

**STATE OF CALIFORNIA
CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
LOS ANGELES REGION**

RESOLUTION NO. R04-008

**APPROVING WAIVERS OF WASTE DISCHARGE REQUIREMENTS AND A TEMPLATE
MEMORANDUM OF UNDERSTANDING FOR
ONSITE WASTEWATER TREATMENT SYSTEMS**

WHEREAS, the California Regional Water Quality Control Board, Los Angeles Region (Regional Board) finds that:

1. California Water Code (CWC) section 13260(a)(1) requires that any person discharging wastes, or proposing to discharge wastes other than into a community wastewater collection system, which could affect the quality of the waters of the State, shall file a report of waste discharge (ROWD) with the regional water quality control board exercising jurisdiction in the area, and that regional board shall then prescribe requirements for the discharge or proposed discharge of wastes.
2. CWC section 13269 allows the regional board exercising jurisdiction to waive the requirement for an ROWD under section 13260 or waive the requirement to adopt waste discharge requirements (WDRs) for specific types of discharges where such a waiver is consistent with any applicable state or regional water quality control plans and is in the public interest.
3. The Regional Board issued waivers for residential onsite wastewater treatment systems when it adopted Resolution Nos. 52-4 and 53-6. These waivers delegated the Regional Board's permitting responsibility for residential onsite wastewater treatment systems to Los Angeles and Ventura Counties, among other local agencies having land use and planning powers. These waivers must be reviewed and either renewed or terminated by June 30, 2004 in accordance with CWC section 13269.
4. Onsite wastewater treatment systems have been used as a form of wastewater disposal for many decades. Currently, the number of individual residential systems in the Region (Ventura and Los Angeles Counties) exceeds 100,000. In many instances, the discharge from these systems does not adversely affect the beneficial uses of groundwater or surface water quality.
5. In some areas, the distance between the leach field or seepage pit and the groundwater may not be sufficient to provide adequate treatment of wastes discharged to onsite wastewater treatment systems. In some cases, the proximity of these systems to surface water bodies may result in surface water contamination from inadequately treated wastes. In other instances, the areal density and cumulative effects of numerous systems may result in inadequate waste treatment. Additional factors may also impede the effectiveness of these systems and create conditions that adversely affect water quality.
6. CWC sections 13290 and 13291 require that the State Water Resources Control Board adopt statewide regulations for the permitting and operation of onsite wastewater treatment

systems. The regulations shall include requirements for operation, performance monitoring, corrective action, authorization of a qualified local agency to implement regulations, and for systems adjacent to impaired waters identified pursuant to section 303(d) of the Clean Water Act (33 U.S.C. 1313(d)).

7. Regional Board staff has drafted a proposed template Memorandum of Understanding (MOU) for the purpose of delegating lead responsibility to local agencies for residential and certain de minimis commercial onsite wastewater treatment systems under their jurisdiction, a copy of which is attached hereto and incorporated by reference. The proposed template MOU authorizes a local agency to enforce all applicable municipal plumbing code requirements for the siting, design, approval, installation, operation, maintenance, and monitoring of onsite wastewater treatment systems within a Local Agency's jurisdiction. The proposed template MOU requires a local agency to amend their municipal plumbing code and their permitting program to be substantially equivalent to any statewide standards adopted pursuant to CWC sections 13290 and 13291 in order to retain lead responsibility for residential and certain de minimis commercial onsite wastewater treatment systems under their jurisdiction.
8. The proposed template MOU requires the Regional Board to evaluate a local agency at least once every five years to ensure their municipal plumbing code and onsite wastewater treatment system program is substantially equivalent to any statewide standards adopted pursuant to CWC sections 13290 and 13291.
9. The proposed template MOU satisfies the requirements of section 13269 of the CWC and allows the Regional Board to issue waivers of WDRs for onsite sewage treatment systems regulated by local agencies who enter into an individual MOU. Such waivers are consistent with the *Water Quality Control Plan for the Los Angeles Region* (Basin Plan) and are in the public interest if conditioned upon a local agency entering into an individual MOU. By entering into an MOU, a local agency commits to ensuring that their onsite wastewater treatment system permitting program is substantially equivalent to any statewide standards adopted pursuant to CWC sections 13290 and 13291. Additionally, until statewide standards are adopted pursuant to CWC sections 13290 and 13291, the MOU commits the local agency to take interim measures to increase the effectiveness of its permitting program to address water quality concerns.
10. The Regional Board has adopted the Initial Study and Mitigated Negative Declaration concerning this Resolution prepared by staff in compliance with the California Environmental Quality Act (Public Resources Code section 21000 et seq.) The Initial Study and Mitigated Negative Declaration were circulated for public review.
11. Notice was given to all interested persons of the proposed consideration of the waivers and draft template MOU. The Regional Board held a public hearing on June 10, 2004 and considered all evidence and testimony concerning this matter.

THEREFORE, BE IT RESOLVED that the Regional Board:

1. Adopts the template MOU regarding onsite wastewater treatment systems.

2. Authorizes the Executive Officer to approve and execute on behalf of the Regional Board individual MOUs with local agencies in the Region based substantially on the requirements of the template MOU or functionally equivalent requirements. Individual MOUs shall be negotiated with local agencies based on the template MOU, a copy of which is attached hereto and incorporated by reference. Individual MOUs shall commit the local agency to amending their municipal plumbing code and onsite wastewater treatment system program, if necessary, in order to be substantially equivalent to any statewide standards adopted pursuant to CWC sections 13290 and 13291. Individual MOUs shall incorporate additional measures to be taken by the local agency to identify and address areas of degraded groundwater or surface water quality where onsite wastewater treatment systems are a potential source of contamination.
3. Waives WDRs and the requirement to submit an ROWD for residential and certain de minimis commercial onsite wastewater treatment systems for a period of 60 days from the effective date of this Resolution in the City of Malibu and the unincorporated portions of the County of Los Angeles, and for a period of 120 days from the effective date of this Resolution in the remaining areas of the Region, including the County of Ventura. These waivers shall be extended to five years from the effective date of this Resolution for onsite wastewater treatment systems located in areas where a local agency has entered into an individual MOU with the Regional Board. Owners of onsite wastewater treatment systems specified in the MOU shall apply for permits from the appropriate local agency for onsite wastewater treatment systems in accordance with applicable local ordinances. If after 60 days the County of Los Angeles or the City of Malibu has not entered into an MOU, or if after 120 days any other local agency has not entered into an MOU, the waivers shall terminate and the Regional Board shall undertake direct regulation of all new or existing onsite wastewater treatment systems within that local agency' s jurisdiction.
4. Directs that a copy of this Resolution shall be forwarded to the State Water Resources Control Board.
5. Directs that a copy of this Resolution shall be forwarded to all interested parties.

CERTIFICATION

I, Dennis A. Dickerson, Executive Officer, do hereby certify that the foregoing is a full, true and correct copy of a Resolution adopted by the California Regional Water Quality Control Board, Los Angeles Region on June 10, 2004.

Original signed by Jonathan Bishop, Acting Executive Officer on June 25, 2004

DENNIS A. DICKERSON
Executive Officer

Date