



**Questions submitted during the OWTS Manual Public Outreach of October 15, 2018  
Sonoma Veteran's Memorial Hall**

- Q1. Do these regulations apply if you have a functioning existing system?
- A. No. If you have an existing system and it's functioning, we're not going to get involved. If you apply for a building permit with plan review, or if you apply for a septic permit, or if we get a report that the system is failing, then we will get involved.
- Q2. If you were going to do a replacement, do you have to do the groundwater thing?
- A. If it's over the 5% threshold if it's low. We have one method of determining the groundwater elevation. That was basically digging a \_\_\_\_\_ and looking at \_\_\_\_\_. We're now proposing four methods. The first method is the \_\_\_\_\_ or auger like you just described. The second method is called soil modeling and we use this in drought years when there is no groundwater or the groundwater has dropped so much. Soil modeling is oxidation of iron or other minerals in the soil based on the rise and fall of the groundwater (it's rust, essentially) and we can find that line, the elevation of groundwater based on the minerals if the iron and the minerals are present. That's year round. With the traditional groundwater method, you have to wait for winter and for it to actually rain in the local area. There's a tradition of a mad rush for measuring groundwater. Soil modeling can be done year-round because it has occurred over time, decades, centuries, the rise and fall of groundwater and the soil modeling. The next method is using existing data. If your neighbor went through this and they had groundwater data. We want to start opening up and using that information. If there are records or other groundwater information that's out there, a monitoring well that's open, we could go read that if it's appropriate.
- Q3. Do you only honor California experimental systems?
- A. We'll consider any. Let us know if you know of some research that might help us out.
- Q4. In the scenario of a re-roof with replacement trusses.
- A. The W&S is only going to be involved with building permits with plan review. Walk through the flow chart and you'll see a new roof won't require W&S review if not increasing flow or square footage.
- Q5. What is the definition of cesspool?
- A.



- Q6. One of the concerns I have is the timeframes involved and not feeling 100% comfortable that that's going to be timeframes that are reasonable. I appreciate that there are four different methods to look at the groundwater but it's typically going to take a lot of time. We see this during a normal 30-45 day close of escrow. What's the timeframe and why would anyone want to wait?
- A. So she's a real estate agent who sees clients due to real estate transactions where the new buyer says they want a new septic system contingent on the sale of the house, or want to know if they can add a bedroom, or square footage. Run through the flow chart. If there's a flow increase, the existing system will be evaluated for capacity and code compliance. We'll look at permit records. If there are no permit records, we would do field work to determine the size of the tank, the length of the leach field, etc. The timeline issue is why we've added in the other options that don't come with the time constraint. We are trying to provide regulation where we have to meet state mandate and we're also taking this opportunity to clarify where our jurisdiction begins and ends. And what I think you'll see is that we're reducing the number of permit applications that are likely to come in. We're taking out those processes that interrupt your business and ours, such as wet weather testing. The combination of the new approaches should free up time so we can focus on our core business and that would mean less time for you to have to be waiting.
- Q7. My understanding is that this OWTS policy is affecting Sonoma County more than any other county in California based on the amount of septic systems we have per capita. Is that accurate?
- A. The first half might be accurate but it's not because of the number of systems; it's because of the number of impaired streams we have. We're communicating with the Regional Water Board on how we're implementing the Sonoma Creek pathogen TMDL which is basically running our policy, our current set of policies and our proposal. And if we do a decently at making sure the system is treating the effluent, it satisfies their TMDL. The Sonoma Creek one has been in effect for five or six years and we communicated with them back then and there's a lot to do around the Russian River TMDL because those standards are still being drafted and there's a lot of uncertainty/unknown. People don't know what to expect. And those standards will be out in the next couple of months.
- Q8. Do you think we will have stricter guidelines than most of the other counties because of our impaired streams?
- A. It depends on where you are and which TMDL you're operating under.
- Q9. You only have to test ground water if your slope is under 5%, correct?
- A. Zero to five percent.
- Q10. What is TMDL?
- A. Total maximum daily load.
- Q10. We have a mound and we have a monitoring well so is this a concern to us, since were flat?

- A. With an existing dwelling and existing septic system, not adding bedrooms, etc., then no. Unless you're proposing a building permit, a remodel, an addition, new bedrooms, no. The metric is how many bedrooms, not how many bathrooms.

Q11. On the flowchart, I notice that you have new septic tank, replacement and repair, but if I wanted to add a leach line, where does that fall? It's not a repair. Existing system is not failing. Thinking ahead, adding a new leach line.

- A. It's not a repair. Nothing's failing. You just want to add new or additional linear footage of the leach line. We have two definitions: one is repair; one is replacement. Physically, you're digging a trench, putting in a new line. If it's over the 25% threshold (linear feet), digging and putting in the line, it's a replacement. Under 25% is a repair. And we can use the preexisting perc test and well file, as long as it's still valid information. If you have existing data, we would want to make sure the information is still valid, and if it's still valid we would want to use that.

Q12. What if it's a guest house?

- A. If it's a bedroom in a guest house, it counts as a bedroom.

Q13. If I build a five-bedroom system and have a two-bedroom house, can I build a second house and tie that house into that one system?

- A. Yes. We would have to go through the records and see what type of design work was done back then, but presuming that it got the soil work and all that technical information, yes.

Q14. We have a new foundation and underfloor framing and a lot of studs have been replaced, so are we required to because we're not adding to the square footage.

- A. If you're not adding bedrooms or square footage and the existing system is not a cesspool, no.

Q15. Does the square footage limitation go away for expansion without bedroom increase?

- A. That would go away and it's dependent on the bedroom count. But if you rebuild and add square footage, we want to take a look at the existing system and make sure it's code compliant.

Q16. What will it cost to hire a consultant to do a review for a bedroom addition on a house?

- A. In general, as we are taking septic review away from many of our permits, the costs of those will go down because they're not going through the same process as they did previously. The approximate cost to evaluate and possibly update a standard system will run around \$10-20 thousand. That involves a septic tank, the soil evaluation, the design, and the installation of the leach lines. A mound system \$40-50 thousand. If you have advanced treatment units, disinfection, and dispersal, it can be upwards of \$70,000. We have a list of consultants you can take a look at, but we don't say hire this person or that person. It's just a list of available consultants.

Q17. Do any pretreatment systems or experimental systems ease the load on the system enough to extend the life of it or reduce the leach line requirements?

- A. To extend the life of it, yes, because one thing we do see is there's this thing called a bio-map that forms on the bottom of the trench/leach line and that's a function of the nutrients. And so if you have \_\_\_\_ nutrients \_\_\_\_ bio-map \_\_\_\_ of the leachline trench, to the point where you eliminate the dispersal system, no. The state does not allow onsite systems to do surface disposal or spray irrigation or anything of that nature. If you want to do a high-end treatment system with advanced treatment and disinfection, you're taking care of the nutrients, you're taking care of the pathogens, there will always be some that remain. The state doesn't allow \_\_\_\_\_ level for that effluent to be discharged to the surface.

Q18. What about building a backyard room? How big can a backyard room be? Can we add a bathroom to that?

- A. For a guest house or pool house or pavilion or something, we don't look at the number of plumbing fixtures but the number of bedrooms. If it's not a bedroom, not to live in, it won't affect your septic system. The definition of bedroom is in a separate policy based on square feet, whether it has a closet, etc. So, yes, someone can have a guest house. If it meets the definition of a bedroom, you'll need to account for that.

Q19. Lack of financial assistance as indicated in the additional legislation?

- A. We have programs through the state for if you're in a disadvantaged low-income community where you can qualify sometimes for grants. In other instances, you can see if you qualify for no or low interest loans. And the Board looking at using a more local program that was set up initially for energy conservation for green energy projects, we'd extend that to septic.

Q20. Does a shower graywater system need a permit?

- A. Yes. It's not laundry to landscape so it's probably a simple graywater system.

Q21. Does County still have a groundwater records perc test from 1979?

- A. It depends. Sometimes we do. Sometimes we didn't get a whole lot back then. It depends on who was the designer and what environmental health was collecting at the time.

Q22. What's the grandfather policy for old buildings on a property?

- A. We again look at the bedrooms. The only time you're going to trigger an upgraded septic system is if we go through the triggers we reviewed earlier.

Q23. Is Blucher Creek an impacted area? Fire rebuild, anything special if the same footprint? If monitoring wells exist, is that enough or do they need to dig?

- A. There is a list of impaired water bodies attached to the state's policy. You'd have to research Blucher Creek. We've waived even repair permits for fire rebuilds but we're asking for a findings report, which is just having someone go out there and look and make sure all of the components are back in place and that when you flush your toilets, it actually goes into the system.

Q24. Does the findings report indicate that it's compliant with code?

- A. No, it's just to determine whether it's functioning.

Q25. Their home burned. They have a functioning septic system. And they're wondering about well setback and creek setback.

- A. If it were a new septic system, absolutely. If it's a fire rebuild, we want you to just plumb right back into that system and fix what's wrong with it. Most of the leach lines are three or four feet down. The odds of that plastic melting are not very high. But as you get closer to the surface, the manholes on the septic tanks, etc., there's more of a likelihood of those melting. Replace things closer to surface and you're back in operation. Basically, that system would \_\_\_\_\_ relatively to the setback, we're not requiring that you move it or do anything \_\_\_\_\_.

Q26. Does this apply if someone buys a burned lot and rebuilds?

- A. Yes. We want somebody to rebuild and live in a dwelling on that lot.

Q27. Once the OWTS policy adopted is adopted early next spring, will that change this?

- A. Not for fire victims.

Q28. Do you have a timeframe in mind for continuing to allow...?

- A. We will revisit that in fall of 2019. The existing rules that we have in place for rebuilds extends through 12/31/2019. We have approximately 30% of the homes lost re-permitted and most of those are under reconstruction. If there is a need to extend it, the Board's going to extend it. Things are going well. We want to keep that momentum going. For some people, selling is what they need to do to move on. We don't want to have different standards for that transaction than we would for fire survivors who want to go back to their properties. We want to give fire survivors the maximum number of options available without penalizing them. We want to see if we can beat the national average regarding rebuilds after a catastrophic event.

Q29. We have a three-bedroom system built in 1977. Our house is a permitted 2-bedroom structure built at the same time. We lost our separate garage in the wildfire. Can we use the existing system to rebuild the garage with an attached one-bedroom plus kitchen?

- A. Yes, you can do it but you're adding a bedroom and a kitchen, which both add flow. First, we would want to look at it and make sure you have the capacity—to make sure it's a three-bedroom system. And then what we're doing with new dwelling units is requiring a septic tank in front of the new dwelling unit because of the separate kitchen, separate laundry, etc., and the effluent would join up in the dispersal system. Those old tanks are often too small by today's standards. If you built a detached bedroom without a kitchen, you wouldn't need the extra tank.

Q30. We are on a nonconforming system and would like to replace our 1200 square foot house (2 baths) with a larger home. What are our options? Could we tie in a 1000-square-foot granny unit with a single system with the main house?

- B. If the new space was going outside the footprint, we would look for a physical impact on your system. For a new accessory dwelling, we would have to know how many bedrooms are going in, and then compare it to the current capacity of the existing system and evaluate if the existing system is code compliant. If neither of those pan out, then you need a new septic system for the accessory dwelling.

- Q31. Are the new proposals more streamlined and easier to navigate?
- A. Yes. For the building stuff, absolutely. But we do have that conflicting voluntary repair versus replacement. Depending on your perspective, some people view that as additional \_\_\_\_\_. In my opinion, we should have been doing that since 2002.
- Q32. Can you speak to the observation that the current suggested policy is stricter than the current OWTS state requirements?
- A. Yes, in some respect it is stricter. For example, even though we're going under what's called a tier two program (tier one is statewide standard that blankets the whole state; tier two is tailored to your community; tier three is for impaired water bodies and people who \_\_\_\_\_). We're applying under a tier 2 program that provides us the most flexibility. However, even though we're within tier two, they still have nine or ten prohibitions that we just cannot work around. One of those is they require 2 feet separation of groundwater. We can't deviate from that. We can't excuse that. One interpretation we got was that the 2-foot start from the bottom of the dispersal \_\_\_\_\_ so for example, if you do a mound system, you've got the one foot and you can build up a foot in the mound system \_\_\_\_\_ that would be your minimum of two feet. There are nine or ten prohibitions that the state has even in the tier two program. So in those respects, yes, it is more stringent, but we don't have any control of that. But our system is not stricter than the state's—it's just compliant with the state's. There's greater clarity and fewer triggers for a full building permit, and fewer triggers for plan review. On the whole, since most of the business that Permit Sonoma deals with are not new homes but additions and remodels, this should reduce permit requirements and reduce permit costs.
- Q33. Why are they throwing things at you in Guerneville? What's different there?
- A. There are many old cabins built on small steep lots with cesspool. And those maybe worked when they were turn-of-the-century vacation homes but now they're being used as one of our last sources of affordable housing on a full-time basis and those systems are just overloaded and many of them are failing. And there's a misconception that the County is running the TMDL. They really don't care if it's the County or the State, somebody's going to make them upgrade their systems and it's expensive. But that's the State's role. We don't have the legal authority to go in and evaluate what you have and whether it's working or not. But the State has that authority under state law and they're running that. So when we go out and present the OWTS manual, we get blamed for the State's involvement.
- Q34. Are people being told that they can't live in that home anymore?
- A. Not at this time. What the State is planning to do is to communicate to the people, give them a questionnaire, ask them what kind of system they have, whether it's functioning, whether it's overloaded, and then they're going to have them sign and certify to what type of system they have and the functionality. The State will look at that and our records and determine what's there. The State wants to figure out whether that system is accurate. If everything is fine, they won't do anything, but otherwise they'll require the system be upgraded. Then they'll come to us with the septic application and we'll do the plan review and inspection of the construction of the new septic system. But it's the State's role to figure out whether that system is adequate for

their TMDL process or not. We're interceding on the State process to make sure that they follow due process and give property owners direct notice of any new regulations that are occurring that will affect them. We are strongly suggesting that they look at alternative technologies such as cluster systems shared between neighbors, package treatment plants, and connection to existing sewer systems. They understand this takes time and they're looking at a 5 to 10 to 15-year timeline.

- Q35. If somebody is buying a property at the Russian River and it had a cesspool, can a piece of land somebody's living on be deemed unlivable because they can't come up with a replacement septic system?
- A. Yes, and we've had one instance in Sonoma County's history. It was a failing system with surfacing effluent. There were numerous correction notices, notice of violations. They wouldn't correct the situation and finally we had no choice. But that was an extraordinary situation. The homeowner just didn't want to deal with it. Generally, a solution can be found.
- Q36. I had someone from the County come through my property unannounced about a month ago and inspect the system. I got a letter indicating we were conforming. I never had that happen before. It's a non-standard leach field.
- A. That's unfortunate. We try to arrange the inspection or at least call ahead of time. Non-standard systems are an alternative program, like we mentioned earlier. If you have a non-standard system, you're required to be enrolled in an operational program, a monitoring program. You pay an annual fee that ranges from \$150-400 and depends on how frequently we visit the site. It depends on the operation and the history of the performance of the system. We go there once a year, once every two years, once every three years. We've been doing that and we try to reach out but the flipside is when we reach out and nobody returns our call or ever gets in contact with us, we still have to inspect the site. I'm not saying that happened but, in many cases, we call, maybe we don't get voicemail or something, and then we go out and do our inspection. We have an easement on the property to look at the septic system only. We're not out there looking at anything else. That easement was entered into maybe by the current owner, maybe by the prior owner. It's the cost of developing that lot because a standard system would not fit, would not work, for some reason. About a third of our systems today are done with standard systems but we have this program and it continues to grow because two-thirds of the systems are nonstandard.
- Q37. I was wondering about the Russian River area because we have a family cabin there. There's a slope, cesspool. Are you saying the County's going to come out and look at everything?
- A. No. If you're in a monitoring program with a non-standard system, then yes. We're not out looking for failing systems or cesspools. If you have an existing single-family dwelling and the effluent is not surfacing and there's no OPR program with an easement, we don't have the legal right to be there. The State may be sending you a letter with a questionnaire asking you what type of system you have if you're in their TMDL area, which most of the Russian River area is. They'll be targeting those homes that are within their linear distance from the creek, which is 600 feet from the river and \_\_\_\_\_ and they also did it against the parcel. If there is a

watershed that has a certain density, they're looking at that watershed. But that's Russian River and the Regional Water Board \_\_\_\_\_.