

**State of California  
Office of Administrative Law**

**In re:**  
**State Water Resources Control Board**

**Regulatory Action:**

**Title 23, California Code of Regulations**

**Amend section: 2924**

**NOTICE OF APPROVAL OF REGULATORY  
ACTION**

**Government Code Section 11353**

**OAL Matter Number: 2018-0516-03S**

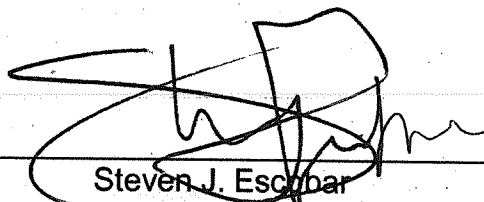
**OAL Matter Type: Regular (S)**

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On April 17, 2018, the State Water Resources Control Board adopted Resolution No. 2018-0019, which amended the Water Quality Control Policy for Siting, Design, Operation, and Maintenance of Onsite Wastewater Treatment Systems (the "OWTS Policy"). The amendment renews the OWTS Policy conditional waiver and amends the impaired water bodies list contained in OWTS Policy Attachment 2, Tables 5 and 6.

OAL approves this regulatory action pursuant to section 11353 of the Government Code.

**Date: June 11, 2018**



Steven J. Eschobar  
Attorney

**Original: Eileen Sobeck, Executive  
Director**

**Copy: Timothy O'Brien**

**For: Debra M. Cornez  
Director**

NOTICE PUBLICATION/REGULATIONS SUBMISSION

See instructions on reverse)

For use by Secretary of State only

11353 REGULAR

STD. 400 (REV. 01-2008)

OAL FILE NUMBERS	NOTICE FILE NUMBER <b>Z-</b>	REGULATORY ACTION NUMBER <b>2018-0516-035</b>	EMERGENCY NUMBER
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ENDORSED - FILED

In the office of the Secretary of State of the State of California

JUN 11 2018 at 1:38 pm

For use by Office of Administrative Law (OAL) only

NOTICE	REGULATIONS
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2018 MAY 16 A 11:16  
OFFICE OF ADMINISTRATIVE LAW

AGENCY WITH RULEMAKING AUTHORITY  
State Water Resources Control Board

AGENCY FILE NUMBER (if any)

A. PUBLICATION OF NOTICE (Complete for publication in Notice Register)

1. SUBJECT OF NOTICE	TITLE(S)	FIRST SECTION AFFECTED	2. REQUESTED PUBLICATION DATE
3. NOTICE TYPE <input type="checkbox"/> Notice re Proposed Regulatory Action <input type="checkbox"/> Other	4. AGENCY CONTACT PERSON	TELEPHONE NUMBER	FAX NUMBER (Optional)
OAL USE ONLY	ACTION ON PROPOSED NOTICE <input type="checkbox"/> Approved as Submitted <input type="checkbox"/> Approved as Modified <input type="checkbox"/> Disapproved/Withdrawn	NOTICE REGISTER NUMBER	PUBLICATION DATE

B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)

1a. SUBJECT OF REGULATION(S) Onsite Wastewater Treatment System Policy Update	1b. ALL PREVIOUS RELATED OAL REGULATORY ACTION NUMBER(S)
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2. SPECIFY CALIFORNIA CODE OF REGULATIONS TITLE(S) AND SECTION(S) (Including title 26, if toxics related)

SECTION(S) AFFECTED (List all section number(s) individually. Attach additional sheet if needed.)	ADOPT
	AMEND Div. 4, Chap. 22, section 2924
	REPEAL

TITLE(S)  
**23**

3. TYPE OF FILING

<input type="checkbox"/> Regular Rulemaking (Gov. Code §11346)	<input type="checkbox"/> Certificate of Compliance: The agency officer named below certifies that this agency complied with the provisions of Gov. Code §§11346.2-11347.3 either before the emergency regulation was adopted or within the time period required by statute.	<input type="checkbox"/> Emergency Readopt (Gov. Code, §11346.1(h))	<input type="checkbox"/> Changes Without Regulatory Effect (Cal. Code Regs., title 1, §100)
<input type="checkbox"/> Resubmittal of disapproved or withdrawn nonemergency filing (Gov. Code §§11349.3, 11349.4)	<input type="checkbox"/> Resubmittal of disapproved or withdrawn emergency filing (Gov. Code, §11346.1)	<input type="checkbox"/> File & Print	<input type="checkbox"/> Print Only
<input type="checkbox"/> Emergency (Gov. Code, §11346.1(b))		<input checked="" type="checkbox"/> Other (Specify) <u>Gov't Code 11353</u>	

per agency request  
JE 6/11/2018

4. ALL BEGINNING AND ENDING DATES OF AVAILABILITY OF MODIFIED REGULATIONS AND/OR MATERIAL ADDED TO THE RULEMAKING FILE (Cal. Code Regs. title 1, §44 and Gov. Code §11347.1)

5. EFFECTIVE DATE OF CHANGES (Gov. Code, §§ 11343.4, 11346.1(d); Cal. Code Regs., title 1, §100)

<input type="checkbox"/> Effective January 1, April 1, July 1, or October 1 (Gov. Code §11343.4(a))	<input type="checkbox"/> Effective on filing with Secretary of State	<input type="checkbox"/> §100 Changes Without Regulatory Effect	<input checked="" type="checkbox"/> Effective other (Specify) <u>Upon approval (Gov't Code 11353)</u>
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6. CHECK IF THESE REGULATIONS REQUIRE NOTICE TO, OR REVIEW, CONSULTATION, APPROVAL OR CONCURRENCE BY, ANOTHER AGENCY OR ENTITY

<input type="checkbox"/> Department of Finance (Form STD. 399) (SAM §6660)	<input type="checkbox"/> Fair Political Practices Commission	<input type="checkbox"/> State Fire Marshal
<input type="checkbox"/> Other (Specify)		

7. CONTACT PERSON Timothy O'Brien	TELEPHONE NUMBER 916-341-6904	FAX NUMBER (Optional)	E-MAIL ADDRESS (Optional) tobrien@waterboards.ca.gov
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8. I certify that the attached copy of the regulation(s) is a true and correct copy of the regulation(s) identified on this form, that the information specified on this form is true and correct, and that I am the head of the agency taking this action, or a designee of the head of the agency, and am authorized to make this certification.

SIGNATURE OF AGENCY HEAD OR DESIGNEE <i>Karen Larsen</i>	DATE 5/15/18
TYPED NAME AND TITLE OF SIGNATORY Karen Larsen, Deputy Director, Division of Water Quality, State Water Board	

For use by Office of Administrative Law (OAL) only

ENDORSED APPROVED

JUN 11 2018

Office of Administrative Law

## Concise Summary of Regulatory Provisions

### Title 23. Waters

Division 3. State Water Resources Control Board and Regional Water Quality Control Boards

Chapter 22. State Policy for Water Quality Control

23 CCR § 2924

*Revise section 2924 of Title 23 of the California Code of Regulations as follows:*

§ 2924. Water Quality Control Policy for Siting, Design, Operation, and Maintenance of Onsite Wastewater Treatment Systems.

On June 19, 2012, the State Water Resources Control Board (State Water Board) adopted Resolution No. 2012-0032, adopting the Water Quality Control Policy for Siting, Design, Operation, and Maintenance of Onsite Wastewater Treatment Systems (OWTS Policy). This Policy establishes a statewide, risk-based, tiered approach for the regulation and management of OWTS installations and replacements and sets the level of performance and protection expected from OWTS.

In accordance with Water Code section 13290 et seq., the OWTS Policy sets standards for onsite wastewater treatment systems (OWTS) that are constructed or replaced, that are subject to a major repair, that pool or discharge waste to the surface of the ground, and that have affected, or will affect, groundwater or surface water to a degree that makes it unfit for drinking water or other uses, or cause a health or other public nuisance condition. The OWTS Policy also includes minimum operating requirements for OWTS that may include siting, construction, and performance requirements; requirements for OWTS near certain waters listed as impaired under Section 303(d) of the Clean Water Act; requirements authorizing local agency implementation of the requirements; corrective action requirements; minimum monitoring requirements; exemption criteria; requirements for determining when an existing OWTS is subject to major repair, and a conditional waiver of waste discharge requirements.

The regional water quality control boards are required to incorporate the standards established in the OWTS Policy, or standards that are more protective of the environment and public health, into their water quality control plans within 12 months of the effective date of the OWTS Policy. Implementation of the OWTS Policy will be overseen by the State Water Board and the regional water quality control boards, and local agencies (e.g., county and city departments and independent districts) have the opportunity to implement local agency management programs if approved by the applicable regional water quality control board.

On April 17, 2018, the State Water Board renewed the OWTS Policy conditional waiver and amended the list of impaired water bodies listed in OWTS Policy Attachment 2, Tables 5 and 6.

### HISTORY

1. New section filed 11-13-2012 summarizing State Water Resources Control Board Resolution No. 2012-0032, adopted 6-19-2012; approved by OAL on 11-13-2012 pursuant to Government Code section 11353; operative 11-13-2012 (Register 2012, No. 46).