



## **Placer County**

### **Wastewater Advisory Committee**

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

The Wastewater Advisory Committee of Placer County is a citizen advisory committee that advises the Director of Environmental Health on issues pertaining to onsite sewage disposal. The committee makeup consists of representatives from a cross section of disciplinary fields ranging from a representative from the Board of Realtors to septic tank manufacturers, on-site sewage consultants, a member of the Placer County Planning Commission and two members from the public at large. Additional members include representatives from the Building Industry; contractors; environmental consultants; septic pumpers; Placer County Facilities Services; Placer Architects, Geologists, Engineers and Surveyors; and from academia. The Placer County Wastewater Advisory Committee is established by the Board of Supervisors.

The Committee has reviewed the draft policy for Siting, Design, Operation and Maintenance of Onsite Wastewater Treatment Systems dated September 30, 2011. We recognize that significant changes have been made to develop a better program for implementation. We offer the following comments:

1. 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.
2. Section 9.3.2 – Only existing data that is collected shall be submitted. For example, Placer County does not require the submittal of Septage pumping, so this data collection should not be mandated.
3. Section 9.3.8 – The Tier 2 requirement 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. At minimum, this will include testing for nitrates and pathogens but may include other constituents. 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.
4. Section 9.3.9 requirement that an annual report be submitted to the Regional Board that includes all water quality testing results for the entire Placer County to determine the possible effects of OWTS effluent. This requirement is excessive and should be replaced with once every 3

years. Also, the determination whether water quality is being impacted by OWTS based on all the sampling data may not be an easy determination to make and may prove to be a costly undertaking. As is always the case, the data collected will be all over the place and without the proper sampling numbers, proper sampling sites and proper sampling techniques, making a statement that OWTS is the culprit for surface water or groundwater contamination in a specific area and then enacting requirements based on that conclusion may open the County to legal action. The State shall make the determination of OWTS contaminating the waters of the State and State should then pay for additional studies to conclusively prove that OWTS is the culprit. Only then can the County make additional requirements/regulations pertaining to OWTS in a specific area.

5. Section 9.410.4 and 9.4.10.5 – Acceptable setbacks to public water supply intakes are already in place.

6. Section 9.6 – Clarify that Counties will be either in Tier 1 or Tier 2, not both. Also that Tier 2 is an alternative method to achieving water protection goals and is not to be compared to Tier 1. Specific criteria in Tier 2 LAMP should not be compared to specific criteria in Tier 1. Instead alternate wording that is acceptable should read: “A local agency must detail how all the criteria in their program work together to achieve a comparable level of water quality protection as the requirements in Tier 1.

7. Section 9.7 - Additional mechanisms required to prevent Regional Boards from imposing arbitrary and excessively stringent regulatory restrictions on the local agency. The Regional Board is the agency reviewing and approving the LAMP and without the proper mechanisms in place to ensure the Regional Board actions are consistent with Policy objectives, the local agency is at the mercy of the Regional Board.

8. 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.

9. 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.

10. 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.

11. Section 8.2.4 – Remove section that states. “If IAPMO certified tanks are not available locally”. 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.

12. Section 10.10 – The requirement for independent 3<sup>rd</sup> party testing of proprietary OWTS products is too vague and leaves too much room for fraud to occur. State regulations should specify accredited university 3<sup>rd</sup> party testing with specific protocols similar to National Sanita-

tion Foundation (NSF) testing protocols or NSF testing and real time use testing prior to allowing proprietary systems to be used.

13. Section 4.5 – The requirement that any person can submit a request for modification or revocation of the LAMP and the Regional Board shall respond within 90 days on whether it intends to proceed with the LAMP revocation process or dismiss the request may tie up the Regional Board and the County with numerous frivolous requests by disgruntled persons. There should be a way for the State to weed out frivolous requests without having to go through the 90 day process to respond on whether to revoke the LAMP or not.

14. Section 9.3.7 - Maintaining a list of all new OWTS within 500 feet of a sewer system is onerous and unjustified. Sewer lines can be added onto and County EH departments would be constantly updating this list. Current County ordinance requires any parcel within 300 feet of sewer to hook up to the sewer district if the District can and will serve the parcel. At the time of building permit processing for existing lots or project proposal for subdivisions, the availability of sewer is determined and it is at that time that requirement to hook up is determined.

15. Section 1 Definitions – “Qualified professional” add at the end of the sentence “...or individual who possesses the appropriate licensing to construct an OWTS”.

Sincerely

A handwritten signature in black ink, appearing to read "Rick Bluhm". The signature is fluid and cursive, with a long horizontal stroke at the end.

Rick Bluhm, Chair  
Placer County Wastewater Advisory Committee