

May 4, 2012

State Water Resources Control Board  
1001 I Street, 24<sup>th</sup> floor  
Sacramento, CA 95814

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Attention: Jeanine Townsend, Clerk to the Board

**Subject:** Comments on Proposed OWTS Policy

Ladies and Gentlemen:

Provided below for your consideration are comments on the March 20, 2012 Final Draft of the State Water Board's proposed Water Quality Control Policy for Siting, Design, Operation and Maintenance of Onsite Wastewater Treatment Systems.

### Section 1.0 Definitions

1 → 1. Definitions are needed for the following terms critical to interpreting and applying minimum horizontal setback requirements listed in Section 7.5:

- "flowing surface water bodies"
- "vernal pools"
- "wetlands"
- "lakes"
- "ponds"
- "other surface water bodies"

2 → 2. Provide definition for "onsite management district" as used in Section 9.0.

### Section 7.5 – Horizontal Setback Distances

3 → 3. Clarify whether or not the setback requirements in Section 7.5 apply equally to both the septic tank/treatment components and the dispersal system. If they do in fact apply to septic tanks/treatment components, provide supporting rationale and peer review, including comparison with standards for municipal sewers, lift stations and treatment plants. If they are intended to apply only to the dispersal system, indicate the standards applicable to septic tank/treatment components.

4 → 4. What is the rationale for imposing a greater (200-ft) setback requirement for vernal pools, wetlands, ponds, etc (per 7.5.5) as compared with requirements for water wells and springs (100-ft) and public water wells (150 feet)? This seems illogical. Please identify the applicable beneficial uses, water quality criteria, research or case studies information, comparable regulatory examples, and other factors that support the more restrictive standards that are being proposed.

### Section 8.1 – OWTS Design Requirements

- 5 → 5. Table 3 provides design soil application rates referenced to the USEPA 2002 Onsite Wastewater Treatment Systems Manual. However, as proposed they are being misapplied in the Policy by using them in conjunction with “peak wastewater quantity” (8.1.3) rather than with average wastewater flow, as presented in the USEPA Manual (see example calculations, p 4-15 of USEPA). This can be corrected by either: (a) revising 8.1.3 to refer to “average” rather than “peak” flow; or (b) adding a clarifying note to Table 3 explaining the more restrictive/conservative manner in which the USEPA criteria are being used in the proposed Policy.

### Section 10.8 - Replacement in Absence of TMDL or LAMP

- 6 → 6. This section imposes Tier 1 horizontal setback requirements for the repair/replacement of OWTS in affected impaired water body areas where TMDLs or LAMP have not been adopted/approved. This will create significant turmoil over the first several years of Policy implementation with respect to repair/replacement of existing OWTS. An example is the Lagunitas Creek watershed in Marin County (listed for nitrogen) where many existing OWTS do not meet the Tier 1 setback requirements and therefore will not be allowed to be repaired or replaced except by action of the Regional Board. This will be detrimental to efforts to address OWTS/water quality problems in these areas by lengthening and complicating the process for corrective action and/or encouraging illicit/unauthorized repairs. This can be avoided by creating a process to allow approval of “Interim” LAMPs for the first 5 years of the Policy, and by deleting the mandatory imposition of Tier 1 setback standards, which are unworkable for many repair situations.

### Section 11.0 Corrective Action for OWTS

- 7 → 7. Section 11.6 specifies a maximum three-month time limit to implement any OWTS corrective action under Tier 4. This is an unrealistic time frame, considering: (a) the sequence of actions needed to effect an acceptable OWTS repair (i.e., problem evaluation, field testing, design, local/RWQCB consultation and permitting, financing, bidding, and construction); and (b) local climatic/soil conditions that would limit construction work. Northern California routinely experiences wet weather seasons lasting 4 to 6 months, during which time soil moisture conditions are generally unacceptable for dispersal field construction according to the normal standards of practice for OWTS. The mandatory time limit should be deleted from the policy and left entirely for local determination.

Thank you for the opportunity to comment on the proposed Final Draft OWTS Policy.

Sincerely,

  
Norman N. Hantzsche, P.E.  
Principal/ Managing Engineer