



May 2, 2012



Jeanine Townsend, Clerk to the Board
State Water Resources Control Board
1001 I Street, 24th Floor
Sacramento, CA 95812

RE: CSAC and League of California Cities Comments – OWTS Policy Documents

Dear Ms. Townsend:

On behalf of the California State Association of Counties (CSAC) and the League of California Cities, we thank you for the opportunity to comment on the State Water Resource Control Board's (SWRCB) draft "Water Quality Control Policy for Siting, Design, Operation, and Maintenance of Onsite Wastewater Treatment Systems (OWTS)" dated March 20, 2012.

Consistent with CSAC's comments on the draft policy released in November 2011, we view this recent draft as much improved when compared to prior drafts. We believe that it moves in the direction of providing a more flexible approach to onsite wastewater management. While we truly appreciate the changes that have been made to date, we respectfully urge you to address several outstanding issues as follows:

- 1 → (1) → The policy continues to set forth excessive requirements for local agencies to be eligible for "local control" authority. These requirements will be very costly for local agencies to implement during a time when many are facing severe budget constraints and dwindling resources. Consequently, we urge the SWRCB to establish mechanisms that will prevent the Regional Water Quality Control Boards (RWQCB) from imposing arbitrary and excessively stringent restrictions on local agencies as a condition of obtaining approval of the Local Agency Management Program.

- 2 → (2) → In addition, we support the recommendation by the Regional Council of Rural Counties (RCRC) to include within the Policy a requirement for the RWQCBs to complete a detailed cost-benefit study prior to imposing any new requirements on local agencies that exceed those already required in the Policy.

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- (2) The Policy also continues to provide the RWQCBs with unlimited ability to impose unnecessarily restrictive Tier 2 siting and design requirements upon local agencies as a condition of local program approval. To address this problem, the Tier 2 submittal process for local program approval must be simplified and on-going reporting requirements to the RWQCBs must be reduced in both scope and content.

We also concur with RCRC's recommendation that the policy provide RWQCBs with clear legal authority to approve local programs that reasonably protect water quality and are consistent with the stated Policy objectives.

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- (3) CSAC and the League remain concerned with the financial impact of any monitoring and inspection requirements on the local implementing agencies, as well as the homeowners. Consequently, we recommend that any excessive monitoring and inspection requirements be eliminated.

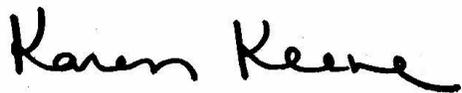
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- (4) As previously recommended by CSAC and RCRC, we urge you to delete the proposed Tier 1 density limit for new subdivisions as it inappropriately infringes on local government's exclusive land use authority. We continue to believe that the required CEQA analysis for all new subdivisions will provide for adequate assessment and mitigation of any groundwater quality impacts that may result from OWTS-related project approvals.

Lastly, we further support the comments and recommendations offered by RCRC requesting modification of the criteria requiring connection to public sewer systems; modification of Tier 1 Siting and Design Criteria; elimination of prescriptive standards for the Tier 2 local programs; requiring ample outreach by RWQCBs to local governments and homeowners on future 303(d) listings; and, allowance of exemptions for impacted homeowners. We also urge you to seriously consider the detailed comments offered by RCRC regarding the substitute environmental document.

Thank you again for the opportunity to comment.

Sincerely,



Karen A. Keene
Senior Legislative Representative



Kyra Ross
Legislative Advocate

cc: James A. Hemminger, RCRC, Regulatory Affairs Consultant
Justin Malan, California Council of Directors of Environmental Health