



COUNTY OF SISKIYOU

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November 14, 2011

State Water Resources Control Board
Division of Water Quality
Attn: Todd Thompson, P.E.
P.O. Box 2231
Sacramento, CA 95812

RE: Comments in regards to AB 885 Draft Policy for Siting, Design, Operation and Maintenance of onsite Wastewater Treatment Systems

Dear Mr. Thompson,

The Environmental Health section of the Public Health & Community Development Department has been following the developments and reviewing the various versions of proposed statewide standards since the inception of the legislation. It was apparent that a consensus among the counties, State Water Resources Control Board, stakeholders and the public in regards to these proposed standards was impossible and that the process had stalled to the point that the further development of a set of standards agreeable to all parties was going nowhere. However, due to the filing of a lawsuit against the State of California for failing to implement and adopt statewide septic standards as directed under AB 885, the State Water Resources Control Board implemented a plan to circumvent the CEQA process and propose version 6.1 of these statewide standards.

This latest revision proposes a tiered system of standards by which county health departments' could issue new and repair onsite sewage disposal system permits. While this department does not object to the tiered approach as a means to satisfy the intent of AB 885, we do object to an additional level of oversight mandated under AB 885 in the establishment of a tier 2 program. This department, through changes to the County's Sewage Disposal Ordinance and through the adoption of policies specific to onsite sewage disposal, has established and maintained a sewage disposal program that has been effective in protecting public health and the environment. Siskiyou County's sewage disposal program conforms to the Regional Water Quality Control Boards Basin Plan. Through the adoption of regulations and policies specific to controls on the density of proposed developments supported by onsite sewage disposal systems, this department has taken additional measures not incorporated in the Basin Plan towards protecting the public from groundwater and surface water degradation. The County's Health Department has been effective in meeting its directive of protecting public health and the environment while keeping the costs of operating this program reasonable. The mandates established under tiers 2 and 3 of the proposed statewide standards will not advance the protection of the State's groundwater or surface water, but will have a direct impact upon the costs to the local health departments to implement these unfunded proposed changes and to individuals and developers in meeting these proposed standards.

The State Water Resources Control Board's proposed version 6.1 establishes a Tier 1 siting standards that are more restrictive than the established standards approved under the North Coast

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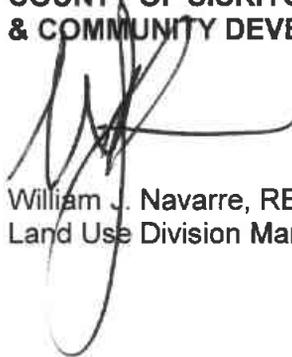
Regional Water Quality Control Board's Basin Plan. This established Basin Plan under which this county has developed its ordinance and policies with respect to onsite sewage disposal has been utilized to approve a wide variety of development and land use projects. The restrictive nature of the siting criteria established under the Tier 1 section, will result in counties opting for an approval of their existing sewage ordinance under the Tier 2 section of the statewide standards. While we would like to be able to commit to a program limited to the permitting of new systems strictly under the tier 1 section of the regulations, the fact that prior land use projects and property transfers were approved under the county's existing sewage disposal ordinance and policies obligates this department to pursue approval of a Local Agency Management Program under tier 2 of the proposed standards. While this approach appears to be equitable, there is no guarantee the proposed Local Management Program submitted under tier 2 will be approved by the Regional Water Quality Control Board. The concern on the county level is that a Local Management Program submittal would be approved by a Region Board only if the program proposed similar siting criteria reflective of those established under tier 1. Furthermore, the terms and conditions of groundwater and surface water monitoring as required under Section 9.3.8 are overreaching, cumbersome and expensive. The fact that individual regional water boards have not been involved or provided input into the development of these regulations, lends to an increasing uncertainty as to their position regarding the proposed changes. Their acceptance of this expanded level of oversight or their willingness to work with the various permitting agencies within their jurisdiction remains unknown.

Under the tier 3 section of the proposed standards, property owners impacted by these new regulations will be required to document the impact their existing onsite disposal system is contributing to the impairment of a 303(d) listed water body and may be required under the regulations to incorporate a treatment component to their disposal system depending upon the outcome of the inspection report. Compliance with this section of the regulations is proposed to be the responsibility of the Regional Water Boards. This Department is skeptical that the Water Boards would be unable to implement this program element and that the responsibility of implementing this section of the proposed regulations would fall to the local county health departments. The regulations as proposed under tier 3 for existing systems subjected to the enhanced requirements under section 10 are a compliance and enforcement nightmare for whomever has oversight responsibility. Compliance with the regulations among individual homeowners who would be required to have their system evaluated is predicted to be extremely low as the cost of this inspection and of any required upgrades would be expensive and would be solely borne by the individual property owners. While the current basin plan restricts disposal system from being installed within 100 feet of the 10 year flood elevation, new system installed within the 600 foot setback and which are subject to enhanced treatment for nitrate removal are costly and site conditions encountered may be such that nitrate removal could be unwarranted. The regulations do not allow for variability of system design based on an evaluation of site conditions. This proposed regulatory concept ignores the science and results in a blanket policy towards the installation of an enhanced treatment system based solely on the position of this system relative to an impaired water body.

The Public Health & Community Development Department of Siskiyou County has maintained a responsible sewage disposal program inline with the Regional Water Board's basin plan and with no oversight from the Regional Water Board. This department does not object to changes in the regulations that are based on sound scientific principles. However, the proposed regulation puts the oversight of the onsite sewage disposal program in the control of the Regional Water Boards, eliminating local control by the county health departments. The proposed regulation, with oversight by the Water Boards, will result in an increase in program costs with no recognizable benefit to the public or the environment. Time and the tax payers' monies would be put to a more efficient use if the Regional Water Quality Control Boards evaluated the land development and sewage disposal regulation and policies currently employed by counties and worked with these agencies to incorporate where necessary changes in their ordinances and policies related to onsite sewage disposal. During this current economic downturn, the last thing this state needs is more regulation

and more government intervention and oversight. The isolated incidents of localized groundwater or surface water degradation throughout the State do to poor land development policies and/or uncontrolled development should not be the basis for adopting statewide standards.

Sincerely,
**COUNTY OF SISKIYOU PUBLIC HEALTH
& COMMUNITY DEVELOPMENT**

A handwritten signature in black ink, appearing to read 'W. Navarre', with a large, sweeping flourish at the end.

William J. Navarre, REHS
Land Use Division Manager