

Policy for Siting, Design, Operation and Management of Onsite Wastewater Treatment Systems

Public and CEQA Scoping Meetings

Sacramento: May 2, 2011

Riverside: May 5, 2011

Meeting Ground Rules

Ground Rules are designed to keep discussions on track, focus on the topic and use our time efficiently.

- ◆ Use common courtesy. Do not interrupt another speaker. Listen to each other and respect all views.
- ◆ Turn cell phones off. If you must take a call, do so outside of the meeting room.
- ◆ Give everyone the opportunity to participate. Time limits may be imposed where needed.

Today's Agenda

1. Welcome, introductions, meeting mechanics
2. Staff Presentation
 - Background for the Policy
 - Draft General Framework for the Policy
 - Proposed Focus of Environmental Analysis for the Policy
3. Clarifying Questions from Audience (if any)
4. Public Comments on the Scope of the Environmental Analysis for the Policy
5. Next Steps for Developing the Policy

Purposes of Today's Meeting

- ◆ Provide background information on the Policy and the environmental review process
- ◆ Solicit public comments on potential impacts of the project and alternatives to consider in the environmental document

Next Steps & Target Dates

CEQA scoping comments due	Noon on May 19, 2011
Release draft environmental document and Policy, for public review and comment	September 2011 60 days
State Water Board Workshops	Fall 2011
State Water Board Adoption Hearing	March 2012

Project Background



Project Objectives

- ◆ As required by Water Code section 13291, adopt statewide OWTS Policy that is consistent with other Water Code provisions and related State Water Board Policies.
- ◆ Help ensure beneficial uses of the State's waters are protected from OWTS effluent discharges by achieving and protecting water quality objectives.
- ◆ Establish an effective implementation process that considers economic cost, practical considerations for regional and local implementation, and technological capabilities existing at the time of implementation.

What Happened after the Last Comment Period?

In late 2008 and early 2009, the State Water Board circulated a proposed project and EIR on this subject. That proposal received very little support from the public and was discontinued.



What is the Current Project ?

- ◆ Proposed regulatory framework with a four-tier, risk-based regulatory system
 - **Tier Zero**: Existing OWTS that are functioning properly and are not adjacent to septic polluted surface waters
 - **Tier One**: New or replaced low-risk OWTS that meet specified criteria
 - **Tier Two**: New or replaced OWTS covered by a local agency management plan
 - **Tier Three**: OWTS associated with septic polluted surface waters

Tier Zero

- ◆ Tier Zero are exempt from any requirements in the proposed Policy unless designated for reasons listed below. In addition, existing OWTS could be designated to another Tier by a regulator for any of the reasons listed below:
 - The OWTS are adjacent to waters polluted by nitrogen or pathogens;
 - The OWTS has created or may create a condition of pollution or nuisance;
 - It must undergo a major repair due to structural failure or surfacing effluent.

Tier One (Low Risk OWTS)

- ◆ OWTS in Tier One must comply with siting and design requirements. New and replaced OWTS that meet these requirements are automatically included into Tier One.
- ◆ Standards include but are not limited to:
 - Adequate percolation
 - Setback and slope requirements
 - System design requirements
 - Soil depth requirements
- ◆ Tier One OWTS could be moved to higher Tiers in the same manner Tier Zero could be moved.

Tier Two (Local Agency Management Program)

- ◆ New and replaced OWTS are Tier Two as long as they meet the requirements of the local agency program, where the local agency has an approved program.
- ◆ Tier Two is intended for OWTS that cannot meet the minimum requirements in Tier One.
- ◆ Tier Two requires that the local agency have an approved program by the State.
- ◆ Tier Two OWTS could be moved to Tier Three if the OWTS is adjacent to a surface water that is polluted by nitrogen or pathogen compounds.

Tier Three (Corrective Action)

- ◆ Tier Three is designated for OWTS adjacent to polluted waters where OWTS are found to be contributing to the pollution, either presumptively based or from an assessment.
- ◆ If found to be contributing, owners will be required within a specified time schedule to:
 - connect to sewage treatment plant;
 - comply with Total Daily Maximum Loads;
 - add advanced treatment to the OWTS

Frequently Asked Questions

Answers to FAQs are available on a handout at the back of the room.

- ◆ Can I review the OWTS policy?
- ◆ Who will be affected by the proposed policy?
- ◆ Will I need to replace my septic tank?
- ◆ Why is this policy being written?
- ◆ Aren't county regulations good enough already?

CEQA Scoping Meeting



The California Environmental Quality Act (CEQA)

- ◆ Designed to minimize harmful impacts to the environment
- ◆ Applies to projects conducted, approved, or permitted by government agencies
- ◆ Ensures that government listens and responds to the public

Effects to Consider Under CEQA

Do consider:

- **Direct** physical changes in the environment
- Reasonably foreseeable **indirect** effects of the project (e.g., growth-inducing or other effects related to land use changes)

Need not consider:

- Changes to the environment from effects considered elsewhere
- Changes that would occur regardless of the Policy
- Changes that are speculative

CEQA Process for This Policy

- ◆ We “scoped” previously, when fewer details were available
- ◆ Today’s purpose: Take public comments on the scope of the environmental analysis for the Policy, as described in the Scoping Document
 - The actual environmental analysis will be done in a Substitute Environmental Document (SED)

Scoping Document

- ◆ Explains the Regulatory Setting
- ◆ Describes impacts from OWTS
- ◆ Sets forth the Project Objectives
- ◆ Describes the General Project Framework (the four tiers)
- ◆ Outlines the state's bioregions
- ◆ Includes a draft Environmental Checklist

The Environmental Checklist

- ◆ Frames the project and provides a structure for public input
- ◆ Evaluates the project's potential to result in:
 - Potentially significant impacts
 - Impacts that will be less than significant with mitigation measures incorporated in the project
 - Less than significant impacts
 - No Impacts

CEQA Categories of Concern

- Aesthetics
- Agricultural / Forestry resources
- Air quality
- Biological resources
- Cultural resources
- Geology and soils
- Greenhouse gas emissions
- Hazards and hazardous materials
- Hydrology and water quality
- Land use and planning
- Mineral resources
- Noise
- Population and housing
- Public services
- Recreation
- Transportation / traffic
- Utilities and service delivery systems
- Public health and vector control

Focus of the Substitute Environmental Document (SED)

- ◆ Hydrology
- ◆ Geology and soils
- ◆ Water quality
- ◆ Public health
- ◆ Biology
- ◆ Utilities and service systems
- ◆ Growth inducement (potential of the project to induce or restrict growth)
- ◆ Cumulative impacts (impacts of the project combined with impacts of past, present, and reasonably foreseeable future projects)

Available Documents

- ◆ On Internet at:

http://www.waterboards.ca.gov/water_issues/programs/owts/index.shtml

- Proposed Policy Scoping Document
- Proposed Policy Scoping Notice
- Proposed Policy Fact Sheet
- Proposed Policy FAQs

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We Welcome Your Comments!

- ◆ Submit written comments to:

Mail:

Jeanie Mascia

State Water Resources Control Board

P.O. Box 2231, Sacramento, CA 95812

Hand Delivery:

1001 I Street, 15th Floor

Sacramento, CA 95814

Email:

owts_commentletters@waterboards.ca.gov