

February 6, 2015

Ms. Michelle Mata
San Diego Regional Water Quality Control Board
2375 Northside Drive, Suite 100
San Diego, CA 92108

Subject: Triennial Basin Plan Review Comment on Public Entity Requirement for Community Sewerage Systems

Dear Michelle,

For 13 years our engineering firm has specialized in design and permitting of onsite wastewater treatment systems for commercial properties throughout Southern California. These properties include schools, parks, shopping centers, mobile home parks, condominium complexes, RV parks, office buildings, resorts, restaurants, and gas stations. The discharges require Waste Discharge Requirements (WDR) and Monitoring and Reporting Programs (M&RP) issued by the various Regional Water Quality Control Boards (Water Boards) for advanced treatment and subsurface disposal.

In most Water Board regions where we work, the Water Board does not distinguish between the eligibility of applicants on the basis of ownership. For example, if the applicant is a home owners association (HOA) for a multifamily residential property, the permit eligibility is the same as for other single ownership dischargers that fall under State requirements for small domestic wastewater flows (State Water Resources Control Board Water Quality Order WQO 97-10 *General Waste Discharge Requirements for Discharges to Land by Small Domestic Wastewater Treatment Systems* and *General Waste Discharge Requirements for Small Domestic Wastewater Treatment Systems* SWRCB Order WQ 2014-0153-DWQ).

The Basin Plan of the San Diego Regional Water Quality Control Board requires a public agency to be the responsible party for onsite and decentralized treatment and disposal or recycling systems for multifamily residential. This condition is based on the interpretation that these small systems are "Community Sewerage Systems," which currently have the following requirement:

"A public entity must assume legal authority and responsibility for the ownership, operation and maintenance of the proposed wastewater treatment and disposal system. The RWD must be submitted by the public entity." (Chapter 4 of the Basin Plan. pp. 4-26)

This condition is a hindrance to (1) meeting the needs of the property owners and (2) it eliminates opportunities for onsite water recycling which would contribute to much-needed conservation. We are requesting removal of this requirement.

Since this requirement was initially put in place, several developments in the onsite wastewater sector have produced significant improvements to the performance of onsite wastewater systems and compliance by the dischargers. These include:

- Effective treatment systems suitable for small scale discharges
- Advanced controls, automation, and internet access for continuous remote monitoring and response
- Training programs and the growth of capable engineers, installers, and contracted State-certified treatment operators
- Subsurface discharge technologies that provide incidental irrigation

Additionally, Water Boards throughout California have obtained extensive experience permitting small public and private dischargers. WDR and M&RP conditions have likewise continuously improved to effectively regulate these dischargers. This institutional development has resulted in greater appreciation by both types of permit holder for the necessity of compliance.

Our firsthand experience with numerous small public and private dischargers has resulted in an observation that neither type of discharger is more responsible nor ensures permit compliance better than the other type.

More importantly, the willingness of *qualified* public entities to enter into a role of responsibility for a private entity's discharge is virtually non-existent. A public entity faces a number of undesirable conditions:

- 1 A new type of liability essentially on behalf of a small, possibly high maintenance, population
- 2 A lack of administrative experience combined with a small revenue base with unfamiliar costs
- 3 A lack of experience and interest in this scale of treatment systems and the technologies used

Overcoming these drawbacks is unlikely. Removing the requirement for a public entity to assume legal authority for the private dischargers has advantages. We note that in 2014 the City of San Diego drafted guidelines for permitting onsite water recycling. In this way the City is removing a barrier to onsite water recycling with the clear objective of reducing potable water demands.

California can ill afford to overlook conservation opportunities. Onsite water recycling and incidental irrigation through subsurface drip dispersal of secondary disinfected wastewater are opportunities. Multifamily residential developments will likely have more landscaping planned than other types of development and should be able to participate in water conservation through use of onsite treatment systems. We ask that the San Diego Water Board likewise remove this barrier to onsite wastewater treatment and water recycling.

Sincerely,

Advanced Onsite Systems



Barbara Bradley, PE

President