



# TOWN OF PARADISE

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April 30, 2012

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

Re: Comments; **Final Draft Water Quality Control Policy for Siting, Design, Operation, and Maintenance of Onsite Wastewater Treatment Systems**

Dear Board Staff,

The Town of Paradise Onsite Wastewater Management Zone has over 11,000 onsite wastewater treatment systems within our 18.5 square mile jurisdiction. We have a comprehensive Onsite Wastewater Management Program which includes mandatory routine inspections of all systems, semi-annual surface and groundwater sampling and maintenance and monitoring requirements for over 180 advanced treatment systems within the zone. With this level of experience we appreciate this opportunity to comment on the draft State Policy and will provide any further clarity as requested.

The following comments are specific to those portions of the Draft Policy specified:

- 1 → 1. Definitions: "Supplemental treatment". This definition states that additional wastewater treatment is provided, "... so that the effluent meets **the** performance requirements prior to discharge..." [bold added]. Since the word "the" is used in this expression it implies there are performance requirements in the Policy. Some performance requirements for supplemental treatment are provided in Section 10, Impaired Areas, of this Policy but it is unclear if these are the ones referred to. Since not all supplemental treatment pertains to impaired water bodies it is even more unclear where these performance requirements are.

It is suggested that either;

- 1) The word "the" is struck from this expression so as not to imply there is a source for these standards. Example; "...so that effluent meets performance requirements prior to discharge..."

or;

1 → 2) Provide more specific wording for the location of these standards found in the Policy. As an example this could read, "...the performance requirements *as per Section 10 of this Policy* prior to discharge of effluent into the dispersal field".

2 → 2. Section 2.2 advises that, "Owners of new and replaced OWTS shall also meet the minimum standards contained in ... [Tier1 or Tier 2]". In Definitions a, "Replaced OWTS" means an OWTS that has its treatment capacity expanded, or its dispersal system replaced or added onto, after the effective date of this Policy". What isn't provided in this definition is what constitutes a dispersal system replacement, or addition. In some instances only a small portion of a dispersal system needs replacement, such as with a garage or a small building addition over the top of the end of a leachline. In the application of this Policy it may be unreasonable to require that a properly functioning but non-complaint OWTS be entirely replaced because 10 feet of its 150 foot dispersal field must be relocated. It is recommended that a percentage of replacement be provided in this definition or in the requirement in Section 2.2. This would allow a properly functioning OWTS to have a small portion of its dispersal field replaced without having the entire system completely upgraded.

3 → The same is true for Section 9.4.9; "Installation of OWTS where public sewer is available", in which criteria is provided that prohibits the installation of an OWTS when public sewer is available. It is not clear what the term "installation" includes, whether it includes replacement, repair or expansion of an OWTS, and to what extent. Clarity on this issue could be provided in this section or in a separate definition for "installation".

In general, the terms "replacement" and "installation" are used throughout the Policy and more clarity should be provided in how they are applied in its provisions. Such clarity can be provided in the Definitions section of the Policy.

4 → 3. Section 2.6.6 stipulates criteria by which the owner of an OWTS must submit a Report of Waste Discharge. It stipulates that if an OWTS is receiving "high strength wastewater" with; (1) a BOD higher than 900 mg/l from a commercial food service building, or (2) does not have a properly sized and functioning oil/grease interceptor...", then a Report of Waste Discharge must be submitted. As per definition, "High Strength Wastewater" includes wastewater having a BOD greater than 300 mg/l or TSS greater than 330 mg/l or FOG greater than 100 mg/l. Therefore, in theory and in some limited scenarios, wastewater can be "high strength" but not have an elevated FOG concentration. It is not reasonable to require a grease interceptor if FOG is not elevated.

It is suggested that this section be revised to state that a Report of Waste Discharge be required for an OWTS without a grease interceptor only if there is an elevated level of FOG. The revision for this section could read, "... (2) does not have a properly sized and

functioning oil/grease interceptor *but has a fats, oils and grease (FOG) concentration greater than 100 mg/l*, after the effective date of the Policy."

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4. In Section 6.1.2 there is the requirement that an OWTS receiving "high strength wastewater" may be classified in Tier 0 status if a grease interceptor is in place. This requirement is here despite the fact that by definition "high strength wastewater" does not require that a high level of FOG exists. It is not reasonable to require a grease interceptor unless there is a high level of FOG. As per the recommendation for Section 2.6.6 this section can be re-worded such that a grease interceptor is only 'required' if the wastewater influent has or is anticipated to have a FOG concentration greater than 100 mg/l.

The same discrepancy exists for Section 2.4. Here is stated that the waiver of waste discharge requirements is allowed for compliant OWTS's handling high strength wastewater only if there is a grease interceptor, despite the fact that by definition "high strength" does not mean there is elevated FOG.

It may be the Board's position that all high strength wastewater has a high level of FOG. If this is true than this should not remain an assumption but should be clearly defined in the Policy. Without this clarity the Policy remains incomplete and unreasonable.

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5. Sections 7.5.4 and 7.5.5 (Tier 1) require that vernal pools, wetlands, lakes and ponds have a 200 foot setback to OWTS's and that springs, creeks and rivers have a 100 foot setback. Generally speaking, there is no significant difference in transmissivity of soils around vernal pools, wetlands, lakes and ponds than in those around springs, creeks or rivers that would warrant this setback difference. To the contrary, and as a generality, springs, creeks and rivers have greater downslope gradients from OWTS's than do vernal pools, wetlands, lakes and ponds. Areas around springs, creeks and rivers also tend to have more non-permeable, geological layers that promote subsurface migration of OWTS effluent. In this sense there is the same, if not sometimes higher risk for springs, creeks and rivers to receive down gradient migration from OWTS than do vernal pools, wetlands lakes and ponds. Therefore, vernal pools, wetlands, lakes and ponds should not have greater setback requirements from OWTS than do springs, creeks and rivers.

It is understood that some may consider vernal pools, wetlands, lakes and ponds more sedentary and therefore more susceptible to bio-accumulations of contamination from OWTS. This is not a commonality however and many vernal pools, wetlands, lakes and ponds have significant amounts of water flow which prohibit the bio-accumulation of OWTS contaminants. Some lakes and ponds are merely dammed portions of rivers or creeks and have as much flow as their tributaries.

An example of this is if a creek were flowing to a pond it would require a 100 foot setback, both on the inlet and the outlet portions of the creek. The pond would require a 200 foot setback. In most applications this does not make sense.

7 → 6. Section 8.1.9 requires that dispersal systems and their replacement areas shall not be covered by an impermeable surface that prevents oxygen transfer to the soil. It is found that in the Town of Paradise, with loamy soils that percolate below 30 mpi, leachfields perform quite satisfactorily when located under asphalt or concrete. A majority of the developed commercial parcels and several residential ones have dispersal fields beneath asphalt or concrete paving. These dispersals field have performed well for many years, with little noticeable difference between them and other fields that are not paved over.

It is suggested that this Section be revised to allow dispersal systems under "impermeable surfaces" that have been tested and found to percolate at or below a rate of 30 mpi.

There is also an extra benefit provided to the soil microbiology beneath paved surfaces when dispersed effluent has undergone supplemental treatment. Typically supplemental treatment provides oxygenation to effluent which helps compensate for any diminished aerobic qualities created by an impermeable surface. If this restriction is maintained in the Policy there should be some variance allowed for those dispersal fields under pavement that receive effluent which has undergone some sort of aerobic treatment.

8 → 7. In Section 9.0: Local Agency Management Program for Minimum OWTS Standards it states,  
"Programs may include any one of combination of the following to achieve this purpose:

- Creation of an onsite management district "

Sections 9.2.2 and 9.2.7 also have references to "onsite management districts".

There are several onsite wastewater zones in the State, which zones have the same intent and purpose of districts. It is recommended that the phrase, "or zone", being added to all mentions of "onsite management districts."

"Programs may include any one of combination of the following to achieve this purpose:

- Creation of an onsite management district *or zone* "

9 → 8. Section 9.2 details twelve separate criteria for a Local Area Management Plan (LAMP) and provides explanations of each. Many of these criteria are described in non-mandatory terms by introducing them with the adjective, "Any", which term has a non-conditional nature. Despite this, Section 9.2 states that a LAMP shall have "each of the following". It appears that the intent of the Policy was not to make these twelve criteria conditional for a LAMP, but 'recommended'. In order to facilitate this meaning the wording should be changed such as, "... and in addition *as many as possible* of the following: "

Thank you for this opportunity to provide comments and suggestions. I would be glad to discuss any of these recommendations at your convenience.

A handwritten signature in blue ink, appearing to be 'DD' with a stylized flourish.

Doug Danz, REHS, MS  
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Town of Paradise  
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