



Placer County
Health and Human Services Department

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State Water Resources Control Board
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Subject: Comment on Draft Onsite Wastewater Treatment Systems Policy

To whom it may concern:

Thank you for the opportunity to comment on the proposed policy for Onsite Wastewater Treatment Systems (OWTS). The following are our comments:

1. Section 2.2 states that "Owners of new and replaced OWTS...or shall comply with the requirements of Tier 3..." Section 10 does not limit requirements to OWTS that are found to be contributing, but seems to impose on all OWTS located within a specified distance of an impaired waterway regardless of the potential contributions due to OWTS.
Recommended clarification to section 10: Tier 3 requirements only apply to OWTS within certain distance to pathogen or nutrient impaired waterways, where OWTS are listed as a contributing source.
2. Section 2.6.5 conflicts with section 6.1.2 and should be made consistent with section 6.12.
Recommended clarification: Delete section 2.6.5.
3. Sections 4.3 and 5.5 provides Regional Water Quality Control Board (RWQCB) review requirements for a Local Agency Management Program (LAMP). Section 4.5 discusses the process of consideration of a request, where it should provide for requirements for modifications.
Recommended clarification: Sections 4.3, 4.5 and 5.3 clarify the processing procedures and timelines for modifications of a LAMP and the associated appeal process.
4. Section 5.5 needs similar clarification.
Recommended clarification: Reference the modification process and that the State Water Resources Control Board (SWRCB) will hear all appeals.
5. Section 6.1.2 is in conflict with 2.6.5.
Recommended clarification: Delete section 2.6.5.
6. Section 6.0 - Additional assessment of Tier 0 on existing systems that are properly functioning should be at the discretion of the local agency and not required by the Regional Board as part of the LAMP approval.
Recommended clarification: Revise language to clarify this.
7. Section 7.0 has extremely conservative standards and until a LAMP has been approved there is no guarantee the jurisdictions won't be using Tier 1.
Recommended clarification: Provide more realistic standards.

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8. Section 7.3.4 states that the highest level observed will determine the groundwater elevation. Review of mottling is the logical method of determination, which may result in the need to 'observe' the groundwater levels.
Recommended clarification: Allow for alternative methods of groundwater elevation, such as mottling.
9. Section 8.2.4 limits non-IAPMO tank usage.
Recommended clarification: Existing manufacturers should be allowed to continue to sell tanks that have been certified by a California registered civil engineer. Requiring only IAPMO certified tanks when they are available will put local businesses that sell California registered engineer approved tanks out of business as there are very few instances where IAPMO tanks cannot be made available.
10. Section 9.2.3 wording is confusing.
Recommended clarification: Jurisdiction wide or area wide notification of formal enforcement action that have implication to the potential non-operation of multiple OWTS should be conducted.
11. Section 9.3.2 has data that is not always data that is currently collected by each agency.
Recommended clarification: Only existing data that is collected may be submitted.
12. Sections 9.3.4 and 9.3.6 aren't necessary due to them being specified in sections 9.2.3 and 9.2.5.
Recommended clarification: Delete sections 9.3.4 and 9.3.6.
13. Section 9.3.7 data collection can be more appropriately be obtained from the various sewer agencies.
Recommended clarification: Delete section 9.3.7.
14. Section 9.3.8 requires that the local agency establish terms, conditions and timing for monitoring and assessment of groundwater and local surface water quality on a regional and localized basis across the entire jurisdictional area of the local agency for the possible effects of OWTS effluent.
Recommended clarification: The policy should allow local agencies to determine the need for additional sampling requirements and sampling areas. The policy should have language clarifying that this is to be determined by the local agency and not the Regional Board.
15. Section 9.3.9 requires annual reports, which is excessive.
Recommended clarification: This requirement is excessive and should be replaced with once every 3 years.
16. Section 9.4.5 limits new installations with greater than 30% slope.
Recommended clarification: Allow for slope stability repairs to develop on greater slopes.
17. Section 9.4.10 public water wells or surface water intakes creates an unnecessary prohibitions without considering the science of the specific soils/area.
Recommended clarification: Delete section 9.4.10.
18. Section 9.6 should be clear that Tier 1 and Tier 2 are not comparative.
Recommended clarification: Specify that Tier 2 LAMPs are alternative methods to achieve a similar levels of water quality and it's either or, not both Tiers.

19. Section 9.7 Requirements placed on local agencies must be relevant to the risk.
Recommended clarification: Assure the validity for what's requested by a RWQCB in a LAMP.
20. Section 10.6 isn't specific to OWTS contribution.
Recommended clarification: Recognize that OWTS, when recognized as a de minimis contribution, should be allowed for development.
21. Section 10.8.2 requires 3 feet of separation to high groundwater.
Recommended clarification: Two foot of separation with pretreatment is adequate.
22. Section 10.8.2 requires 12 inches of soil cover which may eliminate drip dispersal systems.
Recommended clarification: Allow 6 to 12 inches of cover for drip dispersal systems.
23. Section 10.10 language is vague.
Recommended clarification: State regulations should specify accredited university 3rd party testing with specific protocols similar to National Sanitation Foundation (NSF) testing protocols or NSF testing and real time use testing prior to allowing proprietary systems to be used.

Additional comments:

- Tier 4 policy for repairs should include a provision for allowing a "best available technology" for repair and replacement for sites that do not meet the requirements of Tier 1 or Tier 2, similar to granting a variance to the existing Codes.
- In addition to the above, funding mechanisms must be provided not only for affected property owners, but also for the local agencies that are mandated with this additional workload.
- Counties that have multiple Regional Boards should be able to submit their LAMP and receive approval from one Regional Board. This LAMP should be given reciprocity from the other Regional Boards for the specific County. The multiple Regional Boards should designate among themselves a "lead" Regional Board that would take the issues and concerns of the other Regional Boards pertaining to the LAMP or other AB 885 issues and present them to the County. The "lead" Regional Board would then be authorized to approve the LAMP without having the County go through multiple submittals, approvals and changes to the LAMP from each Regional Board.

If you have any additional questions, please feel free to call me at (530)745-2300.

Sincerely,



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