



Questions submitted during the OWTS Manual Public Outreach of October 11, 2018
Santa Rosa Farm Bureau

- Q1. So over the last 45 years, you've been doing it wrong? Because they gave their approval and it's been a policy for the last 45-50 years.
- A. I've asked for that information. The piece of code that was given to me was a segment that was out of the Architect's Act. Architects cannot do soils work and they do not do this type of design. So if County Counsel blessed that and you have that in writing, we would love to take a look at that but I believe that that would be an error.
- Q2. The definition of a general engineering contractor specifically says that you're allowed to work on septic systems and sewer systems. If you're going to work on them, can't you design it and repair it? Is this something you've decided to interpret or is it something that could be answered by County Counsel? Marin and Napa allow it.
- A. Work on them, yes. Contractors can build them. They should not necessarily design them. A framer doesn't design a house--they build them. We did ask County counsel. They're the ones who reached out to the Board of Registration. They got the response and they informed us of the response. We also reached out to other environmental health departments throughout the state. The majority of the responses were, no, they don't allow contractors to do this work. Santa Cruz County said they did and they allow contractors to do perc rates but it wasn't being very successful and they were going to pull that back. And we have those emails on record. Marin and Napa allowing it still doesn't get us past the state law from the Board of Registration that says this is civil engineering. We would be happy to get you the information from County Counsel.
- Q2. Since this county has done it this way for decades, how is it that the county operated illegally for the last 50 years?
- A. Our job in promulgating new regulations is to make sure we're doing it legally. So part of our process is to go through County Counsel and make sure that we've got the right professionals that are licensed under state law to submit the information. There are a number of things in the County's past that might not have been routine but weren't necessarily illegal.
- Q3. Is there any evidence that systems that were designed by contractors have a higher failure rate than other systems?
- A. First, the voluntary repairs we're seeing have no design parameters. There's no soil work, there's no perc data, there's no groundwater evaluation. If the old system was 300 feet, the proposal is to replace it with 300 feet. We're not seeing design work by these contractors.



Second, what we are seeing is a lot of questionable installations in poor soils, in clay. We've had instances where the contractor calls us out and says, "This is going in clay. I'm not going to certify it. County, I want you to certify this." We've heard that this is going to increase the cost and it's going to increase the time and those are the specific [elements?] about emergency repairs for a failing system. So we added a section to address that. We've added a section about emergency repairs. If your system is failing and you're having a problem, the way we set it up is come file an application, let us know it's an emergency, let us know it's failing. We will get out there in 48 hours to verify that. If we agree that you have surfacing effluent and it's a major problem, we're going to expedite that plan review to hopefully deal with the time element of it.

- Q4. How is it going to be expedited? Does that mean that you're not going to require a soil profile designed by qualified professional? Because those are very lengthy elements timewise. If your staff goes out and finds that there's surfacing effluent and the system that has worked dependably for 50 years has now reached the end of its lifetime and it's in need of replacement, does that then trigger the need for soil profile analysis and design by a qualified professional?
- A. It depends on what the proposal is. In some cases, such as a recent case where all that was needed was a short segment to be replaced or it was root intrusion, and so that one small segment needed to be cut out, but the rest of the field was fine, it was dry. So that's basically a repair. That's not a replacement. And the other nuance is that under the definition of a repair, we're allowing up to 25% of your existing system as a new trench. For example, if you have 400 feet of existing system, you can replace up to 100 feet as a new trench and a new line under a repair permit, which doesn't need these professionals to do. If it's a replacement that exceeds the 25% threshold, then yes it will require evaluation of the soils to ensure that the new system meets the standards and has a decent shot of treating that waste, and it would require design by a qualified professional. And we would expedite that review.
- Q5. We want to use compilation methods if the site evaluation was done in the last three years on neighboring parcels and the County's had very detailed site analysis and groundwater testing requirements since 1982, which are oftentimes easily available through records so I don't understand why there's a three-year limitation when the sites and soils and groundwater conditions are inherently the same. What about large acre sites? It just doesn't seem like one rule would be applicable to all circumstances in rural properties which by your absolute definition septic system properties are acreage properties with the exception of those special areas.
- A. Site conditions can change. Development happens that affects groundwater infiltration, storm water runoff can affect groundwater. Things change over time so that's why we put a time limit on using the existing data. You can have development that changes the runoff or the ability for a site to infiltrate groundwater with pavement, new roofs. Things of that nature affect runoff pattern and ability of a site to absorb and soak water into the ground. Regarding the large acre question, that is one of the reasons we four methodologies. They're in the manual. They're not statutes. We have some flexibility in how we apply them based on the circumstances that are

presented in the applications. We could evaluate whether the local area has changed to determine if the groundwater infiltration is similar or close enough.

Regarding land encumbrance, it's not just building or paving. It can be setbacks. If you have a setback from a stream, we want a septic system set back from a stream. We want septic systems set back from wells, from cut slopes, things of that nature that may not be a physical thing, but it's a setback. So all of those things play into the land encumbrance. We would look at that, ask for a site map, and hopefully rely on that to start off with that evaluation.

- Q6. One of the things with a failed system now is that if it fails, there's typically a short time between the system not working and getting it fixed. So in this scenario, that time that I don't have a system is going to potentially extend pretty far because now I can't fix it without going through you. So what's your help to the homeowner who's stuck with a system that doesn't work and engineers he can't find?
- A. One strategy would be to do the 25% as a repair to get you by, which we would expedite, until you can get a full design done. The other solution is pumping and it gets expensive fast.
- Q7. Regarding the repair permit, the language might be too restrictive in the sense that if it's being repaired, it suggests there's been some failure. What if the owner wants to just do a tune up to the septic system? It's not a repair. It's not a replacement. And having to go through an expensive process to tune up a system that is functioning in terms of the definition of failure, it's not broken so why are we fixing that part? You're tying building permits and the extended life of the structure to the requirement to upgrade the system.
- A. No, we used to. But under this policy, we wouldn't be. If this goes through, we won't be doing that in the future.
- Q8. In this scenario, you have a house that was built, the system is working fine, but it's an 800-gallon tank that was built for two bedrooms ten years ago. Then then somebody adds a third bedroom and that is now the new normal for the house. It's still working and so at what point do you get involved in whether the current capacity is existing _____ or _____. Do you backtrack that way at all or can you move forward from there? Let's say I'm upgrading the kitchen and I do something that triggers a building permit with plan review. Is there a cap on the amount of square footage you can add if you're not adding capacity demand?
- A. Yeah, it's common to see that where a room was converted. The way I am thinking about it is you'd come down the flow chart. The building application will ask if you have an existing septic system. Yes. It will ask, is it a cesspool? No. Are you increasing the flow? No. Area you increasing the square footage? No, because it's a kitchen remodel. You drop down to the end of the flow chart. If you are increasing square footage but it's not increasing flow, and there's no land constraint, we'll evaluate the septic area to make sure it's not physically affecting it. That would be ware we have proposals that want to build over the septic tank. There's a five-foot setback from the tank to the structures. Sometimes someone wants to do an out building and have electrical run to it and wants to run conduit, and the last thing you want to do is trench through

your leach line. This is if it doesn't physically affect the existing system. For the septic world, there is no cap on the amount of square footage you can add if you're not adding capacity demand but there may be planning issues with that, other than that you can't do so much that you don't have a replacement area.

Q9. If a tree falls over and completely destroys a house (it doesn't fit into your flow chart) how does it affect it? Will the definition of catastrophic event include individualized to that property?

A. It would fit in the flow chart but we caught that mid-revision. We made our revisions but we didn't address catastrophic events. There are two types of building permits: building permits without a plan review (they don't come to well and septic); and building permits with plan review that do go to well and septic. In this unique case, catastrophic events, flood, fire, tree falling through it, we're going to treat that as a building permit without a plan review and it will bypass well and septic, even though it has plans (as long as you're rebuilding in kind). The big picture is that you had an event and we want to get you back into your home as quickly and easily as possible. If it's not affecting the septic system, we're not going to look at it. The definition can be individualized to that property. Catastrophic event could be individual or area-wide. One thing we learned from the fires is it's an event for folks and the last thing that we want to do is where a tree falls down, we come in and see you've got a cesspool and now you have a \$50,000 upgrade because some tree fell through your house. We have experienced that. Our new position is to get you back in, get your house repaired. Maybe eventually that cesspool fails, maybe that 50-year-old system will fail eventually and you'll come in for a septic permit when you need it. But we did miss that and we've already written ourselves a note through one of our electronic forms and we're going to pick that up before we get to the board.

Q10. When this process happens, are you relying on my system design, do I need to go get the engineer to do an analysis of my system, you going to rely on your records? How will you know what my system is to determine whether I can move forward? I'm going to increase the flow and at some point, you need to know what's in the ground.

A. Yes, that's the registered professional, the civil engineer, REHS. It can be in our records. There is a spectrum. If we look at our records, there is going to be the rare case where somebody has a three-bedroom septic system but a two-bedroom. Most people do the minimum they can get away with. So they're going to match typically but it has happened. Hypothetically, we'll have our records to demonstrate there's capacity and you're good. There's going to be the extreme where we need to go out and do some testing or what we call a findings report of the system and look at soils work to evaluate whether there's capacity, whether it's a code compliant system.

Q11. What if somebody just wants to add a detached garage?

A. That's like a barn or pool house or something like that. With no flow increase, but you are increasing square footage of the property, you look at whether it gets to the 50% threshold for land constraint. If not, we'll evaluate that you're not building on top of your system. If yes, then

we would want to evaluate your reserve area because at a certain point as you develop your property, you take away land that would otherwise be for sewage disposal. And it can happen where the best area with the best soils is also the best place for your barn or garage and you ended up taking that away and then you just have left other land that's not good for a septic.

Q12. In the interest of getting as many people as possible to meet the new septic standards, why not allow two or three or more property owners of small parcels to cross property lines and share a septic system? Additionally, if the adjacent property owners are allowed to share a system, they should be allowed to use the 8-foot setback from property lines for the system.

A. The new regulations will allow that. I think we need to re-write it. It sounds like it's prohibited and it's not. We refer to them as cluster systems. We think that can be part of the solution, especially in areas like Monte Rio and small steep lots, cesspools with significant site constraint, we're going to have to look at alternatives like that. Good idea. It is included in the regulations and we're going to be retooling the language to be more affirmative.

Q13. Redwood tanks. If they are currently functioning? If they need repair? If there's a redwood tank and it's currently functioning, what's the County's approach to it? What if you're going to replace your leach lines?

A. If you have existing house, existing system, we don't have legal authority to be on your site. If you come in for building permit, we would ask those questions. If you come in for a septic permit, we're going to review that. Or if we get a complaint about a failing system. If you're going to replace your leach lines, that's a septic permit and we would be involved. Where that leads me is the Regional Water Board's effort and the TMDL. If you're within 600 foot or you're within the TMDL area, they're going to be asking you what type of system you have, and you're going to certify what you have. If it's sufficient, they'll say fine. If it's not, they're going to require that you upgrade, and then you come to the County and I'll turn it over to Charles to help answer that.

The way that the APNP is currently drafted, to be in compliance with the TMDL, you have to have a system that's not failing or doesn't have a chronic history of failing. It can't be a cesspool so it has to have a septic tank and some sort of a dispersal field, and it can't be hydraulically overloaded. We want to make sure that all components of the septic system are adequate to handle the flow that is being sent to it. So those three things are required if you want to be in compliance with TMDL. If you're not, we'll get that information and we'll notify the owner that they need to contact Permit Sonoma for some sort of corrective action. That's the way it's drafted right now.

Q14. Will reserve expansion areas shown on the originally approved plans be acceptable as showing that there is not a land constraint to expanding a dwelling?

A. The land constraint would be whether there's structures, driveways, setbacks, things like that. So I think the question really is, if I have a reserve area that was shown 20, 30, 40 years ago, is that sufficient? And the answer is, it depends. In some cases, we have a circle on a map and an

arrow saying reserve area. In some cases, they actually perfected the second septic system. They looked at the soils and they designed a system and we know where it will fit. So we see a spectrum in our files of what was done over time. It depends on what we know about the reserve area.

- Q15. Have you considered eliminating most or all of the waiver ban/special study areas? They're generally older and current proposed standards should make most of them unnecessary.
- A. Yes, they will. The TMDL and APNP is like new paradigm. The waiver prohibitions are going to be a thing of the past and as long as you comply with the TMDL and the APNP, that will satisfy what the waiver prohibitions were trying to do. We do have to wait for the TMDL to be in place and our APNP to be approved. These things were approved by the Board of Supervisors so we have to go back to the Board of Supervisors with a resolution to rescind those waiver prohibition areas once we have the TMDL and the APNP in place. There are some waiver prohibitions that are outside of the TMDL area. Those will remain until we get something comparable to replace those.
- Q16. Streams/setbacks. Definition of streams. Amount of water passing through based on water from water agency. I read something about a definition of a stream, and it said something about water flowing for 30 days within a year. I live on Fitch Mountain. With a steep mountainside, you have gullies all over the place. And if you have a year like several years ago when through the month of November, it rained every day, that would qualify the whole road as a stream because it was running down the road for over 30 days. There's nowhere else to go. I can't setback, I can't move anything, I can't change landscape. The definitions of a stream seems very narrow. The gutter in any road, if you have rain for 30 days, it would run for 30 days, would you then call that a stream any more so than my gulley? And they're coming up with new regulations. So if you can't move your house, you can't move anything, are we not going to be able to live there?
- A. So to frame the question, what makes a stream, what are the setbacks from the stream, and special sensitivity to communities like Fitch Mountain? We have definitions in OWTS manual. In section 3-4, there's _____ water course. There's an intermittent stream. And there's a perineal stream. That's on 3-4, 3-6, and 3-8. And there are different setbacks for the various types of streams. So for the ones that don't run year-round, you can be a little closer than the ones that run year-round. If you have existing house and an existing septic system and it's working and you're not coming in for building or septic permit and it's not surfacing effluent, the County's not going to make you upgrade anything. If you're within 600 feet of the water body, which pretty much all of Fitch Mountain is, they're going to evaluate your system and if it meets their standards (which are still developing) then you're fine. It kind of has to wait and pan itself out to see what they'll be.
- Q17. What is the evaluation going to entail and how much will it cost? We don't know what's going to be expected of us. I also went online and looked at something that was saying that they considered that 150 gallons per person per day in their figuring out how much your system can

hold and I just put in two water efficient toilets and going by my water meter, even before I put in the toilets, I never went over 5000 gallons. That was due to a water leak. I'm now down to between 1000 and 2000 gallons a month and the 150 per day is way over that. So I can't put out more water than I take in. So the numbers they're going to use to configure how much water's actually going through my system are going to be way off. I'm concerned that my system's going to be held to something that's not happening, an amount that isn't ever going through it.

- A. You're using water at a great conservation mode. The regulatory regime assumes a certain amount of water usage per bedroom and that's more than what you actually use, and that's probably the case with a lot of people. With less water going through it, you're basically staying the life of it, number one, and you're going to reduce the odds of it failing. And so when the Water Board asks you if your system has ever failed, you can say no. And if they want to evaluate whether it's being hydraulically overloaded, you'll have your records to demonstrate that it's not. But the County's not going to ask you to redesign your system. But you would have to wait and get through the TMDL. And the way the TMDL is worded is to decide whether your system is being hydraulically overloaded, it's asking for the projected flow, not necessarily based on the number of bedrooms, which is consistent with the OWTS policy. Whether you're being held to the projected per bedroom flow versus what's actually being used is something we're going to probably work out because the County uses the number of bedrooms to estimate projected flow. We don't specify how that is to be arrived at.

Financing, TMDL, Financing and County's Assistance with Financing

- Q18. Beyond the financial hardship exception, describe any other planned financial assistance/ is there any other available monies and the status of those programs?

There is at least one source through the state's to clean waters state revolving fund. They have a grant program for disadvantaged communities. Fitch Mountain does not qualify as a disadvantaged community, which isn't really surprising, but Monte Rio does. And we're currently developing an application for a planning grant for up to \$500,000 to study options for the Monte Rio area and we're going to build on what's already been done. We know what's out there and we're going to have the consultant ultimately look at that and build on that because that study only went so far. And they'll take that and come up with some more concrete examples and options that can be considered with a certain level of design for each of those options. There will be two pieces to that. There's an up to \$500,000 planning grant application. Once that's awarded, there will be an RFP put out, there's a consultant hired. They'll come up with a plan, some options, and then that will be eligible for funding up to I think it's \$8 million under a construction grant under a state revolving fund. For those communities that don't qualify for a grant-fund because they're not disadvantaged, they can still get funding that ultimately has to pass through a local agency because directly, you can't get it. There could be funding available under the state revolving fund's loan program, with a low interest loan, that's currently 2%, but the state board's also considering zero interest loans and principle forgiveness

loans that are essentially grants. So we are working. We're using this Monte Rio project as kind of a pilot project for use in other areas of the Russian River watershed. We might need to have upgraded septic systems that need some help.

So to summarize, the two financing options that involve the state: if it's disadvantaged communities and people are looking for the grant funding, that requires a public agency to be in front of it. Actually, both will. Any state money can't be given directly to people. It has to go through a public agency. So ultimately, the County's going to have to administer whatever money might come from the state. So Permit Sonoma will be working in conjunction with the water agency to be those local agencies that represent individual property owners. As a regulator, we can't be bank too, so in order to maintain that distinction, the Water Agency's already got a billing process for rate payers so we're going to use that relationship between our two agencies to represent property owners both for the grant and for the low or no interest loan programs. In addition, the County, is looking at expanding the Pace program, which was primarily created for energy conservation and green energy projects to also include septic system upgrades. So those would be the three options that we're focusing on now.

Q19. What's the timing on that, or do you know? In terms of getting access to low interest loans for people who aren't no income but they need to upgrade their system and on Fitch Mountain, there's a lot of people up there who are probably going to fall under some kind of upgrade and there's certainly a lot of concern about how am I going to pay for this and AB885 did have that provision to getting low-interest loans to people who have to upgrade their systems so that's what I'm wondering, if it's being talked about or if it's actually happening or how far off it is.

A. We're trying to get through this process now and then that'll give us the capacity to focus on financial assistance.

Q20. Is there still any conversation about connecting Fitch Mountain into Healdsburg?

A. Probably every day. The issue came up last night and that's obviously something we would encourage from the regulatory standpoint. It's certainly doable. There are a lot of conversations happening with the city and the Fitch Mountain Association about does that mean that you are going to annex our properties, what are the options for doing it without annexation. And if you're the City Manager, you've got to be careful in how you approach something like this. This is a big infrastructure project. So they've got to be sure that it's a fiscally sound approach before they take it out to their existing residents and say this is something we think you ought to do.

Q21. Fitch Mountain was developed on septic systems. And I really think that a lot of our forest, and I know my redwood trees and my pine trees are all living off my septic system. If we did send all that water into a sewer system, we would then be depriving our trees of the dry season water that they're getting now and that's crazy. Our trees grew up with these systems and so they are dependent on the systems and even now, I can tell, when I started conserving water, my trees starting dumping more needles.

- A. It would definitely be a change but as someone who used to be a park ranger on Mt. Tam, a lot of good redwood trees there are doing just fine without it. It's a valid point and you think about the other factors of extended drought and other environmental changes that would impact the health of the trees and guess what, if there were a sewer extension to Fitch Mountain, that would be a project under the Environmental Quality Act and no doubt that would be one of the environmental factors that would be evaluated. Only in California.
- Q22. If the Board approves this November 13, how soon does it go into effect? Do you guys have bandwidth for all this additional work?
- A. November 13, if the Board gives us permission or direction to submit the application to the state, the state has told us spring of 2019 is their target. Their board, the Regional Water Board, hasn't adopted schedule for next year. It's the North Coast Board. They go through Eureka, Yreka, they go all over the North Coast. They want to time it so it's at a meeting here in Santa Rosa and I would presume they're going to do the first available meeting in Sonoma County. We'll have to see but the additional clarity that we have around when – there are going to be fewer projects going through the pipeline because of the three criteria. There will be a reduction in workload because the building policies are not going to be driving that work as much anymore. The TMDL may create more work but that's a little bit down the road. We'll see what actually happens. They're going to spend a couple of years doing their outreach and figuring that out. It's not next year that we're going to see that workload come in. Our building policies required upgrades and required the class III systems to do the minor addition or minor remodel and that stuff's going away. We'll still get work but it's going to be based on increase in flow. And we'll have to review some of the building projects and make sure they don't affect the system but not a capacity issue. And then the TMDL is something that's going to be phased in or have a phase component. That's one of the things that is delaying us now, we're realizing, and we've heard comments to that effect. It's going to be a huge workload and we're prob going to have to phase our process a little bit, like over 5-10 years.
- Q23. So on the 600-foot setback from impaired water body, so Sonoma Creek, Russian River, and Petaluma River, relative to the Russian River, is it the entire Russian River watershed including all the tributaries or is it just some defined segments along the main channel?
- A. Well, a little background on the 600 feet. That doesn't apply to Sonoma Creek. Refer to the OWTS policy. If you remember the options I'm doing on APNP, the 600 feet under the first option under the tier 3 TMDL was 600 feet from the listed waterbody or listed reach. So right now, the Russian River watershed, there are 6 or 7 listed water bodies or reaches. So if we were to use option one, we would be 600 feet from the top of bank of each of those reaches. For tributaries, we're going to be using centerlines. So it would be 600 feet from the centerline.
- Q24. Other than those three, are there other impaired water bodies in the county? Outside of the Russian River watershed in it's entirety. Are none of the other smaller watersheds impaired?

A. Option three is to do an APNP under a TMDL. A TMDL is a big process for evaluating the evidence of impairment. We do a lot of other monitoring other than the monitoring of the beaches that established the impairment in the first place for the Russian River. So we've done a lot of monitoring throughout the watershed. And that monitoring indicates to us that there's widespread discharges of human waste and domestic animal waste to tributaries and to the main stem of the Russian River. So under the TMDL, the impaired water bodies are the main stem Russian and all the tributaries. This is a Russian river pathogen TMDL. The monitoring that we collect normally throughout our region hasn't indicated exceedance of the bacteria objectives in those smaller watersheds. There are some up in Humboldt County along the coast and those are probably also septic system-related.

Q25. What rules are in effect now until the action is taken? And from the discussion, I gather that the concern is about the functionality of the septic leach field. Can you relocate or replace a tank without implicating an analysis of an existing functioning field?

A. After I think May of '16, we went with our first iteration of our LAMP and OWTS manual to Board of Supervisors. They authorized us to submit that to the Board and we did. We have policies and part of our code requires the director to adopt those policies and publish them and we go through a public review process to get those into effect. After we got the Board's permission in May, we did that and we have a version that's in effect that I think is dated 9/22/2016. We have that version on our website. That version talked about voluntary repairs and it talked about upgrade permits. And the idea when you read that, the voluntary repair was fixing your repair and getting you back to the status quo. It did not grant you any kind of building permit privileges. The upgrade permit was designed to give you the building permit privileges and that required the soils evaluation, soils and soil depth, etc. Once we started to implement that, we got a lot of feedback. So what we did is we said we're going to hold off on that because the State had not approved that LAMP or that OWTS manual. So we backed off on that even though those currently are in effect per the County rules. Regarding tank relocation, you can do the tank separately. You can do a septic tank repair. Contractors can do that. That's not really a design. There are minimum standards. If you have a one bedroom, it's this size. If it's three bedrooms, it's that size. There's no real design to that.

Q26. Mark West Springs Creek, is that a creek that is considered impaired?

A. No. I don't believe we had any evidence of impairment in that creek.

Q27. What do you think the Board is looking at on a day-to-day phase in process? Are you looking for the systems within 600 feet to be inspected with a findings report, hydraulically loaded, etc.? You guys had something on the books a year ago. What are you guys thinking now?

A. We haven't decided and that's what's delaying us. One of the first iterations back in 2015 we identified what was high priority, to focus on those first. So we're thinking we may want to identify some areas that we want to focus on now and get to some other areas later when there are staff resources, for us and the County, which is going to be a pretty heavy burden.

- Q28. And do you anticipate this will be phased out in five to seven years?
- A. Yes, I think it has to happen that way.
- Q29. For people who want to control our compliance, would it be better to get an early start?
- A. We certainly encourage people to comply early voluntarily.
- Q30. Where does the 600 feet start if you're right on the river? There are houses on the river, but I'm right up there so what do I do?
- A. The way we did it in the TMDL, one of the ____ of onsite system policy is to establish the area of the APNP. We used 600 feet as a way of determining which parcels were going to be affected. We used a line in a GIS exercise, a line established on the bank of the Russian River and centerline tributaries and established a 600-foot boundary line. And if any part of your parcel touched that 600-foot line, your parcel was in the APNP. To develop the APNP area, we are not using the 600-foot distance as it was in the onsite system policy, just to establish the parcels that were going to be in.
- Q31. Why the number 600 as opposed to 400, 500?
- A. 600 feet wasn't pulled out of the air. It was from the Department of Health Services and a study done that involved the time for bacteria and other pathogens to reach surface waters through porous soils. That was the distance necessary for pathogens to be removed.
- Q32. What if parcel is 100 acres and you've got cattle like a million feet away from the 600 feet?
- A. One fine point about the TMDL is that the requirements are going to differ by how far your system actually is from the water body. So even if your parcel is in but your onsite system is 1000 feet away, you won't have anything to do, essentially. There will be a requirement to have your system inspected, a very basic inspection every five years, but you will be able to operate under the County's ____.
- Q33. So you say a very basic inspection every five years. Sounds innocuous but who does it, how much does it cost?
- A. It depends. If the County develops a program, they could do it under a permitting program. It's a fairly basic inspection, just to see if the system is working. And it also will identify cesspools. If you have a cesspool that didn't come to our attention earlier, then we will know you have a cesspool after that.
- Q34. Is there any provision where you have 100 acres or 500 acres, and 5 acres of it is within the 600-foot limit but your house and system are another 400 or 500 feet beyond that, is that still subject to five year inspections?
- A. Yes. There are a lot of examples where you have a very narrow, fairly sizable parcel but the house is right down next to the creek.

Q34. If your parcel touches the 600-foot boundary, they'll be sending you a questionnaire to ask about the system. Couldn't one of those questions be how far away is your system from the stream? And if they can locate it on a map, maybe there's one inspection to locate it, and if they're outside the 600 feet and can demonstrate they're beyond that 600-foot distance, what do you think the Water Board would suggest?

A. I don't think an inspection of your system every five years is an unreasonable requirement.

Q35. I do and let me give you a scenario to make this point more assertive. You said if your parcel isn't within the 600 feet that you're not even looked at. We have adjoining parcels. They're both 100 acres. Her parcel has one acre within the 600 feet and her house is 400 feet further back. My parcel does not have any property within the 600 feet and my system is 50 feet from the borderline of the 600 feet. She has to inspect every five years; I don't. Her system's 400 feet farther away from the 600-foot line than mine. That makes no sense. It's not hard to demonstrate where the house and the system are and if you demonstrate that your system is way out of the 600 feet...?

A. It's not really possible to make it perfectly fair. And there's nothing stopping you or someone who owns the property after you from moving system, putting it within 600 feet. Before the County is involved with any kind of inspection regime, we're going to need to know upfront the cost that it will be to our clients before we participate in a process like that because a findings report, for example, is approximately \$3500-5000 and I think the Board would find something in the thousands every five years would not be something they would want us participating in. So we're going to have to work with the Board, if that does become a requirement, to figure out how we would participate in that.

Q36. So this findings report that's \$3500, that's what we're going to be required to do?

A. No, I just used it as an example.

Q37. Is the 600 feet horizontal distance or land distance, actual topography?

A. Horizontal.

Q38. One of the possible things that could happen here is that with more regulations, people don't get permits at all who may have been inclined to do it before. What's the County's position on that? What's your anticipating of that possibility?

A. That's a huge concern of ours when we adopt any body of regulations and I think that the prior triggers for septic review have been reduced and clarified. That is a big deal. I can't guarantee that that means more people are going to come in. But I think there are other factors out there that are causing people to get permits hopefully before the work is done that have more to do with financing than regulations.

Q39. Is the confidential ombudsman for Lower Russian River TMDL still working?

A. He resigned and they're going through an interview process currently to replace that position. The original position was part-time. It is up to the candidate whether it will be full-time or part-time.

Q40. Is that still the conservation district or the County?

A. The conservation district, RCD.