

May 3, 2012

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Charles R. Hoppin, Chair
State Water Resources Control Board
1001 I Street, 24th Floor
Sacramento, CA 95814

**RE: FINAL DRAFT WATER QUALITY CONTROL POLICY
SITING, DESIGN, OPERATION, AND MAINTENANCE OF ONSITE
WASTEWATER TREATMENT SYSTEMS**

Dear Chairman and Members of the Board:

The Town of Yucca Valley is opposed to adoption of the State Water Resources Control Board (SWRCB) Final Draft Water Quality Control Policy for Siting, Design, Operation, and Maintenance of Onsite Wastewater Treatment Systems ("Draft OWTS Policy"), released March 20, 2012. ← 1

The Town of Yucca Valley, as well as other public agencies in the Morongo Basin, did not become aware of the Draft OWTS Policy until mid-April, even though it was released on March 20, 2012. The May 4, 2012 comment period deadline leaves insufficient time for the Town and other local agencies to evaluate the proposed regulations. ← 2
Additionally, this timeline does not provide sufficient time for local public review and property owner notification of the proposed regulations. ← 3

Therefore, the Town of Yucca Valley respectfully requests that the SWRCB delay the adoption of the OWTS Policy to allow for an adequate public outreach process within the Town of Yucca Valley and the Morongo Basin to ensure that the property owners affected by the policy have sufficient time to provide meaningful comment to the SWRCB. ← 4

Today, all residents in the Morongo Basin region of San Bernardino County, estimated at approximately 75,000, live in homes served by OWTS. There are no wastewater collection and treatment systems serving residents of the Morongo Basin today.

Section 7.8, page 24, of the OWTS Policy would restrict new or replacement septic systems under Tier 1 to a maximum density of one EDU per 2.5 acres of land: ← 5

*"The average density for any subdivision of property occurring after the effective date of this Policy and implemented under Tier 1 shall not exceed one single-family dwelling unit, or its equivalent, per 2.5 acres for those units that rely on OWTS."
(Section 7.8)*

The Town of
Yucca Valley

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This change in the density requirements will negatively impact many property owners within the Town of Yucca Valley, the Morongo Basin, San Bernardino County, as well as many other areas statewide. The OWTS Policy should not impose an arbitrary density requirement. The use of a science-based analysis, within individual regions, should be employed to determine what, if any, minimum lot size is necessary to protect local water resources.

← 5

The Final Draft Policy attempts to allow some degree of local flexibility or deviation from the above-identified standards through the Local Agency Management Program (LAMP) process. This flexibility is desirable in theory as it appears to encourage a science-based approach at the local level, with close community involvement. However, there are not clear performance measures in the OWTS Policy for local agencies to prepare a LAMP, nor any assurances that the Regional Boards would approve the proposed LAMP.

← 6

Again, the Town of Yucca Valley greatly appreciates the opportunity to comment on the Final Draft Water Quality Control Policy for Siting, Design, Operation, and Maintenance of Onsite Wastewater Treatment Systems ("Draft OWTS Policy"), released March 20, 2012.

The Town of Yucca Valley respectfully requests that the SWRCB delay the adoption of the OWTS Policy to allow for an adequate public outreach process within the Town of Yucca Valley and the Morongo Basin to ensure that the property owners affected by the policy have sufficient time to provide meaningful comment to the SWRCB.

Sincerely,



MARK NUAIMI
Town Manager