

Tuolumne County
Administration Center
2 South Green Street
Sonora, California 95370



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DIVISION OF WATER QUALITY

Alicia L. Jamar
Clerk of the Board
of Supervisors

Telephone: (209) 533-5521
Facsimile: (209) 533-6549
www.tuolumnecounty.ca.gov

**BOARD OF SUPERVISORS
COUNTY OF TUOLUMNE**

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November 1, 2011

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

DB
11-4-11
jm

Re: Letter of Comment on Proposed OWTS Policy

Honorable Members of the Board:

Thank you for providing us with the opportunity to comment on the Draft Policy for Siting, Design, Operation and Management of Onsite Wastewater Treatment Systems (OWTS Policy) to implement Assembly Bill (AB) 885. We have reviewed the OWTS Policy and give credit to your Board for your efforts to draft statewide standards that incorporate many of the comments made on the draft regulations released in 2008. However, even though the proposed OWTS Policy is an improvement over the version released in 2008, we find the policy to be untenable for the needs and resources available in Tuolumne County.

The majority of the 17,865 septic systems in Tuolumne County do not meet the ideal construction and design requirements you are proposing in the OWTS Policy; consequently, those septic systems will be required to be placed in a more stringent regulatory tier when a repair is needed. The requirements for repairing existing septic systems that do not meet the ideal construction and design requirements specified in the proposed OWTS Policy are not well defined and could result in additional costs to the property owner for the installation of groundwater monitoring wells, advanced wastewater treatment components, or required operating permit fees.

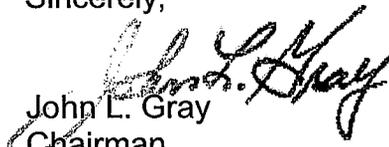
The designation by your Board of Sullivan Creek and Woods Creek in Tuolumne County as impaired water bodies under Section 303(d) of the Clean Water Act is ambiguous and misleading in the context of onsite wastewater treatment and disposal. These water bodies have been designated as impaired based on an assumption that septic systems are the causative agent. No tests have been conducted to determine the true causative agent for triggering the 303(d) designation. Grazing animals and migratory water fowl have been known to utilize these areas for habitat. In addition, the proposed OWTS Policy as currently written may create hardships for owners of all property adjacent to

Sullivan Creek or Woods Creek that have septic systems. The OWTS Policy assumes that septic systems are a significant contributor to the pathogen impairment in these waters, thus leaving the owner of the septic system with two options. The first would put the burden of proof on the property owner to demonstrate through costly testing that their system is not contributing to the water impairment. Alternatively, the property owner would be required to connect to a public sewer system or upgrade their septic system to include costly components. This would be required whether the septic system is functioning correctly or not. Until the actual cause of water pollution has been identified through the appropriate testing methods, such as PCR-based fecal source tracking or surfactant analysis, establishing statewide standards for septic systems is premature and unwarranted.

The proposed OWTS Policy also mandates that the permitting agency conduct, collect, store and transfer data to the Regional Water Boards. When asked at a public meeting if the Water Board will be funding this requirement, we were told "No." This requirement will create a financial hardship on our County and possibly our regulated community. The amount of data and the personnel hours involved with such a task is unknown. There is no indication that the State would make laboratory services available to assist with pathogen analysis. If our County is required to complete the reporting, we will have little choice but to recover our costs through new fees which will be a burden on our constituents. Due to the current economic situation, this is simply not the time to impose new fees.

In closing, while we acknowledge that the proposed OWTS Policy does provide a more reasonable overall approach to AB 885 implementation in comparison to previous proposals, it still contains regulations that are costly and overly burdensome to property owners and to the County as the local implementing agency. Therefore, Tuolumne County opposes adoption and implementation of the OWTS Policy as currently presented and requests your Board consider our comments and concerns in revising the proposed regulations.

Sincerely,


John L. Gray
Chairman

cc: Senator Tom Berryhill, District 14
Assemblywoman Kristin Olsen, District 25
California State Association of Counties (CSAC)
Regional Council of Rural Counties (RCRC)

I hereby certify that according to the provisions of Government Code Section 25103, delivery of this document has been made.

By: 
ALICIA L. JAMAR
Clerk of the Board