May 7, 2007 letter. However, staff is now in support of the County's ordinance to provide relief to a limited number of pending applicants who have invested considerable time and financial resources towards their projects with the understanding that they could be permitted. Staff support is based on a long-term perspective given the ordinance contains interim standards intended to mitigate potential site specific and cumulative area-wide impacts that will also help generate geologic data for the pending area-wide study, and the County is committed to an area wide study and development of an Onsite Wastewater Management Plan for the Carmel Highlands area. The interim standards were developed by the County in consultation with Water Board staff and contain specific site investigation, design, construction, maintenance and monitoring requirements.

The Basin Plan and existing July 1979 Memorandum of Understanding between the County and Water Board prohibit the County from approving engineered onsite wastewater systems. In addition, the secondary disposal system (a shallow gravelless drainfield) was designed using a loading rate of 0.8 gallons per day per square foot (gpd/ft²). The Basin Plan requires a loading rate of 0.6 gpd/ft² for the observed [average] onsite percolation rate of 29 minutes per inch (mpi) as determined from five percolation test pits within and adjacent to the proposed disposal areas. Although onsite soil infiltration testing conducted within the proposed disposal area per the shallow gravelless drainfield manufacturer specifications resulted in design loading rates of greater than 2 gpd/ft², County Ordinance No. 5093 allows a maximum loading rate of 0.8 gpd/ft² based on the observed percolation rate of 29 mpi. A Basin Plan exception is therefore required for the engineered onsite wastewater system and 0.8 gpd/ft² design loading rate for the secondary disposal system. Note: the requirement for a secondary disposal system is pursuant to County requirements and the primary disposal system (a subsurface drip system) was designed using a more conservative loading rate of 0.4 gpd/ft² per manufacturer specifications.

The County submitted an *Application for an Alternative Onsite Wastewater System Permit for the Trosky Residence at 220 Upper Walden Road, APN 241-041-041* dated April 8, 2008. The application package contains a Report of Waste Discharge Supplemental Form for Regional Board Subsurface Disposal Exemption Submittal (for Basin Plan exemption) and design documents for an engineered onsite wastewater system for the subject property. Staff reviewed the application and

approved the Basin Plan exemption in a letter dated April 22, 2008 (Attachment 4). Pursuant to Water Code Section 13269, the waiver policy that formerly covered onsite wastewater systems sunsetted on January 1, 2003. Consequently, a waiver of waste discharge requirements is also required along with the Basin Plan exemption. The April 22, 2008 letter also serves as the public notification for the proposed Resolution.

It should be also be noted that the Discharger is tentatively pursuing a lot split with the County that would result in the subject property being reduced to approximately 1.3 acres, with the remaining 1-acre portion of the lot potentially being combined with an adjacent lot. The proposed project with the potential lot line adjustment would still meet the one acre minimum lot size requirement pursuant to the Basin Plan for new divisions of land.

The proposed Waiver of Waste Discharge Requirements is subject to a list of conditions as outlined in paragraph 1 of the Resolution. The primary condition is that the Discharger comply with all applicable County ordinances and permit conditions with an emphasis on the ordinances noted above and the nonstandard permit conditions attached as Exhibits 3 and 4 to the proposed Resolution. The nonstandard permit conditions consist of an operations and maintenance contract requirement and deed notification requirement documenting the alternative onsite wastewater system and related County requirements for potential future owners. The proposed Resolution also contains standard conditions regarding system operation and maintenance, monitoring, inspection, notification and access requirements, and discharge prohibitions.

If the proposed onsite disposal system is properly operated and maintained in accordance with Monterey County Ordinances and permit conditions and the conditions of this Resolution, a waiver of waste discharge requirements is in the public interest and is consistent with applicable water quality control plans, including the Water Quality Control Plan, Central Coast Region.

COMMENTS & CHANGES

The attached Resolution contains changes from the original draft sent out under cover of our April 22, 2008 Basin Plan exemption and draft waiver letter. These changes were made pursuant to Water Board legal counsel comments on a similar Resolution and generally consist of non-substantive wording changes.

No comments were received from interested parties as of May 29, 2008, regarding the April 22, 2008 draft Resolution.

RECOMMENDATION

Adopt Resolution R3-2008-0045 as proposed.

ATTACHMENTS

1. Proposed Waiver No. R3-2008-0045 and associated Exhibits
2. Central Coast Regional Water Quality Control Board March 7, 2007 letter to Richard LeWarne, County of Monterey, re: *74 Corona Road, Carmel Highlands (APN 241-052-001-000, PLN050447/Reynolds); Response to Monterey County Request for Review*
3. Central Coast Regional Water Quality Control Board May 7, 2007 letter to Richard LeWarne, County of Monterey, re: *74 Corona Road, Carmel Highlands (APN 241-052-001-000, PLN050447/Reynolds); Response to Monterey County Request for Clarification*

4. Central Coast Regional Water Quality Control Board April 22, 2008 letter to Ian and Amy Trosky, re: *220 Upper Walden Road, Carmel Highlands, Carmel (APN 241-041-004), Monterey County; Proposed Waiver of Waste Discharge Requirements for Alternative Onsite Wastewater Disposal System (Resolution R3-2008-0045)*

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