

MARIN COUNTY
COMMUNITY DEVELOPMENT AGENCY
BRIAN C. CRAWFORD, DIRECTOR

November 14, 2011

OWTS Policy
State Water Resources Control Board
P.O. Box 2231
Sacramento, CA 95812
Owts_commentletters@waterboards.ca.gov

Subject: Comments on the Proposed OWTS Policy

State Water Resources Control Board:

Thank you for providing the opportunity to submit comments on the proposed *Policy for Siting, Design, Operation and Management of Onsite Wastewater Treatment Systems (OWTS)*. We have reviewed the *Policy* and have attended at least one workshop. We thank your Board and staff for the significant effort to abandon the 2008 policy and start anew. The paradigm shift from a prescriptive standard to the risk-based tiers should be successful in gaining stakeholder support. The prescriptive standards could not work in California with the varied geology and geography of the state. It is with this thought that we believe the tiers may be effective because the area variations are recognized with the establishment of Tier 2, Local Agency Management Plans.

Overall, we are encouraged by improvements proposed in the *Policy* and it is hoped that the Marin County Program utilizing the Marin County Code and Regulations for Individual Sewage Disposal Systems is approved for Tier 2. However, as the *Policy* is written in general terms, we have some concerns about the implementation of the *Policy* by Regional Water Quality Control Board (RWQCB) staff. The specific concerns are:

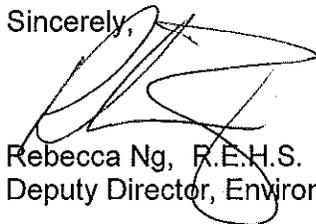
- *Table 2: Application rates as determined from stabilized percolation rate*, is much too conservative. The standard application rates adopted by most of the Bay Area counties were based on a nation-wide model and are less conservative. The applications rates based on the proposed Table 2, will result in disposal areas twice as large as is currently required. Thus, a parcel of limited size and/or limited soil may not be able to construct or repair an OWTS.
- *9.3.8 The monitoring and assessment of groundwater and local surface water quality on a regional and localized basis across the entire jurisdictional area. At a minimum, testing for nitrates and pathogens would be required though existing data could be used.* The type of monitoring and the frequency requirement is unclear. This will add significant administrative expenses to either the local agency in terms of sample collection, data collection and tracking, etc or the expenses passed on to the property owners.
- Currently, the Marin County Program requires operating permits for alternative OWTS. Will OWTS that do not meet Tier 1 and are covered by Tier 2 requirements be considered "alternative" and require operating permits? This is one question amongst the other

"unknowns" regarding the implementation of the *Policy*. We suggest that State Water Resources Control Board direct the RWQCBs to start meeting with local agencies to discuss how they will implement the policy. This would help the local agencies understand what will be required and so they can plan program changes and estimate costs.

- How will the Tier 3 requirements be noticed or enforced for existing OWTS? The Policy states that local agencies are not required to notice or enforce but they are encouraged to collaborate with RWQCB. There is concern that the Tier 3 requirements will be passed on to the local agencies.
- If the existing OWTS do not require repair due to failure or upgrades for building, will they be assessed for compliance with Tier 1 standards by the RWQCB?
- There are concerns about costs to the property owners for the OWTS upgrades including advanced wastewater treatment components, the costs for surface water and groundwater monitoring, and operating permit fees. The idea of increased costs for OWTS in the current economic climate is not palatable for property owners. Also, as noted above, we are concerned about potential expenses to our EHS program which has been operating at a deficit.
- We have received questions about the designation of impaired water bodies based on the assumption that OWTS are the causative agent. It is suggested that the SWQCB consider the use of phylochip technology in water quality testing to more specifically identify causative agents of non-point sources of water pollution.

As stated previously, the proposed *Policy* is an improvement to the previous one. However, until the County has greater clarity about the above issues, we are reluctant to endorse it. Please consider our comments to make the *Policy* even better. We look forward to discussing the details with State Water Resources and/or RWQCB staff.

Sincerely,



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