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Mimi Khin Hall, MPH, CHES, Director

November 14, 2011

OWTS Policy
State Water Resources Control Board
P.O. Box 2231
Sacramento, CA 95812

RE: Technical Issues Concerning Policy for Siting, Design, Operation and Maintenance of Onsite Wastewater Treatment Systems (OWTS)

Dear Mr. Polhemus,

As you probably know, the Plumas County Board of Supervisors submitted a November 8, 2011 letter urging various changes to the draft OWTS policy. In addition to the broad policy issues raised in that letter, this letter addresses various technical issues that also need clarification or revision.

Horizontal Setbacks

The horizontal setbacks of Tiers 1, 2 and 3 regarding public water system sources are too prescriptive or arbitrary. In particular Tier 1 Sections 7.5.6-10, Tier 2 Sections 9.4.10.1-5 and Tier 3 Sections 10.4.10.1-5 are more restrictive than the revised Title 22 Waterworks Standards and the "CA Well Standards 74-90" which are already in place to protect public water systems utilizing wells or surface water. These sections should be modified to reference and conform to existing regulations.

Related to this issue are the requirements in Tier 2 Section 9.5.1-4. By deferring OWTS horizontal setback approval until there is concurrence by the public water system owner and CDPH Drinking Water Program only adds costs and delays to a process that will not increase the protection of public health.

Vertical Setbacks

The minimum depths to groundwater listed in Tier 1 Section 8.1.6 Table 1 are excessive at 20 feet for percolation rates of 1-5 mpi and 8 feet at 5-29 mpi. These distances can not be measured with a standard soil profile done by a backhoe and would further burden the homeowner with the higher expense of a soil boring.

Density Limits

The density requirement of Tier 1 Section 7.8 places an arbitrary restriction on new subdivisions and limits the use of OWTS to a minimum parcel size of 2.5 acres. Any minimum parcel size should be determined case-by-case, be project specific and based on site evaluation not an arbitrary regulatory number.

Recreational Vehicle Dump Stations

The prohibition of OWTS dedicated to receiving wastes from recreational vehicle (RV) holding tanks in Tier 2 Section 9.4.8 will negatively impact Plumas County. The existing RV dump stations in Plumas County are few in number and located in areas where other disposal options are not available. This restriction could eliminate dump stations and increase the probability of illegal dumping, adversely affecting both public health and the environment. This need not be a statewide prohibition; it should be negotiable in a Tier 2 program approved by the Regional Board.

Tier 3 Requirements for Existing OWTS

Tier 3 Sections 10.2-10.2.4 for existing systems should be rewritten to put the burden of proof for degradation on the Regional Boards. Even if Regional Board fails to adopt a TMDL and a contribution from OWTS is never established, the owner of an existing OWTS must comply with advanced treatment requirements within 7 years. Then, once the TMDL is completed and it does not allocate any load to OWTS, and the advanced treatment may no longer be necessary. Those installing advanced treatment in the interim will have spent a lot of money unnecessarily and without water quality benefit. Any requirements for OWTS upgrades of existing systems before a TMDL has been established should be eliminated.

Optional inspection reports for existing systems are detailed in Tier 3 Section 10.3-10.3.2. Section 10.3.2 requires an OWTS owner to submit any inspection reports within 30 days of completion. An owner should not be required to submit a report, which he is paying for, to the Board unless he so chooses. This requirement is unenforceable and should be deleted. However, a reasonable time frame for action by the Regional Board should be added for those reports that are submitted as well as suspension of OWTS upgrade requirements during this period of Board review.

Tier 3 Requirements for New OWTS

Tier 3 Section 10.6 requirements are for new OWTS within 600 feet of a 303(d) water body without a TMDL. The requirement for advanced treatment for nitrates and pathogens at this distance appears to be excessive and arbitrary rather than based on such parameters as OWTS density, soil type and percolation test results. Also, without an adopted TMDL there is no evidence that the OWTS are contributing to the problem. Costly advanced treatment systems, that may be unnecessary, should not be required. This requirement for new systems should be eliminated until a TMDL is adopted.

Clarifying Language

Several sections in the policy use wording that triggers regulatory action yet are undefined, unclear in its meaning, or are contradictory. The following sections need clarification, revision or omission:

- **Section 3.3**—requires the “location” be provided for OWTS complaints and permits in the annual report. It does not seem necessary to track and report local OWTS activities to this level of detail.
- **Tier 0 Section 6.1.2**—refers to “high-strength wastewater from commercial food service buildings that does not exceed 900 mg/L BOD and has a properly sized and functioning grease interceptor (a.k.a. grease trap).” This restriction should be removed. If an existing system is operating properly, then it should be allowed to continue operation until it meets the conditions of Tier 4.
- **Tier 0 Section 6.1.4**—Clarification is needed that OWTS inundated by a flood event would not be automatically taken out of Tier 0 if the OWTS functions properly after the waters recede.
- **Tier 1 Section 8.1.4**—states that leach fields installed above native soil may be approved under Tier 2 but this is contradicted in Tier 2 Section 9.4.3 which states that any effluent disposal on or above the ground surface is not allowed. This section must be modified to permit above-ground (mound) systems in Tier 2.
- **Tier 2 Section 9.1.2**—uses the term “high quality waters”. The term is not defined or referenced to other existing regulations and should be removed.
- **Tier 2 Section 9.1.3**—refers to “dispersal system installation that is closer to the ground surface than is standard”. The intent of this section is not clear.
- **Tier 2 Section 9.1.9**—uses the term “watershed”. This term needs to be defined and clarified as to the intent of what the term encompasses.
- **Tier 2 Section 9.4.10.4 and 9.5**—uses the term “within the catchment of the drainage”. This term needs to be defined and clarified as to the intent of what the term encompasses.
- **Tier 3 Prologue and Tier 3 Section 10.0**—contains conflicting statements regarding existing OWTS near an impaired water body. The prologue states that existing systems must meet the Tier 3 requirements and Section 10.0 says “local agencies are not required to notice or enforce the requirements of Tier 3 for existing OWTS.” These conflicting statements need clarification.
- **Tier 3 Section 10.4.3**—prohibits any above ground effluent disposal. This section should be modified to permit above-ground mound systems in Tier 3.

Thank you for your continuing work to make this policy workable for local implementing agencies. I look forward to working with you during the next revision cycle.

Sincerely,



Gerald Sipe
Plumas County Environmental Health

