



BUTTE COUNTY
PUBLIC HEALTH DEPARTMENT

ENVIRONMENTAL HEALTH DIVISION

WASTEWATER WORKING GROUP

MINUTES

APRIL 11, 2007

ASSOCIATION OF REALTORS BOARD ROOM, CHICO

3:00 P.M. – 5:00 P.M.

I. Call to Order

Nick called the meeting to order at 3:04 p.m.

II. Preliminary Items

A. Role Call and Determination of Quorum

Tony Kilcollins, Stew Oakley, DC Jones, Ron Dykstra, Buddy Nottingham, Ken Shuey, Phil Decann, and Nick Weigel were present. Gary Fowler was absent.

A quorum was established.

B. Introduction of Guests

Jim Barnard, DOWCO, Mark Henderson and Rick McCauley, Hoot Aerobic Systems, Mark Henderson, and Jan Hill were present. In addition, Tom Loushine, Charlotte Walters, Jennifer Veilleaux, Doug Fogel and Brad Banner attended the meeting on behalf of the Public Health Department.

C. Minutes

DC made a motion to approve the minutes from March 28, 2007. Ron seconded the motion and the motion passed unanimously.

D. Correspondence and Public Comment

None.

E. Agenda Review

No changes were requested.

III. Informational Non-Action Item

None.

IV. Action Items

A. By-Law Revision

T:\Land_Use\Wastewater Working Group\Agenda and Minutes\WWW Minutes 070411.doc

202 MIRA LOMA DRIVE
Oroville, CA 95965
TEL: (530) 538-7282
FAX: (530) 538-2165

411 MAIN STREET
P.O. Box 5364
Chico, CA 95927
TEL: (530) 891-2727
FAX: (530) 895-6512

7 COUNTY CENTER DRIVE
Oroville, CA 95965
TEL: (530) 538-7281
FAX: (530) 338-7785

1. Currently, the Wastewater Working Group is composed of nine members, rather than ten. Therefore, a five members would constitute a simple majority.
 2. DC made a motion that the by-laws be modified so that a simple majority would constitute a quorum. Ken seconded the motion, and the motion passed unanimously.
- B. Reconsideration of Qualification for Designing Supplemental Treatment Systems
1. DC initiated the discussion, stating his concern that restricting design of supplemental treatment systems to civil engineers may be too narrow to be acceptable in Butte County.
 2. Nick pointed out the definition of Qualified Professional in AB 885, which includes professional geologists and REHS. He read the section from the Health and Safety Code that provides an exception for REHS to design septic systems, but does not specify whether the exception is restricted to only standard, gravity systems. He pointed out that hydraulic calculations were part of the practice of engineering and questioned the legality and/or whether there might be liability to the county if non-engineers were allowed to engage in the design of supplemental treatment systems.
 3. Jan related his many years of experience in various jurisdictions designing all types of septic systems as an REHS. He provided examples of problems he has encountered with engineer-designed systems.
 4. The committee discussed the Washington State model where non-engineer designers are certified by the counties. Parameters discussed as desirable for a certification program include:
 - a. Maximum design flow
 - b. Examination
 - c. Experience or submission of examples of work
 - d. Continuing education, such as that offered by COWA and various other entities
 5. The committee directed Brad to bring to the next meeting a summary and analysis of alternatives to resolve this issue and recommended that County council be consulted regarding the legalities.
- C. Repair Requirements
1. Site Evaluation
 - a. The committee discussed whether site evaluations for repairs should be different than those for undeveloped parcels. The committee did not believe that site evaluation requirements should be reduced for repair systems. Stew suggested that an element of analysis should be included to document the reasons for failure.

Buddy pointed out that this was especially important for supplemental treatment systems. Justin and Phil pointed out that expensive repair permit fees discourage people with failing systems from getting permits.

- b. DC clarified that if the homeowner only needs their septic tank replaced that they would not be required to have their parcel reviewed for a new system. Brad responded that if only the septic tank needs to be replaced there would be no site evaluation beyond documenting the nature of the repair.
- c. Ron made a motion that site evaluation requirements for repairs should be the same as those for new systems, and that an added element of analysis of the reason for failure should be part of the site evaluation process. DC seconded the motion, and the motion passed unanimously.

2. Designer

Ken made a motion that there should not be a difference between who is authorized to design a repair system and those who are authorized to design new systems. Buddy seconded the motion and the motion passed unanimously.

3. Installation

- a. The committee agreed that licensed contractors should install both new and repair systems, and expressed serious concerns about homeowners having insufficient skill and experience to install supplemental treatment systems. Jan pointed out that some jurisdictions do not allow homeowner installation of supplemental treatment systems. Nick raised the concern about the legality of restricting homeowners from installing their own systems. Ron compared homeowner installation with homeowner homebuilding, a practice allowed by state law. The committee agreed that additional inspections may be required by the county for homeowner installations.
- b. DC made a motion to defer to the Contractor's Board regarding who is qualified to install septic system, but with the committee going on record as highly recommending against homeowner installation of supplemental treatment systems. Phil seconded the motion and the motion passed unanimously.

4. Brief Interlude

The committee and EH staff discussed the county's role of inspecting system installations for assuring the installation complied with the system design. The committee's consensus was that regulator inspections are a very valuable check and help to assure septic systems are properly installed

5. Design

- a. The committee agreed that repairs of failing systems should result in upgrade of the systems to the maximum extent allowed by the site in respect to vertical separation and system sizing.
- b. Charlotte and Phil expressed concern that costly repairs requiring supplemental treatment would discourage people from legally repairing their systems. Brad raised the concern that permitting low cost substandard repairs, in some cases, may remove the incentive individual system owners to work toward a community solution.
- c. Committee members expressed that there is a need to protect water quality by requiring supplemental treatment when there are shallow hardpan and seasonal watertable conditions.
- d. Doug discussed how emergency repairs were used on occasion to deal with failures that pose immediate danger public health. Ron stated that, for consistency, these repairs should be screened and approved by the EH Director.
- e. Buddy stated that the emergency repairs should be considered temporary “Band-Aids” to deal with a problem on a short-term basis until a better long-term solution could be installed.
- f. The committee discussed county grants or loans to assist homeowners finance appropriate, long-term system repairs. Brad reported that the county awards up to \$2,000 to individuals in grants that could be used for system repair and that he has heard a description of a program where the county funds system repairs and then collects the money at the time of property sale. Charlotte described the county’s low interest loan program, but pointed out that the process takes alot of time.
- g. Nick suggested the idea of a two-tier repair program where “band-aids” would be used to deal with immediate public health concerns (surfacing effluent) but the band aids should be used as an interim solution to provide time for a more permanent solution that deals with the cause of the failure. Emergency repairs that put trenches in shallow groundwater, for example, follow the same path that may have been the cause for the failure in the first place. This practice would further impair the site, making a permanent solution that protects public health in the long term by treating the effluent to an acceptable level more difficult. There was some concern in the committee and guests that the homeowner may not have the financial recourses to provide a solution that protects long-term public health.

- h. Ken stated that, rather than trying to develop and manage a loan program, the county should simply record a statement with the property deed stating the system is nonconforming and needs to be upgraded at time of property sale. The committee generally agreed that this would be an effective solution that would, over time, result in upgraded systems and improved water quality.

Note: This suggestion needs to be further discussed by the committee. Tony pointed out, after the meeting, that Realtors have strong objections to placing more onerous and costly requirements at the time of property sale.

V. Agenda Preparation for Next Meeting

At the next meeting, the committee will resume discussion of how to deal with repair of systems when the property owners are economically disadvantaged. Brad will present an analysis of designer qualification alternatives. The committee will discuss variance and appeal procedures.

VI. Adjourn

The meeting adjourned at 5:15 p.m.