

**STATE OF CALIFORNIA
REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL COAST REGION**

STAFF REPORT FOR REGULAR MEETING OF MARCH 20-21, 2008

Prepared on February 22, 2008

ITEM NUMBER: 14

SUBJECT: Waiver of Waste Discharge Requirements for Engineered Onsite Disposal System, Kashfi Residence, 74 Corona Road, Carmel Highlands, Monterey County, Resolution No. R3-2008-0020

KEY INFORMATION

Location: 74 Corona Road, Carmel Highlands, Monterey County
Lot Size & Type: Approximately 0.80 acre; Residential
Type of Discharge: Treated domestic wastewater
Type of Treatment: Secondary via package filtration system with ultraviolet disinfection
Disposal Method: Subsurface drip and pressure dosed leachfields
Design Flow: 450 gallons per day (gpd) - average and 900 gpd - peak daily
Land Owner/Discharger: Rick Kashfi
Local Oversight Agency: Monterey County Department of Health

This Action: Adopt Resolution No. R3-2008-0020 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. Staff will likely propose a General Waiver of Waste Discharge Requirements Resolution for the nine remaining lots that is consistent with the proposed Resolution at a later public hearing.

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 the proposed 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. A Basin Plan exemption and waiver of waste discharge requirements is therefore required. The County submitted an *Application for an Alternative Onsite Wastewater System Permit for the Kashfi Residence at 74 Corona Road, APN 241-052-001* dated December 20, 2007. 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 January 18, 2008 (Attachment 4). The January 18, 2008 letter also serves as the public notification for the proposed Resolution.

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 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

Staff provided the proposed Resolution to the Discharger, his consultant and attorney, the consultant for the project opponents, and the Monterey County Health and Planning departments on January 18, 2008.

Staff received informal comments from the Discharger's consultant and Monterey County regarding the following draft Resolution requirement (formerly paragraph 1.b.):

"Monterey County will regularly inspect the system and visually monitor the system after all rainfall events resulting in greater than one inch of precipitation."

This requirement was retained from a former onsite site system waiver resolution template used for mounded disposal systems. Mounded systems are needed to maintain vertical separation of five feet or more to groundwater from the bottom of disposal trenches and can be subject to failure (surfacing effluent at the toe of the mound) during significant rainfall events. The proposed disposal system consists of a subsurface drip irrigation system designed to handle roughly three times the systems average daily design flow rate of 450 gallons per day with additional back up disposal capacity via shallow pressurized trenches designed to handle roughly 480 gallons per day. Subsurface soils beneath the site generally consist of well draining sandy loam soils (decomposed granite) to a depth of 60 feet below ground surface (bgs) underlain by 180 feet of granite before encountering fractured bedrock and groundwater at 240 feet bgs. Therefore, disposal system failure is not a concern for the proposed system given the site conditions and system design will likely facilitate more than adequate percolation of the treated effluent even during rainfall events. This requirement was therefore removed from the draft Resolution.

Comments are still expected from various Kashfi project opponents and will be addressed via supplemental sheets once they are received.

Staff also modified the draft Resolution per Water Board legal counsel comments. The modifications included significant wording changes within Findings 2, 3, and 17 (Finding 18 of the proposed Resolution) containing Water Code references, the addition of Finding 6, and several other minor wording changes throughout the proposed Resolution.

RECOMMENDATION

Adopt Resolution R3-2008-0020 as proposed.

ATTACHMENTS

1. Proposed Waiver No. R3-2008-0020 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 January 18, 2008 letter to Rick Kashfi, re: *74 Corona Road, Carmel Highlands (APN 241-052-001); Proposed Waiver of Waste Discharge Requirements for Alternative Onsite Wastewater Disposal System (Resolution R3-2008-0020)*

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