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To: "owts_commentletters@waterboards.ca" <owts_commentletters@waterboards.ca>
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Subject: Comment Letter–Draft OWTS Policy Documents due 11.14.2011 Noon

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Impaired water bodies with a TMDL implementation program does not necessarily guarantee reduction of pollutants. Monitoring stations are lacking. It is storm water that becomes the problem.

The receiving body must be determined to be harmed.

Advanced Protection Management Program do not require any scientific measurement and analysis.

With that, OWTS lays blame for the long-term and TMDL programs are a waste of time and precious taxpayer dollars for projects designed for an ignorant public.

You state in Tier 3:

However, local agencies are not required to notice or enforce the requirements of Tier 3 for existing OWTS.

The problem will not be solved. What is the cost-benefit analysis related to the actions. In what expected time period will the problem be solved.

Or, is this a policy without a true solution and with costs to the taxpayer beyond comprehension.

You state in Tier 3–Impaired Areas:

For those impaired water bodies that do not have an adopted TMDL, the requirements specified in Section 10 shall be applied. For those impaired water bodies that do have an adopted TMDL addressing the impairment, but the TMDL does not assign a load allocation to OWTS, no further action is required unless the TMDL is modified at some point in the future to include actions for OWTS.

You state in 10.1:

The requirements of an Advanced Protection Management Program for new and existing OWTS will be in accordance with an adopted TMDL, and its implementation program or wastewater management plan, if one has been adopted to address the impairment

You state:

The Advanced Protection Management Program is the minimum required management program for all local agencies where an OWTS is located near a water body that has been listed as an impaired water body due to nitrogen or pathogen indicators pursuant to Section 303(d) of the Clean Water Act.

What is the purpose of minimum requirements. "Minimum" definition implies that more can be done.

We do not see the purpose of TMDLs without some requirement of measurement and monitoring of the impaired body. Though "impaired body" is the term used, how is it impaired, at what time of day (or tide), and what season.

This is a pure vanilla solution to what oceanographers are calling Adaptive Management Planning. They have found, by scientific measurement, that the change of application at a certain time of day, changes the result with almost no cost involved. There is measurable science-before and after.

Plans are made on assumptions, scenarios or averages.

Where is the discussion of measurable science.

10.14 The minimum responsibilities of the local agency administering an Advanced Protection Management Program include those prescribed for the Local Agency Management Programs in Section 9.3 of this policy, as well as monitoring owner compliance with Sections 10.11, 10.12, and 10.13.

Individually the sections read:

Section 9.3

9.3 The minimum responsibilities of the local agency for management of the Local Agency Management Program include:

9.3.1 Maintain records of the number and location of complaints pertaining to OWTS operation and maintenance.

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.

9.3.3 Maintain records of the number and location of permits issued for repair of an OWTS.

9.3.4 Maintain records of the number and location of permits issued for repair of an OWTS with additional conditions imposed.

9.3.5 Maintain records of the number and location of permits issued for new OWTS.

9.3.6 Maintain records of the number and location of permits issued for new OWTS with additional conditions imposed.

9.3.7 Maintain a list of all new OWTS installation within 500 feet of a sewer system.

9.3.8 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. At a minimum this will include testing for nitrates and pathogens, but may include other constituents deemed appropriate for assessing the impacts of OWTS on water quality. The local agency may use existing data from other monitoring programs or a dedicated program such as but not limited to any of the following:

9.3.8.1 Random well samples from a domestic well sampling program.

9.3.8.2 Routine real estate transfer samples if those are performed and reported.

9.3.8.3 Review of community water system sampling reports done by the local agency or another municipality responsible for the community water system.

9.3.8.4 Water quality testing reports done at the time of new well development if those are reported.

9.3.8.5 Beach water quality testing data performed as part of Health and Safety Code Section 115885.

9.3.8.6 Receiving water sampling performed as a part of a NPDES permit.

9.3.8.7 Data contained in the California Water Quality Assessment Database.

9.3.8.8 Groundwater sampling performed as part of Waste Discharge Requirements.

9.3.8.9 Groundwater data collected as part of the Groundwater Ambient Monitoring and Assessment Program and available in the Geotracker Database.

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.

Section 10.11

10.11 The ongoing monitoring of OWTS in an Advanced Protection Management Program with supplemental treatment components designed to meet the performance requirements in Sections 10.7 and 10.8 shall be monitored in accordance with the operation and maintenance manual for the OWTS or more frequently as required by the local agency or Regional Water Board.

Section 10.12

10.12 OWTS in an Advanced Protection Management Program with supplemental treatment components shall be equipped with a visual or audible alarm as well as a telemetric alarm that alerts the owner and service provider in the event of system malfunction. OWTS using supplemental treatment shall, at a minimum, provide for 24-hour wastewater storage based on design flow as a means to minimize pollution from overflow discharge after a system malfunction or power outage. Where telemetry is not possible, the owner shall inspect the system at least monthly as directed and instructed by a service provider and notify the service provider not less than quarterly of the observed operating parameters of the OWTS.

Section 10.13

10.13 OWTS in an Advanced Protection Management Program designed to meet the disinfection requirements in Section 10.7 shall be inspected for proper operation quarterly by a service provider unless a telemetric monitoring system is capable of continuously assessing the operation of the disinfection system. Testing of effluent from supplemental treatment components that perform disinfection shall be conducted quarterly based on analysis of total coliform with a minimum detection limit of 2.2 MPN. Effluent samples shall be taken by a service provider and analyzed by a California Department of PublicHealth certified laboratory.

When does Tier 4-OWTS Requiring Corrective Action apply when there are exceptions in other tiers.

Not discussed is on over-built environment. Each General Plan should address these issues as it is a policy document. The CEQA documentation should address the mitigation and monitoring.

The discussion about this policy is skirted through the terms “land use plans and policies of local jurisdiction,” omitting any discussion to have the State law apply through the General Plan.

Seismic activity and fault lines are not addressed and any damage from an earthquake or from tremors caused naturally or caused by overweight trucks is not addressed. Acoustic effects can cause catastrophic damage.

Public Services and Hazardous Materials need to be addressed in the CEQA document.

Low Impact Development is not addressed, yet is being rolled into this process. Geology and Soils and Minerals (Oil) are key environmental issues.

Migratory birds are not addressed nor are fish, wildlife and endangered species.

Flooding and landslides are components.

Who bears the financial burden when there is no system that addresses all the major issues to a complex issue.

Also, the Santa Monica Bay designated impaired water body has:

Coastal & Bay Shoreline Jurisdiction with a Pathogen pollutant that is being addressed approved USEPA TMDL

OWTS are problems in the area. How would it be addressed with a USEPA approved TMDL and this policy.

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Minimum responsibilities are addressed: