



Mendocino County Board of Supervisors
501 Low Gap Road
Ukiah, California 95482

May 8th, 2017

Dear Board of Supervisors,

I am writing regarding Class K and alternative wastewater systems such as Composting toilets, greywater, pit privies and biological treatment systems. This has been brought up through the class K process, and was discussed at the last Environmental Health Stakeholder's meeting. I have been attending these stakeholder's meetings at Environmental Health over the last three years advocating for the more extensive and straightforward allowance of alternative systems. Specifically, I have been advocating for their inclusion in the LAMP, which is currently in draft form and has been submitted to the Regional Water Board.

During this process, I have been encouraged by Environmental Health to be involved, and the conversation has included a full range of system types, from those listed above, to a variety of other systems, including other biological types that conserve or recycle water. In our discussions, it was clear that standards would need to be developed if such systems were to be under the prevue of EH regulation.

The LAMP draft that was submitted neither included nor excluded systems like composting toilets. Around the time of the submittal of the LAMP it was noticed by stakeholders that the item 13. RURAL ALTERNATIVE TOILETS had disappeared from the Land Development Requirements Standards.

The EH stakeholder's meeting was helpful in clarifying the status of this paragraph and composting toilets in Mendocino County, as well as clarifying which questions need to be asked in order for us to proceed. My understanding from that meeting is that although the item 13 was removed, it does not mean that composting toilets are prohibited, but simply that they are not regulated by EH.

Specifically, we distinguished between pit privies and composting toilets. EH claimed that they were informed by Charles Reed of the Regional Water Board that Pit privies (aka outhouses) are prohibited in California. Scott Miller said he would contact the Regional Board and request a source, because we were unable to confirm this in the meeting. We discussed that if pit privies were allowed, they would need requirements such as distance to groundwater, distance to streams, and depth of soil.



Another aspect that was clarified is that even though item 13 was removed, ancillary composting toilet systems are NOT prohibited. That is to say that, at this time, EH would not permit a composting toilet or greywater system as an ALTERNATIVE to a traditional septic system. Marlayna clarified that even though the RURAL ALTERNATIVE TOILET section had been removed, that there is nothing prohibiting ancillary composting toilet systems at the time (in addition to a complete septic system or sewage hook up). The original language limited composting toilets, etc. to parcels larger than 10 acres. Might one assume that in the absence of this section that composting systems may now be allowed on any lot size, provided that the owner complied with all septage and additional environmental regulations (aka, had a permitted septic system or a sewage hookup and does not pose a risk to water quality nor public health)?

We moved on to the discussion of the possibility of replacing or partially replacing a septic system with a composting toilet or pit pricey system, and the possibility of doing this on a local agency level (EH instead RWB). Additional documents were shared which specifically acknowledge the acceptance of alternative and composting toilets as a legal option recognized by the State. Specifically, the environmental review of the OWTS policy by the RWB acknowledges composting systems as currently legal in Mendocino County, as well as a viable option for onsite wastewater treatment http://www.waterboards.ca.gov/water_issues/programs/owts/docs/owts_sed_061912.pdf

I will also note that this document acknowledges a variety of alternative methods as viable for onsite wastewater treatment, in addition to composting systems.

The California plumbing code also acknowledges the legality of alternative systems to septic treatment, on “Limited density owner built rural dwellings” in section 303.1 in which it says a water closet may not be required. It also acknowledges the use greywater systems. This is specifically relevant to our class K situation.

The existing California greywater code defines GW as wastewater coming from laundry, bath, shower, and lavatory sink. Specifically it excluded kitchen sink water. It also requires that greywater system have a valve that the operator may, at any time, turn to divert greywater from the greywater system to the septic or sewage system. Thus, if one were to replace a flush toilet with a composting toilet system, they would still be required to have an on-site wastewater treatment system for the greywater (septic or otherwise). From here, we can take this in two directions, we can consider the possibility of reducing septic system size requirements for houses with composting toilets, such that the septic system is adequate to treat greywater, and we can consider providing a wastewater treatment system for greywater that is both an alternative to the greywater code as well as an alternative to a septic system.

The greywater code (California plumbing code Chapter 16) provides a homeowner with a relatively simple means to divert greywater from a septic or sewage system and water landscaping or a garden. It was implemented statewide in response to the drought and does not replace septic or sewage systems. While the greywater code provides this easy option for a greywater system, it does not prohibit EH agencies from providing an alternative greywater system, but this must be addressed as an onsite wastewater

treatment system and be addressed under the OWTS policy rather than the more simple greywater code. That is to say that EH has the authority to propose in their LAMP, as a part of their OWTS policy, an alternative method to treatment of greywater than a septic system. It should also be acknowledged that the State is currently working on a "Dark Grey Water Treatment" code option for kitchen sinks as well.

While I paint a picture of a path towards compliance for alternative systems on rural properties in Mendocino County, I want to acknowledge the difficulty of the situation that EH faces in attempting to legitimize and codify such systems. In order to provide the option of alternative systems, EH must create a defensible regulatory framework for the design and approval of such systems. If such systems were allowed, then they would also need to include them in the LAMP and be able to defend their regulation to the RWB.

At the beginning of the stakeholder's meeting EH explained that they were short staffed and continued to have unfilled positions. This makes the in-house development of such regulations nearly impossible. Even in the case of an outside committee or consultant developing the regulations, EH would have to, in the very least, review and approve such a proposal, as well as be able to defend it to the RWB. This is not small task.

As a proponent of water and energy conservation and nutrient recycling I am strongly in support of developing a robust alternative OWTS option in our LAMP. I believe it is in the best interest of the County to support EH and stakeholders in such a process. That said, the County will need to be extensively supportive in such a process in going to occur.

I believe that in this e-mail and its attachments a legally, defensible alternative wastewater treatment system path is provided, but the support of the supervisors and stakeholders is required to pull it off. Please take the time to consider it carefully and I look forward to working with you on this project.

Sincerely,



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