



Mariposa County Health Department

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OWTS Policy
State Water Resources Control Board
P.O. Box 2231, Sacramento, CA 95812

Via Email:

The Mariposa County Health Department has overseen the design and installation of On-Site Waste Water Treatment Systems (OWTS) in Mariposa County for more than 30 years. Following are the comments concerning the draft policy that the Mariposa County Health Department feels are relevant to the project and should be addressed in the final policy:

Questions regarding these comments should be directed to
David Conway, REHS
Director Environmental Health Division
Mariposa County Health Department
209-966-2220 or dconway@mariposacounty.org

3.3.2 Number and location of OWTS cleanings and pumping reported as part of the local septic tank cleaning registration program pursuant to Section 117400 et seq. of the California Health and Safety Code; **(This is an unfunded mandate in that it requires local agencies to track, input and store information they may not have the resources to complete. Additionally, the information may not be useful in determining problem areas as it is most likely designed to allow as this office encourages and actively promotes having septic tanks pumped on a regular basis as part of routine maintenance.**

4.3 The Regional Water Board shall review, and if appropriate, approve a Local Agency Management Program submitted by the local agency pursuant to Tier 2 in this Policy. Upon receipt of a proposed Local Agency Management Program, the Regional Water Board shall have 90 days to notify the local agency whether the submittal contains all the elements of a Tier 2 program, but may request additional information based on review of the proposed program. Local Agency Management Programs shall be approved by the respective Regional Water Board. Approval must follow a noticed hearing with opportunity for public comment. If a Local Agency Management Program is disapproved, the Regional Water Board shall provide a written explanation of the reasons for the disapproval. If no action is taken by the respective Regional Water Board within 12 months of the submission date of a complete Local Agency Management Program, the program shall be forwarded to the State Water Board for review and approval pursuant to Section 5 of this Policy. **(This section needs to**

provide a greater level of detail regarding the review process to be used by the RWQCB's. Specifically it should make it clear that the RWQCB must allow local agencies to continue programs that have not historically led to water quality impacts without adding additional monitoring beyond what is already being conducted. Additionally, it should be made clear that the RWQCB may not require any monitoring program to require homeowners/OWTS owners to test individual private wells unless that is already a part of the local agencies monitoring program.)

7.5.8 Where the effluent dispersal system is within 600 feet of a public water well and exceeds 20 feet in depth and the separation from the bottom of the system and ground water is less than five feet the horizontal setback required to achieve a two-year travel time for microbiological contaminants shall be evaluated. A qualified professional shall conduct this evaluation. However in no case shall the setback be less than 200 feet. (While this section implies that the setback will be determined by the two year time travel it does not actually specify it. The language should be reworded so the requirement is clear.)

7.5.10 Where the effluent dispersal system is located more than 1,200 but less than 2,500 feet from a public water systems' surface water intake and within the catchment of the drainage, the dispersal system shall be no less than 200 feet from the high water mark of the reservoir, lake or flowing water body. (Since the setback from any reservoir is already 200 feet from the high water mark this section is redundant.)

7.6.2 The permit application shall include a topographical plot plan for the parcel showing the onsite sewage treatment system components, the property boundaries, proposed structures, physical address, and name of property owner. (Not all local agencies require topographical data; therefore, the plot plan should be limited to details typically collected by the local agency.)

7.6.3 The permitting agency shall provide the estimated wastewater flows, intended use of proposed structure generating the wastewater, soil data, and estimated depth to seasonally saturated soils. (See comments for 7.6.4)

7.6.4 The CDPH Drinking Water Program and the public water system owner shall have 5 days from receipt of the permit application to provide recommendations and comments to the permitting agency. (This implies that the local agency should hold up issuing the permit for 5 days pending CDPH response. Since this is a ministerial permit process it is unreasonable to hold the permit pending comments from an agency that has not regulatory authority over the permit holder. CDPH has authority over the drinking water purveyor to require monitoring of the area for influence; therefore, this section should be limited to notification only.)

7.7 Natural ground slope in all areas used for effluent disposal shall not be greater than 25 percent (Local agencies have successfully used 30% for many years. There is no reasonable increased safety measure provided by reducing the slope to 25%. Therefore, the more common 30% figure should be used.)

7.8 The average density for any new subdivision project implemented under Tier 1 shall not exceed one single family dwelling unit, or its equivalent, per 2.5 acres for those units that rely on OWTS. (This section is in conflict with the Government code which specifically allows second dwellings. Additionally this is a local land use issue that should be left to the local general plan)

8.1.6 The minimum depth to the anticipated highest level of groundwater below the bottom of the leaching trench shall not be less than prescribed in Table 1.(Add, "or as set forth in a Tier 2 Local Agency Management Program.")

8.1.7 Dispersal systems shall be a leachfield, designed using not more than 4 square-feet of infiltrative area per linear foot of trench as the infiltrative surface, and with trench width no wider than 3 feet. Seepage pits and other dispersal systems may be authorized in a Tier 2 local management program. Application rates shall be determined from stabilized percolation rate as provided in Table 2, or from soil texture and structure determination as provided in Table 3. (Add, "application rates other than those shown in table 2 and/or table 3 may be used if part of a Tier 2 Local Agency Management Program.")

8.1.12 Increased allowance for gravel-less chamber systems is only allowed under a Tier 2 local management program. (Gravel-less chamber systems are not appropriate for all soil types and have led to early failures when located in clay soils: therefore, they should be excluded from Tier 1.)

9.1.10 OWTS is located within an area of high OWTS density. (Define high OWTS density.)

9.3.2 Maintain records of the number and location of all OWTS cleanings and pumping reported as part of the local septic tank cleaning registration program pursuant to Section 117400 et seq. of the California Health and Safety Code. (See comments section 3.3.2 above)

9.3.7 Maintain a list of all new OWTS installation within 500 feet of a sewer system. (While many counties have GIS systems capable of creating reports meeting the intent of this section it is a burden on the local agency to maintain a separate list of these systems. Additionally, sewer district boundaries change on a regular basis making such a list obsolete without routine updating. Consider rewording the section by replacing the word "Maintain" with "Be prepared to produce")

9.3.9 Submit an annual report to the applicable Regional Water Board summarizing items 9.3.1 through 9.3.8 above, and on every third year, assessing whether water quality is being impacted by OWTS, identifying any changes in the Local Agency Management Program that will be undertaken to address impacts from OWTS. The first report will commence one year after approval of the local agency's Local Agency Management Program. In addition to summarizing monitoring data collected per 9.3.8 above, all groundwater monitoring data generated shall be submitted in EDF format for inclusion into Geotracker, and surface water monitoring shall be submitted to CEDEN in a SWAMP comparable format. (This section should be replaced with wording requiring the local agency to submit the report upon request of a RWQCB or the State Water Board.)

9.4.3 OWTS that utilize any form of effluent disposal on or above the ground surface. (This should be reworded to allow the use of approved alternative systems such as mounds)

9.4.5 Slopes greater than 30 percent without a slope stability report approved by a registered professional. (Rather than saying “without a slope stability report approved by a registered professional” This section should read “unless the proposed system is part of an alternative/special design OWTS that provide mitigation for the slope as part of the design.”) .

9.4.10.3 Where the effluent dispersal system is within 600 feet of a public water well and exceeds 20 feet in depth and the separation from the bottom of the system and ground water is less than five feet the horizontal setback required to achieve a two-year travel time for microbiological contaminants shall be evaluated. (See comments on section 7.5.8)

9.4.10.5 (See comments 7.5.10)

All of section 9.5 (See comments regarding similar sections in 7.5 above)

9.7 A Regional Water Board reviewing a Local Agency Management Program should consider, among other things, the past performance of the local program to adequately protect water quality, and where this has been achieved with criteria differing from Tier 1 or other prescribed criteria, shall not unnecessarily require modifications to the program for purposes of uniformity. (Change the word “should” in the first sentence to the word “shall”.)

Section 10: No comments as there are no impaired waterways in Mariposa County.