



# County of Santa Cruz

## HEALTH SERVICES AGENCY

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### ENVIRONMENTAL HEALTH

November 10, 2011

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

Subject: Comment on DRAFT OWTS Policy Documents

To whom it may concern:

We would like to offer comments on the proposed AB 885 policy (Policy) and the substitute environmental document (SED). We concur with the resolution regarding the Policy adopted on September 30, 2011, by the California Conference of Directors of Environmental Health. We greatly appreciate the efforts made by State Board staff to engage with CCDEH and address concerns that have been raised. The new proposed Policy is a great improvement over prior version. We do have the following specific comments on the public comment draft.

Remove section 9.3.7 requiring local management agencies to maintain a list of all new OWTS installations within 500 feet of a sewer system, or move it to the list of optional elements for annual reporting. In Santa Cruz County, we require any new development or development served by a failed septic system that is within 200 ft of a sewer to connect to the sewer if possible. We see no benefit to keeping a list of installations within 500 ft. of a sewer. This information would become out of date when sewer line extensions occur. If at some future date the information on systems in proximity to a sewer system is desired, this could be better provided by use of the County's Geographic Information System.

Remove or modify Section 9.4.5 prohibiting installation of OWTS on slopes greater than 30 percent without a slope stability report approved by a registered professional. This is something that should be addressed in the local management program and will vary from county to county. Santa Cruz County currently prohibits new installations on slopes greater than 30%, but allows replacement of existing systems on slopes up to 50%. Slope stability analysis is only needed if there are indications of slope stability problems. A blanket requirement would create added cost and delay for repairs on steep slopes, and should be able to be addressed on a case-by-case basis in the Tier 2 program.

Remove or modify Section 9.4.10, which prohibits OWTS within horizontal setbacks from public water sources which go well beyond those currently required in the state well standards, plumbing codes or basin plans. No justification for the increased separation is provided. No option for replacement of existing systems within those separation distances is provided. In Santa Cruz

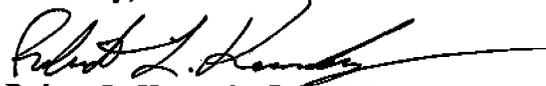
County we have an estimated 400 existing OWTS on parcels that are within 200 ft. of a stream and within 2500 ft upstream of a water intake. With only one exception, we have no indication that the existing systems have posed any more threat to the water source than other OWTS in the watershed. There is no provision in the policy for continued use of homes or undeveloped lots in proximity to public water sources. Section 9.4.10 should be eliminated and 9.5 could be modified to provide for site-specific evaluation and mitigation of any potential impact, with the requirement for enhanced treatment, if necessary, after notification to CDPH and the water supplier.

Remove Section 9.6, which requires that a local agency must detail with specific criteria the characteristics for which their Local Agency Management Program for OWTS deviates from those requirements in Tier 1. This is an onerous and unnecessary requirement. Tier 2 is not meant to be compared to Tier 1. They are intended to be two different approaches to protecting water quality and public health.

With regard to the SED, it is not clear that the Supplemental Treatment alternative would be environmentally superior. Energy use by supplemental treatment systems for every OWTS in the state would result in substantially increased energy use and GHG emissions with only minimal, if any improvement in water quality over that provided by conventional gravity dispersal and natural soil treatment in the great majority of situations.

Thank you for the opportunity to comment. If you would like to discuss our comments further, please contact John Ricker at 831-454-2750, or [john.ricker@co.santa-cruz.ca.us](mailto:john.ricker@co.santa-cruz.ca.us).

Sincerely,



Robert L. Kennedy, R.E.H.S.  
Director of Environmental Health