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To: <commentletters@waterboards.ca.gov>
Date: 5/4/2012 10:10 AM
Subject: "Comment Letter -- OWTS Policy"
Attachments: 120504_SepticComment.pdf

#45

Please find attached my submission to the public comments to the Final Draft OWTS Policy. I paste the letter below as well:

May 4, 2012

Greetings,

I am writing with comments on the Final Draft of the OWTS Policy.

I learned of this new policy last night, so I have only been able to briefly scan the documents. From my first scan I do have several concerns.

My first concern is that, again at first glance, this appears to be less a way to fix actual water quality problems and more a means to provide local layers of government a method to assess fees and harass homeowners in small communities. These rules appear to give the local government -- Orange County in my case -- a free hand in simply removing a substantial percentage of homes in a longstanding community by requiring changes to preexisting septic systems. Many of these systems cannot be replaced without violating other portions of the existing regulations, regulations that came into force long after the homes were built. Those properties will simply become uninhabitable.

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Another concern is that this taking of homes (or assessment of fees and expensive tests) seems to occur without any way to challenge the underlying assumption of harm. I do not see the methodology used to include watersheds in attachment 2, nor do I see a way of delisting watersheds once they are added.

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Finally, given the severity of the impact of these rules on affected homeowners, I am concerned at the lack of notice for those impacted. The FAQ makes sure convey how few septic systems will be affected, which makes it particularly galling that there was no mailing to the "less than 2% of septic tank owners." I would suggest a heading of "WARNING - THE STATE IS CONTEMPLATING RULES THAT MAY MAKE YOUR LOT LEGALLY UNINHABITABLE," or something similar.

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With great concern,

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