



#35

May 2, 2012

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

Subject: Policy for Siting, Design, Operation and Management of Onsite Wastewater Treatment Systems (OWTS) and Draft Substitute Environmental Document (SED)

Dear Ms. Townsend:

Thank you for the opportunity to provide comments on the State Water Resource Control Board (State Board) Policy for Siting, Design, Operation and Management of Onsite Wastewater Treatment Systems (OWTS) and the related Draft Substitute Environmental Document (SED).

The Santa Clara Valley Water District (District) serves the nearly 1.9 million residents of Santa Clara County. The mission of the District is a healthy, safe and enhanced quality of living in Santa Clara County through watershed stewardship and comprehensive management of water resources in a practical, cost-effective and environmentally sensitive manner for current and future generations. Consistent with this mission, the District works to protect groundwater from contamination and to preserve or improve groundwater and surface water quality for beneficial uses.

Groundwater provides nearly half of the water used in Santa Clara County each year. In the Coyote Valley and Llagas Subbasin, groundwater is the sole drinking water source. Elevated nitrate is an ongoing concern in the Coyote Valley and Llagas Subbasin, where many domestic wells contain nitrate above drinking water standards and OWTS are common. As noted in the Draft SED, "groundwater exposed to a contaminant plume emanating from conventional OWTS effluent will likely exceed water quality objectives for nitrate and can contain other dissolved contaminants or pathogens (viruses and/or bacteria) not removed by the OWTS."

1 The District has the following comments on the OWTS and Draft SED:

1. **The District supports a tiered approach to OWTS regulation based on the risk to water quality but recommends changes to improve groundwater protection.**

OWTS within 600 feet of surface water bodies impaired by nitrate and pathogens fall under Tier 3 and are subject to more stringent regulation under the OWTS Policy. However, there are many areas in the state where groundwater has elevated nitrate concentrations, including southern Santa Clara County. The Draft SED states that "the impact associated with nitrogen contamination from operation of OWTS would be potentially significant" and finds that that significance after mitigation is "significant and unavoidable." The District agrees that a statewide requirement for supplemental treatment systems (estimated to cost \$26,000 to \$50,000 in the Draft SED) would



1 → result in significant costs for OWTS owners. However, due to the extent and severity of nitrate contamination in many groundwater basins in California, the District recommends the State Board revise the OWTS Policy to reduce nitrate loading to groundwater through supplemental treatment or other means in areas with elevated nitrate in a manner that minimizes financial impacts to OWTS owners. The District supports the use of grants through the State's Clean Water State Revolving Fund loan program to reduce economic impacts to OWTS owners in complying with the policy.

2 → With regard to Tier 3 systems, the District recommends that the OWTS Policy provide a reference to the document listing water bodies with established TMDLs for nitrate and pathogens.

3 → The District also recommends that if existing OWTS designated as Tier 0 are failing or require corrective action in the future, they should be required to comply with either Tier 1 or 2 requirements at that time.

2. The District supports the OWTS Policy's flexibility to respond to local conditions that may not be applicable statewide while maintaining the protection of beneficial uses.

The District supports the concept of developing minimum standards that must be achieved statewide, while allowing for differing local standards based on local needs and conditions, provided they achieve the same policy goals. The District also supports the flexibility that the policy provides in allowing Regional Water Boards to approve Local Agency Management Plans in whole or in part.

4 → Section 4.4 of the OWTS Policy allows any affected Regional Water Board to require modifications or revoke the authorization of a local agency to implement a Tier 2 program, provided that certain actions are taken, including written notification to the local agency. The District recommends that Section 4.4.2 be revised to ensure local groundwater management agencies are also notified.

In working to update local OWTS regulations, the Santa Clara County Department of Environmental Health has developed an advisory group consisting of the District, Regional Board staff, and other basin stakeholders. The District considers this type of cooperative approach essential to protecting water quality.

Thank you for the opportunity to provide comments on the OWTS and Draft SED. If you have any questions, please contact Mr. Behzad Ahmadi, Unit Manager, at (408) 265-2607 extension 2324.

Sincerely,



Joan Maher
Deputy Operating Officer
Water Supply Management Division
Santa Clara Valley Water District

cc: A. Peden, Santa Clara County Department of Environmental Health
J. Fiedler, A. Draper, B. Ahmadi, S. Dharasker, V. De La Piedra