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ENVIRONMENTAL HEALTH DIVISION

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State Water Resources Control Board
Post Office Box 2231
Sacramento, CA 95812

Re: Policy for Siting, Design, Operation, and Maintenance of OWTS

The Butte County Public Health Department has reviewed the draft OWTS Policy and offers the following comments and recommendations.

As has been expressed by many other stakeholders, we want to express our thanks and appreciation to the State Board and your staff for recognizing that California needs a flexible approach to onsite wastewater management rather than a "one size fits all" approach that does not allow for regional variations in climate, topography, geological conditions, land use activities, and population density. In addition, we would like to commend Darrin Polhemis for his tireless effort in development of the policy and for interacting with local jurisdictions in a refreshingly open and constructive manner.

Because Butte County has a comprehensive, science-based onsite wastewater program, we believe that we will easily qualify as a Tier 2 program. However, we would like to raise a number of issues of concern at this time and request that these issues be addressed by the Board to the greatest extent possible prior to adoption of the policy.

- Approval of Tier 2 Programs: Language needs to be strengthened facilitating a clear, expedited process for approval and continuation of local programs in proposed Tier 2, including provisions to allow existing local programs to remain in effect during the approval process. We do not believe Regional Boards should be empowered to impose additional requirements on local jurisdictions unless the additional requirements are based on sound science and supported by water quality data.
- Appeals: Language needs to be strengthened to assure that, when local jurisdictions appeal Regional Board decisions concerning local program adequacy, there will be an appropriate, fair and timely process that places the "burden of proof" to document that the additional requirements are needed to address documented problems will be on the Regional Boards and not on the local jurisdictions to document that the requirements are not needed.

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- Water Quality Monitoring: The policy needs to state unequivocally that local jurisdictions will not be required to go beyond existing sources of water quality and system performance data to meet the ongoing monitoring requirements in Tier 2.
- Reporting: Reporting requirements under Tier 2 in the policy need to be modified so that the frequency is based on the need and capacity to provide meaningful information about water quality and public health protection trends rather than being an across-the-board “one size fits all” mandate of annual reporting and triennial program review.
- Tier 3 Requirements: Even though our county does not have any water bodies at this time impacted by the Tier 3 requirements, we recommend that provisions be included in the policy allowing early evaluation of specific OWTS adjacent to 303(d) listed water bodies so those OWTS deemed to have an insignificant contribution to the impairment may be released from the requirement to meet additional performance enhancements. In addition, the requirement for a minimum of 12 inches of cover over dispersal fields under Tier 3 is too prescriptive and would prevent the use of proven, highly effective onsite technology such as small chamber systems and subsurface drip irrigation.

Thank you for the opportunity to comment on the proposed OWTS policy.



Brad Banner

Environmental Health Director