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NEWS

Septic proposals get crowd's attention

Elizabeth Gabriel

(Updated: Thursday, January 29, 2009, 7:18 PM)

As expected, the Fresno Unified School District board room was jammed last Thursday as the State Water Resources Control Board conducted a workshop/hearing on proposed septic and well system regulations. The room holds 149 people and the crowd was so big, folks were sitting in the aisles and standing against the wall.

Speaker after speaker -- including three Madera County officials -- criticized either the proposals or the process.

The crowd was at times hostile to the Water Board representatives, who did a good job of keeping their cool.

At other times, speakers elicited roars of laughter or shouts of support and sustained applause.

Passed by the Legislature in 2000, AB885 ordered the Water Board to come up with regulations covering septic systems. The proposals were to have come out in 2004, but were released Nov. 7, 2008. The public was given until Feb. 9 to respond.

Among the proposals is that every existing septic system in the state be tested for solids every five years. The Water Board estimates this cost at \$325. Where an owner has both septic and a well, the well must also be tested every five years for certain elements -- again estimated at \$325.

For new systems, special filters will be required and manuals on operation of the systems must be passed to new owners of the property.

The Water Board held regional meetings like the one in Fresno all around the state. Representing the board in Fresno was Tam Doduc. Water Board staff member James Giannopoulos was frequently called on for comments and answers to questions.

In her opening statement, Doduc told the crowd, "Nothing is set in stone." She also suggested that the public had been notified, which drew derisively shouts of "no" from the audience.

Spreading the word about the proposals and the workshops/hearings was one of the big criticisms from speakers, one that Doduc said would be corrected for the next round of comments. Once this comment period is finished, the proposals will go back to the board for possible -- likely, if Doduc is to be believed -- revisions. That will trigger another comment period before the final regulations are adopted as state law.

Doduc also assured the people that the next publications on the proposals will be in plain English. That answered complaints that the proposals are written, for the most part, by engineers for engineers and difficult for the general public to understand.

Most of the people who spoke said they live in the foothills, and many added that they sought the Mountain Area way of life to get away from government interference with their lives.

One guy, who could have walked right out of a movie about old cowboys, ambled to the microphone and said he feels the regulations are an invasion of his privacy. Then he wondered why the state was taking so much interest in his manure. "My horses produce more than I do, and you're not interested in them," he said.

A woman challenged the board's estimated costs for the inspections and tests. She said if well inspections are for septic-related bacteria only, the cost is \$50, but for a complete list of heavy metals and other elements, the cost is nearly \$500. She also said the \$325 estimate for checking the tank is way off. With travel costs, digging (a back hoe fee, etc.) plus the hourly cost of equipment, the costs can go up to \$1,600.

Like several others, she told the board that regional conditions should be considered. Septic and well conditions are different in the valley or in the beach areas than they are in the mountains.

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Elizabeth Gabriel / Sierra Star photo Jill Yeager, Madera County environmental health director; Supervisor Tom Wheeler of North Fork and Supervisor Frank Bigelow of O'Neals voiced their concerns to state Water Board representatives about proposed regulations for septic and well systems last Thursday at a packed meeting in Fresno.

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"Why should it have to be one size fits all?" she said.

She also pointed out that filters, as called for in the new systems, will have to be maintained -- pulled out and cleaned.

Jill Yeager, director of the Madera County Environmental Health Department, cited ongoing costs to owners and the burden regulations will put on low-income people.

"I need clarity," she said, on how the proposals will be enforced. "Will we have to tell people they have to leave their homes because they can't afford (to meet the regulations)?" she asked.

She also suggested the Water Board launch a public education program on the care and maintenance of septic system.

Madera County Supervisors Tom Wheeler -- fifth district, North Fork -- and Frank Bigelow -- first district, O'Neals -- also addressed the panel.

Wheeler said it is this kind of legislation that is driving people out of California.

Bigelow, a member of the Regional Council of Rural Counties, said the agency had sent the board a letter in 2005 with concerns about the proposals and those concerns had not been addressed.

But, he said as the meeting was drawing to a close, "I remain hopeful you'll be flexible." However he said he feels the board has gone way beyond the scope of the law.

The final meeting to review the proposals will be Feb. 9 in Sacramento. After that, the Water Board is to consider the comments, revise the proposed regulations, issue another set of regulations for public comment, then adopt the new regulations.

The tentative time line for that is to rewrite the regulations by the end of July and have a 30-day comment period in August.

About AB885:

All public comment must be received or postmarked on or before Feb. 9.

Comments may be sent to [tthompson@waterboards.ca.gov](mailto:tthompson@waterboards.ca.gov) or to

State Water Resources Control Board, Division of Water Quality, Attn: Todd Thompson,

1001 I St., 15th Floor, P.O. Box 2231, Sacramento, CA 95812.

The final hearing in this round of public input is Feb. 9, 1:30 p.m. at the California EPA Building, Byron Sher Auditorium, 1001 I St., Sacramento.

Full texts plus a wealth of other information, some of it in Q&A format, may be found on the Water Board website, [www.waterboards.ca.gov/water\\_issues/programs/septic\\_tanks](http://www.waterboards.ca.gov/water_issues/programs/septic_tanks).

For other sources of information about AB885, enter that title in a search engine. Madera County Supervisor Tom Wheeler mentioned the website [www.stopab885.org](http://www.stopab885.org) when he spoke at the meeting.



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**The Sierra Star**  
49165 Crane Valley Rd [426] | PO Box 305  
Oakhurst, CA 93644-8621  
Phone (559) 683-4464 | Fax (559) 683-8102



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