Public Comment
OWTS
Deadline: 5/4/12 by 12:00 noon

# Calaveras County
# Environmental Management Agency

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SWRCB Clerk

April 24, 2012

Jeanine Townsend, Clerk to the Board
State Water Resources Control Board
1001 I Street, 24th Floor
Sacramento, CA 95814

Thank you for the opportunity to comment on the final draft of the Water Quality Control Policy for Siting, Design, Operation, and Maintenance of Onsite Wastewater Treatment Systems (policy). This draft clearly demonstrates the significant efforts made by state water board staff and other key players including the California Conference of Directors of Environmental Health and the Regional Council of Rural Counties.

Upon review of the policy, it is evident that Calaveras County will be pursuing a Local Agency Management Program (LAMP) or Tier 2 program. While many aspects of the Calaveras County Rules and Regulations for Onsite Wastewater Treatment Systems are consistent with the proposed policy, there are a couple of concerns that we would like to bring to your attention:

**Section 4.2:** *"The Regional Boards may also consider whether it is necessary and appropriate to retain or adopt any more protective standards"*. The primary concern with this section is the possibility of Regional Boards amending existing basin plans that may not be attainable as a result of local geology and hydrology. It would be our hope that in the case of Calaveras County, Region 5 will take into consideration geologic and hydrologic conditions found in the Sierra foothills and thus maintain the intent of the policy whereby a region shall reconcile region-specific standards with the policy. 1

**Section 4.5:** "*The appropriate Regional Water Board shall accept and consider any requests for modification or revocation of a Local Agency Management Program* (LAMP) *submitted by any person*". It remains unclear as to why this has been included in the policy and it creates a concern that this may open up local programs to unnecessary and/or unscientific scrutiny. Environmental groups for instance, may or may not want to pull the plug on an approved LAMP basing their decisions on minimal or faulty scientific data. As an example, a group citing OWTS contamination of surface waters based solely on the presence of total and fecal coliform would not be good science as water fowl and other animals act as significant loading factors of coliform bacteria in surface waters. This actually occurred in the past when a group issued written statements about what they believed to be OWTS contamination of surface waters based solely on the presence of coliform bacteria. This group did not even look for essential indicators of wastewater including caffeine, pharmaceuticals, chlorides and other constituents. 2

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Another but very different example involves East Bay/MUD wherein it was noted that both total and fecal coliform levels had significantly increased within a swimming area in Camanche Reservoir in Calaveras County. The Utility took a proactive scientific approach and worked with the Department of Fish and Game to significantly reduce the population of Canadian Geese at the reservoir. The result was a significant decrease of total and fecal coliform in the swimming areas of the reservoir.

**Section 9.3.3:** *"Submit an annual report by February 1……..". "Every fifth year, submit an evaluation of the monitoring program and an assessment of whether water quality is being impacted by OWTS",……. "……all groundwater monitoring data generated by the local agency shall be submitted in EDF format for inclusion into Geotracker, and surface water monitoring shall be submitted to CEDEN in a SWAMP comparable format."* Who pays for this? Is the regulated community expected to pay, through the permit process, for what appears to be an unfunded state mandate? 3

**Section 9.4.4:** *"Slopes greater than 30% without a slope stability report approved by a registered professional"* are not to be included in the LAMP. Is this a requirement to assure OWTS installation safety such as equipment rollover? If so, the requirement would not be appropriate in the policy. If this requirement is a result of slope failures due to installation of OWTS or "day-lighting" of effluent, it has been our experience that neither occurs solely as a result of placing OWTS on slopes of +/- 30%. OWTS failures occur as a result of restrictive soils, high groundwater, crushed pipes and d-boxes or other mechanical failure and/or poor maintenance of the OWTS, not slope. 4

**Section 9.4.6:** *"Supplemental OWTS without requirements for periodic monitoring or inspections"* are not to be included in the LAMP. Who does the monitoring and who pays for it? Again, it would appear that the cost will fall to the permittee. 5

**Section 11.6:** *"In no case shall the time schedule be allowed to extend beyond three months for a corrective action, with the exception of seasonal high groundwater or snow conditions".* This is too restrictive!!! We have had situations where a repair could not be made within a three month timeframe due to rains and inaccessible conditions. As an interim measure we have had septic tanks capped and pumped until equipment could access the site for a permanent system repair. The policy should not be placing a timeline on system repairs even though 90% or more are addressed will within a three month timeframe. 6

Thank you again for the opportunity to review and comment of the final draft of the policy. Should you have any questions, please contact me at (209) 754-6399.

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