

BEFORE  
THE BOARD OF SUPERVISORS  
OF THE COUNTY OF MADERA  
STATE OF CALIFORNIA

In the Matter of	)	Resolution No.: <u>2009 -025</u>
	)	
THE STATE WATER RESOURCES	)	A RESOLUTION OPPOSING THE STATE
CONTROL BOARD'S PROPOSED AB 885	)	WATER RESOURCES CONTROL
ONSITE WASTEWATER TREATMENT	)	BOARD'S PROPOSED AB 885 ONSITE
SYSTEMS REGULATIONS	)	WASTEWATER TREATMENT SYSTEMS
	)	REGULATIONS UNLESS SIGNIFICANTLY
_____	)	AMENDED

**WHEREAS**, the State Water Resource Control Board has released draft regulations and a draft EIR pursuant to AB-885; and

**WHEREAS**, the draft regulations, if adopted as currently proposed, will have long-lasting and profound adverse impacts to rural counties, including Madera County, and which the EIR either does not address, ignores or falsely concludes that the costs are not significant; and

**WHEREAS**, the draft regulations fail to address many of the serious concerns and suggestions for modification that have previously been brought forward by major active participants in the AB 885 rule-making process; and

**WHEREAS**, the draft regulations, if adopted as currently proposed, will not provide the level of water quality protection commensurate with the burden of the extremely high cost these regulations will impose on a local jurisdiction and its residents; and

**WHEREAS**, the draft regulations will impact the ability of local jurisdictions to provide affordable housing by the increased costs associated with implementation; and

**WHEREAS**, the draft regulations apply uniformly ("one-size-fits-all") throughout the State regardless of the diverse geographical, hydrogeological, demographic, and other physical and social characteristics throughout California; and

**WHEREAS**, the draft regulations are overly restrictive, impractical, extremely costly; go beyond the intent of the AB 885 statute; unenforceable; lacks clarity, flexibility (ignoring realistic alternatives) and justification for the proposed requirements; and

**WHEREAS**, the Water Board has identified some areas of California with "impaired" waters where on-site septic systems are presumed to contribute to the pollution; yet the draft regulations do not consider the cost of pollutant reduction from septic systems relative to pollutant reduction from other possible and higher contributing sources; and

**WHEREAS**, the Water Board's regulations, as drafted, apply to all on-site sewage treatment systems in the State, including areas with no documented "impaired" waters, and the EIR fails to address the disproportionate economic impacts on rural counties as required by the State's Environmental Justice Policy, such as the impact on individual homeowners where per capita income and property values are substantially less than in larger counties; and

**WHEREAS**, the draft regulations require groundwater monitoring from onsite domestic wells every five (5) years without justification or reasons and guidance of how this information will be used; and imposes an unfair financial burden on rural homeowners which the EIR fails to address as required by the State's Environmental Justice Policy; the EIR additionally falsely concludes that there will be no increased staff time/cost to counties to implement; and

**WHEREAS**, the regulations, if implemented will result in increased traffic from increased construction and inspection activities, worsening air pollution from both gasoline and diesel engines, subverting the State's effort to address Climate Change, and Diesel Particulate Air Toxic Control Measures; and

**WHEREAS**, City and County Public Health professionals have been efficiently overseeing onsite sewage treatment for the protection of surface and subsurface water for decades, adapting the science of Environmental Health to local conditions of soil and water, for maximal efficiency in government; and

**NOW, THEREFORE BE IT RESOLVED**, that the Board of Supervisors of Madera County a political subdivision of the State of California does declare the following:

1. The State Water Resource Control Board should eliminate the requirement for testing wells (section 30002 [s]), since it places inordinate financial burden on rural homeowners, for no demonstrable Public Health benefit, a violation of the precept of Environmental Justice.

2. The State Water Resource Control Board should allow local Public Health agencies responsible for on-site sewage regulation in jurisdictions without documented "impaired" waters to utilize the Water Board's guidelines as such as guidance, not as state-wide standards or regulations, recognizing the expertise of Public Health professionals in this regard.

3. The State Water Resource Control Board should address, in the E.I.R., the issues of Environmental Justice, Efficiency in Government, impact to Climate Change, and impact to the Diesel A.C.T.M. referenced above.

The State Water Resource Control Board should consider the additional comments from the Madera County Environmental Health Department as part of this resolution.

///

///


///

///

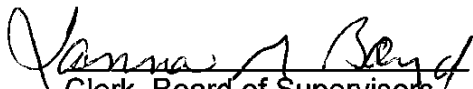
\* \* \* \* \*

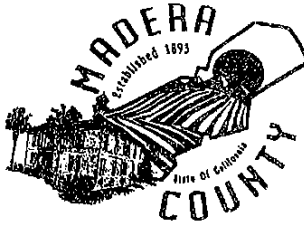
The foregoing resolution was adopted this 3<sup>rd</sup> day of FEBRUARY,  
2009, by the following vote:

Supervisor Bigelow voted:	<u>yes</u>
Supervisor Moss voted	<u>yes</u>
Supervisor Dominici voted	<u>yes</u>
Supervisor Rodriguez voted	<u>yes</u>
Supervisor Wheeler voted	<u>yes</u>

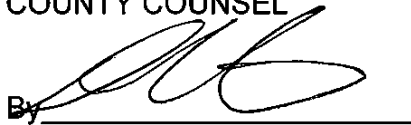
  
 \_\_\_\_\_  
 Chairman, Board of Supervisors

ATTEST:

  
 \_\_\_\_\_  
 Clerk, Board of Supervisors



Approved as to Legal Form:  
COUNTY COUNSEL

By   
 \_\_\_\_\_