

CALIFORNIA ENVIRONMENTAL HEALTH ASSOCIATION
LIQUID WASTE TECHNICAL SECTION

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November 1, 2012

Darrin Polhemus, Deputy Director
State Water Resources Control Board
1001 "I" Street
Sacramento, Ca. 95814

Re: Comments to AB 885 Final Draft Policy of March, 2012

Dear Mr. Polhemus:

The California Environmental Health Association (CEHA) would like to say "thank you" to you and your staff, for allowing our organization for participating as one of the "stakeholders" during the development of the Draft Policy of AB 885. Our organization has been in existence for 65 years, with our primary goal of protecting the health, safety, and groundwater resources within the State of California. Our members consist of Registered Environmental Health Specialists, Environmental Scientists, Civil Engineers, Contractors, Water, and Wastewaters Professionals within the State of California and throughout the country.

CEHA supports the Draft Policy before the State Water Resource Board Members that is under consideration. We believe that the "Risk Based Tiered Approach to the Draft Policy allows for a Best Management look at regulations to protecting groundwater in our state and allows for sufficient flexibility depending on the variable Site, Soil, and Groundwater Conditions in the state. Local agencies, consultants, contractors, and property owners will find the Draft Policy to be resourceful in allowing Alternative Technologies, Management, and Operation of Onsite Sewage Disposal Systems. CEHA will continue to work with the State, Regional Boards, and Local Permitting agencies throughout the oversight, education, and implementation stages of the Draft Policy for OWTS.

The following are a few comments to the Final Draft, most of which you have heard before:

- 1) Local Agency Management Plan (LAMP): The policy requires local permitting agencies to submit a LAMP to the Regional Boards for review and acceptance as part of the implementation process. CEHA believes that a few more items should be included in the LAMP for review between the permitting agency and the regional boards, such as;

1 → a) A plan to discontinue or "phase out" the long term use of Cesspools that are currently in the ground in the state,

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b) The LAMP should include specified language for agency responsibility for the Site Evaluation, Plan Check, Construction Inspections, and long term Operations for OWTS within a permitting agency. In some jurisdictions, the health department will perform site evaluation services, perk test review, plan check function and issue the septic permit. However, a different agency (building department staff) will perform inspection services. This disconnect between agency's is where critical mistakes are made. Permitting staff must be incorporated into construction services to prevent these mistakes. (The concept should be one agency),

c) The LAMP should include oversight of Operational Permits and Inspection frequency when required,

d) The LAMP should specify that proposals for storage of wastewater in holding tanks, then pump and hauling of that wastewater to a treatment plant is not allowed for private property owners as an Alternative to Onsite Wastewater Treatment Systems. That Pump and Haul is only allowed in the case of failing or surfacing OWTS. (Note: not all properties in California have suitable site, soil, or groundwater conditions for OWTS. So, proposals are sometimes suggested that the property owner be allowed to install a holding tank with Pumping and Hauling of wastewater to an Offsite Treatment Plant). In these cases, the installation of such a system or the expansion for an existing OWTS must not be allowed.

e) The LAMP should mention Cumulative Impacts and/or a property's onsite capacity. In some cases, a property with a proposed large flow OWTS or multiple OWTS – is seeking Expansion of Use. The LAMP should have language the overdevelopment of a parcel will not occur if negative impacts would occur such as: hydraulic mounding, organic or nitrogen loading, contributing to groundwater impairment and not having sufficient expansion area in case of failure. Local agencies need to address these issues in their LAMP, and finally

f) The LAMP needs to address homeowner education and outreach on proper Operation and Maintenance of OWTS. This should include the real estate and service industry.

Again thank you for allowing CEHA to participate in the AB885 process. We look forward to working collaboratively with the State and Regional Boards, local agencies and the related service industries. We would also like to commend Darrin Polhemus and his staff for doing an excellent job in such a complicated environmental land use field. .

Yours truly,



Ted Walker, REHS
California Environmental Health Association
Liquid Waste Technical Section Chair