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Subject: Comment Letter – OWTS Policy

Please accept these comments on the Final Draft Water Quality Control Policy (the Policy) for Onsite Wastewater Treatment Systems (OWTS), submitted by Oreco Systems, Inc. Oreco Systems is a recognized leader in the onsite wastewater treatment system industry. Our numbered comments and recommendations are as follows.

1) Criteria for Approving Nitrogen Reducing Supplemental Treatment Technologies

Section 10.9.1 of the OWTS Policy requires that nitrogen reducing supplemental treatment technologies be certified by NSF or "other approved third party tester." Oreco is pleased that the regulations will recognize that alternative third party performance testing programs, other than NSF's, may be considered valid. It is important to recognize that rigorous third party field-testing, which involves sampling over a sufficient period of time at a sufficient number of actual residences, with sample collection and data evaluation by a third party independent of the manufacturer, is generally a more reliable indicator of real-world performance (especially for nitrogen reduction) than testing of a single test unit under idealized and carefully controlled test center conditions. Influent test water available at NSF test facilities is typically substantially lower in nitrogen concentration than typical domestic wastewater.

1 → The OWTS Policy should promote the concept of rigorous third party field-testing, and provide an incentive for manufacturers to undergo such testing, as an alternative to NSF/ANSI Standard 245 testing.

Oreco has invested a great deal of resources in high-quality third party field-testing. We have a well-deserved reputation as an industry leader, and a highly successful performance record in California where literally thousands of Oreco systems have been installed. We are concerned that unless the OWTS Policy is clear that third party field-testing may be considered a valid acceptable alternative to NSF testing, local agencies may be very reluctant to exercise their discretion to accept nitrogen performance testing results other than NSF's. The OWTS policy may put manufacturers like Oreco in the position of having to justify alternative testing programs on a county-by-county basis to many individual counties, potentially making it very difficult to keep existing approvals or to gain new approvals in some counties.

1 → For that reason, we suggest that Section 10.9.1 be clarified by adding the following, or similar, language:

"Third party field testing programs, involving sampling of treatment units installed in the field

1 → and receiving domestic wastewater, may be considered acceptable provided that: sampling and sample testing is conducted by an independent third party agency or laboratory; the testing program involves testing of a representative number of installed treatment units for a period of at least one year, encompassing a range of seasonal conditions; and the results have been verified, evaluated, and accepted by a recognized third party such as an academic institution, non-profit verification institution such as NSF International, or a California or other state regulatory agency."

2) 2) Section 10.14 requires that OWTS using supplemental treatment shall, at a minimum, provide for 24-hour "emergency" wastewater storage based on design flow, "to minimize pollution from overflow discharge after a system malfunction or power outage." In our view, this requirement is unnecessary to protect sensitive impaired waterbodies and is outside the scope of the OWTS Policy. It should be left up to local agencies to set appropriate emergency storage requirements.

Overflows resulting from power outages or from critical component malfunctions are unusual events. Such events are primarily a public health concern rather than a water quality concern, and these events are typically not significant contributors to waterbody impairment. Therefore, the Section 10.14 emergency storage requirement is seemingly outside the scope of the OWTS Policy.

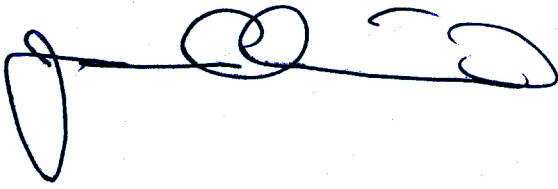
Design flow may be an unnecessarily conservative basis for determining emergency storage for supplemental treatment systems. Design flows are highly conservative (akin to peak flows)--actual daily flows are typically only about 50% of design flow. Moreover, during a power outage, water usage is dramatically reduced due to the lack of electricity for heating water, running laundry, etc. In the event of a critical component malfunction like a pump failure, section 10.14 alarm notification requirements (requiring that supplemental treatment systems be equipped with an alarm to notify the owner and service provider) will be sufficient to prevent sewage backups and allow sufficient time for corrective action before a backup occurs.

The proposed requirement for 24-hour emergency storage based on design flow will add substantial unnecessary cost. It will require costly additional tankage. It will lead designers to trade off treatment effectiveness (hydraulic retention time) in order to gain the necessary emergency storage capacity. Effective wastewater treatment must occur every day; by contrast, emergency wastewater backups are rare events. The objective of maximizing treatment efficiency (hydraulic retention time) should not be sacrificed for excessive and unnecessary emergency storage capacity, since backups are exceptional events.

For the above reasons, we conclude that the section 10.14 requirement for emergency storage based on 24-hour design flow is unnecessary and inappropriate. Again, OWTS system backups are exceptional events and are not significant contributors to water quality impairment. Therefore, the emergency storage requirement is seemingly outside the scope of the OWTS regulations. It should be left up to local agencies to establish emergency storage requirements. We advise that the requirement be deleted from the proposed regulations.

Thanks for the opportunity to comment on the final draft Policy for Onsite Wastewater Treatment Systems.

Sincerely,

A handwritten signature in black ink, consisting of a series of loops and a long horizontal stroke.

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