

**CCDEH POSITION STATEMENT ON PROPOSED SWRCB POLICY ON  
ONSITE SEWAGE TREATMENT SYSTEMS  
Approved by CCDEH Membership September 30, 2011**

Whereas, individual onsite sewage treatment systems (OWTS), if properly designed, installed, and operated, are a viable option for the sewage treatment and disposal needs of residents, visitors, and businesses in those locations where connection to a community sewer system is not feasible; and

Whereas, the diversity of topography, geology, climate, and land use throughout the state makes it impractical to develop a single set of OWTS standards that can be adopted by all local jurisdictions and that are protective of water quality and public health; and

Whereas, effective local OWTS oversight programs, designed over several decades prior to the enactment of Assembly Bill 885 in 2000 (AB 885), are in place across the entire State; and

Whereas, these local OWTS oversight programs do already implement a tiered approach to management of OWTS depending upon the level of risk in order to ensure protection of water quality and public health; and

Whereas, local programs must be preserved to continue to meet the local development needs and ensure protection of water quality and public health; and

Whereas, adoption of a state policy on minimum OWTS standards is necessary to: meet the requirements of AB 885 as adopted into law; to legally waive Waste Discharge Reporting requirements on individual OWTS owners/operators; and to maintain the legal authority of the local OWTS oversight programs; and

Whereas, the State Water Resources Control Board (SWRCB) engaged the California Conference of Directors of Environmental Health (CCDEH) informally and formally during development of a proposed policy that meets the requirements of AB 885 and relies upon existing local oversight programs; and

Whereas, it is recognized that not all issues have been fully resolved to the complete satisfaction of state, regional, and local agencies regarding the proposed policy; and

Whereas, local agencies already implement a variety of methods to ensure the proper operation of existing OWTS, including site characterizations, permit reviews, and complaint response; and

Whereas existing OWTS that are properly operating and are not adjacent to 303(d) water bodies listed as impaired by nitrogen or pathogens are proposed to be addressed in Tier 0; and

Whereas, a proposed Tier 1 is proposed to contain the default standards for OWTS where no local program is approved and requirements for individual WDRs are waived; and

Whereas local oversight programs approved under a local agency management program in proposed Tier 2 are an alternate method to the proposed default standards in Tier 1 to meet the water quality and public health goals of AB 885; and

Whereas, the Total Maximum Daily Load (TMDL) process of source assessment and assignment of specific contribution(s) of impairment, caused by an OWTS adjacent to a 303(d) water body which is listed as impaired by pathogens and nitrates from OWTS, should be promoted in proposed Tier 3 as a method to appropriately address the impairment by focusing on those OWTS that have a significant contribution to the impairment;

NOW THEREFORE BE IT RESOLVED THAT CCDEH SUPPORTS THE CONTINUED DEVELOPMENT AND ADOPTION OF AN OWTS POLICY BY THE SWRCB SUBJECT TO THE FOLLOWING CONSIDERATIONS:

- Additional assessment of the performance of existing OWTS in proposed Tier 0 by a local agency beyond the current level of oversight should not be required, but may be implemented at the local agencies discretion; and
- A clear, expedited process for approval and continuation of local programs in a local agency management program in proposed Tier 2 and provisions to allow existing local programs to remain in effect during the approval process, including resolution of appeals, must be provided; and
- An appropriate, fair and timely process for local agencies to appeal decisions by a Regional Water Quality Control Board (RWQCB) to the State Water Resources Control Board pertaining to adoption and implementation of a local management program in Tier 2 must be provided; and
- Individual water well monitoring shall not be required by a RWQCB, or the State Water Resources Control Board, for approval of a local management program in Tier 2; however, a local agency at its own discretion, may use or require individual water well monitoring to demonstrate the general performance of OWTS throughout a specified area as part of its Tier 2 monitoring program, and
- Any monitoring required for approval of a local agency management program under Tier 2 shall utilize existing data to the greatest extent possible, but allow local agencies with capacity to collect additional data to do so as deemed appropriate by the local agency; and
- Any reporting to the RWQCB required for approval of a local agency management program under Tier 2 shall be at a frequency necessary to provide

meaningful information about water quality and public health protection trends, such as once every three years; and

- CCDEH can support early evaluation of specific OWTS adjacent to 303(d) listed water bodies impaired by nitrates and pathogens from OWTS so those OWTS deemed to have an insignificant contribution may be released from the requirement to meet additional performance enhancements; and
- CCDEH supports the use of treatment devices in OWTS adjacent to 303(d) waters which are impaired by nitrates from OWTS that will improve effluent quality to meet a specified numeric standard or provide a specified percent reduction of nitrate.