

OWTS Policy: Responses to Public Comments and Testimony

COMMENT NUMBER	SUMMARY OF COMMENT	RESPONSE	REVISION
Preamble			
5.4	7th word in first sentence should be changed from /bodes/ to /bodies/	Correction made.	Yes
Purpose and Scope			
23.2	We are currently subject to a septic discharge prohibition to be effective in 2016. How does this impact the current prohibitions?	The Purpose and Scope of the Policy states that nothing in the Policy supersedes or requires modification of Total Maximum Daily Loads or Basin Plan prohibitions of discharges from OWTS.	No
45.1	This appears to be less a way to fix actual water quality problems and more a means to provide local layers of government a method to assess fees and harass homeowners in small communities.	The intent of this Policy is to coordinate local and state government actions to address current and potential water quality pollution associated with OWTS. In doing so, the State Water Board thinks that both local and state government will be more efficient and will eliminate duplication.	No
46.4	Use data that is currently available or that will soon become available through the GAMA program and other sources to identify communities and residents potentially at risk from septic contamination;	Under a Tier 2 LAMP, local agencies may use various source of data to assess water quality, including data from the GAMA program (section 9.3.2.9).	No
60.3	The City is overall very supportive of the Policy, as presented, and was pleased to see that the Policy mirrors many of the progressive OWTS management steps taken by the City since the passage of the original AB885 legislation.	Comment noted.	No
61.1	I will be supporting the people of Silverado Canyon against what are some very troubling property right violation potentials being imposed by (as I understand it) an un-elected governing body.	The State Water Board is following its mandate to protect water quality and is not violating property rights.	No
61.2	I sincerely hope the board will rely upon reason as it considers this issue.	The State Water Board believes that this Policy is a reasonable response to the requirements of AB 885.	No
63.6	Requirements of the Policy should be clearer and more prescriptive to improve water quality above the status quo.	The commenter has not specified the areas in the Policy that need clarification. Comment is vague.	No
64.1	The Town of Yucca Valley is opposed to adoption of the State Water Resources Control Board (SWRCB) Final Draft Water Quality Control Policy for Siting, Design, Operation, and Maintenance of Onsite Wastewater Treatment Systems (Draft OWTS Policy), released March 20, 2012.	Comment noted.	No
76.1	How can you so off handed, just decide that we all need to make the kind of changes, without any consideration to the home owners and how it will effect them and their lives by passing such a cruel regulation?	The State Water Board is acting in accordance with legislative direction in Water Code section 13290 et. Seq. The State Water Board has developed a Policy that is risk-based and requires actions for identified areas where OWTS contribute to water	No

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		quality degradation that adversely affect beneficial uses. The State Water Board is committed to providing local agencies funds from its Clean Water State Revolving Fund for mini-loan programs to assist private property owners with complying with the Policy.	
76.4	Again the bureaucracy of your thinking, without consideration to anyone but your values and what you want, will effect those whose lives are built in this area and I don't understand how that can happen.	The State Water Board is acting in accordance with legislative direction in Water Code section 13290 et. Seq. The State Water Board has developed a Policy that is risk-based and requires actions for identified areas where OWTS contribute to water quality degradation that adversely affect beneficial uses. The State Water Board is committed to providing local agencies funds from its Clean Water State Revolving Fund for mini-loan programs to assist private property owners with complying with the Policy.	No
77.2	I sense the Policy is another attempt to further regulate homeowners, create unnecessary regulations and fees, and create another government sub-agency to penalize and burden the public.	The State Water Board is acting in accordance with legislative direction in Water Code section 13290 et. Seq. The Policy has been structured to build upon existing local agency programs, in an effort to minimize the costs associated with implementing the Policy.	No
77.4	As I see it, septic system owners should be rewarded for stewardship of planet Earth, not punished by the state with more regulations, fees, and harassment. My use of water on my land affects no one else. We take water from our property, use as we need, then return it to our property. It is a self-contained, complete water use system that is totally green.	The purpose of the Policy is to allow the continued use of OWTS, while protecting water quality and public health. In particular, the Policy requires actions for identified areas where OWTS contribute to water quality degradation that adversely affect beneficial uses of water.	No
77.5	Plenty of regulations already exist relating to the siting and installation of residential septic systems. We do not need any more.	The Policy has been structured to build upon existing local agency programs, in an effort to enable local agencies to continue effective local programs.	No
77.6	There is no documented case of any residential septic system contaminating any ground water supply. This is all part of the UN Agenda 21 program. You are simply creating an avenue that will allow you to alter property rights.	The State and Regional Water Boards have determined that in some areas, OWTS are contributing to ground water pollution.	No

Structure of Policy

46.2	The five-year implementation window for this policy is not health protective.	The five-year implementation window is to allow Regional Water Boards to adopt Basin Plan amendments, and for local agencies to develop Tier 2 LAMPs if desired. However, approval of Tier 2 LAMPs can occur in less than five years from the effective date of the Policy. In addition, Tier 3 standards are effective immediately after the effective date of the Policy	No
63.64	Add following language to -Structure of the Policy- - Tier 0 Existing OWTS /Existing OWTS that are within other setbacks listed in Tier 0 requirements shall be inspected upon implementation of this Policy to ensure the OWTS is not impacting water wells, etc./	Mandatory inspections have been considered and have been found to be infeasible.	No

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What Tier Applies to my OWTS?			
18.4	This rule puts existing homeowners in limbo should their septic system fail and the LAMP is not in place.	Existing homeowners with OWTS installed prior to the effective date of the Policy are covered under Tier 0. If the existing OWTS fails prior to approval of a Tier 2 LAMP and prior to 60 months from the effective date of the Policy, the Policy allows local agency regulations to remain in place. If the existing OWTS fails prior to approval of Tier 2 LAMP but after 60 months from the effective date of the Policy, then Tier 1 requirements take effect.	No
73.5	This rule puts current homeowners in limbo should their septic system fail and there is not a LAMP in place.	Existing homeowners with OWTS installed prior to the effective date of the Policy are covered under Tier 0. If existing OWTS fail prior to approval of a Tier 2 LAMP and prior to 60 months from the effective date of the Policy, the Policy allows local agency regulations to remain in place. If existing OWTS fail prior to approval of Tier 2 LAMP but after 60 months from the effective date of the Policy, then Tier 1 requirements take effect. Section 2.6 of the Policy has been revised to clarify the requirements for OWTS during the interim period between the effective date of the Policy and either 60 months from the effective date of the Policy or approval of a Tier 2 LAMP, whichever comes first.	Yes
77.1	Appears language in Policy is purposely confusing, unnecessarily complicated, and laden with legal and operational innuendos. I cannot find the exact area that relates to me as a residential property owner.	The State Water Board has attempted to clarify the Policy in the section titled, What Tier Applies to My OWTS. There are also fact sheets on the State Water Boards website at http://www.swrcb.ca.gov/water_issues/programs/owts/index.shtml . The public may also contact staff at the Water Boards to get further clarification on the Policy.	No
1.0 Definitions			
5.3	Suggested change to section 8.1.11 removes only reference to gravel-less chamber systems. Suggest deleting definition.	Comment accepted. The definition has been deleted.	Yes
5.5	Provide English system units to unit of measure in definition of soil types, in addition to the International System of Units, in order to be consistent with use of English units in remainder of Policy.	This Policy follows the USDA Soil manuals, where it is common practice to only refer to soil particle size using the International System of Unit.	No
11.5	Definition for domestic waste water should include an exception for incidental dump stations because many rural homeowners have dump stations attached to their residential OWTS. Suggest adding /Private RV dump stations that provide incidental flows to an OWTS may be allowed by the Regional Board or Local Area Management Program Agency in Tier 0, Tier 1, or Tier 2/	Comment accepted. The Policy has been modified as suggested.	Yes
19.1	Definition of supplemental treatment states that additional wastewater treatment is provided, ... so that the effluent meets the performance requirements prior to discharge Since the word /the/ is used in this expression it implies there are	The definition of supplemental treatment has been changed to address this comment.	Yes

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	<p>performance requirements in the Policy. Some performance requirements for supplemental treatment are provided in Section 10, Impaired Areas, of this Policy but it is unclear if these are the ones referred to. Since not all supplemental treatment pertains to impaired water bodies it is even more unclear where these performance requirements are. It is suggested that either;</p> <p>1) The word /the/ is struck from this expression so as not to imply there is a source for these standards. Example; /... so that effluent meets performance requirements prior to discharge ... / or;</p> <p>2) Provide more specific wording for the location of these standards found in the Policy. As an example this could read, /... the performance requirements as per Section 10 of this Policy prior to discharge of effluent into the dispersal field/</p>		
24.2	<p>As defined, a property owner could be considered qualified to act as a service provider for the OWTS installed at his/her property; hence, creating a conflict of interest. We request that the term service provider to be redefined as follows: /means a person authorized by the local agency to monitor, and maintain an OWTS in accordance with this Policy and other applicable regulations/.</p>	<p>The Policy does not restrict local agencies from establishing the terms for authorizing who may perform as the service provider.</p>	No
<h2>2.0 OWTS Owners Responsibilities and Duties</h2>			
8.1	<p>Issue Section 2.4: This section has a wastewater limit of 900mg/l BOD for systems that are covered under the general waiver. Question: What method do we use to determine that the facility generating the wastewater does not exceed the limit of 900mg/l so it can remain within the local agency jurisdiction? For example can a Local Agency: 1) Use reference from EPA Onsite Waste Water Treatments System Manual OR 2) Direct water quality testing, number of samples etc.</p>	<p>Local agencies can rely on either method of determining BOD identified by the commenter, as well as other reference materials in addition to the EPA Onsite Wastewater Treatments System Manual for estimating BOD.</p>	No
19.2	<p>Section 2.2 advises that, /Owners of new and replaced OWTS shall also meet the minimum standards contained in ... [Tier 1 or Tier 2] /. In Definitions a, /Replaced OWTS/ means an /OWTS that has its treatment capacity expanded, or its dispersal system replaced or added onto, after the effective date of this Policy/. What is not provided in this definition is what constitutes a dispersal system replacement, or addition. In some instances only a small portion of a dispersal system needs replacement, such as with a garage or a small building addition over the top of the end of a leachline. In the application of this Policy it may be unreasonable to require that a properly functioning but non-complaint OWTS be entirely replaced because 10 feet of ts 150 foot dispersal field must be relocated.</p> <p>It is recommended that a percentage of replacement be provided in this definition or in the requirement in Section 2.2. This would allow a properly functioning OWTS to have a small portion of its dispersal field replaced without having the entire system completely upgraded.</p>	<p>If an OWTS owner modifies a component of their OWTS, then that component must be brought into compliance with the Policy. A component would include the entire dispersal field.</p>	No
19.4	<p>Section 2.6.6 stipulates criteria by which the owner of an OWTS must submit a Report of Waste Discharge. It stipulates that if an OWTS is receiving high strength</p>	<p>Policy section 2.6.6 has been rewritten for clarity. High-strength wastewater is only allowed from commercial food service buildings, and as such, the risk of oil and</p>	Yes

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	<p>wastewater with; (1) a BOD higher than 900 mg/l from a commercial food service building, or (2) does not have a properly sized and functioning oil/grease interceptor. ... than a Report of Waste Discharge must be submitted. As per definition, High Strength Wastewater includes wastewater having a BOD greater than 300 mg/l or TSS greater than 330 mg/l or FOG greater than 100 mg/l. Therefore, in theory and in some limited scenarios, wastewater can be high strength but not have an elevated FOG concentration. It is not reasonable to require a grease interceptor if FOG is not elevated.</p> <p>It is suggested that this section be revised to state that a Report of Waste Discharge be required for an OWTS without a grease interceptor only if there is an elevated level of FOG. The revision for this section could read, -(2) does not have a properly sized and functioning oil/grease interceptor but has a fats, oils and grease (FOG) concentration greater than 100 mg/l, after the effective date of the Policy.-</p>	<p>grease being included in the wastewater in the future is present even if it is not initially a factor for loading.</p>	
47.1	<p>Section 2.6 indicates that an owner of an OWTS with a projected flow exceeding 3,500 gallons per day must submit a Report of Waste Discharge (ROWD) to the Regional Board if the local permitting authority does not have an approved Local Agency Management Program (LAMP). Under the proposed policy, local permitting authorities must submit their current program (or amended program) to the Regional Board for approval as a LAMP, even if they have an existing program for monitoring OWTS. With no approved LAMPs at this time in the State, there will be a delay from the time this policy is effective and the time a local permitting authority has an approved LAMP in place. The provision in 6.3 which extends interim coverage under this policy does not alleviate the requirement to submit a ROWD in Section 2.6. Therefore all OWTS serving a flow of greater than 3,500 gallons per day will have to submit ROWDs immediately. Please revise this requirement to indicate that such an OWTS must instead submit a copy of a letter to the local authority requesting coverage under a LAMP, and require the OWTS owner to submit a ROWD only if: A) The local authority responds indicating it will not provide a LAMP covering the projected flow for the OWTS, or B) The time allotted for local authorities to receive initial LAMP approval (currently sixty [60] months from the effective date of this policy) has passed, whichever is sooner.</p>	<p>Section 2.6 of the Policy has been revised to clarify the requirements for OWTS during the interim period between the effective date of the Policy and either 60 months from the effective date of the Policy or approval of a Tier 2 LAMP, whichever comes first.</p>	Yes
63.22	<p>The proposed policy should require Tier 1, 2, 3, and 4 OWTS owners with an onsite domestic well on their property to monitor groundwater by sampling and analyzing water quality every 5 years.</p>	<p>Although the State Water Board encourages residents to test and monitor domestic water wells on their properties, the requirement suggested by the commenter does not address the proper operation of OWTS.</p>	No
63.25	<p>The Draft Policy should require regular inspections for moderate-risk (all systems within the setbacks outlined in Tier 1) and high-risk (Tier 3) existing OWTS; OWTS owners in high-risk and moderate-risk areas should have their systems inspected at least once every 3 years; Tier 3 OWTS should also be required to report maintenance activities every year; OWTS owners in Tier 3 should have 1 year from the adoption of the AB 885 regulations to have their systems inspected; For low-risk OWTS in Tiers 0 and 1, inspections should only be required upon sale of the property; Tier 2 inspection requirements will be determined by the local management agencies, but should at least require inspections upon sale of property. For low-risk OWTS in Tiers 0 and 1,</p>	<p>The Policy specifies that OWTS owners shall maintain their OWTS in good working condition including inspections and pumping of solids as necessary. The Policy includes monitoring and inspection requirements for each Tier that are appropriate to the level of risk in the Tier. In addition, the Policy specifies that OWTS owners shall maintain their OWTS in good working condition including inspections and pumping of solids as necessary.</p>	No

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	inspections should only be required upon sale of the property. For low-risk OWTS in Tiers 0 and 1, inspections should only be required upon sale of the property. The Tier 2 inspection requirements will be determined by the local management agencies, but should at least require inspections upon sale of property.		
3.0 Local Agency Requirements and Responsibilities			
15.2, 15.1, 40.1	Section 3.1 suggests that a local agency implements either Tier 0, Tier 1, Tier 3, and Tier 4, or Tier 2. This is not the case as an agency choosing to implement a LAMP under Tier 2, is still responsible to implement Tier 4 criteria, and may choose to implement Tier 3. Modification to the wording in this section is necessary.	Section 3.1 of the Policy has been modified to clarify that in addition to Tier 2 LAMPs, Tier 0 and Tier 4 are also under the responsibility of local agencies, and that Tier 3 is optional for local agencies. Furthermore, section 10.0 of the Policy has been revised to clarify that local agency implementation of an Advanced Protection Management Program is optional.	Yes
15.3	Concern has been expressed that wording within section 3.1 does not emphasize existing local programs will remain in effect throughout the LAMP approval process. It is recommended that additional wording to reinforce that it is the policys intent to allow existing local programs to remain in place during the LAMP approval process be provided.	Section 3.1 states that except for Tier 3, local agencies may continue to implement their existing OWTS permitting programs in compliance with the Basin Plain in place at the effective date of the Policy until 60 months after the effective date of the Policy or approval of a local agency management program, whichever comes first.	No
23.5	How much is the development and adoption of a Local Agency OWTS Management Program going to cost? Are there examples of what a typical plan would look like? Would the plan need to be supported by scientific studies, groundwater modeling, etc.? What are the criteria for an acceptable plan?	A typical program would look like a responsible local agency regulatory program with some additional components. Local agency management programs should be supported by readily available information. In terms of cost, the Policy has been structured to build upon existing local agency programs, in an effort to minimize the costs associated with implementing the Policy. Also, monitoring requirements are structured so that existing data may be used to further lower program costs to local agencies. Water Board staff and local agency stakeholder groups are committed to assist local agencies with development of Tier 2 LAMPs. The level of enforcement activites contemplated by this Policy should already be implemented by existing local programs. Any additional local agency costs are expected to be passed on to OWTS owners. The criteria for approving a LAMP are that it complies with Tier 2, and protects water quality and public health.	No
24.4	California Health and Safety Code, Section 117435 allows a local environmental health agency to require such information from sewage pumpers, but does not mandate the information to be collected. The collection of this information is not currently required by all local environmental health agencies and should continue to be at the discretion of the local agency. (section 3.3.2)	It is understood that section 117435 of the California Health and Safety Code does not require certain information to be collected, however the State Water Board has determined that it is important to collect, at a minimum, the applications and registrations issued as part of the local septic tank cleaning registration program.	No
30.5	Section 3.1: It appears to offer a 60 month window for continued implementation of existing local programs but states that, in the absence of a Tier 2 Local Agency Management Program, to the extent that there is a direct conflict between the applicable minimum standards and the local codes or ordinances (such that it is impossible to comply with both the applicable minimum standards and the local ordinances or codes), the more restrictive standards shall govern. Since one of the first acts to follow policy adoption would be realignment of Regional Water Quality	Section 3.1 states that except for Tier 3, local agencies may continue to implement their existing OWTS permitting programs in compliance with the Basin Plan in place at the effective date of the Policy until 60 months after the effective date of the Policy, or approval of a LAMP, whichever comes first. The requirement to comply with the Basin Plan is for the Basin Plan in place at the effective date of the Policy, not the Basin Plan that would be revised as a result of this Policy.	No

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	Control Board basin plans to be consistent with the policy, it would appear that there is no real 60 month grace period for local jurisdictions to continue program delivery unless the local program is in strict compliance with the policy. This section should clearly state that the existing local program may remain in place for 60 months or until approval of the Tier 2 proposal, whichever comes first, and that those local programs may be altered before either of those milestones consistent with the governing basin plan.		
48.1	The Policy should limit the discretion of local agencies to regulate OWTS. We believe that the Policy provides excessive discretion to local agencies and Regional Boards in contravention of the federal Clean Water Act. The Policy gives local agencies discretion on whether to require system upgrades and set a timeline for compliance with TMDLs. Even the decision of whether to draft a TMDL for an impaired water body is left up to the local agencies. The Policy should contain clear and prescriptive minimum requirements that will be universally applied, and empower local agencies to craft locally-tailored regulations that meet these minimum requirements.	The Policy recognizes that responsible local agencies can provide the most effective means to manage OWTS on a routine basis, and gives local agencies the ability to use locally-tailored regulations under approved Tier 2 LAMPs. System upgrades are prescribed by Tiers 3 and 4. Local agencies neither set timelines for compliance with TMDLs nor determine whether TMDLs should be drafted. The Regional Water Boards are responsible for identifying water bodies impaired by nutrients and pathogens that are potentially connected to OWTS effluent. The Regional Water Boards are also responsible for drafting TMDLs and implementation timelines.	No

4.0 Regional Water Board Functions and Duties

3.1	Remove restriction of CDPHs review of LAMPs to the procedures for notifying local water purveyors prior to OWTS permitting (section 4.3.2). CDPH wants to be able to review LAMPs as a whole, particularly section 9.2.12.	Section 4.3.2 has been modified in order to allow CDPH to comment on any aspect of a proposed Local Agency Management Plan.	Yes
11.1, 22.2, 28.2, 30.6, 30.8, 39.1, 56.4, 59.5	Request the State Water Board to direct Regional Water Boards to refrain from implementing more stringent standards rather than allowing local programs to continue their successful program implementation.	The Regional Boards retain authority to establish more protective standards (Water Code section 13291(d)). However, the Policy has been drafted to require the Regional Boards to consider the effectiveness of past performance of local programs to adequately protect water quality, and not to use Tier 1 standards to gauge the effectiveness of a Tier 2 plan (see section 9.6 of the Policy). In addition, anyone, including a local agency, who disagrees with Regional Boards' decisions can ask the State Water Board to review the Regional Board's decision (see sections 5.4 and 5.5 of the Policy).	No
11.6, 29.2	Section 4.5 should include detail regarding what types of issues are worthy of revoking an existing program and should include some language to avoid landlord/tenant disputes resulting in actions taken against a LAMP.	While section 4.5 requires the Regional Water Board to accept and consider any requests for modification or revocation, it does not require the Regional Water Board to take specific action as a result of the request.	No
15.4	Section 4.3: Request wording /if appropriate/ be removed and be replaced with wording: /and if meets the policy objective/. This wording better delineates the parameters to which the LAMP should be compared.	A Regional Water Board may consider more than whether the LAMP meets the Policy's objectives when approving a LAMP.	No
15.5	Section 4.5: There is concern that this section does not provide adequate detail regarding which issues are worthy of revoking an existing LAMP, or timelines by which they need to be raised once discovered. Additional wording should be provided to better define issues and timelines regarding request submissions by any	It is not possible to predict all issues that are worthy of revoking a LAMP. However, according to section 4.4.2, the Regional Water Boards are required to provide the local agency details on its actions and cause for such actions, as well as the appeal process and rights of the local agency. Requests by any person for modification or	No

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	person.	revocation of a LAMP may be submitted at any time.	
18.3, 26.2, 28.6, 39.3, 70.3, 73.4	The process for approval of a LAMP is not clearly defined.	There is a process set forward in Section 4 for approval and appeal of LAMPs. In addition there is a process for State Water Board approval of LAMPs where the Regional Water Board has failed to consider approval, and for dispute resolution between local agencies and the Regional Water Boards.	No
18.8	This rule requires the Regional Water Boards to amend and update their basin plans within twelve months of adoption of the rule. It is unlikely the Regional Boards can complete basin plan amendments within a twelve month period given the necessary reviews and environmental determinations that will be required.	It is anticipated that the Regional Water Boards will for the most part modify their Basin Plans to include the appropriate sections of this Policy. As such the environmental determinations necessary have been made for the adoption of the Policy and do not need to be repeated.	No
22.1, 28.1, 39.2, 59.7	Add a Requirement that RWQCBs Complete a Cost-Benefit Study Prior to Imposing Any New Requirements on Local Agencies Beyond Those in the Policy Itself. This analysis, similar to that which is already required in Section 13267 of the Water Code, would provide an assessment of whether or not the burden associated with any new and unanticipated county-specific requirement is commensurate with the associated water quality benefits. This analysis would provide helpful information to the SWRCB when it is called up to help resolve conflicts between counties and RWQCBs.	If a local agency thinks that the Regional Water Board is imposing unreasonable costs, then the local agency can request that the State Water Board resolve the dispute per section 5.3 of the Policy.	No
28.4	Add a Requirement that Future Basin Plan Amendments Be Consistent with Policy Objectives. The Policy should simply require that all future Basin Plan amendments be consistent with stated Policy objectives.	Section 4.2 of the Policy states that Regional Water Boards shall amend their Basin Plans with the requirements of the Policy. If a Regional Water Board decides to retain or adopt more protective standards, the Regional Water Board shall reconcile these with the Policy to the extent feasible and shall provide a detailed basis for its determination that the more protective standards are necessary and appropriate. These two requirements ensure that the Regional Water Board Basin Plan amendments are consistent with the Policy.	No
35.4	Section 4.4 of the OWTS Policy allows any affected Regional Water Board to require modifications or revoke the authorization of a local agency to implement a Tier 2 program, provided that certain actions are taken, including written notification to the local agency. The District recommends that Section 4.4.2 be revised to ensure local groundwater management agencies are also notified.	Regional Water Boards as a normal course of business will attempt to contact affected parties relating to actions they are proposing or taking. It is anticipated that not all of the written notices to local agencies regarding their LAMPs would necessarily involve or be of interest to all groundwater management agencies, so language in the Policy requiring a Regional Water Board to send a copy of all notices out is unwarranted.	No
46.5	Work with Regional Boards and counties to develop a voluntary domestic well testing program in identified at-risk areas;	Nothing in this Policy precludes local agencies from developing outreach and education programs that include information on voluntary domestic wells monitoring. In addition, section 9.2.5 has been modified to include voluntary domestic well monitoring as part of outreach programs under Tier 2 LAMPs if such a program is available.	Yes
59.4	The Policy does not provide a sufficient direction to the Regional Board with regards to the Tiers 2 and 3.	It is unclear what specifically the commenter believes is missing from the Policy regarding direction for the Regional Water Boards. The responsibilities of the Regional Water Boards are specified in section 4 of the Policy. Regional Water Boards are required to approve Tier 2 LAMPs. If local agencies choose not to administer a Tier 3 program, the Regional Water Board will administer a Tier 3 program.	No

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59.6	Further the Policy provides no guarantee that the implementation of the Policy will have consistency among different Regional Boards	The Policy does not require all Regional Water Boards to have the same standards for OWTS. The Policy is designed to allow local agencies to develop programs that fit with their local hydrogeology and other environmental factors.	No
71.1	The primary concern with section 4.2 is the possibility of Regional Boards amending existing basin plans that may not be attainable as a result of local geology and hydrology.	It is the expectation that the Regional Water Boards will not adopt standards in the Basin Plan that are not attainable for local agencies. If the Regional Water Board determines that it is necessary and appropriate to retain or adopt any more protective standards, they are required to provide a detailed basis for its determination that each of the more protective standards is necessary and appropriate.	No
71.2	The concern with section 4.5 is that this will open up local programs to unnecessary and/or unscientific scrutiny.	While section 4.5 requires the Regional Water Board to accept and consider any requests for modification or revocation, it does not require the Regional Water Board to take specific action as a result of the request.	No
75.1	Section 4.2: creates uncertainty and will delay the creating of Local Agency Management Programs that may need to be altered to address any changes in new or more restrictive requirements created by the Regional Water Boards. The Policy should specify a timeframe for LAMP submittal contingent upon completion of Basin Plan amendments, or give extensions of time for LAMP completion based on any delay by Regional Board to amend Basin Plan.	The Regional Water Boards are expected to timely amend their Basin Plans. If, however, a Regional Water Board fails to timely amend its Basin Plan, Water Code section 13248 authorizes the State Water Board itself to amend that Regional Board's Basin Plan.	No
75.2	Exemption under Section 4.2.1 for the North Coast Regional Water Board within the Russian River watershed does not detail what happens with respect to the Basin Plan and LAMP time frames within the North Coast Region, but outside of the Russian River watershed. Does the LAMP in this area simply follow the existing North Coast Basin Plan since it will not change until the TMDL is complete for the Russian River? It would be a good idea to allow the various Regional Boards to provide for extensions to the LAMP timelines based on justification provided by the local agencies.	The Basin Plan and LAMP time frames for areas within the North Coast Region but outside the Russian River watershed are consistent with the time frames stated in the rest of the Policy. The State Water Board thinks there is sufficient time for Basin Plan amendments and LAMPs to occur within specified timeframes. The allowance of extensions for LAMP timeframes does not seem necessary at this time.	No
75.3	Regarding section 4.7, we again encourage the SWRCB to provide resources and funding so that the nine RWBs can adequately staff and implement the applicable sections of this Policy.	The State Water Board will determine how to adequately staff and fund the Regional Water Boards so they can implement the Policy.	No

State Water Board Functions and Duties

43.11	I also object that use of a quasi-legislative process is improper and that it has the prejudicial effect of confiscating and /Taking/ valuable property interests. Quasi-judiciary procedure should be implemented instead.	The proposed Policy contains rules of general applicability, and therefore is being adopted in accordance with the procedures that apply to quasi-legislative actions.	No
43.3	The State Water Resources Control Board lacks direct condemnation authority or power.	The State Water Board is not attempting to condemn property. There may be situations where discharges from OWTS will not be permitted, but the proposed Policy does not contain any such prohibitions against discharges from OWTS.	No

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43.4	The SWRCB lacks authority to enact statewide OWTS regulations, under Water Code, § 13291, because that code section omits guidelines and fails to establish policy criteria.	The State Water Board is prohibited by state law from determining that any state statute is unconstitutional.	No
43.5	I object to the invidiously discriminatory and uneven-handed treatment of property owners in the Malibu Civic Center area in the subject proposed statewide regulations by virtue of this SWRCB proposing to enact statewide OWTS regulations, but then not applying same rules and regulations in an even-handed manner to the Malibu Civic Center property, their owners, occupants and users, as the rest of the state.	This Policy is intended for statewide coverage, and is not Malibu specific.	No
43.6	The proposed draft Wat. C. § 13291, regulations lack protocols or procedures for: giving property owners written, specific notice of wrong-doing and response timelines, the opportunity to be heard, and the right to evidentiary hearings, the right to discovery, the right to decisions based on substantial evidence, and the right to appeal.	The proposed Policy does not attempt to mandate specific uniform procedures for the many local agencies and regional water quality control boards that will implement it because it is neither necessary nor warranted. Those agencies already have their own procedures in place for issuing OWTS permits and corrective action orders.	No
43.7	The proposed draft Wat. C. § 13291, regulations lack a property owners, permittees or citees Bill of Rights enumerating their constitutional, statutory and Due Process rights.	Draft regulations, or policies for water quality control, are not required to contain a bill of rights.	No
43.8	This agencies staff advocating the elimination of OWTS and boards panel members fail to deal at arms length with one another in the rulemaking process.	The adoption of rules of general applicability, such as this Policy for water quality control, is not subject to the procedural requirements that govern adjudicative proceedings. All State Water Board staff members who have assisted in the development of the proposed Policy are acting as advisors to the State Water Board, not as advocates, investigators, or prosecutors in an adjudicative proceeding in which existing rules are applied to a set of specific facts. The primary staff who have been involved in drafting the proposed Policy include Darrin Polhemus, Ken Harris, and Phil Wyels, with substantial assistance from many other State Water Board staff and regional water quality control board staff, all of whom have been acting in an advisory capacity to the State Water Board, as well as local agency staff and other stakeholders.	No
43.9	I contend that these proposed draft statewide OWTS regulations are inherently and as construed and applied confiscatory and are unconstitutional /Takings/ in violation of the /Takings/ and /Due Process/ Clauses of the 5th and 14th Amendments, U.S. Constitution, and Article I, Section 19, California Constitution.	The proposed Policy does not deprive the commenter, or any other OWTS owner, of all economic use of property. For new development, the property owner may need to obtain waste discharge requirements or an individual waiver of waste discharge requirements from the applicable regional water board if the property does not qualify for coverage under the proposed Policy. For corrective action for an existing OWTS, the proposed Policy authorizes the local agency or the regional water board to authorize repairs that are in substantial conformance, to the greatest extent practicable, with the requirements of the proposed Policy.	No

6.0 Tier 0

11.7, 15.6	Section 6.2 states a Regional Water Board or local agency may deny coverage under this Policy, but section 6.2.2 does not include the local agency. Suggest that 6.2.2 should include language that keeps the local agency involved, something like /after	Policy changed to include consultation with the local agency.	Yes
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COMMENT NUMBER	SUMMARY OF COMMENT	RESPONSE	REVISION
	consultation with the local agency/		
19.5	<p>In Section 6.1.2 there is the requirement that an OWTS receiving high strength wastewater may be classified in Tier 0 status if a grease interceptor is in place. This requirement is here despite the fact that by definition, high strength wastewater does not require that a high level of FOG exists. It is not reasonable to require a grease interceptor unless there is a high level of FOG.</p> <p>This section can be re-worded such that a grease interceptor is only required if the wastewater influent has or is anticipated to have a FOG concentration greater than 100 mg/l. The same discrepancy exists for Section 2.4. Here is stated that the waiver of waste discharge requirements is allowed for compliant OWTS handling high strength wastewater only if there is a grease interceptor, despite the fact that by definition high strength does not mean there is elevated FOG.</p> <p>It may be the Boards position that all high strength wastewater has a high level of FOG. If this is true than this should not remain an assumption but should be clearly defined in the Policy. Without this clarity the Policy remains incomplete and unreasonable.</p>	High-strength wastewater is only allowed from commercial food service buildings, and as such, the risk of oil and grease being included in the wastewater in the future is present even if it is not initially a factor for loading.	Yes
30.31	Regional boards must also be precluded from requiring that local agencies implement monitoring programs for Tier 0 systems.	Aside from reporting requirements specified in section 3.3, local agencies are not required to monitor OWTS in Tier 0. However, Regional Water Boards may consider whether it is necessary and appropriate to retain or adopt more protective standards (section 4.2).	No
30.7	Section 6.1 states that systems meeting certain criteria are /automatically covered/ by the policy and waiver. No request or application for coverage is mentioned. Section 6.2 refers to denial of coverage by the Regional Board. It is unclear how the Regional Boards are to be informed of noncompliant systems subject to denial of coverage.	Permitting agencies, be it a local agency or Regional Water Board, will through the normal course of business become aware of noncompliant OWTS and it is anticipated that appropriate action will follow. There is, however, no requirement in the Policy to try and identify all noncompliant OWTS.	No
35.3	The District also recommends that if existing OWTS designated as Tier 0 are failing or require corrective action in the future, they should be required to comply with either Tier 1 or 2 requirements at that time.	Section 11 (Tier 4) requires OWTS that have major repair to be covered by a Tier 2 LAMP, and where no Tier 2 LAMP exists, Tier 1. Therefore, existing OWTS in Tier 0 that need major repair would need to comply with either Tier 1 or Tier 2 requirements.	No
46.1	While we fully support the directives to protect groundwater quality in Sections 6.2.2 and 11.4, the lack of any requirement to test the water quality of domestic wells located near septic systems undermines the value of these provisions. Members of the public will continue to be unknowingly exposed to pathogens and nutrients from failing or inadequate septic systems.	Past versions of OWTS regulations considered the monitoring of domestic wells as part of the regulations. Monitoring of domestic wells was found to be infeasible due to implementation problems. Local agencies that implement an approved Tier 2 LAMP are required to have a water quality assessment program (section 9.3) that can include review of public system sampling reports and water quality testing reports done at the time of new well development.	No
48.2	All existing septic systems should be regulated under the Policy. The Draft Policy does not provide regulations or inspection requirements for existing OWTS, unless they are proximate to impaired water bodies under Section 303(d) of the Clean Water Act. This means that thousands of problematic septic systems will continue to be unregulated in complete disregard of the intent of AB 885. We ask the State Water Board to regulate	The Policy is risk-based, and addresses existing OWTS that have known problems through Tier 3 and Tier 4 requirements.	No

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	all existing septic sewers under the Policy by inserting existing standards from the California Plumbing Code and/or Regional Board Basin Plan(s) into Tier 0. If an OWTS cannot meet current standards, then they should be immediately reclassified as either Tier 3, or Tier 4, as appropriate.		
54.5	High Strength Commercial Wastewaters - The City does not support the inclusion of high strength commercial wastewaters into the OWTS Policy. The inclusion of this new requirement after extensive efforts and financial investment at the local level to develop an RWQCB approved MOU, City Ordinance, and OWTS program for domestic strength high risk OWTS is unwarranted and will do little to protect groundwater or beneficial uses. The City does not allow septic systems for commercial purposes in areas with known groundwater pollution issues. The City believes that the SWRCB should retain jurisdiction over OWTS that receive high strength commercial wastewater.	The allowance for high-strength wastewater from commercial food service buildings establishes the limit for the Policy, but local agencies may be more restrictive, and are encouraged to be when they find it appropriately so.	No
58.1	Preamble, page 6, -What Tier Applies to my OWTS?- (first paragraph) states: -The existing OWTS will return to Tier once the corrective action is completed.- Therefore, existing units with supplemental treatment and any existing unit that was repaired with the addition of supplemental treatment would remain in Tier 0.	Language on page 6 about when an existing Tier 0 OWTS can move back to Tier 0 changed to state that it is after corrective action that is not a major repair.	Yes
58.2	In a very short period of time, my county will have an unwieldy mix of Tier 0 systems with and without supplemental treatment. We will also have a mix of Tier 2 systems with and without supplemental treatment. Similarly, those systems with supplemental treatment will be scattered through Tiers 0 and 2. This seems an unnecessary complication that will frustrate the public's understanding and lead to unnecessary confusion among the regulated public, particularly regarding required maintenance and monitoring requirements for supplemental treatment systems that are in Tier 0.	Section 2.3 has been modified and section 6.1.3 added to clarify that owners of OWTS need to abide by any permitting conditions imposed both before this Policy is effective and after. The risk-based tiers of the Policy do create different levels of permitting requirements within it, but this is no different than a local agency that previously updated its permitting program at some point and included different requirements from some date forward. Since the majority of OWTS owner interaction with a local agency is at the time of permitting, it is expect that what tier they are in will be more a factor for the local agency issuing the permit, than an issue for the particular OWTS owner that simply must follow the conditions imposed as part of their permit.	Yes
59.1	LADWP supports the proposed no requirement for Tier 0 OWTS.	Comment noted.	No
59.2	However, the Policy is vague as to what circumstances the Regional Board will impose waste discharge requirements (WDRs) on Tier 0 OWTS. As written, the Policy would allow the Regional Board to require WDRs for Tier 0 OWTS based merely on -the opinion of the Regional Water Board-. LADWP believes the Regional Board decisions to require WDRs should be quantitative in nature not merely speculative or based solely on -the opinion- of the Regional Board. LADWP recommends either 1) adding language that requires the Regional Board decisions for WDRS to be quantitative in nature not merely speculative based solely on -the opinion- of the Regional Board or 2) removing Section 6.2.2.	Although section 6.2.2 states that reports of waste discharge may be required in the opinion of the Regional Water Board, it also specifies that reports of waste discharge will be required if the OWTS is not adequately protecting the water quality of the waters of the state. The opinion of the Regional Water Board is directly related to water quality of the waters of the state. In addition, California Water Code section 13260 requires anyone discharging pollution to waters of the state to submit a report of waste discharge to the Regional Water Board. It is within the authority of the Regional Water Boards to issue waste discharge requirements where they determine it is appropriate.	No
59.3	LADWP suggests that should a local agency establish any requirements through its local agency management plan for a Tier 0 OWTS, that these requirements be approved by the Regional Board through a public process that includes the OWTS	Section 4.3 requires that the Regional Board provide an opportunity for public comment prior to approving a Tier 2 LAMP.	No

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	owners/operators.		
60.1	Our experience, and the experience of other local agencies in our region, is that mandatory house by house inspections in absence of prima facie evidence of OWTS failure are highly problematic both legally and politically	The Policy does not specifically require house by house inspections. Inspections are based on whether the OWTS is utilizing supplemental treatment (sections 10.13 and 10.14), and if the local agency has inspection standards in its approved Tier 2 LAMP.	No
63.1	Specifically, we are adamant that the Draft Policy include requirements for existing systems (with or without a 303(d) listing or TMDL);	The Policy is risk-based, and addresses existing OWTS that have known problems through Tier 3 and Tier 4 requirements.	No
63.31	As written, the proposed policy puts all existing system into Tier 0, as long as they discharge less than 10,000 gallons per day (gpd) and do not qualify as Tier 3 or 4. This is not a protective approach for groundwater or surface waters.	The State Water Board has determined that properly-operating and sited OWTS discharging domestic-strength wastewater up to 10,000 gpd in non-impaired areas do not pose significant threat to water quality.	No
63.32	Specifically, we recommend that any existing system within the setbacks outlined in section 7.5 should be monitored and inspected.	The Policy includes monitoring and inspection requirements for each Tier that are appropriate to the level of risk in the Tier. In addition, the Policy specifies that OWTS owners shall maintain their OWTS in good working condition including inspections and pumping of solids as necessary.	No
63.33	At a minimum those with greater potential to impact water quality (see attachment) should be inspected by an independent qualified professional contractor to ensure that water quality is not being impacted.	The Policy includes monitoring and inspection requirements for each Tier that are appropriate to the level of risk in the Tier. In addition, the Policy specifies that OWTS owners shall maintain their OWTS in good working condition including inspections and pumping of solids as necessary.	No
63.34	Instead, the 10,000 gpd discharge volume should either be reduced to 3,500 gpd, the same project flow required for new and replaced systems in Tier 1, or require an individual WDR.	The State Water Board does not find that waste discharge requirements should be required for OWTS below 10,000 gpd.	No
63.35	As another option, existing systems discharging more than 3,500 gpd should be covered under Tier 2 and given monitoring requirements.	Where there is a Tier 2 LAMP, the water quality assessment program will inherently include existing OWTS.	No
63.67	Add 6.4 - Existing OWTS within the 600 ft. setback from 303(d)-listed impaired waterbodies for pathogens or nutrients shall be included in Tier 3 or be included in a TMDL program.	Existing OWTS that are near impaired water bodies listed on Attachment 2 will be included as prescribed by a TMDL. Areas that contain existing OWTS near impaired water bodies that are not listed on Attachment 2 will receive consideration as to their management within Local Agency Management Programs.	No
63.68	Add 6.5 - Existing OWTS within the following setbacks (referenced in letter) must be inspected (by an independent qualified professional, with report supplied to local agency/Environmental Health Service) to ensure the OWTS is not impacting water quality.	Mandatory inspections have been considered and have been found to be infeasible. However, local agencies could inspect these OWTS if desired.	No
65.1	We ask that the state work with the county to discover and correct these older systems and immediately bring them up to code throughout the Silverado Canyon NOT just within the 600 foot zone.	Section 3.7 states that nothing in the Policy shall preclude a local agency from adopting or retaining standards for OWTS in an approved LAMP that are more protective of the public health or the environment. In addition, a TMDL may determine that a 600 foot boundary is not protective enough, and require a greater boundary from the water body.	No

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65.2	Because many of the properties here are small, they will likely have trouble meeting current requirements for leach fields. Therefore, attempts MUST be made to except such properties from draconian standards rather seeking BMP practices.	For new development, the property owner may need to obtain waste discharge requirements or an individual waiver of waste discharge requirements from the applicable regional water board if the property does not qualify for coverage under the proposed Policy. For corrective action for an existing OWTS, the proposed Policy authorizes the local agency or the regional water board to authorize repairs that are in substantial conformance, to the greatest extent practicable, with the requirements of the proposed Policy. Because Silverado Creek is an impaired water body listed on Attachment 2, the Regional Water Board will develop a TMDL and implementation plan specific to the conditions in Silverado Creek watershed.	No

7.0 Tier 1 Low Risk New or Replacement OWTS

5.1	Change IAPMO-approved to IAPMO-certified since the latter is the correct term; sections 8.2.3, 9.4.5 and 10.6.5.	The Policy has been revised in accordance with the comment.	Yes
5.6, 24.5, 24.10, 30.3	<p>Section 7.4 prescribes the siting standards and elaborates on the percolation rates. However, this section does not provide guidance as to what method of percolation test should be utilized. We request that the policy to either establish a standardized method for percolation testing that can be uniformly utilized by all counties, or allow each local agency to continue to utilize the existing procedures or develop new procedures as deemed necessary by the agencies.</p> <p>Furthermore, the policy does not acknowledge that the minute per inch concept does not necessarily correlate with the percolation test for seepage pits. The policy must establish the method of percolation test(s) to be utilized for the seepage pits since mandates a percolation rate range of 1 to 90 MPI.</p>	The method of percolation testing used for Tier 1 OWTS is at the local agency's discretion. Commenter is correct; percolation rates were not intended to be used for seepage pits. Seepage pits and their percolation rates should be addressed in a Tier 2 LAMP.	No
11.10	Recommend deleting 7.6.2 through 7.6.4 because septic permits are ministerial permits and County can't hold permits and/or add discretionary conditions (such as notifying and providing copies to public water systems and CDPH and allowing for comment period).	Commenter is correct. The requirements of section 7.6.2 through 7.6.4 are based on septic permits being ministerial. However, the CDPH needs to be notified of OWTS applications in order to monitor drinking water quality and provide recommendations to the permitting agency.	No
11.11	Recommend changing slope to 30% in section 7.7. This is common in most local agency programs and is the standard typically used to avoid breakout, which is the real public health and water quality issue.	Tier 1 is subject to 25% due to less oversight inherent in Tier 1. Slopes in excess of 25% may limit the use of machinery in addition to problems related to surfacing wastewater. In areas covered by an approved Tier 2 LAMP, slopes up to 30% are allowed without a stability report.	No
11.12, 22.8, 28.8, 39.5, 40.2, 69.10, 72.4, 82.1	Section 7.8 usurps local land use authority. County's general plan, which is supported by an EIR that specifically addresses density of dwellings with respect to onsite sewage disposal systems, supports local land use policy and land divisions procedures and density. Suggest adding /unless there is an environmental review document supporting greater density./	The Policy provides for local agencies to submit Tier 2 LAMPs that can have greater densities. The environmental document prepared for the general plan can be used to help justify greater densities in a Tier 2 LAMP. In addition, density requirements in Tier 1 have been modified to be based on precipitation. The density requirements in Tier 1 only affect land subdivided after the effective date of the Policy, and do not apply to any area covered under a Tier 2 LAMP. Further, the Policy does not preclude development with a density higher than the prescribed density requirements in Tier 1.	Yes

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		If a higher density subdivision is approved by a local agency without a Tier 2 LAMP, any landowner within that subdivision desiring to use OWTS may apply for a separate waiver or waste discharge requirements from the Regional Water Board.	
11.4	Remove all references to Tier 2 and or a local management plan from the Tier 1 section because this could be interpreted to mean only those sections are allowed to deviate from the Tier 1 standards. Add clear, unambiguous section that says Tier 1 standards do not apply to a Tier 2 program unless the local agency specifically includes them in the program.	The suggestion for clarification by the commenter is already included in the introductory paragraphs of both Tier 1 and Tier 2. The references to Tier 2 LAMPs in the Tier 1 sections are to provide guidance to local agencies that they can change standards to meet local conditions through Tier 2 LAMPs. However, the references to Tier 2 LAMPs have been removed from section 7.4 and 8.1.11 to avoid confusion.	Yes
11.8	Not normal industry practice to determine anticipated highest level of ground water (section 7.3). Instead, it is determined whether the highest anticipated level of ground water is within 5 feet of the bottom of the proposed disposal field. Language should be changed to reflect this.	The Policy has been modified to state that the anticipated highest level of groundwater within the dispersal field and its required minimum dispersal zone is not less than prescribed in Table 2.	Yes
11.9, 15.10, 29.7, 29.1, 29.4	Many rural counties do not regulate water systems and will not be able to locate surface water intakes (section 7.5.9, 7.5.10, and 9.2.11). Suggestion: CDPH drinking water division shall provide local agencies with exact coordinates of water intakes within the local agencies jurisdiction. Local agencies shall treat the location coordinates as confidential information.	As part of Policy implementation, CDPH will work with local agencies to provide coordinates of surface water intakes.	No
15.7	There are several sections and tables in the Tier 1 that refer to different criteria if there is an approved Tier 2 program. This needs to be corrected by removing all references to Tier 2 or a LAMP from Tier 1 to avoid confusion that Tier 1 and Tier 2 do not exist concurrently; it is either one or the other. The suggestion for clarification by the commenter is already included in the introductory paragraphs of both Tier 1 and Tier 2.		Yes
16.1, 17.1, 21.1, 23.1, 24.7, 25.1, 27.2, 53.1, 64.5, 69.3	There is no scientific basis to limit new or replacement septic systems to a minimum of 2 1/2 acre parcels - especially with the great majority of rural parcels neither overlying impaired groundwater nor adjacent to impaired surface water bodies. USGS and WRQCB criteria/requirements for functional - non-polluting septic systems allow them on 1/2 acre parcels.	In response to the comment, Tier 1 now includes a range of values for density based on average annual rainfall instead of a single statewide conservative value that is protective of water quality. The range of values is based on the Hantzche-Finnemore equation (Hantzche, N.N., Finnemore, E.J., 1992, /Predicting Groundwater Nitrate-Nitrogen Impacts: Groundwater/, v. 30, p. 490-499).	Yes
18.5	This rule will restrict land development proposed to be served by OWTS (septic systems) unless lots being created exceed 2.5 acres in size or until a LAMP is created and approved to allow smaller lots.	Density requirements in Tier 1 have been modified to be based on precipitation. The requirements only affect land subdivided after the effective date of the Policy, and do not apply to any area covered under a Tier 2 LAMP. Further, the Policy does not preclude development with a density higher than the prescribed density requirements in Tier 1. If a higher density subdivision is approved by a local agency without a Tier 2 LAMP, any landowner within that subdivision desiring to use OWTS may apply for a separate waiver or waste discharge requirements from the Regional Water Board.	Yes
19.6, 55.4	Sections 7.5.4 and 7.5.5 (Tier I) require that vernal pools, wetlands, lakes and ponds have a 200 foot setback to OWTSs and that springs, creeks and rivers have a 100 foot setback. Generally speaking, there is no significant difference in transmissivity of soils around vernal pools, wetlands, lakes and ponds than in those around springs, creeks or rivers that would warrant this setback difference. To the contrary, and as a generality,	Vernal pools, wetlands, lakes and ponds have a relatively low level of mixing compared to springs, creeks, and rivers. Therefore, they will collect interflow and retain it longer than springs, creeks, and rivers, creating a greater threat of nuisance and exposure, compelling a greater setback.	No

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	<p>springs, creeks and rivers have greater downslope gradients from OWTS's than do vernal pools, wetlands, lakes and ponds. Areas around springs, creeks and rivers also tend to have more non-permeable, geological layers that promote subsurface migration of OWTS effluent. In this sense there is the same, if not sometimes higher risk for springs, creeks and rivers to receive down gradient migration from OWTS than do vernal pools, wetlands lakes and ponds. Therefore, vernal pools, wetlands, lakes and ponds should not have greater setback requirements from OWTS than do springs, creeks and rivers.</p>		
20.1	<p>Many 1.25 acre parcels in water district, which would not be allowed to have OWTS installed. Property owners would then feel that their parcels were not buildable and would most likely stop paying the yearly assessments of 50 dollars per 1.25 acres, which would result in higher water rates.</p>	<p>The density requirement in Tier 1 would only affect land subdivided after the effective date of the Policy, and does not apply to any area covered under at Tier 2 LAMP.</p>	No
22.5	<p>Modify Tier 1 siting and design criteria to be less restrictive. Tier I siting and design criteria, in combination, are unnecessarily restrictive and without scientific basis. At a minimum, it is recommended that that a 3-foot soil depth and 3-foot separation to groundwater be allowed for soils with a percolation rate of between 30 and 90 minutes per inch. Similarly a 5-foot separation is recommended for soil with percolation rates of between 5 and 30 minutes per inch.</p>	<p>The requirements of Tier 1 are conservative because OWTS in Tier 1 will have limited oversight by local agencies compared with Tier 2.</p>	No
24.6	<p>Section 7.5.4 prescribes the siting standards pertaining to setback requirements to water wells and surface water bodies. However, this section does not make distinctions that the setback from seepage pits should be greater. We request that the policy to include 150 feet of setback to seepage pits in concurrences with the Plumbing Code.</p>	<p>Section 7.5.4 is in Tier 1, and seepage pits are not allowed in Tier 1.</p>	No
28.9	<p>Modify Tier 1 Siting and Design Criteria to Be Less Restrictive. Tier 1 siting and design criteria, in combination, are unnecessarily restrictive and without scientific basis. At a minimum, it is recommended that that a 3-foot soil depth and 3-foot separation to groundwater be allowed for soils with a percolation rate of between 30 and 90 minutes per inch. Similarly a 5-foot separation is recommended for soil with percolation rates of between 5 and 30 minutes per inch.</p>		No
30.1	<p>Sections 7.5.9 and 7.5.10 should give consideration to flowing water bodies and direction of flow .</p>	<p>The Policy has been modified throughout as suggested to give consideration to flowing water bodies.</p>	Yes
30.10	<p>The intent of section 7.5.3 is unclear. Definition of /unstable land mass/ is needed. A uniform 100 foot setback regardless the size or type of unstable land mass, site slope, or the orientation of the OWTS to the mass with regard to gradient may often be unnecessary. Location of the OWTS within 100 feet of a small unconsolidated fill on level ground may pose no real risk whereas installation immediately upslope of a stable cut bank may pose a high risk of surface discharge.</p>	<p>The common definition of unstable land mass may be used. The intent is to prevent effluent from the dispersal system from causing or contributing to an earth slide. An installation near unconsolidated fill on level ground would not be considered unstable.</p>	No
30.11	<p>Sections 7.5.7 and 7.5.8 can be eliminated since section 8.1.8 states, /Dispersal systems shall not exceed a maximum depth of 10 feet as measured from the ground surface to the bottom of the trench./</p>	<p>Sections 7.5.7 and 7.5.8 have been removed from the Policy.</p>	Yes

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30.2	Section 7.6.3 should be reworded. It is the applicants responsibility to describe the intended use(s) to be served. The policy should standardized flow assumptions for residential applications under Tier I. The applicants qualified professional should provide wastewater flow estimates for non residential applications to be verified or approved by the permitting agency.	Commenter is correct. The applicant's qualified professional should provide the information referenced in the comment to the permitting agency, who then provides the information to CDPH. The section has been revised to state that the permit application shall include the information referenced in the section.	Yes
30.9	In section 7.3.1, deletion of the word /direct/ is suggested so as to eliminate confusion in section 7.3.4.	The intention of section 7.3.4 is to use whatever direct observation method shows the highest level of anticipated highest level of groundwater. For example, if historical records show a lower level of groundwater than one of the observed methods, then the observed method shall be used. Also, if mottling is observed higher than observed level of groundwater, then the mottling level shall be used.	No
47.2	Section 7.6.1 (Tier 1 guidelines) - Please revise the typographical error to indicate the missing measurement unit ...within 1,200 of an intake for surface water treatment.	Policy has been revised to correct the omission.	Yes
47.3	Section 7.8 (Tier 1 guidelines) - This section indicates that subdivisions with more than one single family dwelling unit per 2.5 acres will not be coverable under Tier 1 (Low Risk New or Replacement OWTS). We understand that OWTS cannot be reliably used on every small parcel, but the policy already includes a number of specific, qualitative and quantitative requirements that would prohibit construction of a poorly sited OWTS (e.g. setback distances, disposal rates, etc.) regardless of parcel size. Therefore, we request that section 7.8 of the draft policy be removed.	Density requirement in Tier 1 have been modified to be based on percolation. The requirements only affect land subdivided after the effective date of the Policy, and do not apply to any area covered under a Tier 2 LAMP. Further, the Policy does not preclude development with a density higher than the prescribed density requirements in Tier 1. If a higher density subdivision is approved by a local agency without a Tier 2 LAMP, any landowner within that subdivision desiring to use OWTS may apply for a separate waiver or waste discharge requirements from the Regional Water Board.	Yes
55.1	Definitions are needed for the following terms critical to interpreting and applying minimum horizontal setback requirments listed in Section 7.5: -flowing surface water bodies -vernal pools -wetlands -lakes -ponds -other surface water bodies	Since these terms are not defined in the Policy, the common definition for each of them shall be used.	No
55.3	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 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.	The Policy has been modified to clarify that the horizontal separations are for any part of the OWTS treatment component or dispersal system.	Yes
63.36	The Policy should clarify that all OWTS within 600 feet of an impaired (303(d)-listed water body for bacteria or nutrients) shall be included in Tier 3, not Tier 1	Not all impairment for bacteria or nutrients is the result of OWTS effluent.	No
63.69	Add 7.3.5 - In no case shall a OWTS use a dispersal system that is in soil saturated with groundwater nor shall separation of the bottom of a dispersal system to groundwater be less than five (5) feet.	The minimum depths to groundwater for Tier 1 OWTS are specified in section 8.1.5 and are based on soil percolation rates.	No

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63.70	Add 7.5.11 Where the OWTS is sited in an area that exceeds the minimum depths to groundwater and minimum soil depth from the bottom of the Dispersal System as described in Section 8.1.5 and Table 1 in Tier 1. In no case shall there be less than five (5) feet separation from the bottom of a OWTS to groundwater.	Section 7.5 is for horizontal setbacks, not vertical. Vertical separation to groundwater is covered in section 8.1, and is based soil percolation rates. Per section 8.1.5, Tier 1 does not allow separation to groundwater less than 5 feet.	No
63.71	Add 7.5.12 All OWTS within 600 feet of an impaired 303(d)-listed water body for pathogens or nutrients shall be included in Tier 3.	The State Water Board has identified 303(d)-listed water bodies impaired for pathogens and/or nutrients that have the highest likelihood of being impacted by OWTS effluent and these water bodies are listed on Attachment 2. New and replaced OWTS that are installed within 600 feet from a water body listed on Attachment 2, in the absence of a Tier 2 LAMP with special provisions for the impaired water body or a TMDL, must have supplemental treatment. The State Water Board believes this is sufficient control of siting for OWTS near impaired water bodies.	No
69.1	The minimum horizontal setbacks will not be easily met, if at all, by a majority of parcels located in the rural canyons in eastern Orange County. Suggestion: The policy should include alternatives if meeting one or more of these setback requirements are infeasible. Owners should not be restricted from building on their property due to its size or location in a rural area.	For new development, the property owner may need to obtain waste discharge requirements or an individual waiver of waste discharge requirements from the applicable regional water board if the property does not qualify for coverage under the proposed Policy. For corrective action for an existing OWTS, the proposed Policy authorizes the local agency or the regional water board to authorize repairs that are in substantial conformance, to the greatest extent practicable, with the requirements of the proposed Policy.	No
69.8	The required 100 foot setback from unstable land mass is too restrictive for small lots which are common in Orange Countys historic canyon communities (section 7.5.3). Suggestion: The sites geology and geomorphology should determine the appropriate setback from any unstable land mass present.	Section 7.5.3 allows a geotechnical report prepared by a qualified professional to justify setbacks less than 100 feet from an unstable land mass.	No
69.9	The required 100 foot setback from surface water bodies is too restrictive for small lots which are common in Orange Countys historic canyon communities immediately adjacent to water ways (section 7.5.4). Suggestion: The policy should include alternatives if meeting one or more of these setback requirements are infeasible. Owners should not be restricted from building on their property due to its size or location in a rural area.	Section 7.5.4 allows setbacks less than 100 feet from springs or flowing surface water bodies if site conditions prevent migration of wastewater to the water body. Section 11.5 also allows repairs to be authorized that are in substantial conformance to the greatest extent practicable.	No
73.3	while the rule permits a 5-year grace period, upon its implementation, it will require all new septic systems be designed by a qualified professional unless the local agency agrees to create and pay the cost of creating a LAMP.	Qualified professionals perform this type of design work as an industry standard at this date. This requirement, while important, is not a substantive change to current practice.	No
73.6	Until a LAMP is created and approved, this rule will restrict land development proposed to be served by an OWTS unless lots being created exceed 2.5 acres in size.	Density requirements in Tier 1 have been modified. The requirements only affect land subdivided after the effective date of the Policy, and do not apply to any area covered under a Tier 2 LAMP. Local agencies have five years to develop a Tier 2 LAMP that includes different densities than Tier 1. Further, the Policy does not preclude development with a density higher than the prescribed density requirements in Tier 1. If a higher density subdivision is approved by a local agency without a Tier 2 LAMP,	No

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		any landowner within that subdivision desiring to use OWTS may apply for a separate waiver or waste discharge requirements from the Regional Water Board.	
75.6	Section 7.6.4 refers specifically to public water systems, but this is the first place public or private is mentioned and this is in a subservient provision. Does section 7.6 apply to public or private drinking water treatment plants? In the rural setting there are many private water intakes with small water treatment systems. Please be more explicit on which type of water treatment systems this provision applies to: private or public.	The Policy contains a definition of public water system. A public water system is defined as a water system regulated by the California Department of Public Health or a Local Primacy Agency pursuant to Chapter 12, Part 4, California Safe Drinking Water Act, Section 116275 (h) of the California Health and Safety Code.	No
75.7	Section 7.6.4: Five days for public water system owner to respond seems too short of a time frame to provide input to the permitting agency.	The timeframe is short in order to keep the review by the public water system owner ministerial.	No

9.0 Tier 2 Local Agency OWTS Management Program

8.2	Issue Tier 2 Section 9.1.8 and 9.2.2 Surface water within the watershed is listed as impaired for nitrogen or pathogens. Question: Shouldnt this be in Tier 3 not Tier 2?	Section 9.1.8 is intended for local agencies to consider additional conditions on OWTS that are near water bodies impaired for nutrients and pathogens. Section 9.2.2 may be applied to all impaired water bodies, not just those listed on Attachment 2.	No
8.3, 15.8, 29.3, 40.3, 75.11	Issue Tier 2 Section 9.2.6 and 9.3.2.8 These items require an analysis of existing and proposed disposal locations for septage; and the second refers to waste discharge requirements. The RWQCB has oversight of these types of facilities and submittal of these. Would be time consuming and redundant since the RWQCB should already have that information.	<p>It is correct that the Regional Water Board has oversight of facilities receiving septage. However, the Regional Water Boards do not have information pertaining to where and how much septage is generated within an area and where it is disposed of. The analysis required in Section 9.2.6 should be helpful to both local agencies as they perform their planning functions, and the Regional Water Boards in identifying locations that are receiving septage and are not currently under permit.</p> <p>Section 9.3.2.8 is a suggestion for the type of existing water quality data a local agency may use to maintain a water quality assessment program for evaluating the impact of OWTS discharges on local groundwater quality and surface water quality. The requirement to maintain a water quality assessment program is required in order to have an approved Tier 2 LAMP</p>	No
11.2	Tier 1 standards should not be used to gauge effectiveness of a Tier 2 plan.	Tier 1 represents low-risk siting and design requirements where there is not an approved Tier 2 LAMP. Tier 2 LAMPs may include standards that differ from Tier 1 standards to address local conditions. The Regional Water Boards will approve Tier 2 LAMPs depending on how the local agency addresses the requirements listed in section 9 of the Policy in its LAMP.	No
11.3, 24.3, 30.18, 39.4, 69.2, 69.5, 70.6, 71.3	Requirements to conduct, collect, store and transfer data to Regional Water Boards will create financial hardship on citizens of County because County will have to recover costs through new fees.	While the State Water Board recognizes there are some costs associated with monitoring groundwater, the Policy has been written to minimize costs to local agencies. For example, data collected by other agencies can be used to evaluate the effectiveness of the LAMP. Data from local agencies will be collected and stored in two State Water Board data systems: Geotracker and CEDEN. Therefore, local agencies don't have to build their own data storage, which should minimize costs.	No

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14.1	<p>Believe a few more items should be included in the LAMP for review between the permitting agency and the regional boards, such as:</p> <ul style="list-style-type: none"> a) a plan to discontinue or phase out the long-term use of existing cesspools, b) language for a single agency responsibility in site evaluation, plan check, construction inspections, and long term operations of OWTS since there is currently a disconnect regarding what agency does what (e.g., building department, health department), c) oversight of operational permits and inspection frequency when required, d) specification 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 OWTS e) should mention cumulative impacts and/or a property's onsite capacity (e.g., /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/) f) homeowner education and outreach on proper operation and maintenance of OWTS including real estate and service industry 	<p>Each of the LAMP additions has been considered and addressed as follows:</p> <ul style="list-style-type: none"> (a) A plan for cesspool discontinuance has been added as 9.2.13. (b) While the use of a single department within an agency for OWTS approval and oversight is in many cases desirable, it is beyond the scope of this Policy how agencies organize themselves. (c) Section 9.2.1 covers inspection and operational requirements that may be imposed by a local agency. (d) While it is desirable to limit the usage of wastewater holding tanks on private properties, that is a planning function beyond the scope of this Policy. (e) Suggestions for cumulative impacts added as 9.1.10 (f) Homeowner education and outreach is included under 9.2. 	Yes
15.11, 18.6, 22.7, 28.7, 29.6, 75.18, 81.1	<p>Modify Criteria for Required Connection to Public Sewer Systems. To be considered for Tier 2 Local Program approval, Section 9.4.9 of the Policy says that counties must require sewer connections for all properties located within 200 feet of an existing sewer line. It is recommended that this requirement apply only to new OWTS (not replacement systems). It is further recommended that flexibility be provided to exclude properties that are located outside of existing district boundaries and, also, to allow for the installation of new OWTS if there is insufficient treatment plant capacity to handle increased sewer flows.</p>	<p>Section 9.4.9 leads by saying /where public sewer is available/. So if the property is outside of district boundaries, or if a district denies services or has a connection moratorium due to capacity issues, then it is not considered available. The section includes both new and replacement installations. Replacement installations are included specifically because OWTS replaced with a sewer connection is both a permanent and environmentally preferable solution.</p>	No
15.9	<p>Section 9.2.11: While it is agreed that protecting our drinking water supply is paramount, there is concern that this requirement is too far reaching and may place unnecessary delays on the permitting of OWTS that comply with Tier 1 or approved LAMP standards, which are protective. If this requirement remains, it should specifically apply to community public water systems.</p>	<p>One of the purposes of this Policy is the protection of public health; and so where public water supplies are involved, the notification of a pending OWTS installation or repair is prudent.</p>	No
19.3	<p>The same is true for Section 9.4.9: /Installation of OWTS where public sewer is available/, in which criteria is provided that prohibits the installation of an OWTS when public sewer is available. It is not clear what the term /installation/ includes, whether it includes replacement, repair or expansion of an OWTS, and to what extent. Clarity on this issue could be provided in this section or in a separate definition for /installation/. In general, the terms /replacement/ and /installation/ are used throughout the Policy and more clarity should be provided in how they are applied in its provisions. Such clarity can be provided in the Definitions section of the Policy.</p>	<p>To clarify the intent of the Policy, the phrase /new or replacement/ has been added after /installation of/ in section 9.4.9. Definitions for /new OWTS/ and /replacement OWTS/ are provided in the Policy and the common definition of installation applied.</p>	Yes
19.8	<p>In Section 9.0: Local Agency Management Program for Minimum OWTS Standards it states, /Programs may include any one of combination of the following to achieve this purpose: Creation of an onsite management district/</p>	<p>The term /or zone/ has been added to sections 9.0, 9.2.2, and 9.2.7.</p>	Yes

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	Sections 9.2.2 and 9.2.7 also have references to /onsite management districts/. There are several onsite wastewater zones in the State, which zones have the same intent and purpose of districts. It is recommended that the phrase, /or zone/, being added to all mentions of /onsite management districts./		
19.9	Section 9.2 details twelve separate criteria for a Local Area Management Plan (LAMP) and provides explanations of each. Many of these criteria are described in non-mandatory terms by introducing them with the adjective, /Any/, which term has a non-conditional nature. Despite this, Section 9.2 states that a LAMP shall have /each of the following/. It appears that the intent of the Policy was not to make these twelve criteria conditional for a LAMP, but recommended. In order to facilitate this meaning the wording should be changed such as, / and in addition as many as possible of the following:/	Some of the criteria listed in section 9.2 start with the word /any/ and as such those items are to be discussed in a LAMP submittal if they are addressed, and if they are not addressed then a statement to that effect will be adequate.	No
22.13	It is also recommended that the Policy clearly indicate that mound systems can be effectively used to achieve the specified two-foot minimum separation from groundwater.	Many technologies and combination of technologies allow OWTS to be placed in difficult locations. Mounds are an example. Under Tier 2, it is up to the local agency to decide what types of technology and combination of technologies it wants to allow in its LAMP. The State Water Board has decided not to specify every technology or combination of technologies in the Policy.	No
22.4, 22.6, 28.21, 57.1, 57.2	Eliminate prescriptive standards for Tier 2 local programs. As proposed, the Policy includes restrictive and inflexible prescriptive standards that must be included in all Tier 2 local management programs-regardless of any mitigating factors that may be recommended by local agencies to provide adequate water quality protection. These one-size-fits-all standards are contrary to overall Policy objectives and inappropriately limit the ability of local government (with approval from RWQCBs) to creatively and responsibly address challenging site conditions. The proposed standards, including slope restrictions and certain setback requirements, will be particularly difficult for replacement systems and for new systems on existing lots because it may be physically impossible or unnecessarily costly for property owners to meet prescribed standards. To address these concerns, we recommend that prescriptive Tier 2 standards in Section 9.4 of the Policy only apply to new OWTS located on residential lots created after the effective date of the Policy.	The Policy is risk-based and the intent is to cover a wide range of systems and site conditions in order to provide flexibility for local agencies in developing their LAMPs. Conditions outside of this Policy can be individually regulated by the Regional Water Board. See Section 2.6.	No
24.12, 25.4, 54.4	We respectfully request that usage of seepage pits not to be generalized as an oddity under Tier 2. Only seepage pits that do not meet the required application rate should be categorized as problematic and placed under Tier 2.	The use of seepage pits requires that more detailed site analysis be performed. Tier 1 utilizes basic siting criteria, therefore it is more appropriate that seepage pits be included in a Tier 2 LAMP where greater oversight and consideration can be provided.	No
24.13	This section mandates an annual reporting to Regional Water Board summarizing items 9.3.1 through 9.3.8 and an assessment of whether the water quality is being impacted by OWTS and the remediation measures taken by the local agency. Although a system to collect the data for sections 9.3.1 thru 9.3.7 is already in place, The requirements specified under section 9.3.3, particularly sections 9.3.8 thru 9.3.9 are excessive. The policy presumes seepage pits as Tier 2 OWTS and realizing that within our jurisdiction approximately 50 percent of the dispersal systems are composed of	The reference to 9.3.8 is a typographical error and will be corrected. The water quality assessment program anticipated under Tier 2 does not require sampling or monitoring from every seepage pit installed, only sampling or monitoring that provides enough information to assess impacts to water quality.	Yes

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	seepage pits, this will create an enormous workload, requiring financial means and greater number of personnel that currently is not available. We request that this requirement be limited only to Tier 3 and the OWTS installed within the setback to 303(d) impaired water bodies.		
25.5, 27.3, 64.6	However, we feel there are not clear performance measures in the OWTS Policy for local agencies to prepare a LAMP, nor any assurances that the Regional Boards would approve the proposed LAMP.	The requirements for a LAMP are detailed in section 9. If the Regional Water Board does not take action on a proposed LAMP within one year, the proposed LAMP shall be forwarded to the State Water Board for review and approval.	No
26.3	Currently, Trailer Parks fall under the control of the State. Will this OWTS Policy require the State to develop a LAMP for each Regional Board that a Trailer Park resides in? Will the State be required to provide the surround Cities or Towns (that a Trailer Park resides in) with current Groundwater Sampling reports for these Trailer Parks to show current Nitrate levels and that any future increase in Nitrates are not contributed to that locality.	The Policy does not require the State Water Board to develop a LAMP for each Regional Water Board that a trailer park resides in. If an OWTS serves a trailer park, its size and location will determine if it is covered by the Policy. The Policy does not cover OWTS dedicated to receiving waste from recreational vehicle (RV) dumps.	No
28.22	On-going reporting requirements to the RWQCBs must be reduced in both scope and content. For example, Section 9.2.6 of the Policy should be deleted since counties do not have the authority to determine septage disposal locations and the willingness of wastewater treatment plant operators to accept or reject septic tank pumpings. Similarly, it should be made clear in the Policy that the mandatory monitoring and inspection requirements in Section 9.4.6 do not apply to mound systems, to sand filter systems, or to drip systems.	Monitoring is LAMP specific. The monitoring that is ultimately required by a local agency will be dependent upon the monitoring that they currently require and upon the type of program they create as outlined in their respective LAMP. Some local programs currently include the monitoring of mounds, sand filters and drip systems as part of their programs, and the State Water Board does not want to discourage this.	No
29.5	Section 9.4.8: This condition is similar to Solano County Code 6.4. It does need to be understood, though, that during wet weather periods, separation distances may temporarily be less than 2 feet following a rain event. Maintaining a constant 2 feet separation is not always possible as rain water slowly travels through heavy clay layers and the perched water table needs time to equalize to a static water level given the new water input. Wording to allow for temporary rise in perched groundwater resulting from a rain event should be provided. In Solano, newer systems in these types of soils with this groundwater level are typically alternative systems that use a supplemental treatment device. If wording is not provided to clarify this, then we would request reasonableness in interpretation/application of the standard. Suggested text: 9.4.8 Separation of the bottom of dispersal system to groundwater less than two (2) feet, except for short term elevation of perched groundwater in relation to a rain event.	The definition of groundwater in the Policy allows for saturated fronts moving through the soil following rain events as the water in these fronts and temporary saturation zones is below atmospheric pressure.	No
30.19	The Policy should limit the amount of oversight by the Regional Boards of those local programs.	The Regional Boards retain authority to establish more protective standards (Water Code section 13291(d)). However, the Policy has been drafted to require the Regional Boards to consider the effectiveness of past performance of local programs to adequately protect water quality, and not to use Tier 1 standards to gauge the effectiveness of a Tier 2 plan (see section 9.6 of the Policy). In addition, anyone, including a local agency, who disagrees with Regional Board decisions can ask the State Water Board to review the Regional Board decision (see sections 5.4 and 5.5 of	No

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		the Policy).	
30.20	Individual water well monitoring shall not be established as a prerequisite for approval of Tier 2 programs.	The Policy does not establish well monitoring as a prerequisite for approval of Tier 2 programs. Tier 2 programs will be approved on a case by case basis by the applicable Regional Board. Local agencies that disagree with Regional Boards decisions can ask the State Water Board to review the Regional Board's decision (see sections 5.4 and 5.5 of the Policy).	No
30.21	Section 9.3.2 mandates some level of water quality monitoring by the LA. A number of factors other than OWTS can adversely impact water quality. The policy should explain who will review or have access to this data and how the data will be interpreted or used. There is a concern that discovery of any water quality concerns in an OWTS monitoring and reporting program would be likely to lead to OWTS being presumed the default culprit for any impacts. Contaminated ground or surface water linked to sanitary sewer leaks or overflows and POTWs which may or may not be in compliance with WDRs would be difficult to discern from OWTS.	<p>The intention of the water quality assessment program required to be maintained by local agencies under approved Tier 2 LAMPs is to ensure local agencies are aware of potential problem areas and manage OWTS in a way that prevents adverse impacts to groundwater and local surface water due to OWTS discharges. Local agencies may use existing water quality data in addition to collecting their own data. Groundwater and surface water monitoring data should be submitted to the Water Boards through public databases such as Geotracker and CEDEN.</p> <p>In terms of identifying cause of pollution, the TMDL process will consider whether OWTS are a source of pollution to water bodies that have been listed as impaired for nutrients and pathogens on the 303(d) list and in Attachment 2 of the Policy. The TMDL process is a way of reviewing and considering all potential sources of pollution.</p>	No
30.22, 52.2, 71.4	Section 9.4.4: Is this a requirement to assure OWTS installation safety such as equipment rollover? If so, the requirement would not be appropriate in the Policy. If this requirement is a result of slope failures due to installation of OWTS or day-lighting of effluent, it has been our experience that neither occurs solely as a result of placing OWTS on slopes of +/- 30 percent. OWTS failures occur as a result of restrictive soils, high groundwater, crushed pipes and d-boxes or other mechanical failure and/or poor maintenance of the OWTS, not slope.	According to a peer review of the Policy, steep slopes can be detrimental to the successful operation and performance of onsite systems. The State Water Board thinks a slope stability study assessing local conditions is necessary to allow OWTS on slopes greater than 30% for approved Tier 2 LAMPs.	No
30.23	Section 9.4.6 prohibits supplemental OWTS without requirements for periodic monitoring. The majority of proprietary supplemental treatment units rely heavily on an operation and maintenance program provided by qualified persons. Would such an O&M program qualify as monitoring? If so, would periodic reporting to the local agency be expected? The policy needs to clarify whether required monitoring for supplemental treatment includes more passive designs, such as mounds, and low risk sites, such as large parcels with generous setbacks and groundwater separation. It should clarify whether periodic monitoring may be performed by owner/user, by the local agency or if it must always be performed by a qualified service provider. The State Water Resources Control Board should maintain a list of State Board approved supplemental OWTS technology which could be adopted by reference in Tier 2 applications to encourage statewide consistency and efficiency.	<p>Supplemental OWTS treatment technology are more complicated than conventional OWTS and require periodic monitoring and inspection. Periodic monitoring and inspection help ensure supplemental treatment is operating correctly and therefore meeting the intent of the installation. The frequency, reporting, and responsible person will be determined by the local agency and subsequent approval of a Tier 2 LAMP.□</p> <p>The State Water Board does not have a technology certification program and utilizes the certifications of other organizations such as NSF. Local agencies can consider other third-party testers to maximize flexibility and local control for choosing appropriate technology.</p>	No
30.24	Section 9.4.8 and 10.6.8 prohibits a minimum separation of the bottom of dispersal system to groundwater less than two (2) feet. Amador County has had notable success with engineered fills, creating a dispersal site where no suitable site existed naturally.	Many technologies and combination of technologies allow OWTS to be placed in difficult locations. Mounds are an example. Under Tier 2, it is up to the local agency, and subsequent Regional Water Board approval, to decide what types of technology	No

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	It is believed that, like Amador, significant areas of shallow soils exist statewide where engineering solutions such as fills can greatly improve the ability of the site to assimilate effluent. The policy is silent on the use of fills, French drains and similar site modification designs. For OWTS installed on existing parcels, it should be made clear that site modifications, such as the inclusion of fill, can be a viable solutions for sites that would not otherwise comply with these prescriptive guidelines.	and combination of technologies it wants to allow in its LAMP.	
30.25	Section 9.4.12 should be eliminated and 9.4.11 revised to include parcels of record existing on the effective date of the policy. The local agency would need to assess whether the OWTS is likely to impact the water based on topography, soil depth, soil texture, and groundwater separation. The local agency would determine whether to require supplemental treatment for pathogens or nitrogen as may be appropriate.	The State Water Board believes any new OWTS that cannot meet the horizontal setbacks prescribed in section 9.4.10 must utilize supplemental treatment for pathogens as specified in section 10.8. Replacement OWTS on existing parcels of record that do not meet the horizontal setbacks in 9.4.10 may be excused from supplemental treatment if the permitting authority finds that there is no indication that the existing system is adversely affecting the public water source, and there is limited potential that the system could impact the water source based on topography, soil depth, soil texture, and groundwater separation.	No
34.2	Page 33, Section 9.3.3: The last sentence references 9.3.8, but there is no such section. The section reference needs to be corrected.	The Policy has been modified to correct this error.	Yes
42.2	Under Qualified professional, please consider removing or re-addressing the intent of the exception given - A local agency may modify this definition as part of its Local Agency Management Program. By allowing Local Agencies to potentially limit qualified inspection professionals is a problem and could result in what transpired in Calabasas.	Tier 2 LAMPs must receive approval by the Regional Water Board. The public has the right to appeal decisions made by the Regional Water Board.	No
44.1	Concerning the Watershed based monitoring of ground water and surface water quality for OWTS impacts done by local agency, we recommend that the counties propose what they are currently doing regarding watershed monitoring and that additional water quality monitoring be phased in order to lessen the financial burden that local agencies will have to absorb.	The water quality assessment program required by Tier 2 is intended to use what local agencies are already doing to assess water quality, if sufficient. Some local agencies may need to supplement their water quality assessment programs. Phasing in of additional requirements would be at the discretion of the Regional Water Board and the local agency.	No
52.1	The 24 inch vertical separation requirement as spelled out in the latest draft (section 9.4.8). Placer County ordinance currently allows an 18 inch vertical separation from bottom of trench or drip-line to groundwater or fractured rock provided the OWTS is a pretreatment system utilizing disinfection. The parcel utilizing pretreatment system is required to have mandatory monitoring and maintenance and this requirement is recorded onto the title of the property. We have subdivisions that have been approved with some of those lots created with this 18 inch vertical separation. We recommend that this Section of the Policy be amended to allow 18 inch vertical separation with pretreatment utilizing disinfection OR have this provision of 24 inch vertical separation apply to lots created AFTER the adoption of the policy.	The State Water Board believes that 2 feet is the minimum distance required for protecting groundwater.	No
54.3	150 feet Minimum Horizontal Setback - The City is not in support of 150 feet minimum horizontal setback requirements from public water wells where the depth of the effluent dispersal system does not exceed 10 feet or 200 feet from the public water wells where the depth of the dispersal system exceeds 10 feet. A horizontal distance of	Section 3.7 of the Policy states that nothing in the Policy shall preclude a local agency from adopting or retaining standards for OWTS in an approved Tier 2 LAMP that are more protective of public health or the environment than are contained in this Policy.	No

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	900 feet from public water wells is more protective of groundwater quality.		
55.2	Provide definition for /onsite management district/ as used in Section 9.0.	The common definition may be used. Onsite management districts may take many forms and the use in the Policy is only referential.	No
57.3	In 9.4.12 we can reduce the setback distance with a disinfection component. Disinfection of effluent is contraindicated for any system that intends to use the soil system as a treatment component. The disinfection process will kill not just pathogens but all microbes and then the soil treatment will be less effective as it will have to reestablish a working microbial fauna.	The addition of chlorine for disinfection of OWTS effluent is likely to have two possible outcomes, neither of which should substantially reduce the overall effectiveness of the disinfection but should rather enhance its overall performance because of the overall reduction of pathogens within the effluent. The first is that all the chlorine added reacts within the organic materials within the effluent during its holding time and so none or very little residual chlorine makes it to the dispersal system and comes in contact with the soil. The second is that some residual chlorine makes it to the dispersal system, but then because of the reactive nature of chlorine, it binds to the soil particles in the first few inches of its passage through the soil. In this case the soil microbes within that first few inches may be reduced, but studies have shown that because of their very rapid rate of reproduction they have returned to effective levels.	No
58.3	Preferably, I would encourage you to specify that any existing or repaired system that requires supplemental treatment or has been granted a variance to the original governing Basin Plan requirements be included in Tier 2, upon approval of the Local Agency Management Program.	Existing OWTS are addressed by Tier 0 of the Policy. New or replaced OWTS that require supplemental treatment will be covered by either Tier 2 or Tier 3. In addition, section 3.7 states that nothing in the Policy shall preclude a local agency from adopting or retaining standards for OWTS in an approved LAMP that are more protective of the public health or the environment than are contained in this Policy.	No
59.10	It is not reasonable to impose more stringent Tier 1 requirements to Tier 2 OWTS due to a circumstance that the owners have no control over.	New and replacement OWTS covered by this Policy are covered by either Tier 1 or Tier 2, but would never be covered by both. Tier 1 represents low-risk siting and design requirements where there is not an approved Tier 2 LAMP. The requirements of Tier 1 are conservative because OWTS in Tier 1 will have limited oversight by local agencies compared with Tier 2.	No
59.8	LADWP also recommends that the Policy include language that requires the approval of the local management program for Tiers 2 and 3 OWTS by the Regional Board to be a transparent public process that includes the stakeholders, such as the OWTS owners.	Section 4.3 of the Policy states that approval of a LAMP must follow a noticed hearing with opportunity for public comment.	No
59.9	Tier 2 new or replacement OWTS owners with no Tier 2 local management program should be provided with alternatives other than Tier 1 requirements.	Tier 1 represents low-risk siting and design requirements where there is not an approved Tier 2 LAMP. The requirements of Tier 1 are conservative because OWTS in Tier 1 will have limited oversight by local agencies compared with Tier 2.	No
63.17	We have concerns regarding the need for specific monitoring requirements, especially for existing systems within setbacks that pose risks to waterbodies. At a minimum these requirements must be included in LAMPs, especially in the Advanced Protection Management Program. The Policy should specify that monitoring under a LAMP shall specifically include both new and existing systems within the jurisdiction of the local agency.	The Tier 2 LAMP requirements include area-wide monitoring, which will include new and existing OWTS.	No

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63.20	The Policy should contain a minimum monitoring frequency. Annual reports of this monitoring should be submitted to the appropriate OWTS management or oversight agency.	Monitoring programs will be developed in consultation with Regional Water Boards and the frequency of monitoring will be reviewed at that time.	No
63.23	As part of the requirements for Tier 2 systems, the local management agency should be required to develop and implement a regional monitoring plan within 2 years of policy approval.	Tier 2 LAMPs are not required to be in place until five years after the Policy effective date.	No
63.37	In addition to new or replacement OWTS, Tier 2 should include existing systems that do not comply with all siting and construction requirements, as well as dispersal system performance requirements and specifications outlined for Tier 1 (as stated earlier in this letter).	As Tier 0 OWTS fail or need to be upgraded, they will be administered by Tier 1, Tier 2 LAMPs or Tier 3.	No
63.38	Through a LAMP, existing systems within certain setbacks (as shown in proposed language changes) should be monitored through a combination of visual inspections, receiving water monitoring, groundwater monitoring, and/or sanitary surveys performed by a certified environmental consultant.	The Policy includes monitoring and inspection requirements for each Tier that are appropriate to the level of risk in the Tier. In addition, the Policy specifies that OWTS owners shall maintain their OWTS in good working condition including inspections and pumping of solids as necessary.	No
63.39	Existing systems identified in areas covered under a LAMP having certain risk factors should be inspected every 3 years and on point of sale.	See response for comment number 63.38.	No
63.40	If existing Tier 2 OWTS are within 200 feet of a sewer, they also must connect within 10 years.	Existing OWTS within 200 feet of an available sewer would be required to connect to the sewer in the event of a failure or upgrade.	No
63.42	Tier 2 systems should have no less than a 5-foot depth to groundwater, as opposed to the 2-foot depth currently allowed in section 9.4.9. A two foot separation is much too narrow to ensure water quality protection. In fact as mentioned at the Workshop, many counties currently require a 5-foot separation.	The Policy has been designed to allow local agencies to determine the appropriate depth to groundwater for OWTS that is reflective of local conditions. Under certain conditions, a 2-foot separation to groundwater is sufficient.	No
63.73	Add 9.1.10 Existing OWTS within the following setbacks (referenced in letter) must be monitored in accordance with a Local Agency Management Plan.	Existing OWTS are covered by the requirements in Tier 0, not Tier 2, therefore it is not appropriate to put requirements for existing OWTS in Tier 2.	No
63.74	Add 9.2.13 Cesspools will be registered with Local Agency Management Programs with site-specific information (depth, volume, discharge, soils), and put on a timeline of phase-out.	Section 9.2.13 has been added for the local agency to consider and submit any plans regarding cesspool phase-out or discontinuance.	Yes
63.75	9.4.1 Cesspools of any kind or size. (DELETE: replace with new section 9.2.13, above).	Section 9.4.1 is a prohibition against LAMPs including installation of cesspools.	No
70.1	The provisions in Section 7.8 of the Final Draft Policy limit the creation of new parcels to those with a density of less than one (1) dwelling unit per 2.5 acres under the Tier 1 rules. Although local jurisdictions can propose alternatives to Tier 1 regulations through a Local Agency Management Program, it does not appear that modifications to the 2.5 acre density limitation are allowed under the Tier 2 provisions.	Sections 7 and 8 of the Policy exclusively apply to Tier 1. Tier 2 does not include any minimum density requirements.	No

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70.4	Tuolumne County is on the western slope of the Sierra Nevada and features steep terrain as well as rolling hills. As such, many existing parcels in our County have slopes that are in excess of 25%; therefore, a standard system could not be installed simply because the site exceeds the arbitrary slope limitation established in the Final Draft Policy. Many of the existing parcels in our County exceed 30%; consequently, property owners of these parcels will be required to bear the expense of a slope stability study even though the need for such a study has not been justified based on local conditions. Both of these slope requirements will impose financial hardships on the owners of property in our County. (sections 7.7 and 9.4.4)	Section 7.7 of the Policy is in Tier 1, which will not have as much local oversight as Tier 2. Therefore, it is incumbent on the OWTS owner to have a slope stability study showing that it is appropriate to install an OWTS on slopes greater than 25%. According to a peer review of the Policy, steep slopes can be detrimental to the successful operation and performance of onsite systems. The State Water Board thinks a slope stability study assessing local conditions is necessary to allow OWTS on slopes greater than 30% for approved Tier 2 LAMPs.	No
71.5	In section 9.4.6, who does the monitoring and who pays for it? Again it would appear that the cost will fall to the permittee.	Supplemental OWTS treatment technology are more complicated than conventional OWTS and require periodic monitoring and inspection. Periodic monitoring and inspection help ensure supplemental treatment is operating correctly and therefore meeting the intent of the installation. Those benefitting from the allowance of use of supplemental treatment will be responsible for the cost, although the State Water Board is making available funds to local agencies to provide low-cost loans to homeowners required to comply with the Policy.	No
74.1	We are highly concerned that the final draft policy has moved away from establishing minimum standards for adoption of LAMPs. We request that the Policy be modified so that the Regional Water Board shall only approve a LAMP if it is at least as protective of human health and the environment as the Tier 1 standards.	This Policy balances OWTS requirements with increasing levels of management. The requirements of Tier 1 are conservative because OWTS in Tier 1 will have limited oversight by local agencies compared with Tier 2. Tier 2 LAMPs may have different standards, but also have increased levels of management at the local level. Tier 2 LAMPs should be allowed to address local conditions as long as standards are protective of human health and the environment.	No
74.3	With respect to required water quality monitoring by local agencies as described under Tier 2, we ask that California Water Code Section 13269(a)(2) be added to the final policy under Section 9.3. This section of the Water Code provides added clarity as to what is required of local agencies if they are to be operating under a LAMP, including the requirement to make monitoring results publicly available.	The Policy has been designed to meet the requirements of section 13269 of the Water Code. Data entered into Geotracker and CEDEN as a result of section 9.3.3 will be available to the public. Annual reports submitted to the Regional Water Boards are public documents, and as such, are available to the public.	No
75.10	Many of the descriptors within section 9.1 are vague. For example section 9.1.4 discusses OWTS is located in area with high domestic well usage. What is a high usage? Section 9.1.5 discusses dispersal system located in areas with fractured bedrock. How are these areas to be determined? Section 9.1.7 discusses surface water that is vulnerable to pollution. How will the local agencies determine vulnerability? Or how vulnerable? Section 9.1.9 discusses areas of high OWTS density? What is a high density for OWTS?	The intention of Tier 2 is to allow local agencies to develop programs that fit their local conditions, therefore section 9 of the Policy is intentionally flexible. It is up to the local agency and the Regional Water Board (in reviewing and approving the Tier 2 LAMP) to determine when additional requirements are needed to protect water quality.	No
75.14	Section 9.3.2 (water quality assessment program): Local authorities, especially counties with very large geographic jurisdictions do not have resources to implement this program, even so, this program would run in the red for years before becoming sustainable if possible. Current budget constraints make this impossible.	While the State Water Board recognizes there are some costs associated with monitoring groundwater, the Policy has been written to minimize costs to local agencies. For example, data collected by other agencies can be used to evaluate the effectiveness of the LAMP. Data from local agencies will be collected and stored in two State Water Board's data systems: Geotracker and CEDEN. Therefore, local agencies don't have to build their own data storage, which should minimize costs.	No

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75.15	<p>Section 9.3.2 goes on to list various types of monitoring data that may be used. Many of the listed data types are not readily available such as groundwater sampling performed as part of WDRs or sampling performed as part of a NPDES permit. This data is not in electronic format and is housed at various Regional Boards and would entail file searches and data entry to use. Further, the list of existing data likely is not relatable to OWTS in terms of spatial or temporal associations. While the intent of using existing data is appreciated, it does not seem that practicable.</p> <p>Sonoma County encompasses 1,768 square miles and has approximately 50,000 OWTS currently in place. Sampling 10% of these as well as receiving waters could easily cost 500,000 dollars (100 dollars per 5,000 samples). Conducting regional and localized monitoring across the entire jurisdiction is potentially very expensive and staff intensive. Our recommendation is to revise the policy to allow the Regional Boards to work in conjunction with the local agency to develop a monitoring and assessment program that is feasible for the local agency, given financial and staffing constraints.</p>	Section 9.2 does not require a minimum sampling plan. It requires a program that will enable the local agency to evaluate the impact of OWTS discharges. The water quality assessment program should include water quality data, but it can also include review of complaints, variances, and failures. Local agencies are encouraged to work with Regional Water Boards to obtain access to water quality data if it is not available in an online public database.	No
75.16	9.3.3 This section refers to section 9.3.8 which does not appear to exist. This appears to be a typographical error, but it is unclear to which section the reference is intended.	Policy has been revised to correct this error.	Yes
75.17	9.4.3: Post installation ground surface should be defined, we assume this is intended to include mound, engineered fill or other types of alternative OWTS systems. Also, does this include gray water systems discharging to the ground such as a mulch basin or surface infiltration area?	Section 9.4.3 is a prohibition of any effluent being discharged on or above ground. The Policy does not explicitly prohibit the use of mounds, engineered fill, or alternative OWTS systems in Tier 2 as long as they are in an approved Tier 2 LAMP. Gray water systems pursuant to Health and Safety Code section 17922.12 are not covered under this Policy.	No
75.19	9.4.11 The phrase /greatest extent practicable/ is bad code language full of discretion, and sets local agency up for an appeal as it means different things to different people depending on the point of view. Appeal process is not defined, but should be included in the LAMP. Section 9.4.12, and 10.6.9.6 and 10.6.9.7 also includes this language.	Sections 9.4.11, 9.4.12, 10.6.9.6 and 10.6.9.7 refer to horizontal setback requirements. The State Water Board understands there are parcels of record existing at the time of the effective date of the Policy that cannot accommodate the setback requirements. Therefore the State Water Board has decided to allow new and replacement OWTS on these parcels of record to meet the horizontal separation to the greatest extent practicable, while also meeting additional conditions if applicable.	No

10.0 Tier 3 Impaired Areas

2.1	Concerned that relying on IAPMO without evaluating other measures of performance (such as NSF certification and city certifications) might result in restraint of interstate trade by preventing CA consumer from utilizing a White Knight device manufactured in New York. Wants no restriction on the use of White Knight in a Tier; it is least costly and most effective approach to enhanced treatment and soil restoration.	Under Tier 2, local agencies are allowed to consider and approve alternative onsite systems.	No
8.10	Issue Tier 3 Section 10.14 This section requires the property owner to inspect his supplemental treatment unit monthly if there is no telemetry unit. Suggest language change to: Owner/Owners agent.	The comment has been accepted and the Policy has been revised.	Yes

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8.4	Issue Tier 3 Question: If a water body has a TMDL for pathogens but not nitrogen, would Tier 3 requirements have to be met by new or replacement OWTS for nitrogen but not for pathogens? In such a case, would new and replacements systems have to address nitrogen and not pathogens?	If a TMDL determines that OWTS are contributing to an impairment, the TMDL will specify the requirements that the OWTS must meet. However, in the absence of a TMDL, the OWTS would have to comply with Tier 3 requirements only for the pollutant that is impairing the water body.	No
8.5	Issue Tier 3 Section 10.1 Geographic area for 303d listed water body is defined by either: TMDL, LAMP or if not defined then the 600 ft setback would take effect. Is this correct?	Yes, this is correct.	No
8.8	Issue Tier 3 Section 10.2 This section indicates that all required OWTS implementation actions shall commence within 5 years after the TMDLs effective date. Question: For 303d listed water bodies that do not have a TMDL, would Tier 3 requirements be in effect until the TMDL take effect in 5 years?	Tier 3 requirements would remain in effect for new or replaced OWTS installed after the effective date of the Policy but prior to the TMDL effective date, including during the five year timeframe for complying with the TMDL implementation plan. Section 10.2 of the Policy has been revised to require implementation actions for OWTS installed after the TMDL effective date to commence immediately, instead of within 5 years.	Yes
8.9	Issue Tier 3 Section 10.10.2 Clarification: does the minimum soil depth mean that the system has to be a minimum of 3 ft deep, have at least 12 inch cover and maintain 3 ft separation for bottom of trench to high seasonal ground water?	The Policy does not require dispersal systems to be at least 3 feet deep. The Policy requires that there be at least 12 inches of soil cover above the dispersal system and at least 3 feet of soil below the bottom of the dispersal system and 3 feet separation from seasonal high groundwater.	No
10.3	Policy does not adequately take into account practical considerations to implement Project. Traditional culture-based microbiological methods used to characterize pathogenic impairment cannot distinguish human sources of pathogens. Policy does not include existing technological capabilities to better characterize fecal indicator bacteria (FIB) impairment source(s). Over the past 5 years, a variety of molecular methods have been refined to increase sensitivity and specificity, such as PCR and microbial source tracking (MST).	For purposes of effluent testing directly from OWTS, the Policy requires the least costly testing method. However, when investigating areas in Attachment 2 where many sources may be contributing to the impairment, alternate testing methods including those listed in the comment may be used to characterize the pathogen source.	No
15.12	Section 10.0 and 10.16: Wording needs to be provided to clarify that Tier 3 is the minimum responsibility of a local agency that chooses to administer an Advanced Management Program and that a local agency may decide to defer to the RWQCB.	The Policy has been revised to clarify that local agency implementation of an Advanced Protection Management Program is optional.	Yes
22.10	Provide mechanism that will allow qualified homeowners to apply for exemptions from future Tier 3 requirements. As new water bodies are added to the States 303(d) listing of impaired water bodies, many existing homeowners could be required to add advanced treatment systems to their OWTS (for the removal of pathogens and/or nutrients). While this may be appropriate if the OWTS is contributing significantly to the cited impairment, we believe that there should be a mechanism in the Policy that will allow homeowners to apply for an exemption from this requirement if they are able to demonstrate that their system is not contributing to the nearby impairment.	The requirement to install supplemental treatment systems is not an outcome of the water body being identified on the State's 303(d) listing. Any requirement to upgrade existing systems to supplemental treatment would result from a TMDL developed during a public process, with input from property owners and local agencies (Section 10.2). New installations prior to the completion of a TMDL within 600 feet of a water body listed on Attachment 2 are required to install supplemental treatment pending completion of the TMDL (Section 10.8).	No
24.14	Section 10.14: We request that the statement /where telemetry is not possible, the owner shall inspect the system at least monthly as directed and instructed by a service provider and notify the service provider not less than quarterly of the observed operating parameters of the OWTS/ be removed. The statement conflicts with the	The local agencies may impose more restrictive requirements and not allow OWTS in an Advanced Protection Management Program where telemetry is not available.	No

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	principle of having a telemetry component in order to warn the service provider of an urgent situation and to ensure timely maintenance and the proper operation of the supplemental treatment unit. The referenced statement contradicts with the basis of having a certified service provider in charge of monitoring the OWTS.		
24.15, 51.1, 52.3, 56.2	Section 10.12: The policy does not establish standards for approval of a third party tester. Third party testers hired by the manufactures of the products could possibly be biased to the product being tested; hence, generating reports that are unreliable and influenced by the obligation to their clients. We suggest that the State Water Board to compile a list of approved third party testers and furnish such data and periodic updates to all local agencies or remove the third party tester approval presented as an alternative to NSF approval.	The qualification of third party testers is at the discretion of the local agency.	No
28.10	Eliminate Excessive Monitoring and Inspection Requirements for Tier 3 Systems Adjacent to Impaired Water Bodies. The monitoring and sampling requirements specified in Sections 10.14 and 10.15 seems excessive, particularly for properties located in areas without phone service. For example, monthly inspections are being required, but there are no exemptions for homes that may be unoccupied for part of the year. Also, quarterly sampling for total coliform is unnecessarily protective, particularly if visual observation confirms proper system functioning. It is suggested that the sampling frequency be reduced to require only annual testing.	Policy has been modified so that sections 10.14 and 10.15 of the Policy apply only when the OWTS is in use.	Yes
28.13	Consider the Deletion of Woods Creek from the Policys Attachment 2 Listing of Impaired Water Bodies Subject to Tier 3. Consistent with the request from Tuolumne County, RCRC supports the deletion of Woods Creek from the referenced Attachment 2 listing because OWTS adjacent to this water body are not considered significant contributors to the pathogen impairment of this water body.	Woods Creek was placed on the 303(d) list based on surface water ambient monitoring program (SWAMP) information. The SWAMP site information indicated the site represented drainage from timberland, rangeland and established rural communities. Based on this information, the State Water Board does not recommend removing this water bodies from Attachment 2.	No
30.27	The State Water Resources Control Board should maintain a list of approved technology for sections supplemental treatment technologies required for 10.9.1 and 10.10.1 to avoid errors and inconsistency and to maximize efficiency statewide.	The State Water Board does not have a technology certification program and utilizes the certifications of other organizations such as NSF. Local agencies can consider other third-party testers to maximize flexibility and local control for choosing appropriate technology.	No
30.28	Section 10.10.2 requires a minimum native soil depth and the minimum depth to the anticipated highest level of groundwater below the bottom of the dispersal system of three feet. If site conditions are such that it is not possible to meet this criteria the use of engineered fill should be recognized as an acceptable alternative.	Section 10.10.2 does not explicitly prohibit the use of engineered fill. Its usage would be allowed if the local agency included it in a Tier 2 LAMP.	No
30.29	Section 10.14 references telemetry for supplemental treatment to notify the owner and service provider in the event of malfunction. The policy is silent whether the owner or provider would be required to routinely report to the LA or others or whether any special events, such as failure, should be reported promptly. It may also be appropriate for the owner or service provider to, in consultation with the local agency, take other appropriate actions to promptly abate conditions that cause or threaten to cause failure and increase risk of contamination of the water body.	The specifics of the reporting requirements for OWTS with supplemental treatment will be determined at the time of permit issuance by either the local agency or the Regional Water Board.	No

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31.1, 32.1	The Policy appears to add what can be viewed as an open-ended cost for Tier 3 compliance for homeowners within 600 feet of an impaired body of water. Most of the homes in the Silverado Canyon community are existing homes with existing OWTS that potentially could cost tens of thousands of dollars to upgrade or replace. This will likely create a financial hardship for a majority of homeowners who are already struggling during these difficult economic conditions to keep their homes.	The Policy does not impose any supplemental treatment requirements for existing OWTS in Tier 3. However, if a Regional Water Board TMDL includes OWTS as a source of impairment, the cost of any requirements imposed on existing OWTS owners will be considered at that time.	No
34.3	Page 40, Section 10.6.9: Section 10.8 appears to be Section 10.6.9.8. The section numbering needs to be corrected.	The Policy has been modified to correct the reference to 10.8 to the correct section (section 10.10).	Yes
35.1	The District supports a tiered approach to OWTS regulation based on the risk to water quality but recommends changes to improve groundwater protection. There are many areas in the state where groundwater has elevated nitrate concentrations, including southern Santa Clara County, that are not within 600 feet of surface water bodies. The District recommends the State Board revise the OWTS Policy to reduce nitrate loading to groundwater through supplemental treatment or other means in areas with elevated nitrate in a manner that minimizes financial impacts to OWTS owners.	The State Water Board recognizes this issue and expects to address this through the Tier 2 LAMPs with cooperation from the local agencies. Section 9.1 suggests that local agencies consider effects on groundwater when developing their LAMPs.	No
35.2	With regard to Tier 3 systems, the District recommends that the OWTS Policy provide a reference to the document listing water bodies with established TMDLs for nitrate and pathogens.	The Substitute Environmental Document contains a full list of water bodies impaired for nitrate and pathogens. Also, the State Water Board intends to include information on existing TMDLs as part of its implementation materials to be posted on its website.	No
36.3	The first mentioned problem is E. Coli which was found to exceed limits in 2 of 34 samples. Later on that specific issue I found the following RWQCB Staff Decision: After review of the available data and information, RWQCB staff concludes that the water body-pollutant combination should not be placed on the section 303(d) list because applicable water quality standards are not being exceeded. What does this mean?	The section 303(d) list is a list of water bodies that the US Environmental Protection Agency requires every state to prepare. The water bodies that are placed on this list are water bodies that are have been determined to be polluted because samples have shown that the amount of pollution is greater than limits that have been imposed by the State Water Board. The Regional Water Board makes recommendations about whether a water body should be listed on the 303(d) list as being impaired. In the case of Silverado Creek, the local Regional Water Board did not think the creek should be added to the 303(d) list for E. coli, but that it should be added for the more general category of pathogens.	No
38.1	<p>The City of Calabasas requests the removal of Lake Calabasas, identified on Attachment 2, Table five, as a water body impaired for nitrogen that is subject to tier three requirements. The basis of our request follows.</p> <p>Lake Calabasas is a man made, completely lined lake that is boarded by residential development. A full 100% of the residential structures surrounding the lake are connected to public sewer facilities. The lake is 100% recharged by potable sources, with the only other water source being the runoff of approximately 1800 lineal feet of residential street. With an average precipitation of less than 17 inches per year the storm runoff is negligible. Additionally the lake is monitored by a City biologist on a routine basis. The lake is NOT served by any blue line stream in the City, such as McCoy Creek.</p> <p>The closest properties (single family residential) with onsite waste water treatment</p>	In March 2012, EPA promulgated a TMDL for Nutrients in Lake Calabasas. The TMDL does not identify OWTS as a source or assign OWTS load allocations. Therefore, Lake Calabasas has been removed from Attachment 2. Legg Lake has been removed from Attachment 2 as well, for the same reasons as Lake Calabasas.	Yes

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	systems (septic systems) are (6) homes located between 4,200 and 5,200 feet from the nearest portion of the lake. The six properties passed their septic inspection when conducted in 2011. The next cluster of properties on septic are located 1.6 miles from the lake.		
41.1	How the determination of impaired was decided upon for Silverado Creek, and how it was accurately determined that defective septic systems were the source of any discovered pollutants.	The decision to put Silverado Creek on the 303(d) list was based on water quality sampling data that showed pathogen pollution. Although Silverado Creek is listed on the 303(d) list, a TMDL has not been developed yet. The TMDL will identify the sources of pollutants.	No
45.2	Another concern is that this taking of homes (or assessment of fees and expensive tests) seems to occur without any way to challenge the underlying assumption of harm. I do not see the methodology used to include watersheds in attachment 2, nor do I see a way of delisting watersheds once they are added.	The Clean Water Act 303(d) list is developed through a public process with multiple opportunities for public input and participation at both the Regional Water Board and State Water Board levels. The water bodies on Attachment 2 are water bodies that are on the 303(d) list, and that the Regional Water Board have determined are potentially being polluted by OWTS based on their review of available information. It is important to note that the pollution in water bodies on Attachment 2 will be further investigated by the TMDL process, during which it may be identified that OWTS are not polluting the water body. A water body may be removed from Attachment 2 during the update process.	No
48.3	<p>Septic Systems should upgrade to advanced treatment within five years, unless covered under a TMDL or actively pursuing a sewer connection. The primary intent of AB 885, and therefore the Policy, is to drive the development and implementation of TMDLs in order to improve water quality in water bodies impacted by OWTS. Rather than incentivize the development of TMDLs, Section 10.3 appears to create a loophole for local agencies aiming to avoid TMDL development. If no TMDL is adopted, actions are determined by a Tier 2 (LAMP) Advanced Protection Management Program. Section 10.3 does not meet the purpose of AB 885, as it relies overwhelmingly on local enforcement, in direct contravention of the Clean Water Act. The Clean Water Act requires all 303(d)-listed waterbodies to have a TMDL.</p> <p>Instead, the Policy should require system upgrades. Specifically, the Policy should clearly define a maximum compliance schedule of five years.</p>	The State Water Board is declining to accept this suggested change because it would unfairly burden OWTS owners if the Regional Water Board fails to adopt a TMDL. The State Water Board does not support requiring OWTS owners to upgrade their OWTS unless there is sufficient basis for imposing the requirement.	No
48.4	<p>The Policy should include more protective requirements and performance criteria for advanced treatment systems. The proposed policy sets weak performance standards for nutrients and fecal indicator bacteria in advanced treatment systems. According to the Policy, "[e]ffluent from the supplemental treatment components designed to reduce nitrogen shall be certified by NSF, or other approved third party tester, to meet a 50 percent reduction in total nitrogen when comparing the 30-day average influent to the 30-day average effluent." (p. 35, Section 10.7.1). Unfortunately, there is no basis for this requirement. This level is not protective of human health or aquatic life, and will not reduce algal impairments, anoxia and hypoxia conditions, and other eutrophication impacts.</p> <p>While we recognize the complications of including a nitrogen limit for residential</p>	While the State Water Board understands that the 10 mg/L is the MCL for drinking water, the ability of small OWTS to meet this standard reliably statewide is not technologically achievable at a reasonable cost for OWTS under 10,000 gpd. State Water Board recommends using existing nation-wide certifying requirements so the consumer can reasonably expect their supplemental treatment systems to meet the standard.	No

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	systems, those complications do not exist for larger commercial developments and multi-family homes. The State Water Board should require a water quality objective of 10 mg/L as nitrogen, as this would be consistent with many Basin Plans throughout the State.		
48.5	The Policy should require implementation plans with compliance deadlines for EPA-adopted nutrient and pathogen TMDLs. The Policy fails to address existing TMDLs that were drafted by U.S. EPA and, thus, do not contain an implementation plan. The Malibu Creek Nutrient TMDL is just one example where the EPA adopted a TMDL without an associated implementation schedule with compliance deadlines. Malibu Creek and other EPA-drafted nutrient and pathogen TMDLs need to be inserted into a new table in Attachment 2, in order to require Tier 3 minimum requirements. Even with established TMDLs (EPA and Regional Board-adopted), all OWTS should be allowed no more than five years to comply with the Policy; unless a sewer connection is being pursued.	<p>Section 10.2 of the Policy has been modified to say that requirements of the Advanced Protection Management Program for OWTS will be in accordance with a TMDL and its implementation program if a TMDL has been adopted by the Regional Water Board. This will clarify that Regional Water Boards must adopt implementation programs for EPA-adopted TMDLs (which do not include implementation programs).</p> <p>The reason Malibu Creek is not on Attachment 2 is not because the EPA has already completed a TMDL, it is because there is a septic prohibition for the area already in the Regional Water Board's Basin Plan.</p> <p>The Policy will not be modified to have a five-year compliance timeline because the Regional Water Boards have limited resources to perform the work required by this Policy and fulfill their other obligations.</p>	Yes
48.6, 63.15, 63.16	The Policy should specify that the Regional Board shall review this list every two years to determine whether or not additional impaired water bodies should be added to this list. This information should be submitted to the State Water Board.	Attachment 2 will be revised following each 303(d) list update.	No
49.2, 69.6	The proposed OWTS Policy should address the possible infeasibility of compliance and provide alternatives. It may be infeasible for owners of very small parcels to accommodate a new or enlarged OWTS. A majority of the residences located in our historic canyon communities are more than 50 years old and constructed among steep slopes, oak woodlands, and sensitive plant communities. The owners of parcels located within 600 feet of Silverado Creek may be subject to additional requirements that may be financially or physically impossible to meet.	The Regional Water Board or local agency may authorize repairs that are in substantial conformance, to the greatest extent practicable per section 11.5 of the Policy.	No
51.2	Section 10.14 requires that OWTS using supplemental treatment shall, at a minimum, provide for 24-hour emergency wastewater storage based on design flow. /to minimize pollution from overflow discharge after a system malfunction or power outage./ In our view, this requirement is unnecessary to protect sensitive impaired waterbodies and is outside the scope of the OWTS Policy. It should be left up to local agencies to set appropriate emergency storage requirements.	The Policy has been modified to remove the 24-hour emergency wastewater storage requirement.	Yes
54.2	303(d) List - The City believes that the 303(d) list of impaired water bodies provided on attachment number 2 in the OWTS Policy is not comprehensive enough and should address all known impaired water bodies due to high levels of nitrates and/or bacteria. The City recommends that the OWTS Policy confirm and verify the selection process.	Some 303(d)-listed water bodies for nutrients and/or pathogen are not necessarily the result of OWTS therefore it is not appropriate to list all of them in the OWTS Policy.	No
55.6	Section 10.8 imposes Tier 1 horizontal setbacks requirements for the repair/replacement of OWTS in affected impaired water body areas where TMDLs or	The State Water Board believes that replaced OWTS especially need to be moved outside of the setbacks, since the replacement of OWTS is often the result of failure.	No

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	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. 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.		
59.11, 59.12, 65.5, 65.7, 65.4	OWTS should not automatically be determined as a contributor to exceedances to nitrates and pathogens detected nearby. Therefore exceedances of pathogens should not be automatically associated to an OWTS without surveying potential other sources in the immediate area.	Many potential locations that are currently listed as impaired have been excluded from Attachment 2 of the Policy based on a review by the Regional Water Board for those areas where it is believed OWTS are not likely to be contributing to the impairment. During development of a TMDL, where traditional culture-based microbiological methods used to characterize pathogenic impairment cannot distinguish the source of pathogens, other methods that have been refined to increase sensitivity and specificity such as qPCR (genetic testing) and microbial source tracking (MST) may be used to characterize the pathogen source when investigating areas in Attachment 2 where many sources may be contributing to the impairment.	No
59.13	LADWP also recommends adding language to the Policy that allows OWTS owners to submit data, indicating other sources than the OWTS that have the potential to contribute to the exceedances.	The development of TMDLs is a public process where owners of OWTS and any other member of the public can submit data regarding OWTS or other sources of pollution. In addition, if a TMDL is not developed within two years of the scheduled date, an OWTS owner can submit data as part of the waiver or waste discharge requirements development process. Finally, an OWTS owner may submit data to the Regional Water Board or State Water Board when Attachment 2 is updated. It is not necessary to include additional procedures in the Policy to allow for OWTS owners to submit data because all actions by the Water Boards related to these processes are governed by the Open Meetings Act and other applicable statutory requirements.	No
60.2	We agree with Board Member Doducus concern that incentives for timely adoption of TMDLs should not be punitive to homeowners (such as would be the case with mandatory upgrades to advanced treatment within 5 years).	The State Water Board also agrees that timely adoption of TMDLs should not be punitive to homeowners and is not accepting suggested changes to the Policy that would unfairly affect homeowners if a Regional Water Board has failed to timely adopt a TMDL.	No
63.10	<p>Instead, the Policy should require system upgrades, as explained below in the Upstream Requirements and Upgrades section of this letter. Specifically, the Policy should clearly define a maximum compliance schedule of five years for water bodies listed in Attachment 2.</p> <p>OWTS within 600 feet of nitrogen or bacteria 303(d) listed impaired waters without a TMDL should be required to upgrade to advanced treatment if no TMDL is developed by the date specified in Attachment 2, unless the owner commits to connecting to a sewer, or a detailed study shows that the system is not causing or contributing to the impairment. This should not be viewed as punitive because it is assumed these systems have been defined in the policy (within 600 feet of impaired water) as having the reasonable potential to contribute to the impairments.</p>	The State Water Board does not support requiring OWTS owners to upgrade their OWTS unless it is determined that OWTS are contributing to the impairment. Pre-determining a compliance date for TMDLs preempts the TMDL process and artificially limits the range of possible solutions.	No
63.11	The compliance deadline outlined in a TMDL should supersede the suggested timeframe up to a limit of a ten-year compliance period, in the event that a sewer	Each TMDL is site specific and deadlines are based on the local environmental conditions. It would be inappropriate to allow a 10-year compliance period when a	No

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	connection is being actively pursued.	public sewer is readily available.	
63.12	One glaring omission in the Policy is that it does not address existing TMDLs that were drafted by the EPA and, thus, do not contain an implementation plan.	The State Water Board has modified the Policy to address this.	Yes
63.13	<p>The following EPA-drafted nutrient and bacteria TMDLs need to be considered for insertion into a new table in Attachment 2 in order to require Tier 3 minimum requirements:</p> <ol style="list-style-type: none"> 1. Long Beach City Beaches and Los Angeles River Estuary TMDLs for Indicator Bacteria; 2. Los Angeles Area Lakes Nitrogen, Phosphorus, Mercury, Trash, Organochlorine Pesticides and PCBs TMDLs; 3. Lost River (North Coast California) Nutrients and pH TMDLs 4. Malibu Creek Nutrient and Bacteria 5. San Diego Creek, Newport Bay Sediment TMDL (which addresses nutrient impairments) <p>These existing EPA-adopted TMDLs should have a stated deadline by which the Regional Board must draft an implementation plan not to exceed 2 years from the adoption of this Policy.</p>	<p>The Long Beach/Los Angeles Estuary Bacteria TMDL and the Los Angeles Area Lakes multi-pollutant TMDLs do not identify OWTS as a source or assign OWTS load allocations. The Malibu Creek Nutrient TMDL does assign load allocations to OWTS and the Regional Water Board has not yet adopted an implementation plan. Therefore, Malibu Creek Nutrients has been added to Attachment 2. Malibu Creek Bacteria already has a TMDL and implementation plan adopted by the Regional Water Board that addresses OWTS so it is not being added to Attachment 2.</p> <p>With respect to including the Lower Lost River under Tier 3 requirements, staff would disagree with the commenter. Consistent with section 10.2 of the draft Policy, it states that /For those impaired water bodies that do have an adopted TMDL addressing the impairment, but the TMDL does not assign a load allocation to OWTS, no further action is required unless the TMDL is modified at some point to include actions for OWTS./</p> <p>The implementation plan for the Lower Lost River watershed is included in the Action Plan for the Klamath River Total Maximum Daily Loads Addressing Temperature, Dissolved Oxygen, Nutrient, and Microcystin Impairments in the Klamath River in California and Lost River Implementation Plan, which was approved by the U.S. EPA on December 28, 2010. The Action Plan and more information is available at the North Coast Regional Water Board website at the Klamath River TMDL webpage The Final Lower Lost River TMDL identifies, among others sources, septic systems as a major source of nutrients in the Lost River System. However, the TMDL assigns no load allocation to septic systems, and indeed, this is the only reference to septic systems in the entire document. Although it is known that the Lower Lost River watershed is generally not conducive to onsite wastewater treatment due to high groundwater and poor soil conditions, staff concludes that nutrient loads that may be attributable to OWTS were implicitly deemed to be insignificant compared to loads from agriculture, legacy nutrient discharges, sediment discharges and effects from lack of thermal refugia. This is a similar case to the Klamath River watershed, where OWTS are not required to comply with Tier 3 requirements because the TMDL authors considered nutrient loads from OWTS to be overwhelmingly insignificant compared to other sources.</p> <p>The San Diego Creek, Newport Bay Sediment TMDL already contains an implementation plan so it is unnecessary to add to Attachment 2.</p>	Yes
63.14	Even with established TMDLs (EPA and Regional Board-adopted), all OWTS should be allowed no more than five years to comply with the Policy - unless a sewer connection is being pursued.	The pre-established implementation schedule within TMDLs are not changed by this Policy. The Regional Water Boards have the option of re-considering the TMDLs by separate action.	No

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63.18	In addition, the Policy should outline monitoring requirements for Tier 3. Receiving waters should be monitored upstream and downstream of Tier 3 OWTS.	Monitoring requirements for Tier 3 water bodies listed on Attachment 2 will be determined by each TMDL, or in the event that a local agency is implementing an Advanced Protection Management Program, by the local agency.	No
63.19	Effluent monitoring of Advanced Systems for TSS, bacteria, and nutrients should be performed on an established, regular basis.	Section 10.13 of the Policy addresses monitoring of nitrogen and pathogens from OWTS with supplemental treatment. Other constituents like TSS can be monitored if necessary to ensure operation of the supplemental OWTS. However, the State Water Board would prefer to leave this requirement to manufacturer specifications to minimize costs to OWTS owners.	No
63.2	Specifically, we are adamant that the Draft Policy include requirements to upgrade to advanced treatment within 5 years, unless covered under a TMDL or actively pursuing a sewer connection;	The State Water Board does not support requiring OWTS owners to upgrade their OWTS unless it is determined that OWTS are contributing to the impairment.	No
63.21	At least one monitoring well should exist between an OWTS and an impaired water body in Tier 3 OWTS, unless there is a regional groundwater monitoring plan for the high risk area. Annual groundwater sampling should be required for systems within 600 feet of an impaired water body.	To accurately monitor OWTS effluent, one has to install a matrix of lysimeters. Because of this, and because of the low likelihood of intersecting the effluent plume, it is not feasible to use groundwater monitoring wells to monitor OWTS effluent plumes.	No
63.24	Inspections should not be used to prove that OWTS within 600 feet of a water body impaired for nutrients or bacteria contribute to the impairment. Instead, it should be assumed that existing systems in Tier 3 already cause or contribute to the impairment unless further investigation and soil and groundwater data prove otherwise.	The State Water Board does not support requiring OWTS owners to upgrade their OWTS unless it is determined that OWTS are contributing to the impairment.	No
63.4	Specifically, we are adamant that the Draft Policy include a schedule for final compliance with nutrient and bacteria TMDLs;	Pre-determining a compliance date for TMDLs preempts the TMDL process and artificially limits the range of possible solutions.	No
63.44	According to the Draft Policy, /Effluent from the supplemental treatment components designed to reduce nitrogen shall be certified by NSF, or other approved third party tester, to meet a 50 percent reduction in total nitrogen when comparing the 30-day average influent to the 30- day average effluent/ (p. 35, Section 10.7.1). What is the basis for this requirement?	This performance standard is the only nationally-recognized standard.	No
63.45	This level is not protective of human health or aquatic life and will not reduce algal impairments, anoxia and hypoxia conditions, and other eutrophication impacts.	This performance standard is the only nationally recognized standard. Natural attenuation also has to be considered when addressing water quality.	No
63.47, 63.43, 63.3, 63.46, 63.48	Specifically, we are adamant that the Draft Policy include more protective requirements and performance criteria for large commercial and residential advanced treatment systems, including a nutrient target of 10 mg/L as nitrogen for advanced treatment systems;	While the State Water Board understands that the 10 mg/L is the MCL for drinking water, the ability of small OWTS to meet this standard reliably statewide is not technologically achievable at a reasonable cost. State Water Board recommends using existing nation-wide certifying requirements so the consumer can reasonably expect OWTS purchased to meet the standard. Regional Water Boards have the discretion to require WDRs for commercial or multi-family OWTS where they believe it is appropriate.	No
63.49	It is critical to note that the best available control technology achieves even lower than	These advanced systems are impractical for wide-scale usage.	No

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	<p>10 mg/L. The Los Angeles Regional Board has issued WDRs for OWTS in Malibu requiring systems to meet 3 mg/L total nitrogen. Nitrex systems, which are single-pass proprietary trickling biofilters, are examples of a type of advanced onsite treatment that could easily meet the 10 mg/L nitrogen limit. Results of testing have shown nitrogen removal efficiencies up to 96 percent, leading to reductions to levels of 2 mg/L up to slightly higher results (average of 5.4 mg/L; median of 4.2 mg/L)2 which is still capable of meeting a limit of 10 mg/L nitrogen on average. Recirculating sand/gravel filters with an anoxic filter and an external carbon source of methanol is another example of an advanced treatment system that could be used to meet these limits. At a minimum, commercial and multi-family OWTS designed to receive over 3,500 gpd should be required to either meet this limit, or they will have to apply for WDRs.</p>		
63.5	Specifically, we are adamant that the Draft Policy include requirements to develop implementation plans with compliance deadlines for EPA- adopted nutrient and bacteria TMDLs.	The State Water Board has changed the Policy to address this concern.	Yes
63.50	Heal the Bay and Heal the Ocean maintain that it is unacceptable that the Policy no longer contains the requirement that a TMDL be adopted for the water bodies listed in Attachment 2 within 5 years of the effective date of this policy and within 5 years of future 303(d) listings. At a minimum, the Policy should establish a ceiling for TMDL implementation for those TMDL implementation plans that do not require building a new sewer system.	Because of resource constraints the State Water Board has chosen to prioritize the schedule for adoptions of TMDLs.	No
63.51	Tier 3 OWTS near waterbodies on Attachment 2 should be required to comply with the TMDL 10 years from the development date mentioned on the attachment,	The Policy requires that all TMDL implementation actions shall commence within 5 years after the TMDL's implementation date.	No
63.52	OWTS near water bodies that already have TMDLs should be required to comply with the TMDL and with the advanced treatment requirements of this policy no more than 10 years from the effective date of this policy.	OWTS covered under existing TMDLs have to comply with the implementation schedule in the TMDL.	No
63.53	Systems in 303(d) listed high risk areas where a TMDL has not been developed (within 600 feet of nutrient and bacteria impaired waters) that have not committed to connecting to a centralized sewage treatment system should have 5 years from this Policy's effective date for compliance with the advanced treatment requirements of the Policy. This provides an incentive to move more impaired water bodies into the TMDL program.	The State Water Board does not support requiring OWTS owners to upgrade their OWTS unless it is determined that OWTS are contributing to the impairment.	No
63.54	OWTS within 600 feet of nitrogen or bacteria 303(d) listed impaired waters without a TMDL should be required to upgrade to advanced treatment if no TMDL is developed by the date specified in Attachment 2 - unless the owner commits to connecting to a sewer, or a detailed study shows that the system is not causing or contributing to the impairment.	The State Water Board does not support requiring OWTS owners to upgrade their OWTS unless it is determined that OWTS are contributing to the impairment.	No
63.55	OWTS near impaired waters need to upgrade to the appropriate advanced treatment level for the applicable impairment. Perfect examples are the Malibu homes along	The State Water Board does not support requiring OWTS owners to upgrade their OWTS unless it is determined that OWTS are contributing to the impairment.	No

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	Santa Monica Bay. It makes no sense for those OWTS to upgrade.		
63.56	If nearby waters are impaired for bacteria, then the required advanced treatment would consist of disinfection.	This is true if it is shown that OWTS are contributing to the impairment.	No
63.57	If the water is listed for nitrates or total nitrogen, low dissolved oxygen, eutrophication, or algae, then a supplemental denitrification system should be required through AB 885 regulations.	The State Water Board does not support requiring OWTS owners to upgrade their OWTS unless it is determined that OWTS are contributing to the impairment.	No
63.58	If the impaired waterbody is listed for nutrients and bacteria, then both disinfection and denitrification advanced systems should be required.	The State Water Board does not support requiring OWTS owners to upgrade their OWTS unless it is determined that OWTS are contributing to the impairment.	No
63.59	If the local health department determines that areas within 600 feet are not high-risk areas based on soils, groundwater monitoring, and OWTS inspection, then land owners could be allowed to apply for a waiver from the advanced treatment requirement. The waiver approval decision should be made by the local Regional Water Board.	The Policy relies on the TMDL process to determine whether OWTS are contributing to impaired water bodies. If the TMDL does not identify OWTS as contributing to the impairment, then owners do not need to upgrade to supplemental treatment and therefore a waiver is not required. It is not necessary to require the local health department to determine that areas within 600 feet are not high-risk.	No
63.60	Under any scenario, all new systems in these high risk areas must be advanced treatment systems.	The State Water Board does not support requiring OWTS owners to upgrade their OWTS unless it is determined that OWTS are contributing to the impairment.	No
63.61	We ask the State Board to require that in addition to systems within an area 600 linear feet adjacent to the edge of an impaired water body, OWTS systems upstream of an impaired water body should also be considered Tier 3.	While it is possible that OWTS upstream of impaired water bodies could be contributing to the impairment, the State Water Board expects to identify potential sources of pollution, which would include nearby OWTS, through the TMDL process .	No
63.62	The 600 feet criterion can be modified by the local Regional Water Board (less or greater distance) if a local health agency or municipal entity can provide data (soil, slope and groundwater monitoring) demonstrating that the high risk area should be treated differently due to increased or lessened risk.	The Policy relies on the TMDL process to determine whether OWTS are contributing to impaired water bodies. If the TMDL does not identify OWTS as contributing to the impairment regardless of the distance from the impaired water body, then owners do not need to upgrade to supplemental treatment. It is not necessary to require the local health department to determine that areas within 600 feet are not high-risk.	No
63.65	Add following language to -Structure of the Policy- - Attachment 2 /...and the TMDL must set an implementation schedule to meet waste load allocations within 10 years of the specified date./	Artificially setting implementation deadlines for TMDLs precludes the available solutions that are developed by the TMDL process.	No
63.76	Replace 10.3 If no TMDL has been adopted, the OWTS will upgrade to Advance Treatment within 5 years of adoption of this policy.	The State Water Board is declining to accept this suggested change because it would unfairly burden OWTS owners if the Regional Water Board fails to adopt a TMDL. The State Water Board does not support requiring OWTS owners to upgrade their OWTS unless there is sufficient basis for imposing the requirement.	No
63.77	Replace 10.8.2 with Comply with the setback requirements of Section 7.5.1 to 7.5.5, and if within the setback requirements OTWS shall: /10.8.2.1 Be inspected within 1 year of adoption of this Policy, and thereafter, once every 3 years; 10.8.2.2 Maintenance activities will be reported annually to the appropriate agency./	Existing OWTS within Advanced Protection Management Programs will be addressed in accordance with sections 10.1-10.4. Similar requirements such as those suggested by the commenter can be included on a watershed-specific basis through the mechanisms described in sections 10.1-10.4. The State Water Board thinks this is a more appropriate approach than imposing the suggestion on a statewide basis.	No

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63.78	Replace 10.13 with The ongoing monitoring of OWTS in an Advanced Protection Management Program with supplemental treatment components designed to meet the performance requirements in Sections 10.9 and 10.10 shall be monitored both upstream and downstream, with annual reports submitted to the appropriate OWTS management or oversight agency.	Section 10.13 is for monitoring of OWTS effluent to ensure supplemental treatment is performing appropriately. Other monitoring requirements in the Policy address overall water quality on an area-wide scale.	No
63.79	Add 10.13.1 Unless there is a regional groundwater monitoring plan, at least one monitoring well shall be installed between an OWTS and an impaired water body, with annual groundwater sampling required for systems within 600 feet of an impaired water body.	Section 10.13 is for monitoring of OWTS effluent to ensure supplemental treatment is performing appropriately. Other monitoring requirements in the Policy address overall water quality on an area-wide scale.	No
63.80	Replace 12.0.2 The OWTS shall not utilize a dispersal system that is in soil saturated with Groundwater, nor shall the separation of the bottom of a dispersal system to groundwater be less than five (5) feet.	It is not feasible to require a specific separation to groundwater because the separation to groundwater for existing OWTS is variable throughout the state, and the separation to groundwater for new and replaced OWTS will also vary throughout the state.	No
63.8	Similarly, the timeline for compliance with TMDLs is decided by local agencies. Even the decision to draft a TMDL for an impaired water body is left up to the local agencies through the development of Attachment 2 of the Policy. As explained below, this conflicts with provisions of the Clean Water Act. Instead, the Draft Policy should contain minimum requirements that should be universally applied.	Attachment 2 was developed in consultation with the Regional Water Boards. Nothing in the Policy delegates local agency control of the TMDL process. State and Regional Water Boards and US EPA have sole authority for adoption of TMDLs.	No
63.9	Section 10.3 appears to offer local agencies a loophole for avoiding TMDL development. If no TMDL is adopted, actions are determined by a Tier 2 Local Agency OWTS Management Plan (LAMP) Advanced Protection Management Program. This is extremely inappropriate, as it relies on local enforcement of the policy far too much, on occasions when local enforcement looks to the State for guidance	If a TMDL is not adopted, the Regional Water Board may allow the local agency to regulate OWTS according to the Advanced Protection Management Program as long as the Regional Water Board approves it, or the Regional Water Board must issue waste discharge requirements, waivers of waste discharge requirements, or require corrective actions for such OWTS. The Policy has been modified to clarify the intent of this section.	Yes
65.3	Please note that there are NO on-site septic systems, sewage infrastructure, or livestock at Sil1 (in the forest). Therefore, some amount of continual downstream contamination is coming directly FROM the forest and should NOT be attributed to residential areas.	Other potential sources of nutrients and/or pathogens will be investigated during the TMDL process. If no TMDL is adopted for an impaired water body, the local agency or Regional Water Board will consider other sources of pollution before imposing standards.	No
65.6	Again, background within the Cleveland National Forest is high and exceeds standards so naturally, any downstream additions just add to the problem. However, understand that given the natural background, we will NEVER be able to comply with the standards given that there is NO feasible way to alter downwards natural rates from the forest.	Other potential sources of nutrients and/or pathogens will be investigated during the TMDL process. If no TMDL is adopted for an impaired water body, the local agency or Regional Water Board will consider other sources of pollution before imposing standards.	No
69.11	The 600 foot boundary from impaired water bodies will capture a majority of properties in the historic Silverado Canyon community. The increased requirements in Tier 3 will greatly increase the cost to develop or redevelop a parcel. Suggestion: The policy should include a grandfathering provision available to parcels	Section 11.5 of the Policy states that repairs may be authorized that are in substantial conformance, to the greatest extent practicable, to either Tiers 1, 2, or 3, whichever Tier is applicable. Local agencies may also develop special provisions in a Tier 2 LAMP to address impaired water bodies as long as the Tier 2 LAMP is approved by the Regional Water Board.	No

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	that were developed prior to the listing of Silverado Creek, and other listed water bodies, as an impaired water body.		
69.12	<p>The requirement to develop and implement an Advance Protection Management Program will create a significant financial burden upon the County. This requirement could be interpreted as an unfunded state mandate.</p> <p>Suggestion: The duties and responsibilities listed in this provision should remain with the State Regional Water Quality Control Boards(s).</p>	There is no requirement that a local agency develop an Advanced Protection Management Program. If the local agency chooses not to develop an Advanced Protection Management Program, the Regional Water Board will be responsible for implementing Tier 3.	No
69.13	<p>Owners of new and existing systems may be subject to increased requirements which may be cost prohibitive even if their property has not been contributing to the impairment of the water body (section 10.4.1).</p> <p>Suggestion: The policy should include a grandfathering provision available to parcels that were developed prior to the listing of Silverado Creek, and other listed water bodies, as an impaired water body.</p>	Section 11.5 of the Policy states that repairs may be authorized that are in substantial conformance, to the greatest extent practicable, to either Tiers 1, 2, or 3, whichever Tier is applicable. Local agencies may also develop special provisions in a Tier 2 LAMP to address impaired water bodies as long as the Tier 2 LAMP is approved by the Regional Water Board.	No
69.14	<p>Section 10.5: The requirement to pay for a report prepared by a qualified professional may be too costly for low-income households which make up a segment of the rural canyon population. In addition, if an OWTS is determined to be functioning properly, there should be no need to determine if it is contributing to the impairment of the water body.</p> <p>Suggestion: The policy should address the possibility of an owners inability to pay for this type of report. Not all families will be able to qualify for loan assistance. Also, an owner should not be held responsible for a water body's impairment if the OWTS located on their property is functioning properly.</p>	Owners of OWTS may be required to submit a qualified professional report (section 10.5) when a Regional Water Board is issuing either waste discharge requirements, general waste discharge requirements, waivers of waste discharge requirements, or requirements for corrective action under section 10.4.1.	No
70.5	We respectfully request that you remove Woods Creek from the list for the same reasons that Sullivan Creek was removed.	Woods Creek was placed on the 303(d) list based on surface water ambient monitoring program (SWAMP) information. The SWAMP site information indicated the site represented drainage from timberland, rangeland and established rural communities. Based on this information, The State Water Board would not recommend removing this water body from Attachment 2.	No
74.2	Our Centers staff is also concerned with the lack of clear minimum standards for allowing special provisions in a LAMP to address OWTS within areas containing an impaired water body as noted under Tier 3. We request that wording be added under Tier 3, such as /should the special provision in a LAMP include standards different than the standards under Sections 10.9, 10.10, and 7.5.1 to 7.3.5, the local agency must demonstrate that the alternate standards are at least as protective of human health and the environment./	When a local agency develops special provisions for impaired water bodies in its Tier 2 LAMP, sections 9.1.7 and 9.1.8 of the Policy state that the LAMP consider different and/or additional requirements to protect water quality for surface waters vulnerable for pollution or for surface waters within a watershed that has water bodies listed for nitrogen and/or pathogens.	No
74.4	Under Tier 3, our Center is concerned that Attachment 2 has failed to include known impaired water bodies that are being negatively affected by fecal coliform contamination that may be due to failing OWTS. Despite the fact that two of these	Sullivan and Curtis Creeks were placed on the 303(d) list based on surface water ambient monitoring program (SWAMP) monitoring. The SWAMP monitoring site information (gathered at the time of the monitoring) indicated that the most	No

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	303(d) listed streams, Sullivan Creek and Curtis Creek, flow through residential areas with a high potential for failed septic systems, they were not included in Attachment 2. We ask at a minimum that Sullivan and Curtis Creeks be added to Attachment 2.	prominent land use surrounding the sampling sites was cattle grazing. Based on this information, we would not recommend adding these water bodies to Attachment 2.	
74.5	We realize that there may be other impaired water bodies in our region and throughout California that were not added to Attachment 2. For that reason, we also ask that clarity be provided in Section 5.6 with respect to what information or criteria the State Water Board uses to determine whether stream should be included or not included in Attachment 2.	Section 5.6 explains how the State Water Board identifies impaired water bodies for inclusion on Attachment 2. The basis for determining whether an impaired water body is included in Attachment 2 is that it is likely that OWTS will subsequently be determined to be a contributing source of pathogens or nitrogen.	No
75.20	In the previous public draft there were two linear distances for Tier 3: 100 feet for pathogens and 600 feet for nitrates. Currently there is one linear distance (600 feet) for both pathogens and nitrogen. Please provide the justification or rationale for this change. Given that there has not been adequate time to investigate the ramifications of this policy change, how does this significant change in policy affect the Substitute Environmental Document and/or the CEQA process?	The change of linear distance to 600 feet for both pathogens and nitrates was made for clarity purposes and is more protective of surface waters where it is believed likely that pollution comes from OWTS. The Substitute Environmental Document discusses the 600 foot boundary.	No
75.21	Section 10.1: It appears that the setback from an impaired water body, with no TMDL or a TMDL where the setback is not defined, is 600-feet for both pathogens and nitrogen, but it is not clearly stated other than to refer to Attachment 2 (which includes lists for impairments by both pathogen and nitrogen). This should be clearly stated since this is a more stringent application from the previous draft which stipulated 100 feet for pathogen.	The 600 foot separation from an impaired water body listed on Attachment 2 is required if there is no TMDL and there is no Tier 2 LAMP, or if the setback is not defined in a TMDL. The requirement for 600 foot separation from impaired water bodies also applies to 303(d) listed water bodies that are not listed on Attachment 2, but do have a TMDL that identifies OWTS as a source of pollution but does not have a setback.	No
75.22	10.5 This Section replaces the old 10.3 which provided guidance on how owners could interact with the TMDL process and did not seem pertinent to the Policy. Now it allows the Regional Water Board to require these same guidelines of an owner and the reason is not clear. What is the purpose of this Section, and why would the Regional Water Board require it? Recommend the entire Section stricken.	The Regional Water Board may use this requirement as a means of getting information about the OWTS as part of issuing waste discharge requirements, waivers of waste discharge requirements, or requirements for corrective action.	No
75.23	10.6.7 Various provisions (sections 9.4.7 for Tier 2, 10.6.7 for Tier 3) prohibit OWTS from receiving waste from recreational vehicles (RVs). How is the waste from RVs to be managed? If not subject to this Policy, what options are available for the RV community? Who will regulate this waste stream: local agencies or the state? What are the standards?	The Policy has been modified to allow incidental discharge of RV waste to OWTS. However, dedicated OWTS for RV waste are not authorized under this Policy but may be authorized under separate order from the Regional Water Board.	Yes
75.24	10.10.2 Depth to groundwater from bottom of dispersal system limited to not less than 3 feet. Suggest amending to be similar with requirements of Tier 1 and state that depth to ground water shall not be less than 3 feet or as authorized in a Tier 3 Advanced Protection Management Plan in conjunction with an approved Local Agency Management Plan.	The State Water Board declines to make this change for Tier 3 OWTS because these OWTS are near known impairments and the State Water Board takes the position that at least 3 feet of separation is necessary for protecting water quality.	No
75.25	Sections 10.14 and 10.15 require monitoring and effluent testing. Will perpetual maintenance contracts be required for all systems incorporating advanced treatment devices? Further, being a Tier 3 requirement, how will the RWB enforce this provision?	Perpetual maintenance contracts will likely be required for supplemental treatment monitoring and sampling of effluent from disinfection systems. Enforcement will be accomplished through review of reports submitted to either the local agency or Regional Water Board, whichever entity is overseeing the Advanced Protection	No

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		Monitoring Program.	
76.2	You are going to pass new regulations that I will never be able to comply with and I will lose my home. I live on a lot, connected to the Silverado Creek, in fact my home is the only house that is actually built over the creek and my basement walls are the walls of the creek. My septic is on the other side of this wall, less than 30 feet from the creek and my whole lot is less than 100 feet wide so how in the world could I ever move my septic to be 600 feet from this creek? It is impossible and all of us who live along this creek will lose our homes because you have decided this is to be. It is a crying shame that you could do such a thing without even taking into consideration those of us who make our homes in this wonderful rural area.	Existing OWTS that are adjacent to, or within the banks of, a waterbody that is listed in Attachment 2 will be required to comply with the Regional Water Board's TMDL or special provisions in a local agency's Local Agency Management Program. If no TMDL is adopted within two years of the Attachment 2 deadline for adopting a TMDL, existing OWTS must obtain waste discharge requirements or a waiver of waste discharge requirements from the Regional Water Board. In either case, the proposed Policy does not specify the substantive requirements that will apply to the existing OWTS.	No
80.5	The majority of residents, who are considered Tier 3, dont even have the 600 ft. away from the creek on their property with which to install a new septic system. What will be done to the people who cannot possibly comply even if they wanted to? Will the state decide that these people will then have to lose their homes and be displaced? What about the elderly or the 100% disabled residents who are on fixed incomes who could not possibly even afford a new septic system. What about individuals, who in this economy have found themselves unemployed and are just struggling to survive?	The Policy contains various opportunities for OWTS owners to comply with requirements to the greatest extent practicable. In particular, section 11.5 of the Policy states that if the owner of the OWTS is not able to comply with corrective actions, the Regional Water Board may authorize repairs to the greatest extent practicable, or may require the owner of the OWTS to submit a report of waste discharge for evaluation on a case-by-case basis. Furthermore, consistent with Legislative intent the State Water Board has established a financial assistance program to allow local agencies to provide homeowners who incur costs associated with implementation of the Policy with low interest loans.	No

11.0 Tier 4 OWTS Requiring Corrective Action

8.11	Issue Tier 4 section 11.1 and 11.2 These sections require corrective action to follow Tier 1, 2 or 3. Question: Local Agency would continue to follow existing county codes and procedures until a LAMP is approved, not Tier 1. We would use Tier 3 requirements for those properties with septic systems near 303d listed water bodies. Is this correct?	Commenter is correct.	No
8.12	Issue Tier 4 section 11.4 Clarification of this section should be provided so it is clear what this section is actually requiring. For example, in an area with high ground water and older deeper septic systems that may be in contact with ground water during the wet weather season, would the LA be required to have all those systems replaced and upgraded? Or is this more of tool to have those systems upgraded on a case-by-case basis?	Section 11.4 is generally expected to be applied on case-by-case basis by local agencies or a Regional Water Board. A Regional Water Board could adopt a discharge prohibition or waste discharge requirements for an area if the problem is widespread.	No
8.13	Issue Section 12.0.2 This section requirement states that the OWTS in order to be under the Conditional Waiver /shall not utilize a dispersal system that is in soil saturated with ground water./ Question: Similar to the above item in 11.4, by default, older systems were install deep and had a lot of back fill cover to keep sewage from surfacing. These older systems are the ones that are most likely in contact with ground water. So, does that mean these types of systems in high ground water and deep disposal systems would not be covered under this waiver? Would all of them need to be upgraded when this policy takes effect?	Section 12.0.2 is a condition for coverage under the Waiver and is enforceable by the State or Regional Water Board.	No

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15.13, 29.8, 30.30, 40.4, 55.7, 71.6, 75.26	Section 11.6: Wording should be modified to allow corrective action to extend beyond the three month time frame. This restriction may result in inadequate repairs to meet an arbitrary timeline. For example, if a leach field is failing, the immediate hazard may be abated promptly by using the septic tank as a vault and pumping as needed. The ultimate corrective action, repair of the leach field, may be delayed due to many variables, including weather and funding options.	Policy has been revised to remove the three month compliance timeline for corrective action.	No
28.14	Modify Tier 4 Corrective Action Requirements to Allow Ample Time for Repair and Add Tier 4 Requirements for Reasonable RWQCB Response Times. The three-month time frame specified in Section 11.6 will not be sufficient for many OWTS repairs and should be deleted. Also, for Tier 1 systems, Section 11.5 requires RWQCB authorization for any repairs that do not strictly conform to Tier 1 prescriptive standards. The Policy needs to prescribe a relatively short timeframe for the requisite RWQCB response in order to ensure prompt corrective action. If a response from the RWQCB is not received within the designated time period, homeowners should be given automatic authorization to proceed with proposed system repairs and/or replacement.	Section 11.5 allows owners of OWTS that cannot comply with the corrective action requirements to install repairs that are in substantial conformance, as long as the owner receives Regional Water Board authorization. In addition, section 11.6 has been revised to delete the three month compliance requirement.	Yes
54.1	<p>Cesspools - The City believes that the OWTS Policy does not adequately address existing cesspools. Cesspools have been banned and no new cesspool has been allowed in the City since 1953. To address existing cesspools in a more proactive and protective manner, the City of Los Angeles recommends the following example language to be included in the new State OWTS Policy:</p> <p>a. Owners of existing cesspools, depending on their proximity (600 feet) to nitrogen or bacteria impaired water bodies, or within 900 feet of drinking water wells are to 1) connect to the sewer, 2) upgrade to a standard or conventional septic system, or 3) upgrade to an advanced or supplemental on-site treatment system within 5 years of the effective date of the new State OWTS Policy, provided a sewer is available within 200 feet of the property and financial assistance is made available; and</p> <p>b. All other existing cesspools should have to connect to the sewer or upgrade within 10 years of the effective date of the new State OWTS Policy - provided financial assistance is made available.</p>	A plan for cesspool discontinuance has been added as 9.2.13. Each agency may need to proceed differently towards the elimination or limiting of cesspools within their jurisdiction.	Yes

12.0 Conditional Waiver of Waste Discharge Requirements

8.6	Issue Section 12.0.3 This section states that /OWTS shall not be operated while inundated by storm or flood event./ Question: How will this section be implemented or enforced? Would the LA be required to prevent use of their septic system during these events? This section should be removed if it is not an enforceable mandate.	Section 12.0.3 is a condition of the Waiver, and may be enforced by the State or Regional Water Board.	No
22.3, 28.5	Section 12.1: Restrict the Authority of SWRCB and RWQCBs to Arbitrarily Revoke Discharge Waivers for OWTS. There are no requirements that OWTS owners be	If the Regional Water Board revokes waiver coverage, the OWTS owner may file a petition with the State Water Board under Water Code section 13320 to contest the	No

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	provided advance notice that their waiver will be revoked and there are no provisions for any sort of due process providing homeowners with the right to appeal such decisions. The Policy should require reasonable cause prior to any waiver revocation and OWTS owners must be provided an opportunity to contest the justification for any such action. If applicable notification and appeal procedures are already provided elsewhere in the Water Code, they should be clearly referenced in the Policy.	revocation. If the State Water Board revokes waiver coverage, the OWTS owner can seek judicial relief.	
63.63	The Conditional Waiver of Discharge Requirements should reiterate that a dispersal system with less than a five-foot depth to groundwater is a condition that must be met for compliance with this waiver. The attached redlines show language to address this issue.	The depth to groundwater requirement varies in the Policy. A waiver is applicable when the OWTS complies with the Policy.	No

14.0 Financial Assistance

8.7	Issue Section 14.0 Great idea but a third party or agency with the experience and ability to manage such a loan program should be considered. Local Agencies are not set up to administer such a program.	A local agency will undoubtedly have to prepare itself to handle a mini-loan program. The State Water Board will provide assistance where it can. In some regards the local agency is the best positioned to oversee the mini-loan program as it has direct experience with the private individuals, and has the power to place loan repayment onto the property tax roll for easier collection of loan repayments.	No
10.2	Costs of supplemental treatment OWTS fall disproportionately on those communities least able to afford them. None of the 15 counties with more than 45% of their households served by septic systems (referenced in the SED in table 4-6, page 70) have household incomes above the \$57,664 median household income of counties in California.	The statewide distribution of OWTS requiring supplemental treatment is yet to be determined. Supplemental treatment may be required in areas with water bodies impaired for nutrients and pathogens as determined by a TMDL. The State Water Board is making available funds to local agencies to provide low-cost loans to homeowners required to comply with the Policy.	No
18.7	This rule will result in a new State mandated program for which the State will again be using the Town as their bank, essentially taking out a new loan to pay for implementing this rule with no indication of how it will be paid back. The State has deferred reimbursement to the Town for other authorized State mandated costs. The amount currently owed by the State to the Town is \$2,894,995 in unfunded mandated costs. The State has reimbursed \$39,770.	The Policy has been structured to build upon existing local agency programs, in an effort to minimize the costs associated with implementing the Policy. Also, monitoring requirements are structured so that existing data may be used to further lower program costs to local agencies. Water Board staff and local agency stakeholder groups are committed to assist local agencies with development of Tier 2 LAMPs. The level of enforcement activities contemplated by this Policy should already be implemented by existing local programs. Any additional local agency costs are expected to be passed on to OWTS owners.	No
22.11, 28.12, 28.15, 72.5, 75.5	Allow for regulatory exemptions if adequate state funding is unavailable. AB 885 clearly states that it was the intent of the Legislature to provide financial assistance to qualified homeowners in order to help offset the costs of regulatory compliance. We are pleased to see that the latest Policy now includes a mechanism to provide needed financial assistance to qualified homeowners. However, there is no assurance that adequate funding will be available when needed. Considering this, Madera County believes that the Policy must include provisions that will allow counties and RWQCBs to conditionally exempt homeowners from costly regulatory compliance if financial assistance from the State is not available and if such exemptions are considered to be in the best interest of the State. Without an allowance for exemptions, it is possible	Consistent with Legislative intent, the State Water Board has established a financial assistance program to allow local agencies to provide homeowners who incur costs associated with implementation of the Policy with low interest loans. The Legislative intent to encourage financial assistance does not obviate the State Water Board's statutory responsibility to appropriately regulate discharges of waste to waters of the State. A blanket exemption due to compliance costs does not meet the intent of Water Code 13290 et. Seq.	No

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	that some residents could be forced to abandon their homes because of their inability to afford costly OWTS upgrades.		
23.3	Will resources/grants be available to help communities develop the Local Agency OWTS Management Programs? Is the State Revolving Fund adequately funded to be able to provide financial assistance for the impact of this Policy, in addition to projects currently under application?	Resources or grants for development of a LAMP is not anticipated at this time. The State Revolving Fund is expected to be a viable option for local agencies to assist their constituents.	No
25.2	The City of Hesperia has a concern that the new requirements would make the process of replacing a failed septic system much more difficult, time consuming and costly for the property owner. Under certain circumstances, the Policy will force property owners to connect to sewer or relocate the replacement system, costing much more than replacement would under current rules. We urge the SWRCB to move replacement systems to Tier 0 in the OWTS Policy, rather than Tier 1 or 2 as currently proposed in the Policy, in order to relieve the strain and potential costs on property owners.	It is reasonable to allow existing, properly-functioning OWTS in non-impaired areas to continue operating without requirements to upgrade. However, section 13291 of the Porter-Cologne Water Quality Control Act requires that the Policy include standards for replaced OWTS.	No
25.3, 41.2, 43.10, 62.9, 75.12, 75.13, 76.3	The cost to homeowners to comply with the proposed Policy can range from 6,000 to 30,000 dollars. While the 2000 law identifies making low interest loans available to homeowners from the Clean Water State Revolving Fund, the history of inadequate funding and availability of such state funding, and the timing of such funding does not resolve this concern.	Unfunded mandates applies to local agency costs. The Policy has been structured to build upon existing local agency programs, in an effort to minimize the costs associated with implementing the Policy. Also, monitoring requirements are structured so that existing data may be used to further lower program costs to local agencies. Water Board staff and local agency stakeholder groups are committed to assist local agencies with development of Tier 2 LAMPs. The level of enforcement activities contemplated by this Policy should already be implemented by existing local programs. Any additional local agency costs are expected to be passed on to OWTS owners.	No
33.1, 72.2	The potential future financial impact on our community would be devastating in terms of costs to repair or replace our facilities as well as how it may decrease property values. Our steep and narrow canyon is not amenable to a sewer system, and most of the properties are on small lots adjacent to the creek, making alternative waste treatment methods unfeasible.	The Regional Water Board or local agency may authorize repairs that are in substantial conformance, to the greatest extent practicable, per section 11.5 of the Policy.	No
46.3	Section 14.0 identifies financial assistance through the State Water Boards Clean Water State Revolving Fund (CWSRF), funneled through local agencies as loans, as a means to assist private property owners with compliance. Unfortunately, the CWSRF has had limited experience or success in such financing, nor is this program identified or described in the 2011/2012 Intended Use Plan for the Fund.	Consistent with Legislative intent the State Water Board has established a financial assistance program to allow local agencies to provide homeowners who incur costs associated with implementation of the Policy with low interest loans. Statutory changes that allow the inclusion of loan repayments on property tax rolls have improved the ability of local agencies to be repaid on their loans to homeowners so a higher success rate is expected. The SRF has sufficient funds for this purpose.	No
46.6	Ensure that programs are in place to help residents in need of financial assistance access safe drinking water;	The Policy provides a mechanism for local agencies to apply for funds from the State Water Board Clean Water State Revolving Funds for use in mini loan programs that provide low-interest loan assistance to private property owners. It is up to the local agency to determine how to distribute the funds.	No
46.7	Develop usable funding sources to assist homeowners in repairing and replacing failing or inadequate systems. In particular, the Board should direct that the	The Policy provides a mechanism for local agencies to apply for funds from the State Water Board Clean Water State Revolving Funds for use in mini loan programs that	No

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	development of a program through the CWSRF as described in Section 14.0. The program should also identify a funding source for low-income septic owners.	provide low-interest loan assistance to private property owners. It is up to the local agency to determine how to distribute the funds.	
46.8	Development of a technical assistance program, funded through SRF or Cleanup and Abatement funds, in partnership with Local Agencies that provides information as well as direct technical assistance to Tier 3 and Tier 4 systems.	The Policy provides a mechanism for local agencies to apply for funds from the State Water Board Clean Water State Revolving Funds for use in mini loan programs that provide low-interest loan assistance to private property owners. It is up to the local agency to determine how to distribute the funds.	No
54.6	Funding Issues - The City believes that the intent of the California Legislature when developing AB 885 was to provide private property owners with financial assistance for OWTS related costs and to encourage the SWRCB to facilitate a low interest loan program. The City recommends that the State Policy should include more detail on how funds will become available to local agencies and OWTS owners.	The Policy provides a mechanism for local agencies to apply for funds from the State Water Board Clean Water State Revolving Funds for use in mini loan programs that provide low-interest loan assistance to private property owners. Local agencies are encouraged to contact the State Water Board's Division of Financial Assistance for more information regarding mini-loan programs.	No
56.3	Section 14 of the Policy states the local agencies may apply for funds from the Clean Water State Revolving Fund for use in mini-loan programs. The USEPA has made clear there are funds available though the ARRA 20 percent CWSRF Green Reserve. According to the USEPA, replacing failed individual residential systems is the top priority for this reserve. COWA believes local authorities who tailor their LAMP after the USEPA Management Guidelines should receive the States support in funding repairs.	The State Water Board operates the Clean Water State Revolving Fund within California and will consider all approved LAMPs as eligible to receive funding for mini-loan programs.	No

8.0 Tier 1 Low Risk New or Replacement OWTS

5.2	Change 8.1.11 to read, Increased allowance for IAPMO-certified dispersal systems is not allowed in Tier 1, because they are not just allowed in Tier 2, they are also allowed in Tier 3. Change would remove term, gravel-less chamber systems, and replace with IAPMO-certified dispersal systems.	Comment accepted. Staff has revised the provision to allow IAPMO-certified dispersal systems in Tiers 2 and 3.	Yes
5.7, 30.4	There is no specific value for daily design flow in gallons per day for single-family residential systems. Requiring daily flow to be estimated, rather than defined, could lead to problems with future occupants of a house (e.g., system too small). (section 8.1.3) Suggest establishing a daily flow value for single-family residential application, and allowing designers to estimate flow for other applications, such as commercial and institutions. Suggest daily flow of 150 gpd per bedroom.	The Policy provision is intended establish a maximum flow for systems covered under Tier 1. Larger systems may be regulated individually by the Regional Water Board or covered under a Tier 2 program.	No
19.7	It is suggested that section 8.1.9 be revised to allow dispersal systems under impermeable surfaces that have been tested and found to percolate at or below a rate of 30 mpi. It is found that in the Town of Paradise, with loamy soils that percolate below 30 mpi, leachfields perform quite satisfactorily when located under asphalt or concrete. A majority of the developed commercial parcels and several residential ones have dispersal fields beneath asphalt or concrete paving. These dispersals field have performed well for many years, with little noticeable difference between them and other fields that are not paved over.	While some OWTS may perform well under impermeable surfaces, it is neither optimal nor standard practice to place OWTS under impermeable surfaces because of reduced oxygen transfer to the soil. Furthermore, supplemental treatment is not included in Tier 1 therefore OWTS discharges in Tier 1 would not receive the benefit of supplemental treatment such as oxygenated effluent.	No

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	<p>There is also an extra benefit provided to the soil microbiology beneath paved surfaces when dispersed effluent has undergone supplemental treatment. Typically supplemental treatment provides oxygenation to effluent which helps compensate for any diminished aerobic qualities created by an impermeable surface. If this restriction is maintained in the Policy there should be some variance allowed for those dispersal fields under pavement that receive effluent which has undergone some sort of aerobic treatment.</p>		
24.1	<p>Section 8.2.4 requires each OWTS be equipped with a filtration system. It is perceived to be impossible to prevent solids in excess of 3/16 of an inch in diameter from passing to the dispersal system without use of filters. Typical conventional septic tanks are not designed with access compartment to house filters. We request that the referenced filter requirements to be waived for OWTS classified under Tier 1.</p>	<p>The UPC requires access ports over both chambers of a septic tank.</p>	No
24.11	<p>Section 8.1.10 requires that the information regarding the /soil surrounding the dispersal system/ to be provided. We suggest that if the term /soil surrounding the dispersal system/ is a reference to the soil within the trench that had been tested and/or excavated, the word /surrounding/ be replaced with the word /within/.</p>	<p>The Policy specifies that the point-count or line-intercept method be used to determine rock fragment content of the native soil, which entails using the sidewall or the bottom of the trench, and so is intended to be an estimate of the material surrounding the trench.</p>	No
24.8, 26.4, 30.16	<p>Section 8.1.5: The information on Table 1 is in conflict with the Appendix K of the California Plumbing Code. We request that the referenced table to be amended to correspond to the Plumbing Code which allows a range of 5 to 60 MPI with 10 feet of vertical separation to the groundwater with a contingency that any MPI beyond 5 to 60 will render the OWTS as Tier 2 system. Similarly, the Plumbing Code provides a range of 0.83 to 5.12 gallons/square foot/day for seepage pits with a minimum 10 feet of vertical separation to the groundwater. We suggest that a similar table to be developed to address the required vertical separation form seepage pits to the groundwater when the application rate is beyond the acceptable range.</p>	<p>The requirements of Tier 1 are intended to improve on general minimum design requirements. Seepage pits are not allowed in Tier 1 therefore it is not applicable to add information for vertical separation to groundwater for seepage pits in Tier 1.</p>	No
24.9	<p>The Plumbing Code allows credit for 2 feet of infiltrative sidewall surfaces as well as the 3 feet at the bottom of the trench; no credit is given for the first foot of infiltrative sidewall surfaces directly below the perforated pipe. We request that this section to be amended to allow credit for the infiltrative sidewall surfaces of up to 2 feet in concurrence with the Plumbing Code. This will allow up to 7 square feet of infiltrative area per each linear foot of the trench.</p> <p>Furthermore, trenches generally extend 3 feet below the perforated pipe; credit for only 6 inches of sidewall is unreasonable. The Plumbing Code allows credit for 2 feet of infiltrative sidewall surfaces as well as the 3 feet at the bottom of the trench; no credit is given for the first foot of infiltrative sidewall surfaces directly below the perforated pipe. We request that this section to be amended to allow credit for the infiltrative sidewall surfaces up to 2 feet in concurrence with the Plumbing Code.</p>	<p>The Policy does not distinguish between sidewall and bottom of the trench. The Policy provides for 4 square feet of infiltrative area per linear foot of trench, which may include, at the designers discretion, sidewall, bottom area, or both.</p>	No
30.12	<p>Section 8.1.4 requires 5 feet of native soil below the dispersal trench. 8.1.5 requires 12 inches of soil cover. The policy does not establish minimum trench depth and does not</p>	<p>The Policy provides discretion to the designer regarding trench depth, width, and use of fill material as long as the designer comports with cover and depth to groundwater</p>	No

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	provide adequate information on trench sidewall credit. The policy should clarify whether imported material may be used for any portion of a Tier I installation including trench sidewalls or cover.	requirements. The Policy does not distinguish between sidewall and bottom of the trench. The Policy also provides designer discretion on use of sidewall or bottom area by allowing up to 4 square feet of infiltrative area per linear foot of trench.	
30.13	If OWTS design is based on soil texture rather than perc rate, Table I indicates that groundwater separation shall be based on the equivalent perc as determined by the local agency. Please clarify if it is the intent that the local agency would compare the application rate as determined by texture in Table 3 to the perc rate as linked to the application rate in Table 2 to determine appropriate groundwater separation or is this decision, as the policy states, entirely up to the LA.	Local agencies will use the Tables in Tier 1 as stated in the comment if they are implementing a Tier 1 program, or they may use their own methods under an approved Tier 2 LAMP.	No
30.14	Table 2 appears to be extremely conservative at moderate to slow perc rates, resulting in extremely large and expensive OWTS dispersal fields. Please provide the source of or the formula used to generate the table and explain how it was developed.	Table 2 (now Table 3 in the Proposed Policy) was developed as an interpolation between: (1) USEPA's Onsite Wastewater Treatment Systems Manual, 2002; (2) application rate tables in existing Regional Water Board Basin Plans; and (3) application rate tables used by local agencies within California.	No
30.15	Section 8.2.5 should be located in a general Tier I construction section rather than under the heading Septic Tank Construction and Installation. Some repairs do not entail tank repair or replacement. Please clarify whether inspections or as-built diagrams are required of qualified contractors.	Septic Tank has been replaced with OWTS to generalize the section. A qualified contractor will need to follow the permitting jurisdiction's requirements regarding the requirement for inspection and submittal of as-built diagrams.	Yes
30.17	Section 8.2.2.1 requires water tight risers for septic tank access openings, the tops of which are to be set within 6 inches of finished grade. The policy should make clear whether termination of risers 6 inches below grade is acceptable and why risers extending more than 6 inches above grade would be a problem.	Sections 8.2.2.1 and 8.2.2.2 have been revised to state that risers should be at most 6 inches below grade, and if they extend above surface should be locked or secured to prevent unauthorized access.	Yes
34.1	Section 8.1.1: The OWTS Policy should clarify that it is not giving a qualified professional who designs an OWTS the authority to also approve that design. It would be a conflict of interest for a qualified professional to approve their own design.	The second sentence in section 8.1.1 includes /or/ between design and review to distinguish that an individual may do one, but not the other. To further enhance the clarity of this sentence, the phrase /but not both/ has been added to the end of the sentence	Yes
52.4	Section 8.2.5 states a Class A, Class B, Specialty Class C-42 or Specialty Class C-36 can install new or replacement OWTS. This Section would need to be amended to conform with State Contractor Licensing Board requirements that a Class B can only install if in conjunction with a new building or remodel and the septic system serves this new building or remodel and repairs are not allowed.	Staff were unable to confirm the content of this comment based on our review of Business and Profession Code Sections 7056, 7057, and 7058.	No
55.5	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 average wastewater flow, as presented in the USEPA Manual (see example calculations, p4-15 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 8.1.3 has been revised to incorporate average daily flow for dispersal system sizing and peak flow for hydraulic components.	Yes

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56.1	With respect to the Tier 1 requirements, the minimum depths to highest anticipated groundwater below the bottom of the leaching trench (Section 8.1.5), for percolation rates between 1 and 5 minutes per inch seem somewhat arbitrary. Based on Table 1, 8 feet of separation is required for a percolation rate of 6 minutes per inch percolation rate and 20 feet for 5 minutes per inch. Compare this to the increase of separation of 3 feet between 30 minutes per inch and 31 minutes per inch. COWA understands the need to be conservative in Tier 1 but 20 feet is excessive.	The application rates of Table 3 (formerly Table 2) have been corrected for percolation rates of 5 MPI or less to allow a higher application rate. This higher application rate, along with the high percolation rate, is the reason for the 20 foot separation. Very sandy soils may have difficulty in filtering out and treating pathogens within wastewater due to reduced microbial life within the soil pores.	Yes
63.72	Add 8.1.12 OWTS discharging more than 3,500 gallons per day shall be put into Tier 2 and given monitoring requirements, OR, require an individual WDR.	The Policy does not allow new or replaced OWTS in Tier 1 greater than 3,500 gpd per section 8.1.3. Tier 2 LAMPs may include OWTS up to 10,000 gpd, and include monitoring requirements.	No
75.8	Section 8.1.4: This section and others, refer to dispersal systems. Are gray water systems as allowed under Ch 16 of the Plumbing Code considered a dispersal system as a part of the OWTS? If gray water systems are considered a dispersal system, which set of regulations apply: Ch 16 of the Plumbing Code or this Policy?	The definition of OWTS, which includes dispersal systems as their form of disposal of wastewater, excludes graywater systems per section 17922.12 of the Health and Safety Code. Therefore, no part of this Policy applies to graywater systems.	No
75.9	Section 8.1.6: Please clarify the infiltrative area per linear foot. Does the infiltrative area include the side walls, trench bottom or both? We recommend that the trench bottom area not to be included in the infiltrative area calculation due to biomat buildup along bottom inhibiting infiltration.	The Policy does not distinguish between sidewall and bottom of the trench. The Policy also provides designer discretion on use of sidewall or bottom area by allowing up to 4 square feet of infiltrative area per linear foot of trench.	No

5.0 State Water Board Functions and Duties

22.9, 28.11, 30.26, 49.1	Require RWQCBs to solicit local government and homeowner input on future 303(d) impaired water body listings. Section 5.6 requires the SWRCB to evaluate whether or not OWTS are contributing to the impairment of a water body before adding new water bodies in future 303(d) listings. This determination is significant because it will determine whether or not property owners will be subject to costly Tier 3 upgrade requirements and/or subject to exclusion from the Policy's discharge waiver. In order for this decisionmaking to be based on the best available information, the proposed evaluative process in Section 5.6 must be expanded to include mechanisms that will ensure participation by local government and by impacted homeowners. To accomplish this, we believe that all impacted property owners (within 600 feet of the candidate water body) must be contacted prior to any decisions being made in this regard. The Policy should require meaningful engagement of local government so that the two parties can collaboratively assess the relative significance of all potential sources of nutrient and pathogen pollutant discharges into candidate 303(d) water bodies. Then, as part of the Section 5.6 evaluation process, the SWRCB should be required to consider all input provided by homeowners and local government as part of its deliberative process. Additionally, the Policy should specifically require that local government representatives and all potentially impacted homeowners be notified when relevant SWRCB hearings are scheduled and they should be allowed to comment directly to Board members.	The Clean Water Act 303(d) list is developed through a public process with multiple opportunities for public input and participation at both the Regional Water Board and State Water Board levels.	No
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28.3	The Policy should also identify the various criteria that the SWRCB will use as the basis for adjudicating any disputes between local government and RWQCBs.	The State Water Board cannot predict the disputes that might arise between local governments and Regional Water Boards. The State Water Board will adjudicate disputes in a manner consistent with the intent of the Policy and statute.	No
42.1	We would like to reiterate our concerns about local agencies and local programs permitted to be more protective because of the chance that the local agencies use the LAMP to gain access to peoples land. Attached, you will find links to City Council hearings and several written articles reporting the actions of the City of Calabasas in relation to their more protective OWTS Ordinance which was punitive and selectively enforced. Some OWTS inspections were used as a means for entering onto private property and prosecuting owners for other building code violations. We ask that the sections 5.4 and 5.5 even more clearly simplify the appeal process and define potential recourse/remedy for the petitioner in a very timely manner.	The State Water Board thinks that the process as currently outlined in sections 5.4 and 5.5 is adequate for the purposes of this Policy.	No
63.66	Add following language to end of 5.6: /In addition, the State Board shall complete full review of Attachment 2 every 2 years upon adoption of the 303(d) List./	The Policy requires that Attachment 2 be reviewed each time the 303(d) list is updated, and allows that the State Water Board may update it any time there is new information.	No
63.7	The Policy allows loopholes to true regulation by punting all decisions regarding how to address OWTS pollution to local agencies and Regional Boards.	The Policy allows local control on certain issues, while retaining State Water Board oversight on OWTS that pose the greatest threat to water quality. This flexibility allows consideration of the variability of the state's geography, hydro-geology, and climate conditions.	No
69.7	Section 5.6: Stating that OWTS operating within 600 feet of an impaired water body would likely be a contributing source gives the impression that there is no scientific evidence to prove that this will definitely occur along the water ways located in Orange County. Without scientific evidence to justify the requirement, the 600 foot boundary seems arbitrary. Suggestion: Provide scientific evidence that OTWS will contribute to impairments in a water body if it is operated within 600 feet of that water body, or consider eliminating or adjusting the 600 boundary.	The 600 foot setback is based on fate and transport studies that show some human pathogens can survive upwards of two years within groundwater and that assuming for average conditions the plume from an OWTS can move 600 feet during that time interval. Based on this, it is reasonable to assume that where it is believed OWTS are contributing to an impairment that either a setback of 600 feet or supplemental treatment be used for new or replacement OWTS installations so as not to increase the impacts of OWTS on the impairment. The usage of 600 foot setback in the Policy has been independently peer reviewed. The Policy also requires that TMDLs be developed for those areas listed in Attachment 2 so that the specific details associated with each sit be considered a custom remedy developed. The TMDL may establish a setback different than 600 feet, or may establish other means of addressing the impairment, if OWTS are found to be contributing.	No
75.4	Section 5.7: While making funds available to home owners, via a loan program, is probably necessary, how will the mini-loan program at the local level be funded? How do the local agencies apply for such a program? How will local agencies be funded by the state and/or reimbursed by the state? More thought and/or guidance needs to be provided to ensure home owners can receive these loans.	The mini-loan program will be funded the Clean Water State Revolving Fund. The State Water Board website has general information on grants and loans at http://www.waterboards.ca.gov/water_issues/programs/grants_loans/ . The State Water Board website also has specific information on the loan program for the OWTS Policy at http://www.waterboards.ca.gov/water_issues/programs/owts/docs/resources4localagencies.pdf . Further information regarding the loan program will be provided after the Policy is adopted. Local agencies are encouraged to contact the State Water Board Division of Financial Assistance for more information regarding mini-loan programs. Local agencies are required to repay their loans.	No

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SED			
10.1	Recommend that State Water Board adopt the No-Project Alternative because Policy fails to substantially meet the project objective of establishing an effective implementation process that considers costs, practical considerations for implementation, and technological capabilities existing at the time of implementation. Cost estimates for initial program implementation are between 683 million and 2 billion dollars (calculations attached to letter).	The State Water Board has thoroughly considered costs, practical implementation, and technological feasibility, and has rejected alternatives and mitigation measures that are more expensive, less practical, and rely on infeasible technology. The proposed Policy represents a careful balance of costs, practical implementation, technological feasibility, local authority, public health, and water quality. The No-Project Alternative fails to meet the requirements of Water Code Section 13290 et seq. as was therefore rejected as a viable alternative.	No
12.2, 41.3	Provide further analysis of the burden (financial and time costs) of landowner requirements to meet Tier 1 requirements when property is not located next to an impaired water body, as well as burden on local agencies to develop a LAMP.	The cost to comply with Tier 1 is outlined in the Substitute Environmental Document in Table 8-2. The incremental cost to local agencies to develop a Tier 2 LAMP will depend on a local agencies existing program. Not all local agencies will be required to make extensive changes to their programs.	No
28.16	The SED fails to evaluate the costs or water quality benefits on a statewide basis. Instead, all areas of analysis seem to narrowly focus on individual systems, providing little or no information about cumulative impacts. Based on the SED, there is no way to know what the statewide costs of compliance will be and there is no way to assess the degree to which statewide water quality benefits will result from these costs.	<p>State Water Board CEQA regulations do not require a statewide cost analysis in relation to the resulting water quality benefits (title 23, Cal. Code Reg. section 3777). The cost analysis in section 8.2 of the SED addresses the range of potential costs depending on Tier and type of facility served by the OWTS. That range of costs satisfies the requirements for an analysis of cost of compliance.</p> <p>The SED does not attempt to present these costs on a statewide basis because it would be speculative to do so. It is not possible to estimate the incremental costs imposed by the Policy without knowing how much additional cost would be imposed above and beyond the highly variable existing local and Regional Water Board requirements. In addition, it is not possible to estimate the number of OWTS that will fall within each Tier of the Policy, other than Tier 0 (OWTS that are existing and functioning properly). The SED estimates that there will be 1.4 million existing OWTS by 2013. The vast majority of these will be in Tier 0 (depending on failure rates), and the statewide cost for these is expected to be zero.</p> <p>Tier 1 and Tier 2 costs are speculative to estimate on a statewide basis. Tier 1 and Tier 2 apply to new and replaced OWTS. It is unknown how many local agencies will follow Tier 1 or Tier 2 standards, but it is expected that most local agencies will have approved Tier 2 LAMPs. Based on projected population growth and OWTS usage rates, the number of new OWTS is expected to be relatively small compared to the number of existing OWTS. Tier 2 costs for many existing local programs will be negligible because those existing local programs will continue as approved Tier 2 LAMPs.</p> <p>Tier 3 costs are speculative to estimate on a statewide basis because Tier 3 supplemental treatment costs no longer automatically apply to any OWTS. Instead, Tier 3 supplemental treatment is required by the Policy for new and replaced OWTS only to the extent that the local agency does not adopt special provisions and the</p>	No

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		<p>Regional Water Board does not adopt a TMDL. The Policy has been modified so that Tier 3 supplemental treatment is no longer required for existing OWTS. Any costs imposed by local agency special provisions or Regional Water Board TMDLs will be specific to the local watershed, and can not be determined until those provisions or TMDLs are adopted.</p> <p>Statewide Tier 4 costs will depend on the failure rate. However, the costs to replace or repair failing OWTS would be incurred even in the absence of the Policy.</p>	
28.17	The SED fails to consider lost property values for existing homes and unimproved lots that are located adjacent to 303(d)-listed impaired water bodies. It similarly fails to consider reduced property values for unimproved property that is adjacent to currently unlisted water bodies that may be subject to future 303(d) listing.	Property values are dependent on many different factors. In addition, the requirements for OWTS near impaired water bodies will be determined by future TMDLs and are site specific. Future impairments of water bodies are difficult to predict. Therefore, it is not possible for the State Water Board to determine lost property values as a result of the Policy. Furthermore, the State Water Board is not required to engage in speculation or conjecture (title 23, Cal. Code Reg., section 3777).	No
28.18	The SED seems to presume that all (or virtually all) counties will implement a RWQCB-approved Tier 2 Program. Depending on RWQCB approval requirements, some counties may not be able to implement a Tier 2 Program. To address this very real possibility, the scope of the SED must be expanded to more fully address this situation. Without an approved Tier 2 Program, all new and replacement OWTS will need to comply with highly restrictive Tier 1 standards in order to qualify for a discharge waiver. The associated costs and other impacts on property owners could be quite significant. Along with these impacts, the expanded impact analysis should address the ability of RWQCB to adequately administer a Tier 1 program without local agency support.	<p>The Policy was intentionally designed to encourage the use of Tier 2 LAMPs to address local variability. It is expected that most local agencies will prefer to retain maximum local control by submitting Tier 2 LAMPs. Therefore it is expected that few OWTS owners will be affected by Tier 1. To the extent that local agencies are concerned about unreasonable requirements imposed by Regional Water Boards in approving Tier 2 LAMPs, the Policy provides for elevation of disputes between the local agency and the Regional Water Board to the State Water Board.</p> <p>Finally, the Policy does not mandate the use of Tier 1 standards for new development in local agencies that do not have approved Tier 2 LAMPs. Discharges from OWTS in areas of new development may be authorized under Tier 1, or under a separate waiver or waste discharge requirements with localized standards issued by the Regional Water Board.</p>	No
28.19	The SED selects 15 different local agencies as a basis for evaluating statewide regulatory impacts. In Section 5.5, the SED says that these 15 agencies constitute a representative sample of local regulating agencies. This simply is not true and the selected agencies are not at all representative of all 31 RCRC member counties.	The State Water Board believes that the local agencies evaluated in the SED represent a reasonable range of urban and rural local agencies throughout the state.	No
28.20	Section 8.1.3 Local Agency Requirements fails to meaningfully document the level of effort (and associated costs) that will be required of local governments to comply with the proposed Policy. To justify this omission, the SED says that such an estimate would be speculative because of variances between local agencies. However, no effort was made to obtain relevant information from impacted jurisdictions and many agencies have provided the SWRCB with statements that the required level of effort would be considerable. The Section also understates the level of effort that will be required to prepare Tier 2 program applications and deal with any suggested modifications from the RWQCBs. In many cases this will involve time-consuming local public hearings and changes to existing OWTS ordinances.	The Policy has been structured to build upon existing local agency programs, in an effort to minimize the costs associated with implementing the Policy. Also, monitoring requirements are structured so that existing data may be used to further lower program costs to local agencies. Water Board staff and local agency stakeholder groups are committed to assist local agencies with development of Tier 2 LAMPs. The level of enforcement activities contemplated by this Policy should already be implemented by existing local programs.	No

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34.4	<p>Page 115, Table 4-12 OWTS Discharge Prohibition Areas: Under section Region 5, it lists the Courtland Sanitation District.</p> <p>SASD Comment: According to our records, SASD (CSD-1 prior to 2008) became the successor in interest to the Courtland Sanitation District (CSD) in early 1995. Table 4-12 should be revised to delete Courtland Sanitation District and refer to the area as Courtland Area.</p>	Table 4-12 in the SED has been updated as requested.	Yes
40.5	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 OWTSs. This may lead to a revised finding of Less than Significant.	It is unclear why potential onsite storage and use of chemicals would be addressed in the impact category of Public Services (section 2.4.4 of the SED). Chlorine is the predominant chemical used for OWTS effluent disinfection. It is not likely that chlorine-containing compounds will impact the environment because the quantity needed for disinfection is less than what would typically be used for pool maintenance and other household uses. Storage and use of those quantities is not expected to have significant impacts to the environment. The Policy only authorizes subsurface disposal so surface impacts, including surface water impacts, are not expected. Chlorine-containing compounds as a result of OWTS effluent disinfection are oxidized in the soil, and therefore are not reasonably expected to percolate to groundwater. Impacts associated with the storage and use of chlorine-containing compounds are less than significant.	No
40.6, 62.1	Page 45 - The SED should be changed to reflect, wherever possible, more recent census data, e.g., the 2010 census.	The State Water Board has updated the SED with 2010 census data for general environmental setting sections. However, the 1990 census data for septic tank usage is the most recent available Census data for septic tank usage in California.	Yes
40.7, 69.4	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 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.	Density requirements in Tier 1 have been modified based on precipitation amounts. The requirements only affect land subdivided after the effective date of the Policy, and do not apply to any area covered under a Tier 2 LAMP. Further, the Policy does not preclude development with a density higher than the prescribed density requirements in Tier 1. If a higher density subdivision is approved by a local agency without a Tier 2 LAMP, any landowner within that subdivision desiring to use OWTS may apply for a separate waiver or waste discharge requirements from the Regional Water Board. Therefore, no significant effects related to land use decisions are expected.	Yes
40.8	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 Policy has been structured to build upon existing local agency programs, in an effort to minimize the costs associated with implementing the Policy. Also, monitoring requirements are structured so that existing data may be used to further lower program costs to local agencies. Water Board staff and local agency stakeholder groups are committed to assist local agencies with development of Tier 2 LAMPs. The level of enforcement activities contemplated by this Policy should already be implemented by existing local programs.	No
62.2	You also have projected numbers in Table 4-6: Projected Housing Units with OWTS	The total housing units per county in Table 4-6 were calculated using projected	No

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	in 2008 and 2013. These numbers are based on old census data also.	population levels as determined by the Department of Finance. The only information used from the 1990 Census data was the ratio of housing units using OWTS and the total number of housing units. The 1990 Census was the last census where this information was collected. A cursory examination of the 2010 Census data on the number of housing units per county shows that overall most of the 2010 numbers fall within the 2008 and 2012 estimates. Table 4-6 does not need to be changed.	
62.3	You do not incorporate Metropolitan Planning Organizations MPO projections derived from Sustainable Communities Strategies. Many of these new policies are concentrated on Multi-Family Unit Dwellings which would drive projections downward. Regional Housing Needs Assessments would also reflect this change.	To the extent that local agencies implement these policies, the use of OWTS is expected to be reduced and therefore fewer impacts will result from the Policy.	No
62.4	Has the Integrated Approach for Sustainable Development on Alluvial Fans (Integrated Approach) been incorporated into this policy. Changes in Land Use based on this approach would also drive projections downward.	The Integrated Approach for Sustainable Development on Alluvial Fans is a voluntary model ordinance for minimizing flooding and other hazards when locating development on alluvial fans. Since it is a voluntary local program that is consistent with the Policy, it is unnecessary to include it in the discussion of land use planning. Local agencies may choose to incorporate any of these voluntary principles in their Tier 2 LAMPs. The discussion of general plans and Tier 2 LAMPs in the SED is sufficient.	No
62.5	Omitted is reference to AB 162 Wolk and the 200 year floodplain consideration for the Land Use, Conservation, Safety, and Housing Elements of General Plans.	The Policy reserves local development decisions to local agencies consistent with state law including AB 162 (Wolk).	No
62.6	You do not reflect the USEPA current TMDLs in the SED.	Table 4-10 in the SED does not contain USEPA TMDLs addressing pathogens and/or nutrients, because USEPA does not have direct authority over non-point sources (including discharges from OWTS). Therefore, the Regional Water Boards will still need to adopt TMDL implementation plans to the extent that additional controls on OWTS discharges are needed for these impaired water bodies.	No
62.7	Did you take into consideration the changes in the Building Code.	Yes.	No
62.8	This policy assumes an increase of unit. Without a current approach to actual use or consideration of a potential decrease of use because of new laws and regulations, does this policy contribute to the solution of a pollutant problem.	The SED does not address impacts from existing OWTS, because they are part of the environmental baseline. The Policy focuses on new OWTS and correcting problems with existing OWTS and encourages the conversion of existing OWTS to sewers in Tier 3 areas.	No

Not section specific

6.1	Letter contains a request to be notified of any changes made to the Policy and also contains a request to be informed of any applications for approval of a LAMP by the County of Las Angeles subsequent to final approval of Policy.	Interested parties may subscribe via email to a number of State Water Board water quality topics at http://www.waterboards.ca.gov/resources/email_subscriptions/ . Included in the list of topics is Onsite Wastewater Treatment Systems. By subscribing to this topic, interested parties are notified of important events regarding the OWTS Policy. Section 4.3 of the Policy states that approval of Tier 2 LAMPs must follow a noticed hearing with opportunity for public comment. The Regional Water Boards,	No
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		like the State Water Board, have email subscription lists on various topics that can also be accessed at the previously-mentioned website. It is recommended that the commenter contact the Regional Water Board to determine the appropriate topic for subscription in order to be informed of pending LAMP approvals.	
7.1	Letter expresses support of Policy and appreciation of being included as a stakeholder.	Comment noted.	No
12.1	Public workshops in Redding and Santa Rosa are not close enough to allow meaningful input from public agencies and interested persons.	The State Water Board picked locations that were distributed through California to give the public opportunity to provide input. All locations were webcast, allowing those who could not travel to the physical location the opportunity to view the workshops online. The public also had opportunity to submit written comments.	No
13.1	<p>Monthly operating costs billed by Amador Water Agency have increased from 30 to 95 dollars. Amador Water Agency state it is because of order 97-10, which requires weekly or more frequent monitoring of the community leach field and lots of reports that consume excessive staff time (increased from monthly monitoring). Increased labor hours from 86 to 260 per year. Also learned that State Water Quality Control Board initiated charges/taxes/fees for their service, which amounts to legalized extortion.</p> <p>Policy needs to be amended to exclude small community leach fields, such as those less than 25 lots/parcels, that are at least 2 miles from any perennial stream or creek. Oversight of these small systems should revert to county and authorized operator/maintainer.</p>	The proposed Policy states that the Regional Water Boards shall have the discretion to discontinue coverage under Order 97-10 for OWTS that can be covered by the proposed Policy. If the OWTS is covered by the proposed Policy and the local agency has an approved Local Agency Management Program, then the local agency will provide oversight for the OWTS.	No
13.2	<p>Request an exemption from current weekly inspections by Amador Water Agency and monthly/semiannual and annual reports since there are no perennial streams or creeks within five miles of the property that could/would be contaminated from a spill discharge, there are no water supply wells within 2 miles of the leach field, and all of the domestic water supply is furnished by a 7 mile pipeline from City of Ione.</p> <p>Also asking for a repeal of any and all annual assessments/taxes/fees charged to the Amador Water Agency by the State Water Quality Control Board.</p>	If the OWTS is covered by the proposed Policy and the local agency has an approved Local Agency Management Program, then the local agency will determine the necessary oversight for any given OWTS. Local agencies are not required to pay fees to the State Water Board in order to operate a Local Agency Management Program.	No
18.1, 26.1, 27.1, 36.1, 43.13, 43.12, 45.3, 64.4, 64.2, 64.3, 70.2, 72.1, 79.1, 80.1	City Staff became aware of this OWTS Policy in Mid-March 2012 and with a comment deadline of May 04, 2012, providing the City a very narrow window to not only review, but even less time to fully understand the implications of this policy.	<p>On April 4, 2011, the State Water Board issued a Notice of Availability of Scoping Documents and Public Scoping Meetings. The notice was sent to the State Water Board's general distribution email list, the State Clearinghouse, the previously-subscribed interested persons Lyris list, and interested persons who had previously requested hard copy distribution. The scoping meetings were held: May 2, 2011 in Sacramento, and May 5, 2011 in Riverside.</p> <p>The State Water Board also released a Notice of Availability of Draft Documents and Notice of Staff Workshops on September 30, 2011. The notice was sent to the State Water Board's general distribution email list, an updated subscribed interested persons Lyris list, and an updated interested persons hard copy distribution list. We also sent it to the California City and County Planning Directors list. The workshops</p>	No

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		<p>were held on October 24, 2011 in San Luis Obispo, October 28, 2011 in Redding, November 2, 2011 in Santa Rosa, and November 7, 2011 in Riverside.</p> <p>On March 19, 2012 the State Water Board sent a Notice of Availability of Draft Documents and Notice of Staff Workshop, State Water Board Hearing, and Adoption Meeting to all interested parties that were contacted on September 30, 2011. In addition, Notice was published in the following newspapers:</p> <ol style="list-style-type: none"> 1. The Daily Recorder - Sacramento County 2. The Daily Journal - LA County 3. The Daily Journal - San Francisco County 4. The Daily Transcript - San Diego County 5. The Times Standard - Humboldt County 6. The Monterey Herald - Monterey County 7. The Register - Orange County 8. The Desert Sun - Riverside County 9. The Daily Press - San Bernardino County <p>The staff workshop was held on April 4, 2012 in Sacramento. The State Water Board Hearing was held on May 2, 2012 in Sacramento, and the State Water Board Adoption Meeting is scheduled for June 19, 2012 in Sacramento.</p>	
18.2, 72.3, 73.2	Replacement of OWTS should not be classified as new.	It is standard practice to require building components to be upgraded to the latest codes and standards whenever major work is performed, therefore replaced OWTS are considered new in the Policy.	No
18.9	Based on the information we have gathered, this rule does not appear to have been discussed with California Building Officials (CALBO) or the Building Standards Board. It appears that amendments to the California Plumbing Code (CPC) Appendix K are proposed without the above input or knowledge.	This Policy does not amend or alter the California Plumbing Code (CPC), but should be used in conjunction with the CPC. It does however contain requirements that are different and at times more restrictive than the CPC for reason of complying with State statutes and for the protection of water quality.	No
23.4	There is potential for the elimination of Regional Board (Colorado River Region). We are greatly concerned how reduced access to our Regional Board and their staff would impact the adoption of Local Agency OWTS Management Program. Due to the potential elimination of the Colorado Regional Board, the District is concerned how and who would implement this in our community.	The dissolution of the Colorado River Regional Water Board is being discussed in Sacramento. If that were to occur, another Regional Water Board with staff would administer the Policy.	No
36.2	Could someone with expertise outline various ways to tackle the problem? Is this an individual responsibility to determine who is responsible for what? If so, it is vital to recognize that there are many residents of these canyons on fixed and limited incomes. What can be done to assist them if the burden is to be placed on individuals? More importantly is there a community-wide response that could work? Are there natural ways (marshes?) to solve the problems?	The State Water Board has tried other approaches to managing OWTS effluent statewide. In addition, the Substitute Environmental Document reviews alternatives to the Policy. After considering other options, the State Water Board believes the proposed Policy is an appropriate way of addressing OWTS in California. The proposed Policy allows for localized solutions (TMDLs and local agency special provisions) for individual impaired waterbodies. In addition, the State Water Board will be providing financial assistance through local agencies for OWTS owners.	No
37.1	100% supportive of Policy.	Comment noted.	No

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43.1	I oppose and object to the incorporation in the subject draft proposed statewide OWTS revised regulations pursuant to Water C. § 13291, of the Amendment to the Water Quality Control Plan for the Los Angeles Region (Basin Plan) To Prohibit On-Site Wastewater Disposal. I request that said incorporation be stricken.	The proposed Policy states that it does not supersede any existing Basin Plan prohibitions against discharges from OWTS. The commenter is challenging a Basin Plan prohibition that affects portions of Malibu in the courts; the proposed Policy does not contain any new provisions that are specific to Malibu.	No
43.2	Without credible, reliable evidence, unsubstantiated claims have been made by both SWRCB and LARWQC staff, and by various groups such as Heal The Bay and Baykeepers, that residential septic systems may be contaminating either ground water or coastal waters. The truth is that no nexus between residential septic systems, on the one hand, and ground water or coastal water pollution, on the other, in the Malibu Civic Center has been established.	This Policy is intended for statewide coverage, and is not Malibu specific. In peer-reviewed scientific papers, OWTS have been shown to pollute groundwater and surface waters.	No
66.1	Although we understand that the OWTS policy and regulations will not specifically include tire-derived aggregate (TDA), we request the statement of reasons or staff report that accompanies these regulations include an explanation that TDA is an effective alternative material for aggregate when designing an OWTS and can be used with local agency approval.	Nothing in this Policy precludes a local agency from allowing the use of tire-derived aggregate in OWTS design. This is best addressed during the implementation phase of the OWTS Policy. The State Water Board will work with CalRecycle to make information available to local agencies implementing this Policy on the use of tire derived aggregates.	No
72.6	Implementation of this Policy will be burdensome and costly to local municipalities and property owners.	While the State Water Board recognizes there are some costs associated with the Policy implementation, the Policy has been written to minimize costs to local agencies. The Policy does not require as much cost as previous attempts to comply with the mandates of section 13290 et. seq of the Water Code.	No
73.1	One of Apple Valleys top concerns pertains to the draft rule, which, if adopted, will add unreasonable expense for existing homeowners who find it necessary to replace their OWTS, unless their Local Agency Management Program (LAMP) is approved.	The Policy creates different Tiers that establish requirements for OWTS. The Tiers are risk-based and require upgrades or stricter standards for OWTS that are most likely contributing to impaired water bodies, therefore the State Water Board thinks the costs are reasonable given the resulting protection of water quality. The requirements of Tier 1 are conservative because OWTS in Tier 1 will have limited oversight by local agencies compared with Tier 2. In addition, section 11.5 states that if the owner of the OWTS is not able to comply with corrective action requirements, the Regional Water Board may authorize repairs that are in substantial conformance, to the greatest extent practicable, with Tiers 1 or 3, or may require the owner of the OWTS to submit a report of waste discharge for evaluation on a case-by-case basis.	No
77.3	Regarding inspections, what exactly would the state need to inspect? Septic tanks are pumped and inspected every 4-5 years. They are buried in the ground with nothing easily accessible.	The Policy requires owners of OWTS to maintain their OWTS in good working condition with appropriate inspections and pumping of solids as necessary or as required by local ordinances. Additional inspections are required for OWTS with supplemental treatment or if a local agency decides to include additional inspection requirements in a Tier 2 LAMP.	No
78.1	Would like to offer opinion on what maintenance schedule should be for pumping and cleaning septic tanks (as an owner and operator of a septic service business in Santa Cruz for 25 years). Recommend pumping every 2 years for standard gravity flow systems because have found that people do not experience back-ups in the house, surfacing effluent, or leach field failures with this frequency of pumping. Recommend checking and cleaning standard systems that rely on a lift station every 6-12 months.	The State Water Board appreciates the input on pumping and cleaning septic tanks. The level of maintenance required is directly related to the type of system and its level of use, so no standards are universally applicable. The State Water Board does, however, support routine maintenance as necessary to continued proper operation of onsite systems. The Policy requires owners of OWTS to maintain their OWTS in good working condition including inspections and pumping of solids as necessary, or	No

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		as required by local ordinances and/or an approved Tier 2 LAMP. OWTS near impaired water bodies that are in Tier 3 have specific inspection and maintenance requirements.	
79.2	I understand about the EPA Czar (on the verge of socialism/communism) told the states which told the counties which dragged their feet because they do not know where to find the money to implement.	The State Water Board is acting in accordance with legislative direction in Water Code section 13290 et. Seq. The Policy has been structured to build upon existing local agency programs, in an effort to minimize the costs associated with implementing the Policy. Water Board staff and local agency stakeholder groups are committed to assist local agencies.	No
79.3	There could be many other ways besides the tiered program - and from what I have heard of this matter - our county officials do not know ANYTHING.	The State Water Board thinks the tiered, risk-based approach is an effective way of managing OWTS throughout the varied geographic and environmental conditions of the state.	No
79.4	Please postpone this vote until all involved have been notified - do not just do what the Feds say without thinking it through.	Comment noted.	No
80.2	What about all the other residents who are not ICL members and have NO IDEA this is going on therefore, have NO OPPORTUNITY to review and comment on this VERY DISTURBING INFORMATION.	The State Water Board conducted a thorough statewide public notice and public information effort, including newspaper public notices, workshops in different locations in the state, and an extensive email distribution list for any person who has expressed interest in the subject of OWTS regulation, during both the current and the previous State Water Board attempts to adopt an OWTS Policy. The general public has the opportunity to subscribe to email lists to obtain updates about Water Board actions and announcements at http://www.waterboards.ca.gov/resources/email_subscriptions/ . When members of the general public do not have access to email, they can submit requests to receive hard copies in the mail. Local organizations can also help distribute information regarding Water Board actions. This effort substantially exceeded the requirements of state law, but it simply was not possible to ensure that all 1.2 to 1.3 million OWTS owners received actual notice of the proposed Policy.	No
80.3	September 20, 2011, staff released a public draft of the OWTS Policy. Who was this released to? As a resident of Silverado, I NEVER RECEIVED ANYTHING. With such a huge issue at hand, shouldnt all residents of Silverado been notified through the mail? YES WE SHOULD HAVE. That would have been the MOST RESPONSIBLE method of dissemination of this information; after all, it is OUR LIVES that will be affected should this policy be adopted.	The State Water Board conducted a thorough statewide public notice and public information effort, including newspaper public notices, workshops in different locations in the state, and an extensive email distribution list for any person who has expressed interest in the subject of OWTS regulation, during both the current and the previous State Water Board attempts to adopt an OWTS Policy. The general public has the opportunity to subscribe to email lists to obtain updates about Water Board actions and announcements at http://www.waterboards.ca.gov/resources/email_subscriptions/ . When members of the general public do not have access to email, they can submit requests to receive hard copies in the mail. Local organizations can also help distribute information regarding Water Board actions. This effort substantially exceeded the requirements of state law, but it simply was not possible to ensure that all 1.2 to 1.3 million OWTS owners received actual notice of the proposed Policy.	No
80.4	After reviewing it, I do not see how it is PERCEIVED that this policy is something	The State Water Board thinks the tiered, risk-based approach described in the Policy	No

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	that could even conceivably be considered a FEASIBLE or VIABLE option to the stated issue of pathogens in Silverado Creek.	and recognition that responsible local agencies can provide the most effective means of managing OWTS on a routine basis, is an effective way of allowing continued use of OWTS while protecting water quality and public health throughout the varied geographic and environmental conditions of the state.	
80.6	PLEASE STOP further consideration of adopting this OWTS policy. These are HUMAN LIVES we are talking about and who would be devastating affected by this. I CANNOT imagine that those who are proposing this policy are heartless!	The State Water Board is acting in accordance with legislative direction in Water Code section 13290 et. Seq and is therefore required by law to adopt a way of managing OWTS in California. The Policy is risk-based and the intent is to cover a wide range of systems and site conditions in order to provide flexibility for local agencies to develop local programs that address local residences.	No