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COMMUNITY DEVELOPMENT AGENCY  
ENVIRONMENTAL HEALTH SERVICES DIVISION

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Reference: AB885  
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**Issue Section 2.4**

This section has a wastewater limit of 900mg/l BOD for systems that are covered under the general waiver.

**Question:** What method do we use to determine that the facility generating the wastewater does not exceed the limit of 900mg/l so it can remain within the local agency jurisdiction?

For example can a Local Agency:

- 1) Use reference from EPA Onsite Waste Water Treatments System Manual;
- OR
- 2) Direct water quality testing, number of samples etc.

2 →

**Issue Tier 2 Section 9.1.8 & 9.2.2**

Surface water within the watershed is listed as impaired for nitrogen or pathogens.

**Question:** Shouldn't this be in Tier 3 not Tier 2?

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**Issue Tier 2 Section 9.2.6 & 9.3.2.8**

These items require an analysis of existing and proposed disposal locations for septage; and the second refers to waste discharge requirements.

The RWQCB has oversight of these types of facilities and submittal of these would be time consuming and redundant since the RWQCB should already have that information.

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**Issue Tier 3**

**Question:** If a water body has a TMDL for pathogens but not nitrogen, would Tier 3 requirements have to be met by new or replacement OWTS for nitrogen but not for pathogens?

In such a case, would new and replacements systems have to address nitrogen and not pathogens?

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**Issue Tier 3 Section 10.1**

Geographic area for 303d listed water body is defined by either: TMDL, LAMP or if not defined then the 600 ft setback would take effect.

Is this correct?

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→ **Issue Tier 3 Section 10.2**

This section indicates that all required OWTS implementation actions shall commence within 5 years after the TMDL's effective dated.

Question: For 303d listed water bodies that do not have a TMDL, would Tier 3 requirements be in effect until the TMDL take effect in 5 years?

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→ **Issue Tier 3 Section 10.10.2**

Clarification: does the minimum soil depth mean that the system has to be a minimum of 3ft deep, have at least 12 inch cover and maintain 3ft separation for bottom of trench to high seasonal ground water?

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→ **Issue Tier 3 Section 10.14**

This section requires the property owner to inspect his supplemental treatment unit monthly if there is no telemetry unit.

Suggest language change to: Owner/Owners agent.

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→ **Issue Tier 4 section 11.1 & 11.2**

These sections require corrective action to follow Tier 1, 2 or 3.

Question: Local Agency would continue to follow existing county codes and procedures until a LAMP is approved, not Tier 1. We would use Tier 3 requirements for those properties with septic systems near 303d listed water bodies.

Is this correct?

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→ **Issue Tier 4 section 11.4**

Clarification of this section should be provided so it is clear what this section is actually requiring.

For example, in an area with high ground water and older deeper septic systems that may be in contact with ground water during the wet weather season, would the LA be required to have all those systems replaced and upgraded? Or is this more of tool to have those systems upgraded on a case-by-case basis?

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→ **Issue Section 12.0.2**

This section requirement states that the OWTS in order to be under the Conditional Waiver "shall not utilize a dispersal system that is in soil saturated with ground water."

Question: Similar to the above item in 11.4, by default, older systems were install deep and had a lot of back fill cover to keep sewage from surfacing. These older systems are the ones that are most likely in contact with ground water. So, does that mean these types of systems in high ground water and deep disposal systems would not be covered under this waiver? Would all of them need to be upgraded when this policy takes effect?

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**Issue Section 12.0.3**

This section states that "OWTS shall not be operated while inundated by storm or flood event."

*Question:* How will this section be implemented or enforced? Would the LA be required to prevent use of their septic system during these events? This section should be removed if it is not an enforceable mandate.

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**Issue Section 14.0**

Great idea but a third party or agency with the experience and ability to manage such a loan program should be considered. Local Agencies are not set up to administer such a program.