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Comments Regarding Final Draft of AB 885 Regulations

Greetings:

Thank you for the opportunity to submit final comments on the proposed wastewater regulations. In general, I am satisfied with the improvements that have been made. However, I feel that there remains an unnecessary and unfortunate level of confusion resulting from language that describes the various Tiers.

As the regulations are written, Tier 0 includes all existing OWTS, including those that employ supplemental treatment such as sand filter, aerobic treatment, or fixed media filter.

1 → Preamble, page 6, "What Tier Applies to my OWTS?" (first paragraph) states: "The existing OWTS will return to Tier 0 once the corrective action is completed." Therefore, existing units with supplemental treatment and any existing unit that was repaired with the addition of supplemental treatment would remain in Tier 0.

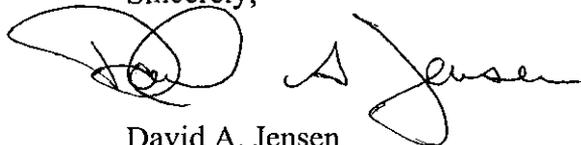
On the other hand, the new regulations require that any new systems with supplemental treatment be included in Tier 2. In a very short period of time, my county will have an unwieldy mix of Tier 0 systems with and without supplemental treatment. We will also have a mix of Tier 2 systems with and without supplemental treatment. Similarly, those systems with supplemental treatment will be scattered through Tiers 0 and 2. This seems an unnecessary complication that will frustrate the public's understanding and lead to unnecessary confusion among the regulated public, particularly regarding required maintenance and monitoring requirements for supplemental treatment systems that are in Tier 0.

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I strongly encourage you to (at least) clarify the fact that systems with supplemental treatment will be subject to requirements, such as monitoring and maintenance, that exceed those of standard Tier 0 systems. Preferably, I would encourage you to specify that any existing or repaired system that requires supplemental treatment or has been granted a variance to the original governing Basin Plan requirements be included in Tier 2, upon approval of the Local Agency Management Program.

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Sincerely,



David A. Jensen