SANTA CRUZ COUNTY
BOARD OF SUPERVISORS INDEX SHEET

Creation Date: 1/28/09
Source Code: HSAXX
Agenda Date: 2/3/09
INVENUM: 61989

Resolution(s):

Ordinance(s):

Contract(s):

Continue Date(s):

Index: --Letter of the Director of Health Services of January 23, 2009
--Attachment 1: Proposed AB 885 Regulations

Item: 24. ACCEPTED AND FILED report on proposed statewide regulations for onsite sewage disposal developed pursuant to Assembly Bill 885; with an additional direction that staff prepare an informational package on this issue and inform the media to assist in raising public awareness of this issue

COUNTY OF SANTA CRUZ
STATE OF CALIFORNIA

AT THE BOARD OF SUPERVISORS MEETING
On the Date of February 03, 2009

CONSENT AGENDA Item No. **24**

Upon the motion *of* Supervisor Pirie, duly seconded by Supervisor Campos, the Board, by unanimous vote, accepted and filed report on proposed statewide regulations for onsite sewage disposal developed pursuant to Assembly Bill 885; with an additional direction that staff prepare an informational package on this issue and inform the media to assist in raising public awareness of this issue

cc:
CAO
County Counsel
Health Services Agency
Planning Department
Environmental Health

State of California, County of Santa Cruz-ss.

*I, Susan **A.** Mauriello, Ex-officio Clerk of the Board of Supervisors of the County of Santa Cruz, State of California, do hereby certify that the foregoing is a true and correct copy of the order made and entered in the Minutes of said Board of Supervisors. In witness thereof I have hereunto set my hand and affixed tthe seal of said Board of Supervisors.*

by _____ , Deputy Clerk ON February 04, 2009

County of Santa Cruz

HEALTH SERVICES AGENCY

POST OFFICE BOX **962,1080 EMELINE** AVE., SANTA CRUZ, CA **95061-0962**
TELEPHONE: **(831) 454-4000** FAX: **(831) 454-4770** **TDD: (831) 454-4123**

HEALTH SERVICES AGENCY
ADMINISTRATION

January 23,2009 February 3, 2009 Agenda

Board of Supervisors
County of Santa Cruz
701 Ocean Street
Santa Cruz, CA 95060

Subject: Statewide Regulations for Onsite Wastewater Treatment Systems (AB 885)

Members of the Board:

On June 21, 2005, your Board considered a report on the draft statewide regulations for onsite wastewater treatment systems (OWTS) developed by the State Water Resources Control Board (State Board) pursuant to AB 885. Your Board requested a follow up report when the Draft Environmental Impact Report evaluating the regulations became available. County staff has been following this issue closely since 2002. Staff continues to have significant concerns with the proposed regulations (Attachment 1) as described in this report. This report also summarizes recent efforts by the Central Coast Regional Water Quality Control Board (Regional Board) regarding onsite system management.

Background

During the past decade various groups raised concerns regarding the effectiveness of septic systems and other onsite wastewater treatment systems (OWTS) in protecting the quality of waters of the state and the inconsistency in OWTS permitting requirements from county to county and region to region. Since OWTS discharge wastewater to land, which would require a waste discharge permit, most Regional Water Quality Control Boards have entered into formal or informal agreements with counties requiring them to implement requirements for OWTS that are contained in each Regional Board's Basin Plan. Concerns regarding surface water and groundwater degradation prompted Heal the Bay, a Santa Monica based environmental organization, to sponsor AB 885 (Jackson, 1999). AB 885 added Section 13291 to the California Water Code and required the State Board, on or before January 1, 2004, to adopt statewide regulations (or standards) for the permitting and operation of OWTS.

Initially, county environmental health departments welcomed the initiative, touted as a mechanism for the state's 58 counties to pool their resources to address wastewater issues and attempt to consolidate the various inconsistencies that existed. The State Board staff initiated meetings with the stakeholders in 2002 to facilitate the development of these consolidated regulations. Unfortunately the State Board staff were unresponsive to many of the points raised

by the stakeholders. The regulations developed by State Board staff would require California's septic systems to meet water quality standards far in excess of any local, state, or federal standards. Most counties objected that the State Board's "one-size-fits-all" plan was excessive in cost and labor and, most importantly, is not scientifically justified.

On April 22, 2005 the State Board released their draft statewide regulations for onsite systems and began the environmental review process for those regulations. We provided a report to your Board and offered comments to the State Board on the both the regulations and the scope of the environmental impact report to be prepared to evaluate the regulations. On November 7, 2008, the State Board released revised regulations (Attachment 1) and the draft environmental impact report (DEIR). The two inch thick DEIR can be viewed on the internet at: http://www.waterboards.ca.gov/water_issues/programs/septic_tanks/

County staff have been working with our local and state partners to review and develop comments on the package. Some or our previous concerns have been addressed, but significant concerns remain with both the regulations and the environmental impact report, as summarized below. Staff intends to submit comments by the deadline of February 9, 2009.

Ge Concerns

County staff and other stakeholders, including the California Conference of Directors of Environmental Health (CCDEH) have identified the following general concerns with the proposed AB 885 statewide regulations for onsite wastewater treatment systems:

1. The proposed regulations do not focus adequately on OWTS that contribute to water quality impairment, but rather impose considerable additional requirements on all OWTS irrespective of past performance or favorable site conditions. With the use of current requirements regarding the siting, construction and operation of OWTS, the vast majority of OWTS in the state function properly and in a manner protective of public health and the environment. For example, since the 1980's, the requirement for minimum lot sizes for new land divisions and in some cases existing lots, has allowed development utilizing OWTS to occur without contamination to the environment or impact to public health. The use of minimum lot size is not even discussed in the DEIR as a method of reducing impact from OWTS.

2. The proposed State regulations would require all property owners that have both wells and onsite systems to test their well every five years for a variety of parameters, many of which are unrelated to OWTS performance. All data will be transmitted directly to the state. This requirement will provide little benefit for onsite system management and should not be included in regulations for OWTS. If there is a need to monitor the impacts of OWTS in critical areas, the monitoring program needs to be much more carefully designed and targeted, similar to the County's monitoring programs in the San Lorenzo Watershed.

3. The overly prescriptive nature of the State Board standards may greatly limit a local jurisdictions ability to approve safe development on existing lots. Many of these prescriptive standards have no scientific basis and placing such standards in regulation limits the local agency's ability to respond to evolving science. CCDEH recommends that the prescriptive standards be removed from the regulations and language be added to

provide for local agencies to work with the Regional Boards to implement local ordinances that address basin specific issues.

4. The regulations represent a lack of flexibility for the local agencies and the Regional Boards to respond to geographic and site specific conditions that would permit alternate methods of providing equally protective measures then the standards. CCDEH recommends that a process be provided whereby a local agency or Regional Board may make a finding to provide a geographic or site-specific exemption to the regulations.

5. The DEIR significantly understates the cost of implementation of this program and its impact on rural counties. Both the regulations and the DEIR suggest that many of the regulations will be "self-implementing" with property owners directly responsible for compliance with well testing, onsite system inspection, and other components. However, in reality both the State and property owners will likely look to the agencies to provide guidance, record-keeping, follow up, and possibly enforcement.

6. The proposed regulations and DEIR call for technology that is unnecessary, unproven, and overly expensive for property owners. The standards for supplemental treatment are unnecessarily arbitrary and restrictive and don't take into account that less expensive treatment methods may be adequate in many circumstances. There is little accounting for the natural treatment that takes place in soil under a properly designed OWTS. The DEIR inappropriately identifies excessive nitrate contamination from all systems throughout the state as a significant environmental impact and calls for supplemental treatment for nitrogen removal for all new and replaced systems through out the state.

Specific Impacts on Santa Cruz County and County Property Owners

Following are the primary specific impacts that would result in Santa Cruz County if the regulations and mitigation measures are adopted as proposed by the State Board staff:

1. System repairs involving replacement or addition to the leachfield would require design by a qualified professional instead of a contractor, as is currently common practice. In most cases County staff believe this change is unnecessary and will result in significantly greater cost to the homeowner.
2. Systems that discharge more than 3500 gallons per day will be required to report to the Regional Board. Currently the Regional Board and the County have agreed that only systems discharging more than 20,000 gpd would require Regional Board oversight.
3. Property owners with onsite wells and sewage disposal systems must have the water quality of their well tested every five years, with the data submitted directly to the state. Staff believes there is no basis for this requirement.
4. All new and existing onsite systems must be inspected every five years and pumped if the solids depth exceeds 25%. This is essentially a mandate for pumping every 5 years, although it is unclear how it will be implemented or enforced.
5. An operations and maintenance (OSM) manual and as-built drawings must be prepared by the system designer for each new and replaced system.
6. The property owner must maintain the O&M Manual, as-built drawings, and inspection records and provide those to the buyer whenever the property is sold.

7. New and replaced septic tanks must be watertight and fitted with watertight risers and effluent filters. Although this will add to the cost of the tank by about 25%, these measures will enhance system performance. However, there is no mention of maintenance requirements or procedures for the filters, which will probably need to be cleaned every 6 months.
8. Testing for winter groundwater levels must be based on continuous monitoring of water levels from November 1 to April 1. Santa Cruz County does not currently require continuous monitoring and only allows measurements to be made during a 30 day period when the water table is elevated, as determined from actual rainfall data.
9. All new and replaced alternative systems will require telemetry through phone lines to allow the maintenance provider to remotely monitor system performance. This may be an added cost but could be offset by fewer site visits by the maintenance provider. County staff support this as it will allow better and more consistent operation of alternative technology systems.
10. In determining the size of leachfields for new systems, only bottom area will be allowed. This is not justified and could require considerably more land for the leachfield and might make some existing small lots unbuildable. This restriction is also completely at odds with another provision in the state regulations that allows the use of deep seepage pits, which are currently prohibited for new systems in Santa Cruz County.
11 The regulations are not clear on all the circumstances under which enhanced treatment systems could be utilized to overcome site conditions that would preclude the use of a conventional system. For example, there is a prohibition on placement of new systems under parking areas, even though County standards allow that with enhanced treatment and proper design. There is also no provision for reducing the required size of the dispersal area with enhanced treatment, although this is a widely-recognized approach to mitigate small lot sizes.
12 The new state regulations would prohibit all systems where the soils have rapid percolation rates faster than 1 minute per inch. Current County regulations allow systems in these circumstances with the use of enhanced treatment technologies.
13. The proposed regulations require that any enhanced treatment system that is required for nitrogen reduction reduce nitrogen levels to 10 mg/L. There is presently no known technology that can do that and County standards more realistically provide for a 50% reduction, which is comparable to a nitrogen level in the effluent of 20-30 mg/L.
14. The proposed state regulations require evaluation or supplemental treatment for all new and existing systems located within 600 feet of an impaired water body that is experiencing high bacteria or nitrogen levels originating from onsite systems. This would currently include the San Lorenzo River and Corralitos Creek. However, the regulations include an exemption from those requirements if the onsite systems are being managed pursuant to an approved wastewater management plan, as is currently the case in Santa Cruz County.

Process of Review, Adoption and Implementation of these Regulations

AB 885 required the State Board to complete the regulations by January 2004. However, that deadline lapsed as a result of delays and the State's inability to reach a consensus with the stakeholder group. Although the stakeholder process proved to be ineffective and incomplete in the minds of the stakeholders, the State Board staff opted to go forward with their final draft and initiate the California Environmental Quality Act (CEQA) review. The revised regulations and the Draft EIR are currently out for review, with comments due by February 9, 2009. It is

expected that the responses to comments will be released in July 2009, with proposed adoption of the regulations by the State Water Board in August. They would go into effect January 1, 2010.

County staff has been meeting and discussing the proposed regulations with our local Onsite Sewage Disposal Technical Advisory Committee, with the local Board of Realtors, the California Onsite Wastewater Association, the California Conference of Environmental Health Directors and staff from the Central Coast Regional Board. County staff is in the process of compiling detailed comments regarding the issues described in this report and will submit those comments by the deadline.

Regulation of OWTS by the Regional Water Qualitv Control Board

Up to this time regulation of OWTS in Santa Cruz County has been carried out by the County in partnership with the Central Coast Regional Water Quality Control Board (Regional Board). The Regional Board established minimum requirements for OWTS in their Basin Plan and delegated authority to the County to implement those requirements and permit OWTS through a Memorandum of Understanding (MOU). The County has its own regulations in County Code (Chapter 7.38) that are generally more protective than the Basin Plan requirements. In 1995 the County and the Regional Board adopted a wastewater management plan for the San Lorenzo Watershed to guide upgrade and ongoing oversight of OWTS. Most provisions of that management plan have been applied countywide. On September 11, 2001, your Board adopted an updated version of the MOU, but this was never adopted by the Regional Board, pending development of the new statewide regulations under AB 885. More recently the Regional Board has decide to move forward updating their procedures for management of onsite systems, whether or not the AB 885 regulations are ever put into place.

The Regional Board has recently undertaken a number of steps to improve its oversight and management of onsite systems. In May 2008, the Regional Board updated their Basin Plan requirements to change many of the previous recommendations to requirements. They also put a much greater emphasis on development of wastewater management plans by the counties. The Basin Plan now provides flexibility in many of the requirements if there is a wastewater management plan in place and approved by the Regional Board. Santa Cruz County is currently the only jurisdiction in the Central Coast Region with an approved wastewater management plan. This was originally developed for the San Lorenzo River Watershed but is being applied countywide. On March 20, 2009, the Regional Board will be adopting an implementation process that will include a waiver of their permitting and reporting requirements for onsite systems that come under an approved wastewater management plan. This will set the stage for update and approval of the MOU with the County. County staff have reviewed the Regional Board staff proposals and support their recommendations.

Recommendation

It is, therefore, RECOMMENDED that your Board accept and file this report on proposed statewide regulations for onsite sewage disposal developed pursuant to AB 885.

Sincerely,

Rama K Khalsa

Rama Khalsa, Ph.D.
Health Services Agency Director

RECOMMENDED:

SUSAN A. MAURIELLO
County Administrative Officer

Attachment: Proposed AB 885 Regulations

cc: County Counsel
Planning Department
Environmental Health
Health Services Agency Administration

ATTACHMENT 1

AB 885 Regulations

DRAFT

TITLE 27. ENVIRONMENTAL PROTECTION
DIVISION 5. STATE WATER RESOURCES CONTROL BOARD
CHAPTER I ONSITE WASTEWATER TREATMENT SYSTEMS (OWTS)
ARTICLE 1. GENERAL PROVISIONS

§30000. SWRCB – Definitions.

Except as otherwise indicated in this Article, definitions of terms used in the SWRCB-promulgated portions of this Chapter shall be those set forth in Division 7 (commencing with Section 13000) of the Water Code and Chapter 6.5 of Division 20 of the Health and Safety Code (commencing with Section 25100).

"At-grade system" means an OWTS dispersal system with a discharge point located at the preconstruction grade (ground surface elevation). The discharge from an at-grade system is always subsurface.

"Basin plan" means the same as "water quality control plan" as defined in Division 7 (commencing with Section 13000) of the Water Code. Basin plans are adopted by each Regional Water Board, approved by the SWRCB and the Office of Administrative Law, and identify surface water and groundwater bodies within each Region's boundaries and establish, for each, its respective beneficial uses and water quality objectives. Copies are available from the Regional Water Boards.

"**Bedrock**" means the rock, usually solid, that underlies soil or other unconsolidated, surficial material.

"Certification" means an expression of professional opinion in the form of a certificate, stamp, or signature that the OWTS, or its components, meets industry standards that are the subject of the certification, but does not constitute a warranty or guarantee, either express or implied. For proprietary supplemental treatment systems, certification is a statement that indicates the subject system has demonstrated performance through an independent, third-party evaluation of performance data as required in §30013(e), but does not constitute a warranty or guarantee, either express or implied.

"Cesspool" means an excavation in the ground receiving wastewater, designed to retain the organic matter and solids, while allowing the liquids to seep into the soil. Cesspools differ from seepage pits because cesspool systems do not have septic tanks.

"Clay" means a soil particle; the term also refers to a type of soil texture. As a soil particle, clay consists of individual rock or mineral particles in soils having diameters <0.002 mm in diameter. **As** a soil texture, clay is the soil material that is comprised as 40 percent or more clay particles and not more than 45 percent sand and not more than 40 percent silt particles.

"Community water supply" means a public water system regulated by the California Department of Public Health or a local health department.

"Conventional system" means an OWTS consisting of a septic tank and a subsurface system for dispersal of septic tank effluent, **A** gravity subsurface dispersal system may be a leachfield or seepage pit. A conventional system may include septic tank effluent pumping where the dispersal area is located at a higher elevation than the associated septic tank or to accomplish uniform distribution. Properly sited, designed, installed and operated conventional systems are capable of nearly complete removal of suspended solids, biodegradable organic compounds and fecal coliform bacteria. However, other pollutants may not be removed to acceptable levels. Conventional systems can be expected to remove no more than 10 to 40% of the total nitrogen compounds (TN) in domestic wastewater after final soil treatment.

"Dispersal system" means a leachfield, seepage pit, mound, at-grade, subsurface drip field, evapotranspiration and infiltration bed, or other type of system for final wastewater treatment and subsurface discharge.

"Domestic wastewater" means the type of wastewater normally discharged from, or similar to, that discharged from plumbing fixtures, appliances and other household devices including, but not limited to toilets, bathtubs, showers, laundry facilities, dishwashing facilities, and garbage disposals. Domestic wastewater does not include wastewater from industrial processes other than inputs considered *de minimis* (less than 5 percent).

"Domestic well" means a groundwater well that provides water for human consumption and is not regulated by the California Department of Public Health.

DRAFT

"Dosing tank' means a watertight receptacle located between an OWTS treatment unit (i.e., septic tank or supplemental treatment unit) and a dispersal area equipped with an automatic siphon device or pump designed to discharge wastewater intermittently in the distribution lines in amounts proportioned to the capacity of such lines and to provide adequate rest periods between such discharges.

"Earthen material" means a substance composed of the earth's crust (i.e., soil and rock).

"EDF" see "electronic deliverable format."

"Effluent" means the wastewater discharged from an OWTS treatment component or any portion thereof.

"Electronic deliverable format" or **"EDF"** means the data standard adopted by the SWRCB for submittal of groundwater quality monitoring data to the SWRCB's internet-accessible database system.

"Engineered Fill" means soil that meets the criteria in Table 3 in $30014.

"Escherichia coli" means a group of bacteria used as an indicator of fecal pollution.

"ETI" see "Evapotranspiration and infiltration bed."

"Evapotranspiration and infiltration (ETI) bed" means a subsurface dispersal bed in which soil capillarity and root uptake help to disperse the effluent from a septic tank or supplemental treatment system through surface evaporation, soil absorption, and plant transpiration.

"Existing OWTS" means an OWTS that was either permitted by the applicable local agency or legally installed before the effective date of this Chapter.

"Fines" are soil particles with a diameter less than 0.05 millimeters. Fines consist of silt- or clay-sized particles.

"Gravel-less chamber" system means a buried structure used to create an aggregate-free absorption area for infiltration and treatment of wastewater.

"Grease interceptor" means a passive interceptor that has a rate of flow exceeding 50 gallons-per-minute and that is located outside a building. Grease interceptors are used for separating and collecting grease from wastewater.

"Groundwater" means water below the land surface that is at or above atmospheric pressure.

"High-strength waste" means wastewater having a 30-day average concentration of biochemical oxygen demand (BOD) greater than 250 milligrams-per-liter (mg/L) or of total suspended solids (TSS) greater than 150 mg/ **L** after the septic tank or other OWTS treatment component and before the dispersal system.

"Impaired Water Bodies" means those surface water bodies or segments thereof that are identified on a list approved first by the SWRCB and then approved by US EPA pursuant to Section 303(d) of the federal Clean Water Act.

"Major repair" means any repair required for an OWTS due to surfacing wastewater effluent.

"Memorandum of understanding" (MOU) means a formal agreement between the Regional Water Board and a local agency. The agreement authorizes the local agency to administer the OWTS discharge program in lieu of direct State regulation of discharges from OWTS.

"Mottling" means a soil condition that results from oxidizing or reducing minerals due to soil moisture changes from saturated to unsaturated over time. Mottling is characterized by spots or blotches of different colors or shades of color (grays and reds) interspersed within the dominant color as described by the United States Department of Agriculture soil classification system. This soil condition can be indicative of historic seasonal high groundwater level, but the lack of this condition may not demonstrate the absence of groundwater.

"MOU" see "Memorandum of understanding."

"Mound system" means an aboveground dispersal system (covered sand bed with effluent leachfield elevated above original ground surface inside) used to enhance soil treatment, dispersal, and absorption of effluent discharged from an OWTS treatment unit such as a septic tank. Mound systems have a subsurface discharge.

"NELAP Accredited" means an accreditation for laboratories issued by a state government program in which that laboratory resides or through the National Environmental Laboratory Accreditation Program.

DRAFT

"New Lot" means a lot recorded after the effective date of this Chapter.

"New OWTS' means an OWTS permitted after the effective date of this Chapter.

"Onsite wastewater treatment system(s)" (OWTS) has the same meaning as found in § 13290 of the California Water Code. The short form of the term may be singular or plural.

"Percolation test" means a method of testing water absorption of the soil. The test is conducted with clean water and test results can be used to establish the dispersal system design.

"Performance requirements" means the maximum allowable concentrations of BOD, **TSS,** total nitrogen (TN), or total coliform resulting from the active treatment of domestic wastewater from an OWTS.

"Permit" means a document that allows the installation and use of an OWTS. The term refers to any one of the following:

1. **A** conditional waiver of waste discharge requirements issued by the SWRCB or a Regional Water Board;
2. Waste discharge requirements issued by a Regional Water Board or the SWRCB; or
3. **A** document, so named, issued by a local agency that is operating under an MOU or other agreement with a regional water board or SWRCB pursuant to these regulations.

"Person" means any individual, firm, association, organization, partnership, business trust, corporation, company, State agency or department, or unit of local government who is, or that is, subject to this Chapter.

"Pollutant" means any substance that alters water quality of the waters of the State to a degree that it may potentially affect the beneficial uses of water, as listed in a basin plan.

"Pressure distribution" means a type of dispersal system employing a pump or automatic siphon and distribution piping with small diameter perforations (1/4 of an inch of less) or drip emitters to introduce effluent into the soil with uniform distribution.

"Qualified professional" means an individual licensed or certified by a State of California agency to design and construct OWTS, including an individual who possesses a registered environmental health specialist certificate or is currently licensed as a professional engineer or professional geologist.

"Record Plan" means the document prepared by either a qualified professional or person authorized to install OWTS pursuant to §30002(g). Record plans detail the "as-built" installation of the OWTS, including but not limited to final placement of an OWTS its components, sizes and the specifications of components.

"Replaced OWTS" means an OWTS that has its treatment capacity expanded, or its dispersal system replaced, after the effective date of this Chapter.

"Rock' means any naturally formed aggregate of one or more minerals (e.g., granite, shale, marble); or a body of undifferentiated mineral matter (e.g., obsidian), or of solid organic matter (e.g., coal) that is greater than 0.08 inches (2mm) in size.

"Sand" means a soil particle; this term also refers to a type of soil texture. **As** a soil particle, sand consists of individual rock or mineral particles in soils having diameters ranging from 0.05 to 2.0 millimeters in diameter. **As** a soil texture, sand is soil that is comprised of 85 percent or more sand particles, with the percentage of silt plus 1.5 times the percentage of clay particles comprising less than 15 percent.

"Seepage pit" means a drilled or dug excavation, three to six feet in diameter, either lined or gravel filled, that receives the effluent discharge from a septic tank or other OWTS treatment unit for dispersal.

"Septic tank' means a watertight, covered receptacle designed for primary treatment of wastewater and constructed to:

1. Receive wastewater discharged from a building;
2. Separate settleable and floating solids from the liquid;
3. Digest organic matter by anaerobic bacterial action;
4. Store digested solids; and
5. Clarify wastewater for further treatment with final subsurface discharge.

DRAFT

"Septic tank effluent" means wastewater discharged from a septic tank.

"Service provider" means a person capable of operating, monitoring, and maintaining an OWTS consistent with the requirements and responsibilities in §30002(j), $30013(g), $30013(h), $30014(f), and the O&M manual or capable of inspecting a septic tank in accordance with §30002(u) of this Chapter.

"Shallow dispersal system" means a dispersal system designed to apply wastewater at the upper layer of the soil column using pressure distribution.

"Silt" means a soil particle; this term also refers to a type of soil texture. As a soil particle, silt consists of individual rock or mineral particles in soils having diameters ranging from between 0.05 and 0.002 mm in diameter. As a soil texture, silt is soil that is comprised as approximately 80 percent or more silt particles and not more than 12 percent clay particles.

"Site" means the location of the OWTS and, where applicable, a reserve dispersal area capable of disposing 100 percent of the design flow from all sources the OWTS is intended to serve.

"Site Evaluation" means an assessment of the characteristics of the site sufficient to determine its suitability for an OWTS to meet the requirements of this Chapter.

"Soil" means the naturally occurring body of porous mineral and organic materials on the land surface, which is composed of unconsolidated materials, including sand-sized, silt-sized, and clay-sized particles mixed with varying amounts of larger fragments and organic material. The various combinations of particles differentiate specific soil textures identified in the soil textural triangle developed by the United States Department of Agriculture (USDA) as found in Soil Survey Staff, USDA; **Soil Survey Manual, Handbook 18,** U.S. Government Printing Office, Washington, DC, 1993, p. 138. For the purposes of this chapter, soil shall contain earthen material of particles smaller than 0.08 inches (2 mm) in size.

"Soil permeability" means a measure of the ability of a soil to transmit liquids.

"Soil texture" means the soil class that describes the relative amount of sand, clay, silt and combinations thereof as defined by the classes of the soil textural triangle developed by the USDA (referenced above).

"Supplemental treatment" means any OWTS or component of an OWTS, except a septic tank or dosing tank that performs additional wastewater treatment so that the effluent meets the performance requirements of §30013 prior to discharge of effluent into the dispersal field.

"Telemetric" means the ability to automatically measure and transmit OWTS data by wire, radio, or other means.

"TMDL" is the acronym for "total maximum daily load." Section 303(d)(1) of the Clean Water Act requires each State to establish a TMDL for each impaired water body to address the pollutant(s) causing the impairment. In California, TMDLs are usually adopted as Basin Plan amendments.

"Total coliform" means a group of bacteria consisting of several ***genera*** belonging to the family ***Enterobacteriaceae,*** which includes Escherichia coli bacteria.

"Waste discharge requirement" or "WDR" means an operation and discharge permit issued for the discharge of waste pursuant to Section 13260 of the California Water Code.

Authority Cited: CA Water Code § 13291, § 1058.

Reference: CA Water Code § 13291**(b).**

530001. SWRCB – Applicability.

(a) This Chapter establishes minimum requirements for the permitting, monitoring, and operation of OWTS for preventing conditions of pollution and nuisance. Regional Water Boards and local agencies implementing the OWTS regulations may establish requirements for OWTS that are more protective of water quality than the requirements contained in this Chapter.

(b) This Chapter applies to all new OWTS. Requirements in this Chapter apply to existing OWTS only where specifically indicated.

(c) No person shall do any of the following without first notifying the Regional Water Board:

DRAFT

(1) operate a new or existing OWTS with the capacity to treat over 3,500 gallons-per-day that has been relocated, expanded, repaired or replaced;

(2) increase the average pollutant loading of the waste stream entering an OWTS with the capacity to treat over 3,500 gallons-per-day ;

(3) change the nature (e.g., from domestic to commercial) of the waste stream entering an OWTS; or

(4) discharge wastewater at greater volumes than the design flow into an OWTS.

(d) This Chapter may be implemented through conditional waivers of WDRs by the SWRCB or Regional Water Boards.

(e) Regional Water Boards may adopt waste discharge requirements that exempt individual OWTS from requirements contained in this Chapter.

(f) A local agency may implement this Chapter, or a portion thereof, as authorized by the SWRCB or by a Regional Water Board through agreement, adopted resolution, or Memorandum of Understanding (MOU). Any MOU, adopted resolution, or similar agreement must require compliance with these regulations and the applicable Regional Water Board basin plan.

Authority Cited: CA Water **Code** §1058, 13291

Reference: CA Water **Code** §13291**(d),** 13291(e)

530002. SWRCB – General Requirements.

(a) New OWTS and replaced OWTS shall be operated to accept and treat flows of domestic wastewater, excluding any material not generally associated with household activities (including, but not limited to, toilet flushing, food preparation, laundry, household cleaning including drain cleaning, and personal hygiene). Additionally, OWTS may be designed and operated to accept other wastewater from facilities that:

(1) exclude hazardous waste, as defined in Section 66260.10 of Title 22 of the California Code of Regulations;

(2) reduce high strength wastewater to below a 30-day average concentration of 250 mg/L BOD and 150 mg/L TSS effluent and prior to discharge to the septic tank; or

(3) use waste segregation practices and systems to reduce pollutant concentrations entering the OWTS to domestic wastewater levels.

(b) New OWTS and replaced OWTS shall be designed to disperse effluent to subsurface soils in a manner that maximizes unsaturated zone treatment and aerobic decomposition of soluble and particulate organic compounds and other pollutants in the effluent.

(c) New OWTS shall be designed, operated and maintained in accordance with the requirements of this Chapter.

(d) The design of new and replaced OWTS shall be based on the expected influent wastewater quality, the wastewater quantity, the characteristics of the site, and the required level of treatment for protection of water quality and public health.

(e) **A** qualified professional shall perform all necessary soil and site evaluations for all new OWTS and for existing OWTS where the treatment or dispersal system will be replaced or expanded.

(f) **A** qualified professional shall design all new OWTS and existing OWTS where the treatment or dispersal system will be replaced or expanded. A qualified professional employed by a local agency, while acting in that capacity, may review, design, and approve a design for a proposed conventional OWTS.

(g) A Licensed General Engineering Contractor (Class **A),** General Building Contractor (Class B), Sanitation System Contractor (Specialty Class C-42), or Plumbing Contractor (Specialty Class C-36) shall install all new OWTS and replaced OWTS in accordance with California Business and Professions Code Sections 7056, 7057, and 7058 and Article **3,** Division 8, Title 16 of the California Code of Regulations. A property owner may also install his/her own OWTS if the as-built diagram and the installation are inspected and approved by the Regional Water Board or

DRAFT

authorized local agency at a time when the OWTS is in an open condition (not covered by soil and exposed for inspection).

(h) Materials in concentrations that are deleterious and inhibiting to OWTS operations shall not be discharged to an OWTS. Deleterious and inhibiting materials include the following:

(1) any biocide, or

(2) all products and matters defined in Chapter 41, Division 4.5, Title 22 in the California Code of Regulations.

(i) The owner of any site on which a new OWTS or replaced OWTS is located shall have an operation and maintenance (O&M) manual prepared by a qualified professional. O&M manuals shall include, at a minimum:

(1) the name, address, telephone number, business and professional license number of the OWTS designer;

(2) the name, address, telephone number, business and professional license number, where applicable, of the OWTS installer;

(3) the name, address, and telephone number of the service provider that 'maintainsany supplemental treatment system;

(4) instructions for proper operation and maintenance and a protocol for assessing performance of the OWTS;

(5) the Record Plan with a certification that the dispersal system meets all applicable requirements contained in §30014(a);

(6) the design flow and performance requirements for the OWTS;

(7) a list of types of substances that could inhibit performance if discharged to the OWTS, including those applicable to (h);

(8) a list of substances that could cause a condition of pollution or nuisance if discharged to the OWTS, including but not limited to pharmaceutical drugs and water softener regeneration brines; and

(9) a copy of the SWRCB or Regional Water Board waiver or waste discharge requirements applicable to the system.

(j) Each owner of a new OWTS with supplemental treatment components or existing OWTS with supplemental treatment components (see §30013**)** shall maintain, in addition to the O&M manual and record plan, a contract with a service provider to ensure that the OWTS is operated, maintained and monitored as designed.

(k) The owner shall retain a Record Plan and an O&M manual for any new or replaced OWTS upon completion of an OWTS installation. Upon the sale of a site, it is the obligation of the owner of the site to provide the buyer, through escrow or otherwise, a complete copy of the O&M manual and record plan for the OWTS at the site.

(l) The owner shall retain all inspection records pertaining to their OWTS for a minimum of five years.

(m) Cesspools shall not be used for new or replaced OWTS.

(n) All new or replaced septic tanks and new or replaced grease interceptor tanks shall comply with the standards contained in Sections K5(b), K5(c), K5(d), K5(e), K5(k), K5(m)(I), and K5(m)(3)(ii) of Appendix K, of Part 5, Title 24 of the 2007 California Code of Regulations.

(o) All new septic tanks shall comply with the following requirements:

(1) Access openings shall have watertight risers and shall be set within **6** inches of finished grade; and

(2) Access openings shall be secured to prevent unauthorized access.

(p) The installation of new prefabricated septic tanks shall be limited to those approved by the International Association of Plumbing and Mechanical Officials (IAPMO) and their installation shall be installed according to the manufacturer's instructions. If IAPMO certified tanks are not available locally, other prefabricated tanks may be allowed only if they comply with subsection (q) below.

(q) New non- prefabricated tanks or prefabricated tanks not certified by IAPMO shall be installed only after the design is stamped and certified by a California registered civil engineer as meeting the industry standards necessary to comply with these requirements;

DRAFT

(r) New and replaced OWTS septic tanks shall be designed to prevent solids in excess of three-sixteenths (3/16) of an inch in diameter from passing to the dispersal system. Septic tanks that use a National Sanitation Foundation/American National Standard Institute (NSF/ANSI) Standard **46** certified septic tank filter at the final point of effluent discharge from the OWTS and prior to the dispersal system shall be deemed in compliance with this requirement. All documentation received as a result maintenance on effluent filters shall be retained for five years.

(s) OWTS owners with an onsite domestic well on their property must monitor groundwater by sampling and analyzing water from:

(1) a monitoring well designed to measure the effect of the OWTS discharge, located down-gradient and within 100 feet of the OWTS dispersal system. For existing OTWS with domestic wells, sampling shall take place within 5 years of the effective date of this chapter and no less than every fifth year thereafter. For new OWTS, sampling shall take place within 30 days following the installation of the new OWTS and every fifth year thereafter. Samples shall not be taken earlier than six months prior to the end of every five year sampling period; or

(2) an existing onsite domestic well on the property. For existing OTWS with domestic wells, sampling shall take place within 5 years of the effective date of this chapter and no less than once every fifth year thereafter. For new OWTS with a domestic well, sampling shall be conducted within 30 days following the installation of a new OWTS and no less than once every fifth year thereafter. Samples shall not be taken earlier than six months prior to the end of every five year sampling period.

Groundwater analyses shall be conducted in accordance with (t). Existing OWTS and new OWTS installations shall be exempt from this requirement if the facility that the OWTS serves is provided water from a community water supply system.

(t) The owner or owner's authorized representative shall collect groundwater samples pursuant to (s) and shall have them analyzed by a laboratory certified by the California Department of Health Services. The laboratory shall be capable of producing laboratory results in EDF format. The groundwater samples shall be analyzed for the following: calcium (Ca), magnesium (Mg), sodium (Na), potassium (K), iron (Fe), manganese (Mn), zinc (Zn), sulfate (SO_4), chloride (Cl), nitrate (NO_3), nitrite (NO_2), fluoride (F), TDS, total alkalinity (as $CaCO_3$), carbonate (CO_3), bicarbonate (HCO_3), MBAS (methylene blue active substances), pH and total coliforms. If a sample tests positive for total coliforms, the sample shall be analyzed for Escherichia coli bacteria. The name of the site owner, the site address and the laboratory results shall be transmitted to the SWRCB in EDF format. The names and addresses of owners of tested domestic wells shall not be released.

(u) Any person owning a septic tank shall obtain a report of inspection from a service provider a minimum of once every five years. The inspection report shall verify that the level of settleable solids and/or floatable solids do not impair the performance of the septic tank. It is recommended that septic tanks be pumped if the sum of the scum depth and sludge depth exceeds 25% of the septic tank depth as measured from the water line to the bottom of the tank.

(v) The SWRCB recommends that the regenerating saline backwash from water softeners not be discharged either to the OWTS or to the ground in any manner.

(w) Surfacing effluent is prohibited. In cases of violation of this prohibition, a major repair shall be conducted by a service provider or qualified professional. Such corrective action shall be commenced within 30 days of reported violation, and must be completed within 90 days. The Regional Board may exempt a property from the 90-day requirement and extend the time frame, but such exemptions shall not extend beyond **180** days.

Authority Cited: CA Water Code §1058, 13291

Reference: CA Water Code §13267, 13291**(d),** 13291***(e)***

ARTICLE 2. GROUNDWATER LEVEL DETERMINATIONS FOR NEW OWTS

§30012 SWRCB – Groundwater Level Monitoring.

(a) A site evaluation shall be conducted by a qualified professional to determine the depth to the seasonal high groundwater, unless the seasonal high groundwater level at the site has previously been determined to be greater than

10 feet below the ground surface. Such a finding may be based upon the following sources: previous evaluations or studies, or well driller information.

(b) Soil mottling observed during the site evaluation by a qualified professional may be used to determine the seasonal high groundwater level. Where soil mottling observations cannot be made or lead to unreliable conclusions, a qualified professional shall use the following protocols to determine seasonal high groundwater prior to design and installation of an OWTS:

(1) To measure depth to seasonal high groundwater, a groundwater level monitoring well shall be installed to a minimum depth of ten feet in the vicinity of a proposed wastewater dispersal system. If an impermeable layer is present at a depth of less than ten feet below the ground surface, the depth of the groundwater level monitoring well shall be decreased to the depth of the impermeable layer.

(2) For OWTS serving facilities other than single family homes, the SWRCB or Regional Water Board shall determine the number and depth of groundwater level monitoring wells. Such determinations by the Regional Water Board shall supercede the depth requirements in (b)(1).

(3) Measurements of depth to seasonal high groundwater shall be conducted between November 1 and April 1 unless otherwise specified by the Regional Water Board. Groundwater levels shall be measured continuously using a piezometer to record the seasonal high groundwater level. The piezometer may be a float device that mechanically or electrically records the highest water level.

(4) For areas that are subject to special circumstances such as seasonal high groundwater caused by snowmelt or irrigation, measurements to determine the annual high groundwater level shall be conducted during a period specified by the Regional Water Board. Groundwater levels shall be measured in the same manner as specified in (b)(3) above.

(5) The Regional Water Board may exempt sites or areas from this Section where an alternative protocol for determining seasonal high ground water is established in the basin plan.

Authority Cited: CA Water **Code §1058, 13291**

Reference: CA Water Code §13260, 13264, 13267,13269, and 13291

ARTICLE 3 PERFORMANCE REQUIREMENTS AND SPECIFICATIONS

§30013. SWRCB – Performance Requirements for Supplemental Treatment Components.

(a) Local agencies or the Regional Water Board may require supplemental treatment systems for any existing or new OWTS where treatment is needed to mitigate for insufficient soil depths or to provide for protection of the water quality and public health. Required soil depths are set forth in §30014(c) for a conventional system or §30014(d) for a dispersal system with supplemental treatment components.

(b) Supplemental treatment components, other than for disinfection or nitrogen reduction, shall be designed to reduce biochemical oxygen demand (BOD) and total suspended solids (TSS) concentrations. Supplemental treatment components, other than for disinfection or nitrogen reduction, shall produce an effluent that meets the following requirements:

(1) The 30-day average carbonaceous BOD (CBOD) concentration shall not exceed 25 milligrams per liter (mg/L), or alternately, the 30-day average BOD shall not exceed 30 mg/L; and

(2) The 30-day average TSS concentration shall not exceed 30 mg/L.

(c) Supplemental treatment components designed to perform disinfection shall provide sufficient pretreatment of the wastewater so that effluent does not exceed a 30-day average **TSS** of 10 mg/L and shall further achieve an effluent total coliform bacteria concentration, at the 95 percentile, no greater than either of the following;

(1) 10 Most Probable Number (MPN) per 100 milliliters prior to discharge into a dispersal field where the soils exhibit percolation rates between 1 and 10 minutes per inch (MPI) or where the soil texture is sand; or

DRAFT

(2) 1000 MPN per 100 milliliters prior to discharge into a dispersal field where the soils exhibit percolation rates greater than 10 MPI or consist of a soil texture other than sand.

(d) Effluent from supplemental treatment components designed to reduce nitrogen shall not exceed a 30-day average TN concentration of 10 mg/L as nitrogen.

(e) Before the installation of any proprietary supplemental treatment OWTS, all such treatment components shall be tested by an independent third party testing laboratory. The independent third party laboratory shall certify that the type of system being installed and its components are capable of reliably meeting applicable performance requirements when installed according to design and manufacturer specifications, based upon the results from the testing protocol. The testing protocol shall include but is not limited to the following:

(1) a testing duration of not less than six continuous months;

(2) the minimum number of sample days shall not be less than 96 days;

(3) All samples shall be analyzed by a NELAP accredited laboratory.

(4) the wastewater used for testing shall consist primarily of municipal or domestic wastewater and shall have concentrations in the following ranges:

(A) BOD: 125 milligrams per liter or greater;

(B) TSS: 125 milligrams per liter or greater;

(C) TN (as N): 50 milligrams per liter or greater,

(D) total coliform bacteria: $1X\ 10^6$ MPN/100 ml or greater, and

(E) alkalinity (as $CaCO_3$): 50 milligrams per liter or greater.

(5) hydraulic and organic design loading shall be varied during the test to simulate OWTS operational stress at different levels of use, including all of the following:

(A) regular daily use, where the following daily wastewater flow regime entering the supplemental treatment system is as follows:

i) approximately 35% of the daily wastewater design flow enters the OWTS from 6:00 a.m. to 9:00 a.m.

ii) approximately 25% of the daily wastewater design flow enters the OWTS from 11:00 a.m. to 2:00 p.m.

iii) approximately 40% of the daily wastewater design flow enters the OWTS from 5:00 p.m. to 8:00 p.m.

(B) vacation (e.g., one week rest) no sooner than two weeks after testing commencement and no later than two weeks before test termination.

(6) testing of supplemental treatment components to comply with the performance requirements of (b), (c) or (d) shall be conducted with the following detection limits listed in Table 1:

TABLE 1
DETECTION LIMITS FOR WASTEWATER CONSTITUENTS

Parameter	Detection Limit
BOD	2 mg/L
TSS	5 mg/L
Total Coliform	2.2 MPN
Total Nitrogen	1 mg/L

(9 The ongoing monitoring of supplemental treatment components designed to meet the performance requirements of (b), (c) or (d) shall be monitored in accordance with the operation and maintenance manual for the OWTS or more frequently as required by the Regional Water Board.

DRAFT

(f) Conventional OWTS dispersal systems in which pumps are used to move effluent from the septic tank to the dispersal system shall be equipped with one of the following: a visual, audible, or telemetric alarm that alerts the owner or service provider in the event of pump failure. All pump systems shall, at a minimum, provide for storage in the pump chamber during a 24-hour power outage or pump failure and shall not allow an emergency overflow discharge.

(g) All dispersal systems shall have at least six (6) inches of soil cover.

(h) In no case shall a vehicle drive or be placed over the dispersal system.

(i) Gravel-less chambers shall meet the requirement for conventional dispersal systems contained in (c) and (d). The infiltrative surface shall be sized using the area beneath the open portion of the chamber (not including area beneath the base of support or outside the chamber) and using the design application rates contained in either Table 2 or Figure 1. The design infiltrative surface area of such a system may be reduced to no less than seventy percent (70%) of the area required for a conventional dispersal system.

TABLE 2
DESIGN INFILTRATIVE SURFACE APPLICATION RATES

USDA Soil Texture Classification	Maximum Wastewater Application Rate (gallons per day per square foot)
Coarse Sand with percolation rate less than 1 MPI	Prohibited
Coarse sand, medium sand	1.2
Fine sand, loamy sand	1.1 to 0.8
Sandy loam, loam, sandy clay loam	0.7 to 0.6
Silt loam	0.5 to 0.4
clay loam, silty clay loam, sandy clay	0.3 to 0.2

TABLE 3
ENGINEERED FILL SPECIFICATIONS

	Dry Weight % Passing
1. Maximum percentage of particles smaller than 0.053 mm in diameter (sieve #270).	5%
2. Maximum percentage of particles over 2.0 mm in diameter.	20%
3. Sieve Size	
3/8	100
4	95–100
10	75–100
16	50–85
30	25-60
50	10–30
100	2–16
200	0–3

DRAFT

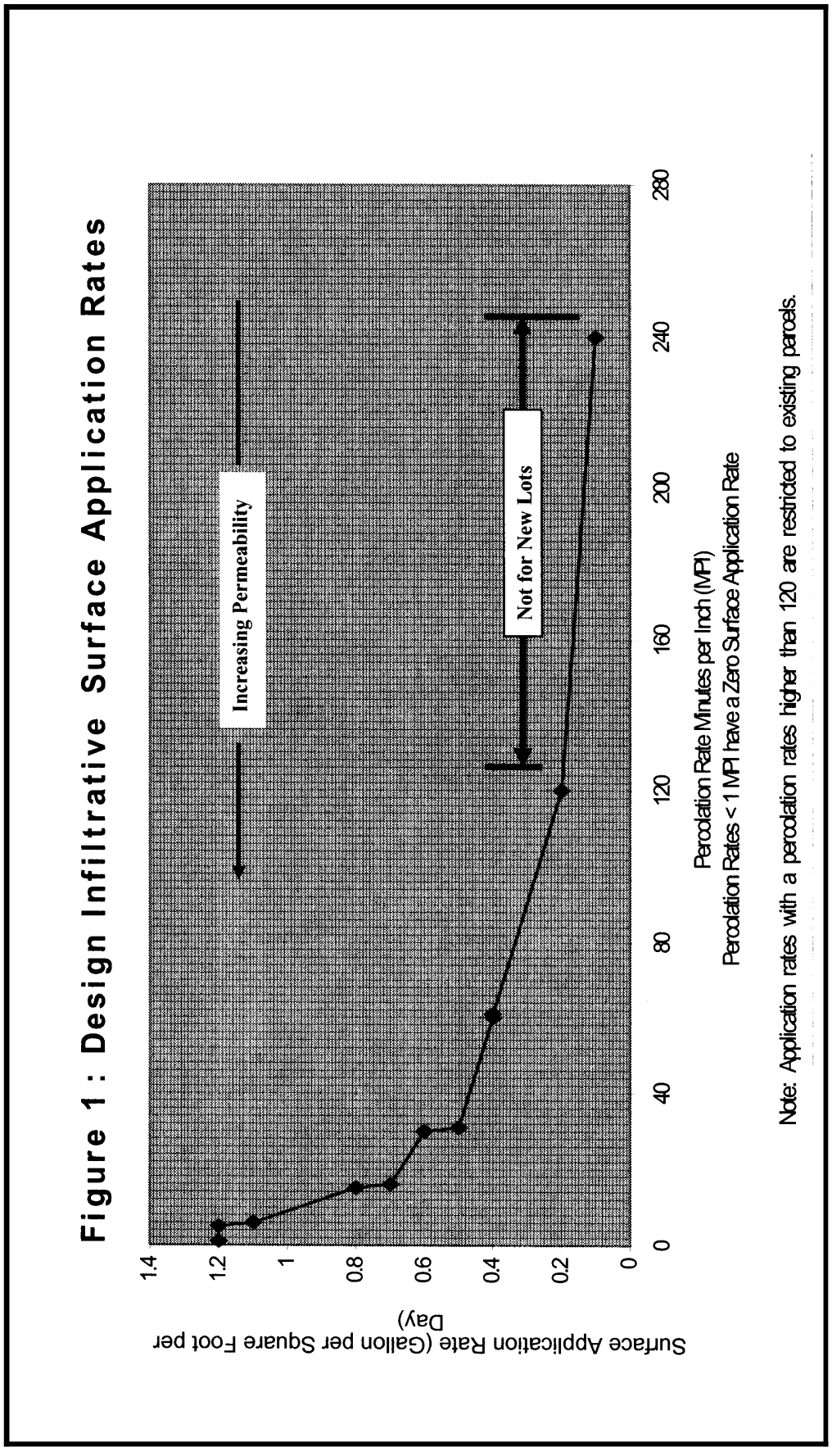
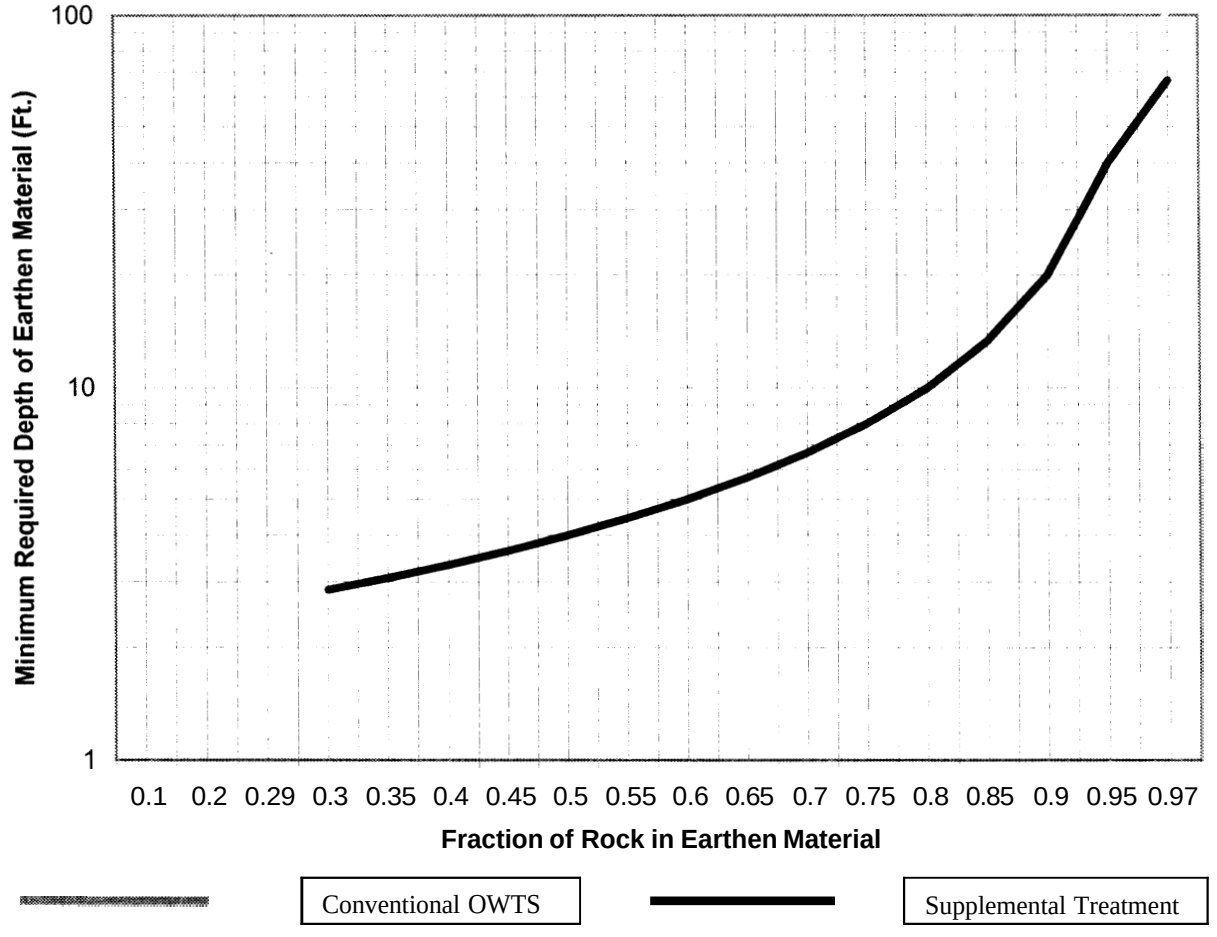


Figure 1 : Design Infiltrative Surface Application Rates
Increasing Permeability
Not for New Lots
Surface Application Rate (Gallon per Square Foot per Day)
1.4
1.2
1
0.8
0.6
0.4
0.2
0
0
40
80
120
160
200
240
280
Percolation Rate Minutes per Inch (MPI)
Percolation Rates < 1 MPI have a Zero Surface Application Rate
Note: Application rates with a percolation rates higher than 120 are restricted to existing parcels.

DRAFT

Figure 2: Minimum Depth of Earthen Material



DRAFT

(j) Dispersal systems using shallow pressurized drip or orifice dispersal shall meet the following requirements:

(1) the allowed application area shall not exceed four square feet per emitter/orifice. In no case may application areas overlap or comprise less than one square foot per lineal foot: and

(2) all systems shall be designed and maintained to reduce orifice clogging and root intrusion.

(k) Seepage Pits shall be designed on sidewall area as the infiltrative surface and are allowed where the following conditions apply:

(1) a qualified professional has determined that the site is unsuitable for other types of dispersal systems due to soil properties or amount of area available at the site;

(2) the bottom of the seepage pit is a minimum of ten feet above seasonal high groundwater level; and

(3) the site meets one of the conditions:

(A) **A** minimum of ten feet of unsaturated, undisturbed soil exists below the bottom of the seepage pit and above the seasonal high groundwater level, impervious layer, or bedrock. All strata to a depth of 10 feet below the pit bottom are free of groundwater in accordance with §30012; or

(B) a seepage pit may have less than 10 feet of unsaturated, undisturbed soil below the bottom of the seepage pit, but no less than two feet of unsaturated, undisturbed soil, when supplemental treatment components are used to meet the performance requirements specified in §30013(b), and §30013(c),

(C) a seepage pit may have less than two feet of unsaturated, undisturbed soil beneath the bottom of the seepage pit when supplemental treatment components are used to meet the performance requirements specified in §30013(b) and §30013(c)(1).

(1) Evapotranspiration and infiltration (ETI) systems shall be designed such that evapotranspiration and infiltration exceed the design waste flow combined with a 25-yr return rate precipitation event on an annual, monthly and seasonal basis. ETI systems shall be operated in a manner that prevents human exposure to wastewater. Measures shall be taken (e.g., fences, signs, etc.) to keep humans, animals and vehicles off the ETI bed.

Authority Cited: CA Water Code §1058, 13291

Reference: CA Water Code §13260, 13264,13267,13269, and 13291

ARTICLE 4: PROTECTING IMPAIRED WATER BODIES

530040. SWRCB – Applicability and Requirements.

This section shall apply to any water body that has been designated as an impaired water body due to nitrogen or pathogens pursuant to Section 303(d) of the Clean Water Act, but only where a TMDL has been approved that includes a determination that OWTS contribute to the impairment of the water body.

(a) No new OWTS dispersal area shall be constructed or operated within 600 linear feet [in the horizontal (map) direction] of the edge of the river bank, lake or the mean high tide unless one of the following applies:

(1) where the waterbody is listed as an impaired water body due to nitrogen, OWTS meets the performance requirements for supplemental treatment contained in §30013(b) and §30013(d).

(2) where the water body is listed as an impaired water body due to pathogens, OWTS meets the performance requirements for supplemental treatment contained in §30013(b)(1) and §30013(c) or the dispersal field requirements contained in §30014(c).

(b) Unless modified or exempted pursuant to (c), (d), or (e), an owner of any existing OWTS dispersal area within 600 linear feet [in the horizontal (map) direction] of the edge of the river bank, lake or the mean high tide shall obtain a report of inspection by a qualified professional within one year of the effective date of these regulations or within one year after the effective date of a TMDL that includes a determination that OWTS contribute to impairment of the water body, whichever is later.

(1) The inspection shall include but not be limited to:

DRAFT

(A) a determination of whether the OWTS is discharging to the surface;

(B) a determination of whether the OWTS complies with the depth to seasonal high groundwater requirements of this Chapter;

(C) for a water body listed as an impaired water body for pathogens, a determination of whether Escherichia coli in the OWTS discharge is reaching groundwater; and

(D) for a water body listed as an impaired water body for nitrogen, a determination of whether nitrogen exceeding 10 mg/l is reaching groundwater;

(2) The OWTS owner shall submit the report of the inspection to the Regional Water Board within 30 calendar days of the completion of the inspection.

(3) Where a determination is made by a qualified professional that an OWTS discharge of Escherichia coli bacteria or nitrogen exceeding 10 mg/l is reaching groundwater, the owner of the OWTS shall have four years following the date of the determination to meet the applicable requirements of (a).

(4) In the absence of any determination required pursuant to (1)(B), (1)(C) or (1)(D), the OWTS will be deemed to contribute to the impairment of the water body, the owner shall have five years after the effective date of the applicable TMDL to meet the applicable requires of (a).

(c) Adoption or amendment of a TMDL may alter the 600-foot distance requirement or compliance dates in (a) and (b).

(d) This Section does not apply to impaired water bodies where, prior to the effective date of this Chapter, the Regional Water Board has adopted a TMDL requiring implementation of a wastewater management plan. The wastewater management plan must include methods to reduce the OWTS pollutant contribution to the impaired water body, a plan for water quality monitoring, and a program for the repair or replacement of existing OWTS. The wastewater management plan must be designed to result in either elimination of the impairment or the reduction of the contribution of OWTS to the impairment.

(e) The requirements contained in this Section shall not apply to OWTS owners who commit by way of a legally binding document to connect to a centralized wastewater collection and treatment system regulated through WDRs as specified within the following timeframes:

(1) The owner must sign the document within forty-eight months of the effective date of this Chapter or the effective date of a TMDL, whichever is later.

(2) The specified date for the connection to the centralized community wastewater collection and treatment system shall not extend beyond nine years following a Regional Water Board determination made pursuant to this Section.

530040 to 530200 [Reserved for SWRCB]

CBD BOSMAIL

From: CBD BOSMAIL
Sent: Tuesday, February 03, 2009 8:27 AM
To: CBD BOSMAIL
Subject: Agenda Comments

Meeting Date : 2/3/2009 **Item Number** : 24

Name : Rose Marie McNair **Email** : realrose@norcalbroker.com

Address : Not Supplied **Phone** : 831 476 2102

Comments :
Feb. 3,2009 Consent Agenda Item #24

Honorable Supervisors:

Today, on the consent agenda, your board will consider statewide draft regulations and the accompanying EIR. When AB885 was passed in 1999, then draft regulations were created and submitted to the public for review. Therefore we are into year TEN, of continuous changes and outcry, not only from the general public, but from local government agencies who oversee their own jurisdictions--all of which vary due to topography, soil, and many other issues. The cost of these continous on-going changes, and certainly, the recent extension to Feb. 23, for the public comment period may once again invalidate the EIR. Your own Environmental Health Department has done a great job in the develoopment of a wastewater management plan which has improved water conditions and has been exemplary in its foresight and knowledge in the field. Santa Cruz Environmental Health recognizes and understands the specific issues relative to our area, and continues to request changes, agreeing in their report that... "Many of these prescriptive standards have no scientific basis and placing such standards in regulation limits the local agency's ability to respond to evolving science."

I have been a member of the California Assn. of REALTORS(R) (CAR) Septic Task Force, since this legislation came into effect in 1999, and CAR has been one of the major stakeholders who have provided comments during the process. CAR is concerned that requirements for homeowners that require "self implementation" mandates may result in unnecessary litigation, not only to the homeowners and agents, but to government's vaguenes and lack of enforcement.

From the beginning, it became evident that there is not enough scientific data justifying a statewide set of regulations to manage OWTS (Onsite Wastewater Treatment Systems, i.e., septic systems. It would seem logical to me that it is time to go back to the drawing board, and rescind, by legislation, this particular bill which is a monumental testimony to bureaucracy gone haywire.

I am also concerned about certain mandates that may not allow certain properties to be unbuildable unncessarily due to this legislation.

You have competent staff here--and let the County of Santa Cruz Environmental Health Department manage these issues. One size does NOT fit all!

Rose Marie McNair, Broker/REALTOR(R)

2/6/2009

24