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GENTLEMEN:

Your new draft OWTS policy reflects much of the public concerns expressed on your initial draft. We appreciate the efforts you have put in to make it more realistic and more locally controlled.

The intent behind every provision seems plausible. However, I am not confident if the language as written now should be adopted without further clarification. In fact, many confusing sentences in the draft policy make it difficult for me to comment. This is most pronounced in the Tier 3 provisions.

For example, Sec.10.0 authorizes local agencies to implement Advanced Protection Management Programs without requiring them to enforce it upon existing OWTS. Yet, Sec. 10.2 requires existing OWTS to comply with certain enhanced requirements. Another minor example is Table 1 of Tier 1. Tier 1, as I understand, can exist where there is no Tier 2 local program. But the Table 1 shows as the minimum depth to groundwater for the two extreme percolation rates, "only as authorized in a Tier 2 program."

A larger issue is that the Tier 3 presupposes that TMDL will be completed in five years, or the local authorities will prepare and implement Advanced Protection Management Programs. What happens if neither of the two is done due to budget constraints and prolonged public dialogues?

Yet another major problem is your implied dependence on hookups to sewer systems as the ultimate solution (cf. Sec. 10.5 and Attachment 1). As an owner of OWTS, I certainly welcome an opportunity to hook up to a sewer system. However, the reality is that it almost takes an act of congress to do it. Unless your Board exerts an extraordinary influence on the local political priorities, this option may remain remote.

In conclusion, I welcome the tenet of the new draft policy, and hope that the policy language may be made clearer to lay readers.

Yours truly,
Tito Sasaki