

State Water Resources Control Board

TO: Mr. Wade Crowfoot
Secretary for Natural Resources
California Natural Resources Agency
1416 Ninth Street, Suite 1311
Sacramento, CA 95814

FROM: Karen Mogus 
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State Water Resources Control Board
P.O. Box 100
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DATE: October 23, 2023

**SUBJECT: TRANSMITTAL OF NOTICE OF DECISION FOR
AMENDMENTS TO THE WATER QUALITY CONTROL POLICY
FOR SITING, DESIGN, OPERATION, AND MAINTENANCE OF
ONSITE WASTEWATER TREATMENT SYSTEMS AND
CONDITIONAL WAIVER RENEWAL**

By transmitting this memorandum, the State Water Resources Control Board (State Water Board) is hereby filing the Notice of Decision for Amendments to the Water Quality Control Policy for Siting, Design, Operation, and Maintenance of Onsite Wastewater Treatment Systems (OWTS Policy) and Conditional Waiver Renewal. The State Water Board adopted the OWTS Policy amendments and Conditional Waiver Renewal on April 18, 2023 under Resolution No. 2023-0012.

The OWTS Policy authorizes subsurface disposal of domestic strength wastewater, and in limited instances high strength wastewater, and establishes minimum requirements for the permitting, monitoring, and operation of onsite wastewater treatment systems to protect beneficial uses of waters of the state and to prevent or correct conditions of pollution or nuisance. The OWTS Policy also conditionally waives the requirement for OWTS owners to submit a report of waste discharge, obtain waste discharge requirements, and pay fees in order to operate and discharge from systems meeting the OWTS Policy conditions. The OWTS Policy applies to OWTS on federal, state, and tribal lands to the extent authorized by law or agreement.

The OWTS Policy amendments primarily consist of revisions to Tier 2 OWTS requirements (OWTS Policy Section 9) and amendments to identified impaired water bodies listed in OWTS Policy Attachment 2, Tables 5 and 6.

The State Water Board also renewed the conditional waiver of waste discharge requirements set forth in the OWTS Policy, which does not by itself require an OWTS Policy amendment.

The State Water Board's planning process has been certified as "functionally equivalent" under section 21080.5 of the California Environmental Quality Act (CEQA). Completion of the CEQA process involves the submittal of CEQA document filing fees with the Department of Fish and Wildlife and subsequent filing of a Notice of Decision (rather than a Notice of Determination) with the California Natural Resources Agency. The California Code of Regulations, Title 14, section 753.5(e)(3) Collection Procedures for County Clerks, states the following:

"Only one fee shall be paid per project unless the project is tiered or phased, or separate environmental documents are required (Fish and Game Code section 711.4(g))...Only one fee is required when an existing certified EIR is used for multiple project approvals that would result in no additional effect to fish and wildlife".

Through the adoption of Resolution No. 2023-0012, the State Water Board approved and adopted an addendum to the 2012 Substitute Environmental Document (SED), which was adopted with the OWTS Policy on June 19, 2012. The addendum explains why changes to the OWTS Policy do not lead to new significant environmental effects or a substantial increase in the severity of previously identified environmental effects.

Fish and Wildlife Code section 753.5(e)(4) also states:

"In the event a project requires multiple notices of determination by lead and/or responsible agencies, the fee shall be paid at or before the time the lead agency files the first notice of determination. Upon payment, the applicant shall retain the receipt for presentation to any additional agencies whose approval may be required. A copy of that receipt shall be attached to any additional notices of determination that may be required for the same project. The copy shall suffice as documentation that the fee was paid".

Therefore, attached is the Notice of Decision approval as record of payment dated December 13, 2012, to demonstrate that payment has already been made for the project determinations.

The attached Notice of Decision for State Water Board Resolution No. 2023-0012 is hereby filed with the California Natural Resources Agency.

Please send back one copy of the Notice of Decision as notification that this item has been posted and filed. Please date stamp, scan, and electronically return the Notice of Decision as notification of the date received for filing at the Natural Resources Agency. If you have any questions regarding this submittal, please contact Gheed Abdul Sattar, Water Resources Control Engineer in the Waste Discharge Requirements unit at (916)341-5911 or Gheed.Abdulsattar@waterboards.ca.gov

Notice of Decision

SUBJECT: FILING OF NOTICE OF DECISION IN COMPLIANCE WITH SECTION 21080.5 OF THE PUBLIC RESOURCE CODE

PROJECT TITLE: The Statewide Water Quality Control Policy for Siting, Design, Operation, And Maintenance of Onsite Wastewater Treatment Systems and Conditional Waiver Renewal

LOCATION: State of California

DESCRIPTION: On April 18, 2023, the State Water Resources Control Board (State Water Board) adopted Resolution No. 2023-0012 to approve *The Amendments to the Water Quality Control Policy for Siting, Design, Operation, and Maintenance of Onsite Wastewater Treatment Systems (OWTS Policy) and Conditional Waiver of Waste Discharge Requirements (Conditional Waiver) Renewal*. California Office of Administrative Law (OAL) approval was September 26, 2023 and this Notice of Decision was filed with the Secretary of the California Natural Resources Agency on October 23, 2023.

On April 17, 2018, State Water Board adopted Resolution No. 2018-0019 to approve the *Conditional Waiver Renewal and Amendment to Identified Impaired Water Bodies Listing for The Water Quality Control Policy for Siting, Design, Operation, And Maintenance of Onsite Wastewater Treatment Systems*. A Notice of Exemption was filed with the State Clearing House on April 18, 2018 and OAL approval was June 11, 2018. The 2018 OWTS Policy and Conditional Waiver renewal was deemed exempt because the State Water Board consideration of the Conditional Waiver renewal and amendment to identified impaired water bodies listed in Attachment 2 did not require further analysis of environmental impacts within the meaning of the California Environmental Quality Act (CEQA) and the actions considered did not have the potential to result in either a direct physical change in the environment or a reasonably foreseeable indirect physical change in the environment.

On June 19, 2012, the State Water Board adopted Resolution No. 2012-0032 to approve *A Substitute Environmental Document and Adopt a Proposed Water Quality Control Policy for Siting, Design, Operation, And Maintenance of Onsite Wastewater Treatment Systems*. OAL approval was November 13, 2012 and a Notice of Decision was filed with the Secretary of the California Natural Resources Agency on December 13, 2012.

CONTACT: Gheed Abdul Sattar, at (916)341-5911 or Gheed.Abdulsattar@waterboards.ca.gov

This Notice of Decision is to advise that the State Water Board has determined that Resolution 2023-0012, adopted on April 18, 2023, has been fully approved.

On April 18, 2023, the State Water Board made the following determinations regarding the above-referenced project:

1. Amended the Water Quality Control Policy for Siting, Design, Operation, and Maintenance of Onsite Wastewater Treatment Systems (OWTS Policy).
2. Renewed the conditional waiver of waste discharge requirements set forth in the OWTS Policy for the maximum duration allowed by law.
3. Approved the addendum to the final Substitute Environmental Document (SED) approved on June 19, 2012, pursuant to CEQA.
4. Concluded in the addendum that the adoption of the amendments and conditional waiver renewal does not require any additional analysis of environmental impacts within the meaning of CEQA because the whole of the action considered does not have the potential to result in either a direct physical change in the environment or a reasonably foreseeable indirect physical change in the environment. (See, Cal. Code Regs., tit. 14, §15060, subd. (c)(2); Cal. Code Regs., tit. 14, § 15378, subd. (a). See also, Cal. Code Regs., tit. 14, § 15061, subd. (b)(2).).
5. Concluded that adoption of the OWTS Policy amendments and Conditional Waiver renewal would not result in modifications to the identified impacts in the SED (required per Cal. Code Regs., tit. 23, § 3777) that were found to be significant and unavoidable, even after mitigation. The scope of the SED provides information regarding the potentially significant environmental effects of implementing the OWTS Policy to the extent that those effects are reasonably foreseeable. Nonetheless, in consideration of implementation information developed over the decade since the OWTS Policy was adopted, the State Water Board prepared an addendum in order to supplement information or address new environmental categories included since the June 19, 2012 SED.

The addendum to the final SED, supporting documentation, and record of project approval is available to the general public at the State Water Board's office at 1001 I Street, Sacramento, CA 95814.



Karen Mogus, Deputy Director
Division of Water Quality
State Water Resources Control Board

10/23/2023
Date

Date received for filing: _____