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COMMENTS ON FINAL DRAFT POLICY FOR SITING, DESIGN, OPERATION AND MANAGEMENT OF ONSITE WASTEWATER TREATMENT SYSTEMS AND DRAFT SUBSTITUTE ENVIRONMENTAL DOCUMENT

Thank you for the opportunity to review and provide comment upon the Final Draft Policy for Siting, Design, Operation and Management of Onsite Wastewater Treatment Systems (Policy) dated March 20, 2012, and the supporting draft Substitute Environmental Document (SED). The Ventura County Environmental Health Division (EHD) staff has actively participated as a stakeholder with the State Water Resources Control Board (SWRCB) staff and other stakeholders throughout the Policy development process.

The EHD considers the current draft of the Policy to represent the most workable of the various regulatory approaches that the SWRCB staff has proposed during this lengthy rulemaking effort. Nevertheless, the EHD identified several concerns with the Policy and SED, and provides the following comments:

Policy Comments

- 1 → 1. **Section 3.1** - This Section can be read to suggest that a local agency implements either Tier 0, Tier 1, Tier 3, and Tier 4, or Tier 2. This Section should be re-worded to clarify that a local agency choosing to implement a Local Agency Management Plan (LAMP) under Tier 2, may also be responsible to enforce other Tiers. Also, it is unclear whether a local agency is required to implement Tier 3, or may defer implementation to the Regional Water Quality Control Board

- 1 → (RWQCB). Clarifying language should be provided in Section 3.1 (and in Section 10.0) to explicitly state that a local agency may defer oversight of Tier 3 to the RWQCB.
- 2 → 2. **Section 7.8** – This Section imposes a minimum density of one single family dwelling or equivalent served by OWTs per 2.5 acres of land on any new subdivision of land subject to Tier 1 requirements. Because approval of subdivision of land by a local agency is typically a discretionary act, the maximum allowable density of OWTs should be determined based upon the subdivision project-specific Environmental Document prepared pursuant to the California Environmental Quality Act (CEQA). Imposition of a State-wide density criterion in the absence of site-specific analysis may result in unnecessary land-use restriction.
- 3 → 3. **Section 9.2.6** – This Section should be removed from LAMP approval criteria. Evaluating the capacity of septage disposal facilities exceeds the requirements of California Health & Safety Code, Section 117420, pertaining to examination of septage disposal sites. As septage disposal facilities are already subject to regulation by the RWQCBs, this Section creates an unnecessary regulatory duplication.
- 4 → 4. **Section 11.6** – This Section should be modified to allow additional time (beyond the provided 3 months) for repairs to Tier 4 OWTs, provided that any discharge deemed by the RWQCB or local agency to be causing pollution, ceases until the repair can be completed.

SED Comments

- 5 → 5. **Section 2.4.4** – This Section should be modified to address any potential onsite storage and use of chemicals, such as chlorine-containing compounds, associated with OWTs. This may lead to a revised finding of Less than Significant.
- 6 → 6. **Page 45** - The SED should be changed to reflect, wherever possible, more recent census data, e.g., the 2010 census.
- 7 → 7. **Section 5.3 (Page 123)** – This Section asserts that the land use planning process in California would be unaffected from implementation of the proposed Policy. However, Policy Section 7.8 imposes a specific minimum statewide lot

7 → size for lots served by OWTSS. The EHD recognizes that this lot size restriction pertains only to new subdivisions processed under Tier 1; however, the potential effect of a statewide development standard upon local land use decisions should be identified and addressed in the SED.

8 → 8. **Section 6.1 (Page 174)** – This Section asserts that "...the staff time associated with the duties required by the proposed Policy on the state and local agencies is expected to be relatively minor in the overall implementation scheme..." The EHD does not concur with this assertion. The EHD believes that significant staff time and other resources will be associated with revamping existing local OWTS regulatory programs to conform to Policy requirements, adopting Tier 2 programs where necessary, and implementing ongoing monitoring and enforcement activity. The costs associated with such staff time and resources will ultimately be borne by OWTS users.

The EHD remains committed to administering and enforcing effective OWTS standards that facilitate public access to onsite wastewater treatment and dispersal, in a manner that is protective of human health and the environment, and insures protection of the water resources of Ventura County.

If you have any questions, please call Darrell Siegrist at 805/648-9248.



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