

City of Shasta Lake

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November 10, 2011

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

RE: Comment Letter - Draft OWTS Policy Documents

Dear Board Members:

On behalf of the City of Shasta Lake, I am writing to provide comments on the Draft Policy for Siting, Design, Operation and Management of onsite Wastewater Treatment Systems (OWTS) – Septic Systems and Substitute Environmental Document (SED).

The City acknowledges that this latest proposal differs significantly from the 2008 proposal. The 2008 proposal was overly restrictive, unreasonably costly to system owners and problematic due to its one size fits all approach in a state with diverse geographical, hydro geological and demographic characteristics.

Unfortunately, this new proposal still has the potential for severe financial impacts on many property owners within the City of Shasta Lake and throughout the state. Although, none of the surface waters within the City of Shasta Lake appear on the 2010 303(d) listing of impaired water bodies, current and proposed regulations will make it all too easy for the State Water Resource Control Board (State Water Board) to add water bodies to the list in the future.

In addition, the proposed Policy and SED would require local agencies that currently regulate OWTS to submit *management policies* for approval by the State Water Board. Minimum requirements for these policies will include additional monitoring (particularly of ground water) and potential mitigation procedures that will add operation costs to the local agencies, which in turn will be passed on to the property owners.

It seems clear that the intent of the State Water Board is to eventually require all OWTS to adhere to regulations that are nearly if not as strict as first proposed in 2008. The proposed Tier system by design would only delay that outcome. Property owners with properly operating systems in Tier 0 could find themselves suddenly needing to upgrade simply because a water body near them is placed on the 303 (d) list in the future. This could also be the case if the state or local agency concludes that ground water, including perched ground water, near them is being impaired. The property owner would either have to prove their system is not contributing to the problem, at their expense, or make costly improvements.

It is because of the concerns listed above that the City would prefer to see the State Water Board implement the "No-Project (Status Quo) Alternative" listed in the SED (Section 1.6.1) and ask the State Legislature to repeal AB 885. This would be in the best interest of the citizens of the state because it allows the permitting and regulating of OWTS to remain in local control.

The following comments reflect the City's concerns regarding how the proposed policy could impact the citizens and property owners of the City of Shasta Lake. The City would like to see these items considered further and addressed in the final document before the policy is approved by the State Water Board:

1. Future designation of impaired water bodies by the State should require the State to present evidence of impairment to local agencies during a public hearing allowing for public comment. The evidence should also show that impairment is directly related to OWTS.
2. Include a mechanism to ensure Regional Boards do not arbitrarily and unnecessarily impose excessively stringent, across-the-board regulatory restrictions as a condition of local program approval.
3. Ensure that local governments are not required to implement costly and intrusive monitoring programs similar to those that were overwhelmingly opposed in 2008. The Policy needs to ensure that required water quality monitoring programs are designed to rely on existing data to the greatest extent possible.
4. Ensure Tier 1 and 2 criteria developed for standard septic systems are not overly restrictive. These criteria must form a reasonable basis for the installation of standard systems in low-risk areas of the state.
5. Individual homes should be included in the Corrective Action Tier only if their discharge represents a significant contribution to the pollution of nearby impaired water bodies. Homeowners with *de minimus* discharge contributions should not be forced to implement costly remediation programs that will not significantly improve water quality.
6. There remains the problem of the State Water Board creating a single set of regulations applicable for the entire state. While AB 885 required the State Water Board to develop statewide standards, it is imperative that each local jurisdiction may or may not elect to come under these statewide standards. That way, areas such as Los Osos could opt in, and areas such as Shasta County, which is doing a satisfactory job managing OWTS, would not be required to adopt statewide standards and would not be required to submit unfunded mandated reports to the State.

Thank you for the opportunity to comment. If you have any questions regarding our comments, please contact **Tom Chism**, Wastewater Treatment Superintendent, at tchism@cityofshastalake.org or **530.275.7448**.

Sincerely,



Rod Lindsay
Mayor

c: Shasta Lake City Council
Carol Martin, City Manager