

Proposed septic tank rules raise concerns over costs, requirements

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More than a million California homes – including tens of thousands in Lake County – could be impacted by a set of proposed state regulations governing septic tanks.

The proposed regulations, stemming from the 2000 passage of AB 885, would require inspections of septic systems every five years and institute more stringent requirements that could require many homeowners and businesses to have to entirely replace their systems.

The State Water Resources Control Board crafted the proposed regulations, which are meant to protect groundwater and surface water quality from wastewater discharge.

Kathie Smith, a spokesperson for the State Water Resources Control Board, said the new regulations are supposed to be in place by Jan. 1, 2010, but AB 885 included an automatic six-month delay, making the regulations official by July 2010.

According to an environmental impact report prepared on the proposals, there are an estimated 1.2 million households statewide that would have to comply, including about 15,000 Lake County homes. Those estimates are based on the number of septic systems known to be in operation in 1999.

“Everyone will be impacted to some degree by the proposed regulations,” said Jim Hemminger, a staff consultant with the Regional Council of Rural Counties.

The council is especially concerned about the prospect of high costs for rural areas, where septic servicing may not be readily available and may becoming prohibitively expensive due to drive and transport time.

Hemminger said the council has been working with the state to come up with regional regulations that can be cost-effectively applied. “We don't feel we're anywhere close to being there right now,” he said.

He said AB 885 grew out of one area's specific problem – a pollution situation in Santa Monica Bay that was believed to have come from septic tanks in sandy soil along the beach.

Hemminger said the regulations originally were started along the state's coast, but since have spread to the entire state.

One of his biggest concerns is that he interprets the regulations to have no flexibility or room for variances regarding site- or region-specific impacts. There are a lot of variations in groundwater, geology and other natural features throughout the state, he explained.

They also won't allow much budge room for regional water boards, and could result in higher-than-anticipated costs, Hemminger suggests.

What the regulations would require

Those households with septic tanks – called on-site wastewater treatment systems (OWTS) in the environmental impact report – would expect to pay between \$150 and \$500 for the inspections at least once every five years.

If upgrades were required, the report states, “The cost to households and businesses that must install new OWTS with supplemental treatment units and to convert conventional OWTS to OWTS with supplemental treatment units would be substantial.”

By substantial, the report estimates the costs for installing new septic tanks with a supplemental treatment unit to be in the range of \$25,000 to \$45,000, or \$13,900 to \$23,300 for a conventional septic system.

Businesses using septic systems that are “high-strength waste dischargers” could expect to have to pay \$100,000 to \$400,000 to replace a system or install a new one with a supplemental treatment unit.

A Regional Council on Rural Counties comment letter on the draft regulations' environmental impact reports says AB 885 has no express mandate for creating regulations. The letter also faults the state's proposals for establishing “inflexible siting, construction and performance requirements.”

Debate over local impacts

Locally, Lake County Farm Bureau Executive Director Chuck March is concerned that residents could be facing additional regulations.

He pointed out that the proposed regulations have additional requirements for septic systems that will be located within 600 feet of a water body that is listed as “impaired” – or doesn't meet water quality standards – because of high nutrient levels.

Among those impaired water bodies is Clear Lake and its entire watershed, March explained.

“We're still trying to evaluate what the effects in Lake County will be,” said March.

March said Clear Lake's impairment is largely a matter of phosphorous loading, and isn't from septic tanks. But there are still “a whole lot of questions” about how the new rules might ultimately apply, and much clarification is needed.

The Lake County Farm Bureau is part of a monitoring program that is looking at the Big Valley Watershed. In that area, the only material noted to be exceeding acceptable levels is E. Coli, and they've not been able to track where it's coming from. However, 50 percent is believed to be coming from human sources, which makes septic tanks a possible source.

Ray Ruminski, director of Lake County Environmental Health, said he doesn't think there will be widespread impacts locally if the regulations become law.

Ruminski said Clear Lake is on a federal impairment list for mercury, which is not a septic issue. It's also listed as impaired because of nutrients, but again those may not be a result of septic tanks. The element of interests – phosphorous – is more an issue of stormwater drainage and erosion.

The Regional Council of Rural Counties' comment letter interprets the regulations as requiring every septic system within 600 feet of a water body with a total maximum daily load that has been approved “to be equipped with expensive advanced treatment systems” or to become part of a centralized treatment or collection system. Other council documents estimate the number of impaired water bodies in the state as 296.

However, Smith said that, under the proposed regulations' definition of impaired water bodies, Clear Lake – which falls into the water board's Region 5 – doesn't apply.

She said there are no such impaired bodies listed for Region 5 at all, said Smith, and only a few in the whole state, with most of them being located in Southern California.

Exploring the ramifications

Despite the state's estimate of the number of Lake County's septic tanks – slightly over 15,000 – Ruminski said his office actually does not have a precise count.

The agency's records go back to the 1960s, and track septic systems they've permitted. But that doesn't give an accurate picture of what's actually in use, Ruminski said.

“There's a lot more actually in use, constructed, than we have permits on,” he said.

Stopab885.org, which is advocating against the regulations in their current form, reports that many local jurisdictions and counties have adopted strict regulations of their own to address the concerns raised in the original legislation.

Similarly, Lake County already is taking an approach that Ruminski said “is not all that different in some respects” from what the State Water Resources Control Board is proposing.

Ruminski's take on the requirements is that existing septic systems would need to be sampled every five years if a well was on the property. The inspection would then make a recommendation regarding whether or not the tank needed to be pumped, repaired or replaced.

“We think that's good practice, but we're not sure it needs to be in state law,” said Ruminski.

He said septic tanks are necessary because not every place in California can have a sewer system. However, he said there are some blank spaces around Clear Lake where sewer systems would, in his opinion, be a benefit.

Hemminger, who suggested the proposed regulations are a “solution looking for a problem to solve,” said he doesn't foresee them having a positive groundwater impact.

Rather than trying to create an ill-fitting set of blanket regulations, Hemminger suggested the water board should focus on problem areas, since most septic systems in the state are functioning as required.

To be imposing costs of hundreds of millions a year on the state's homeowners, said Hemminger, “just doesn't seem prudent.”

Smith said the water board's staff currently is in the process of hosting a series of public workshops around the state.

Of the 11 workshops, nine have taken place so far, said Smith. One is scheduled for Tuesday evening in Santa Rosa, with another set to take place on Wednesday in Eureka (see accompanying story, “Septic tank regulations: How to get involved” for times and locations.). The water board also will host a Feb. 9 public hearing in Sacramento.

“There's been a lot of public interest. It's kind of been building,” said Smith, noting that the Jan. 22 Fresno workshop was standing-room-only.

Smith said there have been a “range of concerns” over the proposals, especially the possible price tag.

“The cost is probably the thing that comes up the most often,” she said, adding there also have been concerns raised about having more government regulations.

She said the water board staff will take information submitted by the public at the workshops, digest it and come up with appropriate revisions to the regulations.

“This is not written in stone at this point, any of these regulations,” Smith added.