

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

PROPOSED CEASE AND DESIST ORDER NO. R3-2006-_____

Requiring

**[OWNER NAMES]
OWNER AND OCCUPANT
[SITE ADDRESS], LOS OSOS
APN [#]
SAN LUIS OBISPO COUNTY
TO CEASE AND DESIST FROM DISCHARGING WASTES
IN VIOLATION OF A BASIN PLAN PROHIBITION
PRESCRIBED BY THE CALIFORNIA REGIONAL WATER
QUALITY CONTROL BOARD, CENTRAL COAST REGION**

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

1. _____ own(s) and operate(s) an on-site wastewater treatment and disposal system (Septic System) at _____ (Site) in Los Osos, California. The Site is a residence. The Septic System consists of a septic tank that discharges wastewater to an on-site subsurface disposal facility. _____ is/are referred to in this Order as "Discharger."
2. The Site has no wastewater disposal facility other than the Septic System. Waste generated at the Site includes human waste and wastewater from toilets and from domestic activities such as bathing, laundry, dishwashing and disposal of garbage. This waste is discharged to the Septic System. Liquid waste then discharges from the Septic System and eventually to groundwater.
3. The discharge of waste from the Septic System violates a prohibition of waste discharge from individual sewage disposal systems set forth in the Water Quality Control Plan, Central Coast Basin (Basin Plan). The Water Board adopted the prohibition on September 16, 1983. The Basin Plan prohibition specifies, in part (page IV-67):

"3. Discharges from individual and community sewage disposal systems are prohibited effective November 1, 1988, in Los Osos/Baywood Park area depicted in the prohibition boundary map included as Attachment "A" of Resolution 83-13".

The prohibition boundary map is contained in Appendix A-30 of the Basin Plan. The Site is within the prohibition area.

4. On January 27, 2006 and February 28, 2006, notice was provided to the Discharger and other affected persons regarding the Water Board's consideration of this Order.
5. The Water Board, on _____, 2006, in San Luis Obispo, California, held a public hearing and heard evidence regarding this Order.
6. This Order includes monitoring and reporting requirements pursuant to Water Code Section 13267. The Water Board needs the required information in order to assess compliance with the Basin Plan and this Order, and to ensure that pollutant loading within the prohibition area is minimized to the extent possible. The Discharger is required to provide this information because the Discharger is the owner and/or operator of the Septic System. The staff report that accompanied the draft order includes additional evidence in support of this requirement. The Water Board adopted the prohibition in 1983, it became effective in 1988, and the Discharger has incurred little or no costs since then to comply with the prohibition. The burden of any monitoring or reporting required by this Order is reasonable in light of the severe pollution that has resulted from operation of septic systems in the prohibition area, and the long history of violations of the prohibition at the Site.
7. The technical report required by Section A.2.b or 3 (as applicable) is necessary to determine that any alternative to connecting to a community sewer system meets applicable legal requirements, including the septic system discharge prohibition, and to assess compliance with Paragraph A.1 of this Order.
8. Alternatives proposed to comply with this Order may be subject to permitting requirements, including the requirement to obtain waste discharge requirements. Nothing in this Order relieves the Discharger of the obligation to obtain any necessary permit or waste discharge requirements.
9. This enforcement action is being taken for the protection of natural resources and the environment and as such is exempt from the provisions of the California Environmental Quality Act (Sections 15307, 15308, and 15321, Chapter 3, Division 6, Title 14, California Code of Regulations, "CEQA"). In addition, the Septic System is an existing facility and this Order allows no expansion of use beyond that previously existing so this enforcement action is exempt from the provisions of CEQA (Section 15301, Chapter 3, Division 6, Title 14, California Code of Regulations).

IT IS HEREBY ORDERED, pursuant to Sections 13260, 13267 and 13301 of the California Water Code, that the Discharger shall comply with the following requirements:

A. CESSATION OF DISCHARGE

1. Discharger shall cease all discharges from the Septic System no later than the earlier of (i) January 1, 2010, or (ii) 60 days after the availability of a community sewage treatment plant.
2. This Paragraph 2 applies if a community wastewater treatment plant and sewer system will be available to the Discharger no later than January 1, 2010. The Discharger shall submit the following information no later than the earlier of (i) June 30, 2009, or (ii) 180 days before the expected completion date; either:
 - a. A statement that the Discharger agrees to connect to the community sewage treatment plant within 60 days after the sewage treatment plant becomes available; or
 - b. A technical report proposing an alternative method of complying with Paragraph A.1. The proposed alternative must be adequate to cease discharges from the Septic System by the date in Paragraph A.1, and must include a proposed monitoring and reporting plan. If the alternative involves a discharge of waste that could affect waters of the State, the report shall be in the form of a report of waste discharge. "Waters of the State" is defined in Water Code Section 13050(e). "Report of waste discharge" means a report that complies with Water Code Section 13260 and, if applicable, Water Code Section 13376.
3. This Paragraph 3 applies if no community treatment plant and sewer system will be available to the Discharger by January 1, 2010. By June 30, 2009, the Discharger shall submit a technical report proposing a method of complying with Paragraph A.1. The proposed alternative must be adequate to cease discharges from the Septic System by the date in Paragraph A.1, and must include a proposed monitoring and reporting plan. If the alternative involves a discharge of waste that could affect waters of the State, the report shall be in the form of a report of waste discharge. "Waters of the State" is defined in Water Code Section 13050(e). "Report of waste discharge" means a report that complies with Water Code Section 13260 and, if applicable, Water Code Section 13376.
4. **These January 10, 2010 compliance dates may be revised by the Executive Officer to be reasonably related to progress in constructing a wastewater system for the community. The Executive Officer may also extend the due date for any interim or reporting requirement of Section A for up to ninety days for circumstances beyond the Discharger's reasonable control.**

5. Nothing in this Order authorizes discharges from the Septic System at any time, whether before or after the date in Paragraph A.1.

B. INTERIM COMPLIANCE REQUIREMENTS

By three months after the date of this Order, the Discharger shall (1) have the contents of the Septic System pumped **or certify that the Septic System has been pumped within the previous three years**, and (2) obtain a report by the County of San Luis Obispo or a septic tank pumper that either describes recommended repairs to the Septic System or states that no repairs are necessary. If the Discharger disagrees with any repair recommendation, the Discharger shall provide justification to the Executive Officer no later than four months after the date of this Order explaining why the repairs are not necessary. Unless Water Board staff agrees, in writing, that any recommended repair is not necessary, the Discharger shall provide documentation no later than February 1, 2007, that the Discharger has complied with these pumping, inspection and repair requirements. **The Executive Officer may extend the due date for any requirement of Section B for up to ninety days for circumstances beyond the Discharger's reasonable control.**

C. PROVISIONS

1. All reports, receipts, notifications and other documents the Discharger submits pursuant to the Order (including Paragraph A.3 of this Order) shall be accompanied by a statement from the Discharger stating: "I certify under penalty of perjury that the attached documents were prepared at my request and under my supervision, and to the best of my knowledge are true, accurate and complete. I understand that there are significant penalties for providing false or incomplete information, including the possibility of criminal fines or imprisonment."
2. If more than one person or entity is a "Discharger" subject to this Order, compliance by any of those persons or entities with the requirements of this Order constitutes compliance by all Dischargers. Multiple submissions are not required. However, all named Dischargers are responsible for compliance with all requirements of this Order, and will be subject to enforcement for any non-compliance. Agreements among Dischargers regarding which of them will comply with Water Board requirements is not binding on the Water Board and does not protect any party from enforcement actions.
3. Discharger shall inform any subsequent owner or occupant at the Site of this Order and provide a copy of the Order.
4. The property owner shall notify the Executive Officer in writing of any contemplated transfer of ownership at least 30 days prior to transfer of ownership.

5. The property owner shall notify the Executive Officer in writing of the name of any new occupant within 30 days after the new occupant takes occupancy.
6. If, in the opinion of the Executive Officer, the Discharger fails to comply with any provision of this Order, then the Executive Officer may apply to the Attorney General for judicial enforcement or issue a complaint for Administrative Civil Liability.

FAILURE TO COMPLY WITH PROVISIONS OF THIS ORDER MAY SUBJECT THE DISCHARGER TO FURTHER ENFORCEMENT ACTION INCLUDING ASSESSMENT OF CIVIL LIABILITY UNDER SECTIONS 13268 OR 13350 OF THE WATER CODE AND REFERRAL TO THE ATTORNEY GENERAL FOR INJUNCTIVE RELIEF AND CIVIL OR CRIMINAL LIABILITY.

I, Harvey C. Packard, Division Chief, do hereby certify the foregoing is a full, true, and correct copy of an Order adopted by the California Regional Water Quality Control Board, Central Coast Region, on _____, 2006.

Division Chief