



July 23, 2014

By Mail and Email – commentletters@waterboards.ca.gov

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

RE: Comment Letter – General Order WDRs for Small Domestic Wastewater Systems and/or Negative Declaration and Initial Study

Dear State Board Members,

The California Onsite Wastewater Association (COWA) is a nonprofit benefit corporation established over twenty years ago to further the education of the general public and persons involved with the onsite wastewater field. COWA membership consists of regulators, operations and maintenance technicians, equipment manufacturers, system designers in both the public and private sectors. COWA promotes environmentally and economically sound onsite wastewater technology and management practices. COWA strongly believes if people are educated, they will make the right decisions for the right reasons.

We submit these comments to bring the **very small discharger's** perspective, those with discharges typically less than 10,000 gallons per day.

1. Finding 4 states: *Only Small Domestic Systems, with a monthly average flow rate of 100,000 gallons per day (gpd) or less, that discharge to land are eligible for coverage under this General Order. Small Domestic Systems are typically located at individual residences, rural parks, schools, campgrounds, mobile home parks, roadside rest stops, small commercial or residential subdivisions, restaurants, resort hotels/lodges, small correctional facilities, temporary fire-fighting camps, and recreational vehicle (RV) dump locations, including RV parks. An owner and/or operator of such a wastewater system is hereafter referred to as Discharger in this General Order.*

Finding 4 expands the threshold from 10,000 gpd under the existing general order to 100,000gpd. While we see the benefits in permitting and compliance for new systems to be covered under this proposed General Order, an expansion of flows to 100,000gpd groups these very small dischargers (less than 10,000gpd) under these requirements. Many of the details of the proposed general order expose the **existing very small dischargers** to

monitoring and reporting requirements that are not economically feasible for these **very small dischargers**.

Furthermore, Finding 23 under the Anti-Degradation section states: *This General Order limits a discharge flow rate to 100,000 gpd; therefore, only small Dischargers will be eligible for coverage. Discharge of domestic wastewater at lower flow rates inherently has less potential to significantly degrade water quality.*

Based on Finding 23, very small dischargers should in general have even less potential to significantly degrade water quality.

We suggest the findings acknowledge existing *very small flow systems* and the financial impact coverage under this proposed general order will have on these dischargers. We also suggest language to protect *existing very small dischargers* from disproportional costs to comply with the proposed general order requirements versus the potential to degrade water quality.

2. Finding 5 states: *Wastewater treatment technologies evolve over time. Septic tanks and gravity fed leach fields provide the lowest level of acceptable treatment. Additional treatment may include aerobic treatment systems, sand/media filters, package treatment plants, constructed wetlands, activated sludge, membrane biological reactors, and disinfection systems.*

Only activated sludge, MBR, ponds and trickling filters have specific effluent limitations in Table 5. We suggest that Table 5 include guidance for other commonly used treatment technologies or state that there are no limitations set based on treatment performance for these other technologies.

3. Finding 18 States: *Dischargers covered by WQO 97-10-DWQ or another administrative mechanism may continue discharging under that authority until notified of the need to update their coverage by the State Water Board or Regional Water Board.*

This finding does not set criteria for when coverage needs to be updated. **Existing** systems currently complying with their existing orders (general or individual) without evidence of degrading water quality may be notified by the State or Regional Board that they will need to be covered by the proposed general order. Particularly for **very small dischargers**, the preparation of a Report of Waste Discharge has a financial impact, diverting funds from operations and preventative maintenance to regulatory compliance.

When coupled with the language in Section B.1.h, (discussed below) the financial impacts on **very small dischargers** could be disproportionate to the potential impact to groundwater quality. Without some guidance, the natural inclination of RWQCBs will be to require additional investigations, groundwater monitoring well installations, and increased sampling requirements because to do otherwise is not the most protective of water quality.

We suggest the findings acknowledge *existing very small flow systems* and the financial impact coverage under this proposed general order will have on these dischargers. We also suggest language to protect *existing very small dischargers* from disproportional costs to comply with the proposed general order requirements versus the potential to degrade water quality.

4. Finding 25 States: *Constituents of concern that have the potential to degrade groundwater include salinity, nutrients, and pathogens (represented by coliform bacteria). This General Order provides guidance on preparing a monitoring program that ensures the treatment is effective.*

Many of the **very small existing systems** were designed and constructed to meet specific requirements at the time of the original WDR issuance. For many **existing very small dischargers**, it is not financially feasible to upgrade the systems to meet enhanced discharge requirements.

We suggest the findings acknowledge *existing very small flow systems* and the financial impact coverage under this proposed general order will have on these dischargers. We also suggest language to protect *existing very small dischargers* from disproportional costs to comply with the proposed general order requirements versus the potential to degrade water quality.

5. Finding 32 states: *The technical reports required by this General Order, the NOA, and the Monitoring and Reporting Program (MRP) are necessary to assure compliance with this General Order. The burden and cost of preparing the reports is reasonable and consistent with the interest of the state in maintaining water quality.*

The burden of technical report preparation and any enhanced MRP for **very small dischargers**, could be disproportionate when compared to the potential impact of water quality.

We suggest the findings acknowledge *existing very small flow systems* and the financial impact coverage under this proposed general order will have on these dischargers. We also suggest language to protect *existing very small dischargers* from disproportional costs to comply with the proposed general order requirements versus the potential to degrade water quality.

6. Section B.1.b.ii of the order states: *Compliance with effluent limitations included in this General Order.*

Effluent limitations in the proposed General Order provides technology based limitations for activated sludge, MBR, wastewater ponds and trickling filters. There are no limitations for other technologies listed in finding 5 that are commonly found on **very small flow systems**.

We suggest that the Table 5 include guidance for other commonly used treatment technologies.

7. Section B.1.h states: *A Regional Water Board may require additional investigations or monitoring to demonstrate beneficial uses of water are protected and antidegradation requirements are satisfied. Acceptable methods may include, but not be limited to, evaluation of the wastewater system's treatment performance, groundwater monitoring, or additional sampling to characterize the wastewater discharge.*

There are many **very small systems** that are performing as designed. There is no discussion or mechanism for assessing cost of additional investigations, groundwater monitoring well installations etc, versus benefit for **very small discharge** systems.

We suggest the findings acknowledge existing *very small flow systems* and the financial impact coverage under this proposed general order will have on these dischargers. We also suggest language to protect *existing very small dischargers* from disproportional costs to comply with the proposed general order requirements versus the potential to degrade water quality.

8. Section B.2.a states: *Septic tank and/or leach field service (repairs, pumping, etc.) shall be performed only by a California licensed General Engineering (A), Plumbing (C-36), or Sanitation System (C-42) contractor.*

While we agree that it is critical to have qualified professionals involved in the construction and servicing of all onsite wastewater systems, requiring that all work shall only be performed by licensed contractors may impact the livelihoods of many currently performing these functions . Not all septic tank pumping service companies are operated by a state licensed contractor. Furthermore, not all septic tank pump truck operators are licensed contractors.

We suggest the wording be modified to “...only by a...” to “...under the direction of...”

9. Section D.1.a - Table states: *“...not including residential aerobic treatment units...” and “... not including residential recirculating sand filters...”*

What is the definition of “residential” and does it refer to waste strength, design flow, or some other criteria?

We suggest the term residential be defined and the intent of the exemption be described in the general order findings.

10. Section E.2.k states: *Wastewater facilities shall be supervised and operated by persons possessing a wastewater treatment operator certificate of the appropriate grade. (Cal. Code Regs., tit. 23, div. 3, ch. 26.)*

- a. While we agree that it is critical to have qualified professionals involved in the operation of these wastewater facilities, many **very small flow systems** have been historically operated by people experienced in the operation and maintenance of these onsite treatment and dispersal systems. The current wording of this section will prohibit these people from operating these systems in the future, if covered under this

proposed general order. This poses a financial hardship for the dischargers that rely on these qualified professionals for operating their systems.

There are people in this industry who have been operating these systems for decades. With the current requirements for experience to qualify as a graded operator, little of this experience can be used for certification. There does not appear to be a pathway for experienced operators running biological filtration processes and aerobic treatment units to qualify their experience past a Grade 1.

We suggest the State Board direct the Office of Operator Certification to explore ways to take advantage of this experience on the operation of onsite systems by creating a process where this experience can be used for more than Grade 1 certification.

Many of the concerns expressed here focus on **very small existing dischargers** and the financial impacts coverage under this proposed general order. Perhaps one avenue to explore in dealing with these **existing systems** would be to categorize those with flows under 10,000gpd as Tier 0 under the State OWTS Policy and allow local agencies the ability to cover these small systems under a Local Area Management Program (LAMP) under the Tier 2 approach in the Statewide OWTS policy.

If covered under a LAMP, the local agencies would be able to oversee the operation, maintenance and monitoring of these systems with less potential to significantly degrade water quality in their jurisdictions. Given that many of the treatment systems for these very small existing systems meet the definition of supplemental treatment as defined in the OWTS Policy, the OWTS policy may be the most appropriate place for these systems.

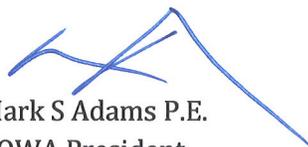
Placing these systems in the OWTS policy would also provide the oversight of a local agency, which typically has a better pulse on site conditions in their local jurisdictions. This approach would also provide the RWQCBs and the local agencies the flexibility to require a "service provider" as defined in the OWTS policy for the operation, monitoring and maintenance of systems that are more in line with those defined in the OWTS policy.

We suggest language in the proposed General Order that classifies very small dischargers with flows less than 10,000gpd and domestic strength waste that are meeting their current discharge requirements be considered as Tier 0 for under the OWTS policy . In addition, we suggest language that would allow these systems to be covered under the OWTS policy if a local agency incorporates these very small systems into their respective Tier 2 LAMP under the statewide policy.

On behalf of the COWA board and its members, I thank you for the work that you do to help protect our most vital resource and find these comments constructive and helpful.

Sincerely,

Sincerely,



Mark S Adams P.E.
COWA President