State of California
California Regional Water Quality Control Board
Central Coast Region

September 16, 1983

ITEM: 8

SUBJECT: Resolution 83-12. Consideration of Amendments to Water Quality Control Plan for the Central Coastal Basin-Chapter 5, concerning Individual/Community Disposal Systems.

DISCUSSION: The Board is being requested to consider adoption of an amendment to the Water Quality Control Plan, Central Coastal Basin, (Basin Plan), as well as related environmental documents. These amendments to Chapter 5, Implementation Plan, propose revised criteria and prohibitions affecting both individual on-site disposal systems and small community systems.

Adoption of this amendment will help prevent numerous problems that have resulted from on-site disposal systems. Water quality problems have resulted from systems located in sites unsuitable for on-site systems such as improper soils, areas of high ground water, areas of high bedrock, or on lots that are too small. Inadequate design, inferior construction, inadequate operation and maintenance, inadequate local agency regulation, and lack of consideration of the cumulative impacts of on-site systems have also contributed to such problems.

This resolution will provide:

1) minimum standards to protect water quality;

2) guidelines for local agencies to protect public health and water quality;

3) guidelines for alternative and community on-site disposal systems;

4) guidelines, recommendations, and minimum standards to promote long-term system operation; and,

5) guidelines and minimum standards to prevent future need for expensive alternatives such as public sewers.

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The Regional Board adopted a similar amendment, Resolution 82-09, in December, 1982. In May, 1983, the State Board considered this amendment during a workshop and determined that public review procedures were not in compliance with State and Federal regulations. The State Board determined that due process could best be served by returning Resolution 82-09 to the Regional Board for additional public input and response to comments.

There have been some modifications of the amendment adopted by the Board in 1982. Proposed modifications of Resolution 82-09 can easily be seen by crosshatch marks and underlining. Reasons for major modifications within the "prohibition" section are discussed below.

Resolution 82-09 was criticized by some because prohibitions were blanket restrictions that did not address satisfactory alternative solutions. For this reason, several waiver provisions have been added, where suitable, to individual minimum standards.

For leachfields in soils with a percolation rate faster than 5 min/in, Resolution 82-09 stated that distances between trench bottom and highest beneficial water, including perched ground water, should be at least 10 feet. Staff believes it is appropriate to decrease the separation distance in finer grained soils and laboratory and field data support this concept. Staff has obtained several literature sources that show finer soils are more efficient in terms of bacteria and virus removal. Because there is no evidence to the contrary, staff believes the separation in finer soils should be decreased. Five feet is considered adequate to permit bacteria/virus removal as well as allow for the height of the capillary fringe.

Minimum lot size has been changed to 1/2 acre to conform with staff report findings.

The "prohibition exemptions" section has evoked some public concern that this proposal does not represent minimum standards and will lead to a great many exemption requests. The proposed amendment is a minimum standard which should not spawn a multitude of exemption requests. To minimize delays for legitimate exemption requests, the proposed resolution permits either the Board or the Executive Officer to grant exemptions. However, the Basin Plan spells out in some detail the conditions under which exemptions are to be considered, including the extent of evidence required of the applicant.

To provide an additional opportunity for public input a workshop was held on August 3, 1983, in San Luis Obispo. Meeting comments are included in the "Summary of Comments Regarding Resolution 83-12, through August 3, 1983". This summary was included in the August 17, 1983 mailing of Resolution 83-12, Draft #2. Comments received from other interested persons/agencies through August 3, 1983 are also included in this summary.

Since some comments received prior to August 3, 1983, were inadvertently omitted from that summary, the comment section of this blue sheet includes a few comments received prior to August 3, 1983. The comments section of this blue sheet also summarizes and provides staff responses to letters received since August 3rd. Summaries of letters sent to the State Board regarding Resolution 82-09 are included for the Regional Board's information. No Regional Board staff responses are provided. Two of the more detailed letters to the Regional and State Boards are included in their entirety.

The time and place of this hearing has been noticed in newspapers throughout the Region, copies of the Individual, Alternative, and Community Disposal Systems Policy (Draft Resolution 83-12), staff reports, environmental documents, and comment summary were sent to interested persons and agencies and were made available upon request.

Adoption of Resolution No. 83-12 will amend the Basin Plan and approve environmental documentation. Upon Regional Board approval, all the above material will be transmitted to the State Board for approval prior to submittal to the Environmental Protection Agency for its approval.

ENVIRONMENTAL SUMMARY:

A Notice of Filing and Environmental Checklist have been prepared and circulated to interested agencies and persons by staff. Adoption of Resolution 83-12 will satisfy environmental documentation requirements of both the California Environmental Quality Act, under Public Resources Code Section 21080.5 (Functional Equivalent), and the Federal Clean Water Act of 1977 (PL 92-500 and PL 95-217).

COMMENTS:

1. AMBAG (7-25-83)—Addition of the recommendation concerning inspection in areas where system failures are common is good and should be required. In other areas where failures are not common, the mailing of brochures would be appropriate.

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Response: The requirements of inspection in some areas may provide a hardship on the local agency. We believe the option of septic system information brochures may be a reasonable alternative.

2. Santa Cruz County Environmental Health Service (7-29-83)—A daily wastewater flow rate of 375 g.p.d./dwelling unit has been suggested. A flow of 300 gallons-per-day-per-dwelling unit would be more realistic. This is the criterion Santa Cruz County uses along with a standard sewage loading rate of 0.25 gallons-per-day-per-ft^2. They have not experienced surcharging of leaching areas from inadequate design.

   Response: Substantiation of a flow rate of 75 gallons-per-capita-per-day discharged by 5 persons is provided within the "System Density" section of the staff report. In summary, this substantiation states that Monterey County is the county with the largest average number of residents per household in this region. Monterey County's average population is approximately 3 persons per household. Systems should not be designed on the average population since there's a good chance the system will have to accommodate a larger population. This is a factor that can not be overlooked, particularly when a primary objective of these criteria is for long-term system operation. Five persons is the recommended number as a compromise between being sufficiently conservative and causing unnecessarily high installation costs.

3. Santa Cruz County Environmental Health Service (7-29-83)—Items 3&8 of Resolution 83-12 Draft #1 appear to be contradictory. Item 3 recognizes a percolation rate of 5 minutes/inch or faster is acceptable with an 8 foot ground water separation. Item 8 allows a percolation rate less than 5 minutes/inch only if ground water is at a depth of 20 feet or greater and a water source setback of 200 feet or greater is assurred. If the two standards are to compliment each other, they should be combined or otherwise rewritten for clairty.

   Response: The proposal has been rewritten to clarify.

4. Terry Butler, Santa Cruz County Water Advisory Committee Staff (8-83)—Would like another public hearing on this proposal in the northern part of the Region.

   Response: This will be a Regional Board decision.

5. Bonnymede Mutual Water Co., John Hovey, (7-31-83)—Although most of the issues in this letter have been accommodated or discussed already, the first paragraph on the second page discusses the 2 1/2 acre minimum for reservoir watersheds. This issue was also discussed in Hovey's letter to the State Board, dated May 18, 1983 (enclosed).

   Response: Staff intends to apply prohibition #13, on page 13 of the resolution, to existing as well as future divisions of land.

6. San Luis Obispo County Engineering, 8-2-83:—A basic change in regulatory philosophy is suggested, as discussed in the comments summary. A copy of this letter is included in the agenda because specific comments on the resolution are hand written by county staff on the 7-5-83 draft.

   Response: Many of the specific comments have been accommodated in the second draft of Resolution 83-12.

COMMENTS TO STATE BOARD: (No Regional Board staff response is provided)

1. Twin Cities Engineering, John Kennaly (12-20-82)—petitions Santa Barbara under Water Code section 13245, due to disagreement with the environmental findings and a perceived emphasis on public health rather than water quality. Kennaly questions the technical basis of the proposed resolution, and the role of recommendations vs. prohibitions. Specific staff assumptions on "impervious" soils and depth to groundwater are questioned. Kennaly suggests using performance standards rather than design standards. Kennaly requests the State Board ro remand the resolution to the Regional Board, with more participation from senior level staff instead of wasting more time with junior level staff. (Note: the Regional Board's senior engineer responsible for the Clean Water Grant Program, Basin Planning, and Special Surveys and Investigations participated in staff report and resolution preparation, five workshops, and numerous meetings on this issue throughout the Region.)

2. City of Atascadero (January 6, 1983)--The prohibitions are too restrictive. Some prohibitions conflict with the Manual of Septic Tank Practice and the Uniform Plumbing Code. These prohibitions would make many existing city lots unbuildable. Instead, prohibitions should be recommendations that require an engineered system, designed and certified by a qualified engineer. This allows local control, eliminates processing time and excess cost while still maintaining high standards for water quality control.

3. Sommermeyer & Sommermeyer (January 25, 1983)—The Regional Board adopted Resolution 82-09 while the public was prevented from giving testimony or comment concerning these amendments. The standards proposed are excessively conservative and are aimed more at justifying Regional Board land use criteria rather than preventing ground water contamination. The strongest objection is procedural rather than technical. The State Board should return the Resolution to the Regional Board for another public hearing.

4. San Luis Obispo County Engineering Dept. (Feb. 2, 1983)—Further local review is necessary prior to State Board action. Specific comments were provided and several requests were accommodated in the first draft. Additional concerns were submitted by the County on August 2, 1983.

5. San Lorenzo Valley Water District (Feb. 18, 1983)--The District Board endorses and supports Resolution 82-09 with the following modifications: For San Lorenzo Valley, discharges from new individual on-site waste disposal systems should be prohibited: 1) on lot sizes less than 1 acre; 2) for systems designed with seepage pits; or, 3) where soil percolation rates are faster than 5 min/in unless the distance between the trench bottom and the highest ground water is at least 20 feet and the trench is 4 feet deep or less (shallow trench).

6. San Luis Obispo County Planning Dept. (March 7, 1983)—This department agrees with the concerns of the county engineering department and requests further review at the local level prior to State Board action. The proposed amendment will significantly affect potential housing supply and the cost of housing. The requirement of 375 gallons/unit will result in needlessly large septic systems with concomitant unjustified expense. The requirement for 200% expansion for large parcels does not appear justified. Further, the local governing agency should have authority for plan checking, permitting, inspecting and monitoring engineered systems built within the conditions as outlined under the prohibitions.

7. Nipomo Community Services District (April 12, 1983)—The proposed amendment should be remanded to the Regional Board for additional consideration. Additional comments are discussed in a letter to the Regional Board on July 21, 1983.

8. Save San Lorenzo River (April 29, 1983)—In order to protect existing water supplies for future growth, the State Board should adopt the most stringent criteria legally available.

9. AMBAG (May 2, 1983)—This agency supports the amendment adopted by the Board on December 10, 1982. Work done under the AMBAG water quality planning program has repeatedly shown the need for careful planning and consideration of physical site conditions. Many of the water quality problems facing the San Lorenzo Valley and their expensive solutions could have been prevented had regulations such as the proposed been in force when the Valley was developed.

10. Monterey County (May 3, 1983)—The Regional Board did an outstanding job in the hearing and adoption process of the Basin Plan proposal. These standards are reasonable and justified. Practically all the standards have been implemented and public acceptance is not a problem.

11. Senator Henry J. Mello (May 3, 1983)—The proposed amendment should be approved.

12. Carl & Claire Goedinghaus (May 9, 1983)—There is no evidence that more than 4 or 5 feet of separation are needed for effective filtration, nor is there any evidence that ground waters are being contaminated by wastewater from on-site disposal systems. In addition, properly maintained septic tank systems can be used on the 20,000 square feet minimum lot size now in effect without any problems. The 1 acre minimum would make the cost of home ownership affordable only to a wealthy few.

13. County of Santa Barbara Health Care Services (May 12, 1983)—This letter is in support of Resolution 82-09.

14. R.G. Hamilton & Son (May 23, 1983)—This letter strongly opposes Resolution 82-09. This resolution would supersede the responsibilities of local government.

15. Semmes & Son (May 23, 1983)—The proposed amendment is very prohibitive. The Regional Board should be prepared for an onslaught of exemption applications. The new regulations could radically decrease property value and/or pose financial hardships.

16. San Luis Obispo County Engineering Department (May 27, 1983)--This letter requests that the State Board remand Resolution 82-09 to the Regional Board.

17. Gavilan Water Conservation District (August 1, 1983)--A letter to the Regional Board on August 1, 1983 transmits the Districts comments (attached).

ATTACHMENTS:

1. Resolution 83-12, 2nd Draft
2. Environmental Checklist*
3. Public Notice and Notice of Filing and "clarification letter"*
4. Mailing List*
5. Revised Fig. 5 from staff report
6. Comment letters

   Twin Cities Engineering, 12-20-82
   Bonnymede Mutual Water Co., 5-18-83
   Gavilan Water Conservation District, 8-1-83
   San Luis Obispo County Engineering, 8-2-83

   *Copies not included because these were mailed with previous drafts.

RECOMMENDATION: Staff recommendations will be made following consideration of comments received at the public hearing.