



NORTH BAY ASSOCIATION OF REALTORS®

Sonoma, Napa, Mendocino, and Lake Counties

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May 12, 2025

TO: North Coast Regional Water Quality Control Board, Valerie Quinto, Executive Director Chair Bedolla and Members of the North Coast Regional Water Quality Control Board

RE: Response to Revised Action Plan for the Russian River Pathogen TMDL (TMDL) – Onsite Wastewater Treatment Systems (OWTS)

FROM: North Bay Association of REALTORS®, Northern CA Engineering Contractors Association, North Coast Builders Exchange, Sonoma County Alliance PAC, and Santa Rosa Metro Chamber

On behalf of the North Bay Association of REALTORS® (NorBAR), Northern California Engineering Contractors Association, Sonoma County Alliance PAC, Santa Rosa Metro Chamber, and North Coast Builders Exchange, we appreciate the opportunity to comment on the OWTS-related provisions of the Revised Action Plan for the Russian River Pathogen TMDL (TMDL).

We strongly support efforts to protect public health and water quality in the Russian River Watershed and have been actively engaged with the County of Sonoma and OWTS Residents of the Russian River group for nearly a decade on local, state, and regional policies impacting OWTS properties.

Sonoma County is home to tens of thousands of OWTS, more than any other California County, and this TMDL could have severe impacts on the stability and viability of residential, agricultural, and commercial properties in the APMP area. A great number of systems are in economically disadvantaged and/or underserved areas where housing affordability is rapidly diminishing. Given the staggering cost of repair, replacement, and evaluation, it is imperative that mandates are as thoughtful and judicious as possible.

The revised Action Plan raises several diagnostic and implementation concerns that must be thoughtfully addressed to avoid unintended and disproportionate impacts on thousands of rural homeowners, farmers, and small businesses – many in disadvantaged communities with limited financial capacity.

We write in strong support of both sets of public comment letters – the County of Sonoma’s May 8 letter, and The OWTS Residents of the Russian River’s Letter from May 7 – particularly:

1. Engagement and Communication with Affected Property Owners and Stakeholders

- **Given our longstanding interest, involvement, and assistance with property owner outreach, we were disappointed to not be engaged as a new Action Plan was created.**
- When the TMDL was first proposed, the RWQCB completed **meaningful and deliberate public engagement** – holding multiple public meetings in areas that would be affected, engaging stakeholder groups and representatives, and tried to consider critical feedback on how implementation could seriously impair local homeowners and the local housing economy, while failing to resolve purported environmental issues.

2. CEQA and Data-Driven Policymaking: Is the basin-wide cesspool upgrade mandate connected with the water quality of the Russian River or any tributary?

- Has it been demonstrated that these systems are causing water quality problems? How robust is the data on the level of impairment of the water, and on the source being OWTS?
- Imposing such sweeping mandates absent adequate evidence is reckless and can impose devastating mandates on thousands of homeowners that may not be able to accommodate a change of this magnitude.
- What is the clear linkage analysis between OWTS discharges (especially cesspools) and degradation of water quality or REC-1 uses?
- Were simple and proven scientific tools (like chemical tracers for human waste: caffeine, optical brighteners, NSAIDs) ever used to pinpoint OWTS contributions?
- Did advanced PhyloChip DNA testing distinguish septic from other human sources (sewage, feces)?
- The Russian River already meets or exceeds E. coli water quality standards at almost all monitored locations. Data submitted by the commenters shows excellent geomeans and STVs for E. coli at public beaches. Monte Rio, the only potential exception, was flagged based on selective data (excluding older, cleaner samples), which violates the State's 303(d) listing policy. It has not been shown that the source of perceived impairment at Monte Rio Beach is from OWTS versus from bather loads, pets or point sources. The fact that bacterial levels one mile downstream from Monte Rio Beach at Patterson Point were consistently in compliance with standards even when Monte Rio exceeded standards indicates a potentially localized source of bacterial input at Monte Rio rather than effects from dispersed OWTS in the impairment area.

3. Financial Feasibility and Assistance: Following years of requests and inaction, meaningful, accessible, adequate financial assistance is urgently needed.

- All in, potentially ONE BILLION dollars in costs are estimated by the County of Sonoma. The Action Plan's estimates on achieving a code-compliant system are **outdated** and we echo the County's concerns on the accuracy of the estimates stated.
- The Plan offers no practical mechanism for financial assistance. Neither the Action Plan nor the Staff Report offers any assured source of financing.
- Public sanitation is a public project to pursue a public goal. Imposing the cost of such a project on individual homeowners without a public financing plan is extremely unfair. OWTS repairs and replacements can cost tens of thousands of dollars – especially for hillside, smaller, and/or otherwise encumbered and constrained parcels.
- **We respectfully urge the Board to work with local, state, and federal partners to expedite the creation of low-interest loan and grant programs, as envisioned in the OWTS Policy (§14) and AB 885. Compliance should not come at the expense of housing stability.** AB 885 (Jackson) and the State OWTS Policy clearly convey the intention to provide low-interest loans to owners of all income levels where the compliance exceeds one-half of 1% of the property's current value.

4. Local Agency Responsibility: The Plan defers everything to "local agencies," but they are not equipped to manage complex, multi-parcel wastewater infrastructure, or regional funding. There is no operational plan, no staffing, nor administrative path for coordination, leaving homeowners adrift.

- The Action Plan does not propose a systematic monitoring framework that can both document existing ambient water quality conditions as well as track change over time and success of management interventions. Imposing a basin-wide public sanitation program on individual owners, without a designated agency with technical, administrative and financing responsibility, is unrealistic, unfair governmental policy.

5. Local Flexibility via LAMP & Substantial Conformance: The existing Local Agency Management Program (LAMP) should be affirmed as the primary enforcement and compliance pathway.

- **The Plan should make clearer that local agencies retain discretion to approve repairs and replacements in "substantial conformance,"** particularly where unique site conditions or economic

hardship limit feasible alternatives. This was a critical intent behind Section 20.4 of the Sonoma County OWTS Manual and should be upheld regionally.

- **Support for Interim Repairs and Community-Based Solutions:** We appreciate the recognition of community-based wastewater solutions in Section 7.3.9 of the Action Plan. However, in areas such as **Monte Rio and Villa Grande**, where feasibility studies are underway, interim OWTS repairs must be explicitly allowed under local LAMPs to avoid prolonged health risks or illegal discharges while long-term infrastructure is pursued.

In summary, we share your commitment to safe, effective wastewater treatment and the health of the Russian River, but **a one-size-fits-all regulatory approach, especially without adequate justification or financial support, will harm the very communities we aim to protect.** We respectfully request modifications to the Action Plan to ensure clarity, feasibility, and compassion in the path forward.

Our housing supply and affordability crisis is clear, and we need your leadership – government must be the entity that respects its stakeholders, overcomes rhetoric, and makes data-driven decisions that limit unintended consequences. We remain eager to serve as a resource and partner for a sustainable housing economy; **please contact Lisa Badenfort, CEO at (707) 636-4294 or ceo@nba.realtor** with any questions or opportunities for engagement.

Thank you for your time and consideration.

Respectfully,



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