

(Provided to Clerk at meeting for inclusion into Project file)

7/23/09 TC #9

Comments from Paul Sayegh
July 29, 2009 Planning Commission Meeting
Diamante

The documents were modified yesterday without notation. The environmental checklist forms were filled out and boxes were checked but there is no reference on the document anywhere that describes how much environmental impact each check box represents. The document needs to be recirculated to the public.

The Initial Study does not comply with CEQA the General Plan provision 2.2.5.3 as it states

1. Section 2.2.5.3 of the General Plan requires numerous criteria in rezoning. This project fails to evaluate or even discuss if #3 availability of public waste water systems was feasible, #8 septic or leach field capability or #16 the proximity to a perennial water source... in this case New York Creek that has recently been recognized by the County as perennial. In addition the fact that the Housing element of the General Plan states on page 4-59 that the suitability of the lower

West Slope to accept septic tank effluent varies widely. Many areas have a geology that includes shear zones, serpentine, melange and other rock and soil types that may not be suitable for acceptance of septic tank effluent. In many cases, connection to an existing wastewater management system (i.e., EID's system) is the only way a parcel on the lower West Slope can develop. Connecting to EID's system may not always be financially practicable, though, and could ultimately result in the extension of service to rural areas that the County has not identified as future growth areas on the General Plan Land Use Map.

(pasted from General Plan)

A perc test does not satisfy this evaluation requirement and only demonstrates if the water absorbs in the ground, not where that water goes. The CEQA Initial Study states the project contains "Auburn very rocky silt loam" It would be safe to assume that grey water will easily migrate to New York Creek, a perennial stream. No evaluation was done for impacts to New York Creek or **possible feasibility** of EID hookup required under 2.2.5.3. Regardless, no evaluation was done and the Initial Study defers the septic issue all together in part VIII discussion(a) by stating that the County Environmental Management Dept will assure compliance and therefore there are no significant impacts. Stating someone else will assure compliance instead of evaluating impacts does not comply with CEQA. In addition it is a CEQA violation to provide mitigation AFTER approval and not provide analysis **prior** to approval. The analysis and impacts can not be deferred **and must be evaluated as part of the Initial Study**. The purpose of a CEQA document is to evaluate impacts PRIOR to a project approval and not after.

There are other issues to be considered regarding septics....New state law AB885 requires septic tank evaluations and pumping. In a letter dated February 3, 2009 the El Dorado Board of Supervisors wrote a letter to the State Water Resources Board, signed by Chairman Ron Briggs arguing against AB885 and stating the frequent soil permeation in El Dorado County. (Copy given for public record) The very soil that allows septic grey water to travel long distances on hills similar to this project that

Comments would require analysis

→ SEE VIII DISCUSSION (B)
CONFIRMS THIS

could impact New York Creek. The County argues this point but ignored that same fact in evaluating this project and others causing a **CEQA violation**. The County letter argued that they had insufficient funds to implement the program. This project and other bordering projects will increase financial impacts to the County but there is no mention of that impact. In addition, the Supervisors asked in the same letter page 6 if a feasibility study had been done to insure wastewater treatment plants had capacity for the increased sewage pumpage of the septic tanks. If the County is worried about this why has it not been evaluated on this and other projects since it will increase loads on the local sewer plants? Do we or do we not have the required capacity to handle the upcoming solids pumpage of this and other projects? A **CEQA violation would occur without an analysis**. And finally on page 7 of the Supervisors letter the County states the new law would double the area a parcel would need for a septic system. No mention of any of this and it's possible impacts in the environmental document. AB885 will have impacts on this specific project and much more when looking at the cumulative impacts of all the local projects but this was not evaluated. A full EIR is justified. The County is now ignoring the very same issues mentioned by their letter while attempting to approve this project and other bordering projects.

In addition the property directly South of this project is designated HDR and will certainly require EID sewer hookups. However, despite the closeness to HDR, and General Plan requirements of 2.2.5.3 no sewer hookup feasibility evaluations were done or even mentioned. As an example, the Chartraw home directly next to this development has a County permit for a septic system with a design flow of 1250 gals day. If the 100 potential homes in the area (not including Granny Flats) on the properties with current applications submitted have similar systems it could potentially have a cumulative effect of 4.37 million gallons per year of grey water migrating down the hillside. Again that's not including Granny flats, urban runoff and irrigation runoff. **Where is the study of impacts to New York Creek?** There is none. An EIR is required. The General Plan specifically states in the Housing Element that the west slope may not be conducive to septic systems but was not studied here at all. In fact the Initial study defers analysis all together. CEQA requires specific data to comply not general overviews. Approving this project with the proposed Mitigated Negative Declaration and without specific detail is a CEQA violation.

2. In the Discussion paragraph (a) in Section XIV **Recreation** of the Environmental Checklist states that the proposed project includes 24.41 acres of open space but there is no indication of this open space on any of the development maps. Where is this 24.41 acres?
3. Cumulative impacts of numerous area projects have not been evaluated per CEQA requirements. Section XVII, Mandatory Findings of Significance (b) asks Does the project have impacts that are individually limited but cumulatively considerable? Noting that Cumulatively Considerable means that the incremental effects of projects are considerable when viewed in connection with effects of

past projects, the effect of other current projects, and the effects of probable future projects? Despite the fact that numerous projects bordering this project have been heard and approved by this Commission within weeks of this project, no mention of current projects are mentioned in the discussion. As required by CEQA, cumulative effects of all these projects in the area need to be evaluated and the Discussion of Impacts does not discuss the specifics of impacts and the document relies on “fees” as a measure of mitigation. A “fee” is not a mitigation measure. The Mitigated Negative Declaration proposed relies on the General Plan for cumulative effects impacts but the General Plan relies on broad assumptions for the area at the time of it’s writing with no area specific data as required by CEQA. In fact the CEQA document for the General plan states in **Section 4, 4.2 Land Use and Estimates** that **policies** are **not** included in the estimate and all charts in the General Plan EIR are based without using policies such as the density bonus. **Simply look at the densities listed in the general Plan for LDR and add up the number of homes projected in the area and you will see the area was not evaluated for the density proposed in this area and therefore can not be tiered off the General Plan CEQA document since it is no longer accurate as long as the density bonus is utilized in bordering properties. A separate EIR is justified.** This project does not calculate, recognize or even mention bordering projects and totally fails to answer the Mandatory Findings of Significance. The general area exceeds densities of the General Plan but without analysis. The County can not simply ignore cumulative impacts.

4. County staff has informed me that Malcolm Dixon Rd will not be upgraded to the 24 feet required to meet fire code in the upcoming road improvement project. Two recent fires on or near Malcolm Dixon Rd demonstrated the problems associated with narrow roads and fire access. In an area without hydrants and water supply, a road allowing two way passages of water trucks is critical to the public and adding more development increases potential fire hazards to those that do not have water and has not been analyzed. A new access road to Green Valley was proposed in the Alto project. This road must stay conditioned for any and all projects proposed in case the ALTO project gets rescinded. There needs to be assurance from the County that Malcolm Dixon Road will be widened to meet fire code before ANY development is started. For the benefit of the public, I would ask that Eileen Crawford speak about the road conditioning of all projects.
5. The development along Malcolm Dixon Rd comprises about 400 acres and there is a significant deer population. There has not been consideration of how deer can move through 400 acres of new development and move between new and old developments. An analysis is warranted.

In closing, the Development as proposed does not comply with the General Plan and would seriously violate CEQA laws. The continuing piece mealing of the area without environmental analysis is disturbing and a violation of the law. The Initial Study for the

project does not include a summary of (or specific citation to) the previous Tiered General Plan EIR sections relied upon. Thus, the study violates CEQA's requirement that the public be afforded the opportunity to determine whether the data relied upon is in fact supportive of the conclusions in the Mitigated Negative Declaration. As mentioned before, the lack of a description at the check boxes inhibits the ability of anyone to determine the project environmental impacts.

I ask this commission to deny the request to accept the Mitigated Negative Declaration and deny the project as proposed until a properly written environmental document that complies with CEQA and the General Plan is submitted.

Paul Sayegh

COUNTY OF EL DORADO

BOARD OF SUPERVISORS

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February 3, 2009

State Water Resources Control Board
Division of Water Quality
Attn: Todd Thompson, P.E.
1001 I Street, 15th Floor
P.O. Box 2231
Sacramento, CA 95812

Re: Comments on the AB 885 Onsite Wastewater Treatment Systems (OWTS) Draft
Environmental Impact Report (DEIR) and Proposed Regulations

Mr. Thompson:

The County of El Dorado appreciates the opportunity afforded by the State Water Resources Control Board (SWRCB) to comment on the DEIR and the current proposed onsite wastewater treatment system regulations developed pursuant to the passage of Assembly Bill 885 in September of 2000. El Dorado County staff actively participated for the past eight years in stakeholder meetings, workshops, and various efforts to contribute to the development of reasonable, practical, and science based regulations that will be equally protective of both the public health and the environment. Given that the County of El Dorado has over 35,000 private OWTS within its boundaries, the residents, business community, County staff and government leaders have grave concerns regarding the regulations currently being proposed (note Attachment A, citizen correspondences regarding AB 885).

El Dorado County is respectfully requesting that the SWRCB work with the State Legislature to repeal AB 885. Should the repeal process fail, El Dorado County is requesting that the legislation be amended to revert back to the original intent to protect the coastal zones or other known areas of impaired surface water or groundwater where it has been scientifically proven that OWTS are the source of water quality degradation. It has not been scientifically proven that the OWTS' in El Dorado County have impaired the State's waters. El Dorado County's current OWTS ordinance and resolution, which are in compliance with the Central Valley Regional Water Quality Control Board's Basin Plan, are effectively protecting the public and environmental health. Therefore, should legislation move forward with no repeals or

amendments, El Dorado County shall seek legislative relief through an exclusion to the proposed regulations. In addition, El Dorado County supports the concerned position taken by the Regional Council of Rural Counties (RCRC) regarding the proposed regulation and the need to make significant changes to protect groundwater quality without imposing costly prescriptive regulations that will have minimal benefit to water quality (Attachment B).

The proposed regulations exceed the original intent and statutory authority of AB 885. The proposed regulations are overly prescriptive, constitute a one size fits all approach, and are not flexible enough to accommodate California's diverse geology and site specific conditions. The proposed regulations are largely "self-implementing," meaning that actions are required to be completed by the property owner in order to comply with these regulations, which will ultimately result in the need for oversight by local agency staff resulting in an unfunded State mandate. The proposed regulations will result in significant increased costs to property owners dependent upon OWTS, and may limit future land development that would currently be acceptable under existing local and state requirements for OWTS.

There are three basic categories of concerns that the County would like to share with you:

- The current proposed regulations far exceed the original goals and intent of Assembly Bill 885;
- The lack of scientific evidence for the extent of the regulations as proposed; and
- The analysis of impacts and specific elements of the proposed regulations that are of greatest concern to the County of El Dorado and its citizens.

Background

Original Goals and Intent of Assembly Bill 885

Assembly Bill 885 was introduced into the State Assembly February 25, 1999 by Assemblymember Hannah-Beth Jackson, the Chair of the Assembly Committee on Environmental Safety and Toxic Materials. The Bill, as originally introduced, was titled, "Coastal onsite sewage treatment systems." Assembly and Senate analyses over the ensuing eighteen months, prior to the approval of the Bill in September of 2000 by Governor Davis, repeatedly stated that the intent of the legislation was to protect the coastal zone with respect to pathogen and nutrient impacts. A summary of the April 13, 1999 committee hearing regarding AB 885 states that,

"California's coastal resources have been receiving more attention in recent years. Beach closures due to high bacterial counts have become a chronic problem. At the same time, awareness has been increasing rapidly that nonpoint sources of pollution are a significant contributor to contamination. The importance of California's coast to the states economy and recreation is clear."

"Sponsors point to beach closures and results of beach monitoring programs which indicate that contamination of coastal waters from leaking or poorly functioning onsite systems is a serious problem in many coastal communities."

The proposed legislation was specifically attempting to address chronic OWTS problems in the Malibu area that frequently resulted in beach closures in that area due to high bacteria loads along the shore and tidal waters, resulting in a rallying cry for change by the surfing community and environmental organizations. It should come as no surprise that the only registered opposition to AB 885 at the time was the Malibu Town Council and the Malibu Realtors Association.

As late as the beginning of August 2000, one month prior to passage of the Bill, the proposed regulation language was still specific to the coastal zone throughout the state. However, in late August of 2000, sponsors of the Bill made the case that the potential for septic systems to negatively impact waters of the state may not be limited to just the coastal zone, and that the Bill should encompass the entire state. AB 885 was subsequently amended in the Senate on August 18, 2000 whereby the "coastal zone" verbiage was eliminated.

On August 25, 2000, during a hearing by the Senate Rules Committee, The California Association of Realtors (CAR) voiced formal opposition to the Bill and stated that the CAR, "...believe that the Legislature must call for a statewide survey that reveals the extent of the septic problem, before taking action on legislation like AB 885." The County of El Dorado concurs with CAR's position. Enacting legislation that applies to the entire state prior to investigating whether or not there is a state-wide problem is a problematic and flawed approach. This is important to note because rather than allowing the State and local agencies the opportunity to investigate whether or not OWTS are negatively impacting other surface or groundwaters of the state, not just the coastal zone, it set the stage for the SWRQB staff to only pursue evidence that would justify the proposed legislation.

In addition, the intent of AB 885 was to establish minimum requirements for OWTS. The proposed regulations go well beyond establishing minimum standards for an appropriate level of protection for public health and groundwater quality, exceed the statutory authority of the original legislation, are overly prescriptive, and lack the necessary flexibility to accommodate California's diverse geology such as highly permeable sands and gravels to low permeability granitic rock with fracture flow properties.

Lastly, AB 885 makes a statement of "legislative intent" relating to monetary assistance to private property owners with onsite sewage treatment systems where compliance with the regulations exceeds one-half of one percent of the current assessed value of the impacted property. The DEIR estimates the statewide cost to OWTS owners/users over the next 5-year period (2009-2013) to be between \$287.0 million to \$339.7 million annually, with California households incurring 91%-98% of these additional costs. The DEIR does not attempt to estimate how many households will need financial assistance. Given the declining real estate values throughout the state the number will likely be significant.

Question: What is the anticipated number of households where the cost to comply with the proposed regulations will exceed one-half of one percent of the current assessed value of their homes?

The DEIR states that "The state, in cooperation with EPA has set aside funds from its State Revolving Fund Program that can be made available to local qualified agencies who can then provide low-interest loans to homeowners to install, repair, replace or upgrade their OWTS. The homeowner would still bear the financial responsibility for these improvements, but could potentially tap into lower interest rates."

California OWTS owners may not have the financial ability to comply with the proposed burdensome regulations that were originally intended to meet minimum standards to address known OWTS issues and failures.

Question: With the current State fiscal crisis it is unlikely that adequate loan funding will be available. Therefore, will adequate loan funding be available to local agencies to assist homeowners who must meet the intent specified within AB 885?

Lack of Scientific Evidence for the Proposed Regulations

The opposition voiced by CAR and their recommendation to conduct a state-wide survey to determine the extent of septic system impacts on ground and surface waters ultimately resulted in the SWRCB, Division of Water Quality (DWQ) initiating the, "Voluntary Well Assessment Project" (Hereafter referred to as the Project) as part of the State's, "Groundwater Ambient Monitoring Program" (GAMA). Private well owners in selected counties, which included El Dorado, were offered free well water testing in an effort to determine whether or not septic systems were negatively impacting groundwater, although this purpose was not communicated to participants or County staff when the Project began in 2002. The real intent behind the GAMA Project was made clear during an AB 885 workshop hosted by the SWRCB in December 2003. DWQ staff presented an "Issue Paper" which included the preliminary water well testing results for El Dorado County. DWQ staff communicated to the workshop participants that based upon the preliminary testing results in El Dorado County, septic systems negatively impact groundwater with fecal and total coliform bacteria, nitrates and other pollutants of concern. Analysis of the GAMA Project results in El Dorado County do not support DWQ's assertion, and actually provide data to the contrary; properly sited and constructed systems under current standards *do* protect groundwater quality.

El Dorado County's analysis of the GAMA Project's results was communicated to the SWRCB at an AB 885 workshop held on December 9, 2005, and submitted in writing on December 15, 2005. Please see Attachment C for the full content of this analysis. To date, the SWRCB has failed to provide compelling evidence that properly sited and constructed OWTS negatively impact groundwater in El Dorado County.

Analysis of Impacts and Specific Elements of Greatest Concern to El Dorado County

Fiscal Considerations

Property Owners

1. Property owners with septic systems will be required to monitor septic tanks for solids accumulation every five (5) years and the regulations recommend pumping the septic tank if the scum and solids layer exceed 25% of the tank. This cost is estimated at \$325 for septic inspections and an additional cost if the septic tank requires pumping. In addition, if major repairs or a new septic system is warranted, there would be a significant cost to comply with the proposed regulations. The DEIR states, "Any person owning a septic tank shall obtain a report on inspection from a service provider a minimum of once every 5 years." This proposed requirement is self-implementing according to the proposed regulations.

Question: How will local jurisdictions be informed that homeowners are conducting the required septic tank monitoring?

Question: Service providers are identified throughout the proposed regulations, but they are vaguely defined. What is the intent of the SWRCB to further define and/or define a qualified service provider.

Question: How will the SWRCB relay pertinent information to the local jurisdictions?

Question: How will the SWRCB enforce a self-implementing program?

2. Property owners that have an OWTS and well on their property must also monitor and sample the well water every 5 years for a wide array of constituents by a State-Certified laboratory. The correlation, by the SWRCB, that a problem exists between a properly sited and constructed septic system and groundwater integrity has not been proven and is fundamentally flawed. Groundwater sampling is estimated to cost \$300-\$500. Once the regulations are implemented, homeowners will have 5 years from the effective date of the regulations to complete the first monitoring, and must have groundwater sampling completed every 5 years thereafter. The SWRCB is charged with groundwater monitoring oversight however, the proposed requirement is self-implementing.

Question: How will local jurisdictions be informed that homeowners are conducting the required ground water monitoring?

Question: Why is the SWRCB requiring the sampling of constituents that do not reflect septic system effluent?

Question: How will the SWRCB relay pertinent information to the local jurisdictions?

Question: How will the SWRCB enforce a self-implementing program?

3. Nitrogen is listed in the DEIR as creating a significant impact on the environment when discharged from a conventional OWTS. Mitigation measures have been recommended to change the proposed regulations to require supplemental treatment on all new and replacement systems (repairs). The DEIR indicates that the cost per OWTS will range from \$26,000 to \$50,000 plus additional annual monitoring costs.

Question: Is this proposed regulation practical and feasible based upon the extremely high cost associated with nitrogen reduction and the minimal benefit it will have to water quality?

El Dorado County Union Mine Facility

4. The proposed septic tank pumping requirement will increase the amount of septic tank effluent taken to Union Mine Wastewater Treatment Plant (WWTP) with the potential for waste disposal to exceed the capacity of the current Waste Discharge Requirement limits.

The required facility upgrade to increase the capacity and to revise the current permit will be costly. In addition, operational costs will be significantly higher to meet the increased septage disposal volume.

Question: Did the SWRCB conduct a feasibility study regarding the septic tank effluent storage and treatment capacity throughout the state to determine whether or not the existing WWTP facilities have the capacity to accommodate the increased septage volume that will be generated based upon the proposed regulations?

Question: Will it be necessary for El Dorado County to allow the importation of septic effluent from adjacent counties due to limited WWTP facilities?

Question: Will the State provide funding to assist with the necessary upgrade of the Union Mine WWTP Facility to accommodate the additional septage volume?

El Dorado County Environmental Management Department

5. The County Environmental Management Department has regulatory oversight of the current on-site sewage disposal systems. While the proposed regulations are self-implementing, it is unrealistic that regulatory compliance will be achieved through a self-implementing process. However, it is consistent that the implementation and enforcement of the proposed regulations will wholly fall on the local jurisdiction which is the Environmental Management Department. The DEIR does not address the impact to local jurisdictions.

Question: Will the SWRCB provide adequate funding to the local jurisdictions to administer the proposed regulations?

The County Environmental Management Department estimates that over \$25,000 of staff time has been expended since the release of the DEIR and in excess of \$200,000 since the introduction of the legislation in 1999. El Dorado County will seek recovery of costs for the

total amount of the County public funds expended to date on the proposed unnecessary minimum statewide standards for OWTS.

OWTS Requirements

6. The proposed regulations for all conventional septic tank systems require that the dispersal system to be at a depth no greater than 3 feet, and that the bottom area only be considered in the calculation of the overall size of the dispersal system. Currently the County allows for deep trench systems, with dispersal system trenches deeper than 3 feet. Utilizing the sidewall area in the calculations allows for the overall size of the dispersal field to have a smaller horizontal land area or, "foot print." In addition to trench sidewall, the current standards consider soil percolation rate, and average estimated daily flows to determine the size of a dispersal field. The new regulations would set a "surface application rate" based on soil texture, or a modified percolation rate, along with the bottom trench area to determine the needed dispersal field area. These new standards for calculating the dispersal area size would effectively double the area a parcel would need for an OWTS. It should be noted that deep trench systems, sized according to percolation rate and estimated daily flows, have functioned adequately in El Dorado County for over 30 years [Section 30014 (b)(i)]

Question: If the proposed regulations are implemented, how will local agencies address parcels approved for development utilizing OWTS under the current RWQCB Basin Plan, yet under the new regulations are no longer able to develop?

Question: Does the scenario referenced above conflict with AB 885 Section 13291.7, which states that, "Nothing in this chapter shall be construed to limit the land use authority of any city, county, or city and county?"

7. The definition of "soil" for sewage disposal in the proposed regulations limits the infiltrative material to less than 30% particles greater than 2 mm and must have at all times during operation at least three feet of continuous unsaturated, undisturbed, earthen material. This differs from the current definition of effective soil depth which allows for weathered, decomposed bedrock to be considered as adequate infiltrative material and at least five feet of continuous unsaturated earthen material.

Question: The proposed definition of infiltrative material that is adequate for OWTS effluent treatment does not allow for areas that have very deep infiltrative surfaces but may be composed of more than 30 % particles greater than 2 mm. The definition above appears to consider only areas that have a high water table and does not consider the conditions that are prevalent throughout El Dorado County where deep soils of decomposed bedrock provide permeable infiltrative surfaces, but are not single grains of sand, silt or clay. How will these conditions be addressed in the new regulations?

8. The DEIR identifies soils that favor denitrification as silts and clays as they would have higher percolation rates. However, the regulations do not support installation of OWTS in soils with higher percolation rates. Per the DEIR, deeper soils and slower percolation rates may be better for denitrification and the impact on nitrogen, yet the proposed regulations

require the installation of OWTS in shallow soils with relatively faster percolation rates, 120 minutes per inch (mpi) maximum compared with the current limit of 240 mpi.

Question: Please explain the contradiction between the proposed regulations and the DEIR regarding soil depth and percolation rates as it pertains to denitrification?

Administrative Issues/Enforcement

9. It is unclear from the proposed regulations if the County will need to enter into a Memoranda of Understanding or other agreements with the Regional Water Quality Control Boards for the effective implementation of the proposed regulations.

Question: Will El Dorado County be required to enter into a Memoranda of Understanding or other agreements with the Regional Water Quality Control Boards for implementation of the proposed regulations?

10. Currently, local jurisdictions implement the OWTS standards. The proposed regulations would not allow the review and approval of supplemental OWTS by local jurisdictions, and do not indicate what agency will review and approve these systems.

Because the regulations do not identify who or how supplemental OWTS systems will be permitted and regulated this will create confusion, long delays in the building permit process and a burden on the land developer. Development in certain areas of the county may not occur, or may face significant project delays if supplemental treatment system permits cannot be issued at the local level.

Question: Which agency will approve supplemental treatment systems? If the SWRCB is the approving agency, what is the anticipated turn around time for design approval of supplemental systems?

11. Any corrective action necessary to address surfacing effluent must be initiated within 30 days and completed in 90 days, unless the SWRCB grants an alternative time period not to exceed 180 days.

Question: Is this timeframe adequate for the protection of public health from pathogenic organisms contained in surfacing effluent?

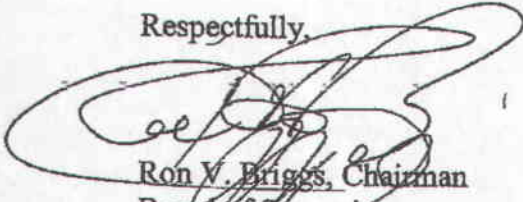
Question: Will this extended time period for correction allow surfacing effluent to enter surface waters?

Conclusion

El Dorado County is respectfully requesting the repeal of AB 885. Should the repeal process fail, El Dorado County is requesting that the legislation be amended to revert back to the original initial intent of the legislation and not be administered throughout the State of California. El

Dorado County is strongly opposed to the implementation of the proposed statewide minimum standards for the siting, construction and performance standards for OWTS. The correlation, by the SWRCB, that a problem exists between a properly sited and constructed septic system and groundwater integrity has not been proven and is fundamentally flawed. The OWTS requirements set forth in the Central Valley Regional Water Quality Control Board (CVRWQCB) Basin Plan, and the El Dorado County Ordinance Code, Chapter 15.32 and accompanying Board Resolution, which is consistent with the CVRWQCB Basin Plan, already meet the State's water quality objective of protecting the groundwater and surface water as evidenced by the results of the State Voluntary Well Assessment Project. Should legislation move forward with no repeals or amendments, El Dorado County shall seek legislative relief through an exclusion to the proposed regulations.

Respectfully,

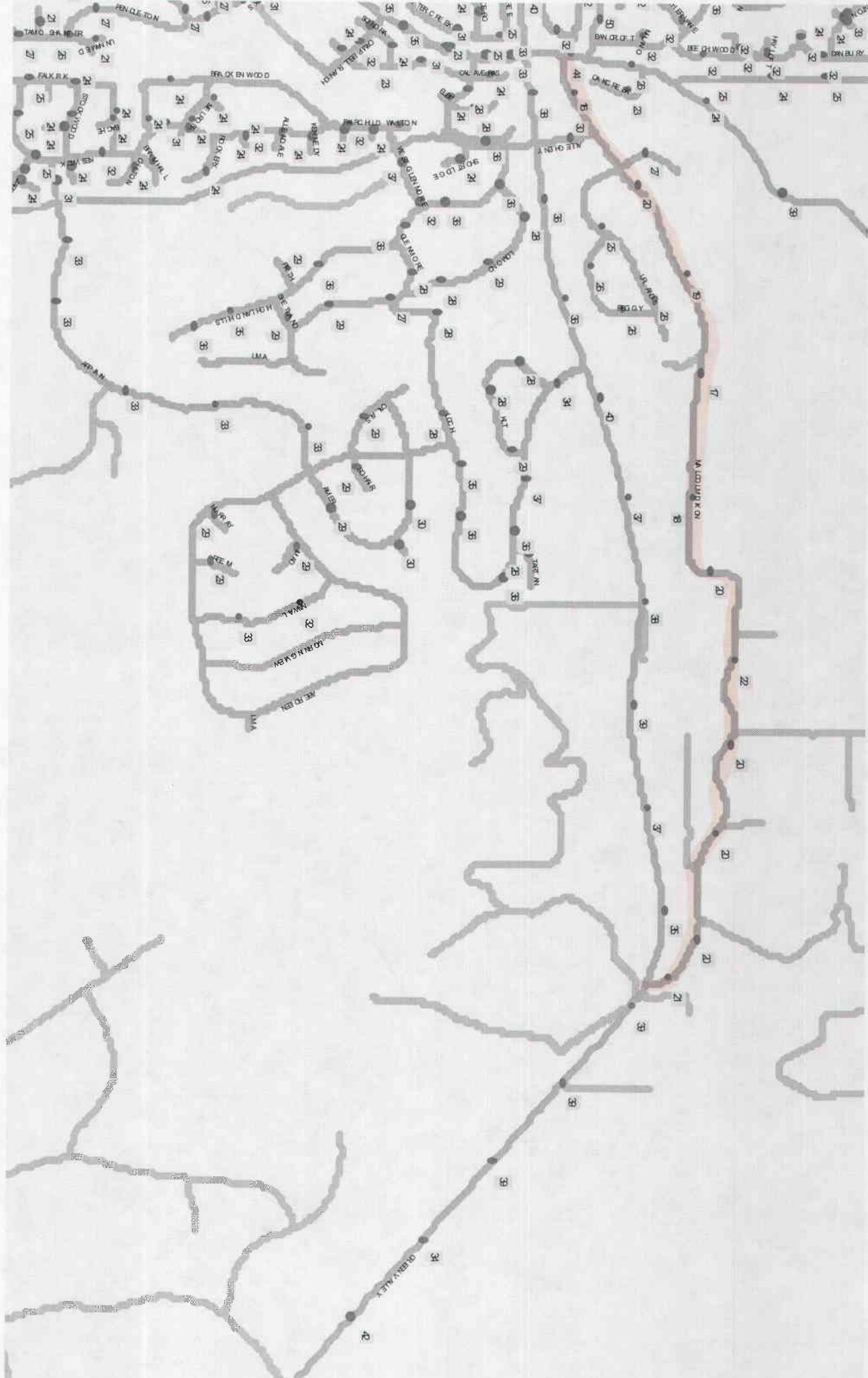


Ron V. Briggs, Chairman
Board of Supervisors
County of El Dorado

Cc: Mr. Todd Thompson, P.E., State Water Resources Control Board

Enclosures: Attachment A – Citizens Correspondence
Attachment B – RCRC Letter dated February 9, 2009
Attachment C – Environmental Management Letter dated December 15, 2005

7/23/09 PC
#9
(handed out
at meeting
by Eileen
Crawford/PC)



PC 7/23/09
#9

Michael C Baron/PV/EDC
07/06/2009 08:20 AM

To Charlene M Tim/PV/EDC@TCP
cc
bcc
Subject Fw: Project Inquiry - TM 05 1401 - MALCOM DIXON RD
TM

Hi Char,

Please add this comment to the Diamante file for the Commission.

Thanks,

Mike

----- Forwarded by Michael C Baron/PV/EDC on 07/06/2009 08:18 AM -----



<janetostroff2@yahoo.com>

07/01/2009 10:16 PM

To <mbaron@co.el-dorado.ca.us>

cc

Subject Project Inquiry - TM 05 1401 - MALCOM DIXON RD TM

Mr. Baron,

This is a comment regarding Rezone Z06-0027/Tentative Map
TM06-1421/Special Use Permit S08-0028/Diamante Estates.

I own a 5 acre parcel at 2101 Casa Roble Ln. APN 126-070-11-100. I have owned this property for over 15 years. My mother & brother reside there happily & plan to continue living there as long as they can. Our only water supply is a well that provides all the home and yard water. To date, the water available from our well has been tenuous at best. I have invested (as have many of our neighbors) in deepening our well, but have experienced a lowering water table that threatens the feasibility to sustain our home without dramatic hardships on us and other existing homeowners.

Further residential development in this area without a thorough plan to mitigate this serious water issue could be very damaging to us and our community.

I am asking for any help & information you can provide.

Sincerely, Larry Ostroff
e-mail janetostroff2@yahoo.com

PC 7/23/09
#9

Planning/PV/EDC
Sent by: Thomas R
Purciel/PV/EDC

06/29/2009 08:36 AM

To Charlene M Tim/PV/EDC@TCP

cc Michael C Baron/PV/EDC@TCP

bcc

Subject Fw: Malcolm Dixon Field Area and the Collection of
Subdivisions Planned, Pending & Approved- Two PC
Hearings July 9 & 25, 2009

Char:

Please forward to the appropriate/interested parties, Planning Commissioners, etc., regarding the projects below.

Thanks!

Tom



terry auch
<terryauch@gmail.com>

06/27/2009 08:55 AM

To planning@co.el-dorado.ca.us

cc

Subject Malcolm Dixon Field Area and the Collection of Subdivisions
Planned, Pending & Approved- Two PC Hearings July
9 & 25, 2009

Steve & Terry Auch

1520 Winding Oak Lane

El Dorado Hills, Ca 95762

(916) 933 3807

TO: El Dorado Hills Planning Commission

June 25, 2009

RE: All Subdivision Plans on the 400+ Acreage of the Malcolm Dixon Field; and the scheduled hearings for the Diamante Estates - July 24th, 2009 and La Canada Planned Subdivision hearings. Meetings: July 9, 2009

The following are comments that I want to make regarding ALL Planned, Pending and Approved Subdivision Plans for this entire Area, commonly referred to as: The Malcolm Dixon Field with over 400 acres involved.

1. Cumulative impacts of all the projects have not been evaluated in the Negative Declaration and is not covered in sufficient detail in the General Plan. Cumulative impacts from a patchwork of subdivisions each planned separately: such as water, septic tanks, air quality, noise, real fire safety, traffic & safety on Salmon Falls & adjacent streets, wild life populations, buffer zones between the clashing land use of farming, ranching and upscale, gated subdivisions such as Serrano, Public Benefit lands, ground water and water run off problems, Public Benefit Lands.
2. The density bonus exceeds the population charts per acre in the General Plan EIR and the added population has not been evaluated for impacts
3. The soil on the west slope of the County has been determined to not be conducive to septic tanks and no study has been done to determine effects of all the skeptics.
4. Impacts to New York Creek from the septic flow have not been studied. Changes to water run off also effecting river flooding of New York Creek area and ground water sources for all residents of this area.
5. Public Benefit is a vague determination that is constantly “redefined.” The Public Benefit for wild life has no real consideration of the animal population in this area. There is one year round creek in this large area and there is no access planned currently for animal populations to that creek through the Public Benefit lands.

These Public Benefit lands do not provide a continual walkway for animals or people to a water source, or to the Folsom Lake State Park area another wild life habitat.

Public Benefit Lands are sometimes broken up into several parcels within a subdivision. These

Public Benefit Lands may not even have any common boarders with each other in that same subdivision or in the other subdivisions set in the Malcolm Dixon Field Area. Land set aside for Public Benefit is sometimes a roadway and/or land that is not suitable to develop on. The Public Benefit Land can be a large parcel in the middle of a subdivision that no one else can see, or use, and no wild life can access.

There is no oversight to these many Public Benefit lands in regards to how these lands really benefit the general public, our communities, environmental concerns or wildlife populations.

These Public Benefit Lands are in Gated Communities and are not open for use by the “general public.” There are no provisions for the care or upkeep of these Public Benefit Lands.

6 These collections of individually proposed subdivisions will leave our community with a numerous real life problems because the county has not made the developers or taken the time and effort themselves, to really plan and build this area into an integrated community. The Big Picture is not considered, the existing zoning laws & General Plan intentions, Existing Communities and the desire within the community for these 5 acre lots to be available is not considered or met.

There are many, many subdivisions but very few 5 acre community lots available to many families that desire to live on family farms. The county is putting tax money revenue before the needs, desires and welfare of it's residents. These subdivision building programs are changing the face of El Dorado County and will make the native wild life and plant life disappear. This area is unique in that it is so close to Folsom Land and other rural areas, this is a large area with a large wild life & native plant life population.

7 It seems we have a law, promising Public Benefit in turn for Increased Density Subdivisions that is designed to undo all the zoning laws and intentions described in our General Plan without regard to the interest of the general public, their land values, land use, and zoning laws.

Sincerely, Steve & Terry Auch, Residents