



May 3, 2012

#56

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

Re: Comment Letter - OWTS Policy

On behalf of the California Onsite Wastewater Association (COWA), I present the following comments with respect to the Final Draft of the OWTS policy.

COWA would like to acknowledge the work of the current staff on this challenging project. The current approach incorporating a tiered structure provides a framework for Regional Boards and local jurisdictions to develop programs that meet the objectives of AB885. While COWA does not agree with everything in the proposed policy, taken as a whole the policy does provide the framework that allows the local experts to shape programs that fit their regions; something that was severely lacking in the previous attempt at the policy.

COWA recognizes the State Board's intent to have most jurisdictions covered under Tier 2, with a LAMP submittal. We see great value in development, implementation, and control of OWTS programs at the local level.

1 → With respect to the Tier 1 requirements, the minimum depths to highest anticipated groundwater below the bottom of the leaching trench (Section 8.1.5), for percolation rates between 1 and 5 minutes per inch seem somewhat arbitrary. Based on Table 1, 8 feet of separation is required for a percolation rate of 6 minutes per inch percolation rate and 20 feet for 5 minutes per inch. Compare this to the increase of separation of 3 feet between 30 minutes per inch and 31 minutes per inch. COWA understands the need to be conservative in Tier 1 but 20 feet is excessive.

2 → The definition of a qualified professional provides specific details including "...an individual licensed or certified by the State to design OWTS and practice as professionals for other associated reports, as allowed by their license or registration." The last section of the definition states a local agency may modify this definition as part of its LAMP. It appears that this is the only definition that can be modified in a LAMP. Allowing for a modification of this definition may be interpreted to permit local agencies to develop a definition that conflicts with State of California licensing and certification agencies.



3 →

Section 14 of the Policy states the local agencies may apply for funds from the Clean Water State Revolving Fund for use in mini-loan programs. With this, we expect the State Board will pursue and distribute available federal funds to the local agencies. Our education coordinator is active in the USEPA MOU Partners for Decentralized Wastewater Management Program. In this group's discussions, the USEPA has made clear there are funds available through the ARRA 20% CWSRF "Green Reserve." According to the USEPA, replacing failed individual residential systems is the top priority for this reserve. The USEPA has also emphasized the value of their management guidelines. COWA believe local authorities who tailor their LAMP after the USEPA Management Guidelines should receive the State's support in funding repairs.

4 →

COWA understands the adoption of the *Water Quality Control Policy for Siting, Design, Operation, and Maintenance of Onsite Wastewater Treatment Systems* is the first step in the implementation process. However, COWA members have expressed concern over the potential for Regional Boards to incorporate blanket provisions not in line with the State Board's Policy in their updated Basin Plans and adoption of LAMPs proposed by local jurisdictions. We ask the State Board to work with the Regional Boards to ensure that the intent of *local control* is encouraged and preserved. COWA will continue to be involved in the Regional Water Quality Control Boards' basin plan amendment process and in the LAMP adoption processes across the State.

On behalf of the COWA Board and its membership, I would like to thank the State Board for the opportunity to comment.

A handwritten signature in blue ink, appearing to read "Mark S Adams", with a stylized flourish at the end.

Mark S Adams, President  
California Onsite Wastewater Association