

**STATE OF CALIFORNIA
REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL COAST REGION**

SUPPLEMENTAL SHEET FOR REGULAR MEETING OF JULY 11, 2008

Prepared on July 2, 2008

ITEM NUMBER: 13

SUBJECT: Waiver of Waste Discharge Requirements for Onsite Disposal System, Goodwin Residence, 1303 Ferrelo Road, Santa Barbara, Santa Barbara County, Resolution No. R3-2008-0052

COMMENTS

Water Board staff received comment letters regarding this item during the posted public comment period, which ended on June 30, 2008. The City of Santa Barbara, Heal the Ocean, Brian Hershkowitz and Diana C. Miller, Virginia R. Ramsey, Miranda Field and Jeff Vinion, and Roy W. Harthorn submitted comments.

The **City of Santa Barbara** submitted an email on June 2, 2008 (Attachment 1), suggesting a minor language change to Resolution Finding 5 on page 2. The City suggested changing the second to last sentence of Finding 5 to read, "Both the California Plumbing Code and the Santa Barbara City Ordinances allow the installation of an onsite wastewater disposal system with approval from the authority having jurisdiction." Water Board staff concurs with the suggested change and will recommend that the Resolution be modified accordingly.

Heal the Ocean submitted a comment letter on May 29, 2008 (Attachment 2), objecting to the approval of a waiver for the onsite system at 1303 Ferrelo Road. Heal the Ocean points out that they have been actively working to remove septic systems from heavily populated areas, such as Rincon, and it is inappropriate for the Water Board to approve installation of a septic system within the City of Santa Barbara.

Comment 1: Heal the Ocean points out that the property is located on 30% slopes which allows the Water Board to prohibit installation of an onsite disposal system.

Response: The project applicant installed the drywells in a manner that provides at least 100 feet of setback from the steep slopes. To compensate for the steep slopes, the highest perforation of the dry well pipe is 15 feet below grade. By locating the pipe perforations 15 feet below grade, the discharger complies with the Basin Plan 100-foot setback criterion, which reduces the potential for effluent surfacing due to the steep slopes.

Comment 2: The groundwater level in the area is unknown and the depth to groundwater is only an estimate.

Response: The Basin Plan requires a 10-foot separation between the disposal area and groundwater. The project applicant drilled one of the drywells an extra ten feet deep to verify absence of groundwater. The proposed onsite system complies with the Basin Plan requirements. The drywells were drilled in February, one of the wettest months of the year and

still did not encounter groundwater. Staff reviewed groundwater data from two underground tank cleanup sites located less than a half mile from the site. Staff estimates groundwater at approximately 150 feet deep, which is well beyond the 10 foot separation required by the Basin Plan.

Comment 3: The property owner should connect to the sanitary sewer uphill from the property by installing tanks and a pump system.

Response: The project applicant is in compliance with Basin Plan requirements. The applicant chose to install an onsite disposal system on the property rather than connecting to the sewer system by installing tanks and pumps. The City of Santa Barbara provided the project applicant with the option of installing an onsite system after indicating, in an August 7, 2007 letter (Attachment 4), that the sewer was not available.

Brian Hershkowitz, owner of a neighboring property, submitted a comment letter on June 16, 2008 (Attachment 3).

Comment 1: The waiver seems to be based on the perception that the project applicant has no alternative available. It is more correct to say that the developer has no alternatives they wish to avail themselves of. It is their choice not to enter into a sewer easement agreement with the adjoining neighbor who has offered it.

Response: The waiver is based on the onsite treatment and disposal system design meeting Basin Plan criteria for onsite systems. The fact that the sanitary sewer system could be available to the property with a sewer easement agreement with a neighboring property owner or installing a system to pump sewage to the sanitary sewer system located down the street from the property was not considered by Water Board staff. The property owner chose to install an onsite treatment and disposal system that is designed to comply with Basin Plan requirements. The City of Santa Barbara provided the project applicant with the option to install an onsite system that complies with basin Plan requirements in a letter dated August 7, 2007 (Attachment 4).

Comment 2: The location of the tank and dry wells is problematic for me. The components of the system will be located just feet from my bedroom, in a hard to service and far off corner of the applicant's lot. If a waiver is to be allowed, why is it necessary that on a lot close to an acre in size that the system must be based next to a residential dwelling?

Response: The septic tank will be located 43 feet from the property line and the closest drywell will be 14 feet from the property line and 15 feet below ground. The septic tank and drywells are located in an area that will provide the maximum setback distance from the creek in order to protect water quality. The proposed system design meets Basin Plan criteria.

Comment 3: Though the City of Santa Barbara does not have its own standards for approving a septic system, the County does. These standards are higher; the County's Health Officer has stated that he would not approve such as system due to their "daylighting" requirements on a lot of this slope.

Response: The project is located within the City of Santa Barbara and Santa Barbara County's Environmental Health Department has not reviewed the project because it is not in their jurisdiction. The "daylighting" or setback requirements used by the County of Santa Barbara are the same requirements used by the Water Board. The project applicant has installed the system to comply with the Water Board setback requirements for locating an onsite disposal system on steep slopes. The project applicant installed the drywells in a manner that provides at least 100

feet of setback from the steep slopes. To compensate for the steep slopes, the highest perforation of the dry well pipe is 15 feet below grade. By locating the pipe perforations 15 feet below grade the discharger complies with the 100 foot setback criterion, which reduces the potential for effluent surfacing due to the steep slopes.

Comment 4: Beyond the personal concerns for health, safety, and the value of my property, this particular site is very unique because it sits above a canyon with a creek that drains to the Ocean. We are concerned with the longer reaching impact of sewage disposal in to the Pacific.

Response: The onsite treatment and disposal system is located 140 feet from the creek, exceeding the Basin Plan required 100 foot setback from creeks. Proper operation and maintenance of the proposed system will protect beneficial uses of nearby surface waters and the Pacific Ocean. The proposed system design meets Basin Plan criteria for onsite systems. The waiver requirements include prohibitions for daylighting and creating conditions of pollution, contamination, or condition of nuisance. Failure to comply with all waiver requirements could result in waiver termination.

Brian Hershkowitz submitted additional comments in an email on June 30, 2008 (Attachment 5).

Comment 5: The staff report indicates that a concrete collar caps the drywell 15 feet below grade. Did anyone from the Water Board observe the installation of the drywells to verify proper installation? The City has no means to supervise or inspect the installation of the sewage disposal system.

Response: Water Board staff was not present during the construction of the drywells. The drywells were installed under the supervision of a licensed professional civil engineer working for Pacific Materials Laboratory. Pacific Materials Laboratory has years of experience installing onsite disposal systems in the area. There is no indication that project applicant submitted false documentation of the proposed system and the drywell installation that has already occurred. Water Board staff rarely inspect subsurface disposal system installations.

Comment 6: You mention two existing dry wells on the property. I respectfully request that you clarify for the board that it is not as if the applicant for the waiver bought the property with these in place. These were drilled without permit or permission, as a means to induce you to recommend approval of the waiver. While a permit was not required, the City will verify for you that they did not know the drilling was going on until after it started. Please don't allow this matter to be confused; making an investment in a non-compliant system should not encourage waiver of the health and safety requirements.

Response: For clarification purposes the project applicant installed the drywells prior to submitting an application for Waste Discharge Requirements. The project applicant originally thought he would need to obtain a permit from the County of Santa Barbara and so he installed the drywells and performed drywell absorption tests, which is the typical process when applying for a permit from the County. The commenter provides no information explaining why the system is non-compliant.

Comment 7: You state that the applicant for the waiver is unable to obtain easement with the neighbors. The correct verbiage would be unwilling. You also neglect to note that the applicant could attach to the sewer, as every other resident of the street the subject property on does.

Response: The project applicant could connect to the sewer by installing a lift station and piping to the sewer line located on Garcia Road. The City of Santa Barbara has indicated that the sewer on Garcia Road is unavailable and has provided the project applicant with the option of

installing an onsite treatment system. The project applicant chose the option of installing an onsite system which complies with Basin Plan criteria.

Virginia Ramsey, neighboring property owner, submitted comment letters on June 18 and June 21, 2008 (Attachments 6 and 7). Ms. Ramsey indicates that she negotiated a sewer easement with the project applicant. She eventually signed the agreement and argues that all the project applicant needs to do is sign the agreement, pay the agreed price, and he can connect to the sanitary collection system via gravity sewer lateral.

Comment 1: Ms. Ramsey points out that it will be difficult to pump the septic tank uphill 50 feet or more, plus there is a potential for sewage spills when the system is pumped.

Response: Pumping a septic tank uphill will be challenging, but not impossible. The project applicant may have to use a portable pump in conjunction with a vacuum truck to service the septic tank. Sewage spills are a concern whether sewage is pumped to a septic truck, pumped to the sanitary sewer uphill from the site, or discharged through a gravity line to the sanitary collection system. The project applicant must operate the system and conduct maintenance activities in a manner that protects water quality and human health.

Comment 2: The project applicant will have to truck the septic waste to Santa Maria for disposal. Ms. Ramsey comments that the project applicant should connect to the City's sanitary collection system as the environmentally safe option.

Response: The Santa Maria wastewater treatment plant is legally permitted to accept and treat septic waste. The project applicant, along with other residents in the unsewered areas of Santa Barbara County generally dispose of their septic waste at the Santa Maria wastewater treatment plant.

Comment 3: Ms. Ramsey comments that if the project applicant installs a garbage disposal that additional organic matter, including animal fats, will clog the disposal area.

Response: The use of a garbage disposal can increase the organic loading to a septic system and is not recommended. However, the use of a garbage disposal is not prohibited. The project applicant must inspect the septic system every two years. If excessive solids are added to the system, due to a garbage disposal use, the project applicant will need to pump the septic tank more frequently. Fats and greases should never be washed down a drain whether there is a garbage disposal or not.

Miranda Field and Jeff Vinion, neighbors of the 1303 Ferrelo Road property, submitted a comment letter on June 30, 2008 (Attachment 8).

Comment 1: We would like to add our voices to the large number of surrounding neighbors and area officials who have raised staunch objection to an exception being made for the proposed development to bypass the readily available public sewer system. As I believe you have been made aware, access to the sewer line is available via two separate easements, and we have also consulted an engineer who states that, for far lesser cost than the on-site system, a sump system could allow the developer to connect with the public sewer line if he finds an easement agreement objectionable. We are also extremely concerned about the access for maintenance of the proposed septic system.

Response: The City of Santa Barbara provided the project applicant with the option to install and onsite treatment and disposal system in their August 7, 2007, letter (Attachment 4) states that the sewer is not available to the property. The proposed system complies with Basin Plan

requirements for an onsite treatment and disposal system. Basin Plan section VIII.D.3.b requires that the project applicant provide access to the system for inspections and maintenance.

Roy W. Harthorn, building and safety code consultant for Miranda Field and Jeff Vinion, neighbors of 1303 Ferrelo Road, submitted a comment letter on June 30, 2008 (Attachment 9).

Comment 1: The public sewer at the intersection of Ferrelo Road and Garcia Road should be considered available to the property at 1303 Ferrelo Road as the proposed building is well within the State Plumbing Code prescribed 200 feet prescribed envelope as being available measured from a building to a public sewer within an abutting right of way.

Response: The City of Santa Barbara developed the finding that the sewer is not available to the project applicant, which is outlined in an August 7, 2007 letter (Attachment 4). If the City finds that the sewer is available to the property, the City can require the project applicant to connect to the sanitary collection system. The proposed system complies with Basin Plan requirements for an onsite treatment and disposal system.

Comment 2: The only way the proponent could reasonably be allowed to install a private system would be as an approved alternative system that provided equivalent treatment and oversight to that provided by the public sewer. To accomplish this, the system would need to provide tertiary treatment, monitored alarms, regular inspection and oversight and reporting.

Response: There are no requirements that the project applicant provide the same level of treatment as the public system. The project applicant will not be discharging waste to the Pacific Ocean or use the treated wastewater for reclamation purposes as the public treatment system does. The proposed system provides the required level of treatment for subsurface disposal.

ATTACHMENTS

1. June 2, 2008, email from City of Santa Barbara (Chris Hansen), re: Resolution R3-2008-0052 (Draft) – Proposed Waiver of Waste Discharge Requirements
2. May 29, 2008, letter from Heal the Ocean (Hillary Hauser), re: Resolution R3-2008-0052 (Draft) – Proposed Waiver of Waste Discharge Requirements
3. June 16, 2008, letter from Brian Hershkowitz and Diana C. Miller, re: Resolution R3-2008-0052 (Draft) – Proposed Waiver of Waste Discharge Requirements
4. August 7, 2007, letter from the City of Santa Barbara (Chris Hansen) to the project applicant re: availability of the City's sanitary collection system.
5. June 30, 2008, email from Brian Hershkowitz, re: Goodwin Residence – Agenda Item 13
6. June 18, 2008, letter from Virginia R. Ramsey, re: Resolution R3-2008-0052 (Draft) – Proposed Waiver of Waste Discharge Requirements
7. June 21, 2008, letter from Virginia R. Ramsey, re: Resolution R3-2008-0052 (Draft) – Proposed Waiver of Waste Discharge Requirements
8. June 30, 2008, letter from Miranda Field and Jeff Vinion, re: Resolution R3-2008-0052 (Draft) – Proposed Waiver of Waste Discharge Requirements
9. June 30, 2008, letter from Roy W. Harthorn to Miranda Field and Jeff Vinion, re: Code Review; Public Sewer Serving 1303 Ferrelo