

**Response to Comments on the Yucca Valley Septic Tank Prohibition, Adopted by the Regional Water Board
on May 19, 2011
Comment due date: September 1, 2011**

No.	Commenter
1.	R.G. Brown
2.	Claude Short
3.	David Humphrey
4.	John Thurman
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No.	Author	Comment	Response
1	R. G. Brown	Shatin Heights Homeowners Association letter	<p>As the Notice of Opportunity to Comment, dated July 27, 2011, explained, the State Water Board may refuse to accept any comments that do not satisfy the three regulatory requirements specified in the Notice. In relevant part, the second regulatory requirement is that if the Regional Water Board previously responded to a similar or identical comment, the commenter is required to explain why and in what manner the commenter believes each of the Regional Water Board's responses was inadequate or incorrect. The commenter has failed to meet this requirement.</p> <p>The commenter submitted to the State Water Board a comment letter previously submitted to the Regional Water Board dated January 23, 2011. As a result, the commenter submitted identical comments to the State and Regional Water Boards. These comments were addressed</p>

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			<p>previously by the Regional Water Board in its response to comments DH&L 1 – 5 (see http://www.waterboards.ca.gov/loradoriver/water_issues/programs/basin_planning/docs/yuccavalley/responses_yv_bpa.pdf)</p> <p>Moreover, the commenter failed to explain why and in what manner the commenter believes the Regional Water Board’s responses were inadequate or incorrect.</p> <p>Therefore, pursuant to its regulatory authority, the State Water Board refuses to accept the commenter’s comments.</p>
2.1	Claude Short	First off, I would like to say that there is little doubt that septage from our septic tanks is infiltrating the aquifer in our area. The 2003 USGS report states it. The Peer Reviews back the information from the report. However there are many things to consider before making this Septic Tank Ban permanent.	Comment noted.
2.2	Claude Short	The USGS report stated that the increased nitrates are probably from septic systems. They did not say that the systems were the CAUSE of them. In fact, they pointed out that the spike in nitrate levels were experienced AFTER Hi-Desert Water District began the artificial recharge program in 1995. The peer review by Dr. Bohem repeatedly refers to that fact. (1.*)	As explained in Response 1 above, the Notice of Opportunity to Comment, dated July 27, 2011, explains that the State Water Board may refuse to accept any comments that do not satisfy the three regulatory requirements specified in

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			<p>the Notice. As mentioned in Response 1, the second regulatory requirement is that if the Regional Water Board previously responded to a similar or identical comment, the commenter is required to explain why and in what manner the commenter believes each of the Regional Water Board's responses was inadequate or incorrect.</p> <p>In addition to this second regulatory requirement, a third regulatory requirement for submitting comments to the State Water Board is that the comments must also include a statement that each of the comments made now, was timely raised before the Regional Water Board, or explain why the commenter was unable to raise the comment then.</p> <p>The commenter fails to meet both the second and third requirements. For example, a similar comment to Comment 2.2 was submitted to the Regional Water Board, which it identified in its Responses to Comments as N-7 through N-9. The comments and the Regional Water</p>
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			<p>Board's responses are available at: http://www.waterboards.ca.gov/co_loradoriver/water_issues/programs/basin_planning/docs/yuccavalley/responses_yv_bpa.pdf</p> <p>The commenter does not explain in what manner the Regional Water Board's responses to those previously submitted comments were inadequate or incorrect. Thus, the commenter has failed to meet the second regulatory requirement for submitting comments to the State Water Board.</p> <p>In addition, the commenter has failed to include a statement that this comment was timely raised before the Regional Water Board. Thus, the commenter has failed to meet this third regulatory requirement.</p> <p>Therefore, pursuant to its authority, the State Water Board refuses to accept Comment 2.2.</p>
2.3	Claude Short	The artificial recharge program is CREATING the problem of higher nitrate levels in our groundwater- the septic tanks in our area are merely providing the material.	This comment is similar to Comment N-11 that the commenter previously submitted and to which

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			the Regional Water Board responded. Therefore, for the reasons given in Response 2.2, the State Water Board refuses to accept this comment.
2.4	Claude Short	While the USGS indicated that they believe the groundwater levels had risen to a point where they contacted the vados (sic) zone and entrained septage, they did not seem to consider that the cause may be from water mounding during recharge. This would cause higher nitrate levels in isolated areas of the aquifer (Noted from Dr. Bohem and Dr. Hunt in Peer reviews). This should be a temporary problem. The problem would resolve itself in a short time if the recharge rate were reduced and stopped completely before the ground water level throughout the aquifer is brought into contact with the vados (sic) zone.	This comment is similar to Comments N-10, N-11, and N-12 to which the Regional Water Board previously responded. Therefore, for the reasons given in Response 2.2, the State Water Board refuses to accept this comment.
2.5	Claude Short	The USGS also did not appear to consider the fact that, when allowed to percolate through the soil, water will naturally wash out any nitrates in the soil, causing them to enter the aquifer. This is also a temporary problem. Once the nitrates are flushed out, the levels should return to initial, pre-recharge levels.	This appears to be a new comment. As such, the commenter is required pursuant to the third regulatory requirement to explain why the commenter was unable to raise the comment before the Regional Water Board. The commenter has failed to meet this requirement. Therefore, the State Water Board refuses to accept this comment.
2.6	Claude Short	Dr. Hunt speaks of the process of de-nitrification and points out that the artificial recharge program is the actual problem- NOT our septic systems. (*3)	This comment is similar to Comment N-11 or is a new comment. In either event, the commenter has failed to meet the second and third comment submittal requirements described in Response

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			2.2. For that reason, the State Water Board refuses to accept this comment.
2.7	Claude Short	Dr. Hunt also indicates that the levels of nitrates in our groundwater have leveled-off at lower levels than “drinking water standards.”	Please see Response 2.5, above.
2.8	Claude Short	Dr. Hunt also discusses the issue of septage being mixed with the “SWP” water and points out that there appears to be NO mixing. (*5) This indicates to me that the artificial recharge program is causing our lower, more pristine, waters to become contaminated, as well as the higher levels of our water table.	Please see Response 2.5, above.
2.9	Claude Short	Dr. Hunt finishes his letter by discussing the planned wastewater treatment facility (last 2 sentences), “Since the effluent (of the new facility) will be infiltrated on site, the groundwater basin will again be subject to increased nutrient loading along with the accumulation of salts in the aquifer. While the sewer collection system and treatment plant will be abn advance over <i>poorly (italics added)</i> functioning diffuse septic system, will the solution being proposed ultimately improve the nitrate loading to the groundwater basing?	This comment is similar to Comment N-5. Please see Response 2.3, above.
2.10	Claude Short	The discussions about how raised water levels are causing the problem should have been caught and dealt with on their own merit- a long time ago.	This appears to be a new comment. Please see Response 2.5, above.
2.11	Claude Short	Dr. Hunts last question should cause everyone to pause and think at this time. Granted, there ARE septic systems in our area that need to be serviced or replaced. But, does it justify BANNING all systems in Yucca Valley- even in ‘Phase 1’? Or should we be looking for more reasonable alternatives?	Please see Response 2.5, above.
2.12	Claude Short	The USGS has taken limited samples in our area. They point to the fact that the samples were done “in proximity to the	This comment is similar to Comments N-3, N-8, and N-10.

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		percolation ponds.” The USGS has also pointed out that, after the initial samples were taken, additional samples showed that nitrate levels had dropped to within the allowable/safe levels.	Please see Response 2.3, above.
2.13	Claude Short	I am not aware of any continued monitoring or reports of ground water quality by the USGS. However, Hi-Desert Water District has published its annual groundwater bulletin which proclaims that the water in our area is well with-in EPA limits for all toxic substances. This would indicate that the nitrate problem is NOT an on-going issue.	This appears to be a new comment. Please see Response 2.5, above.
2.14	Claude Short	The Peer reviews state that the higher nitrate levels are the result of the artificial recharge program. Additionally, Hi-Desert Water District has plans to “Recycle” the treated water. Their plans include another recharge pond where they will allow the reclaimed waste-water to percolate back into the aquifer (See Dr. Hunts questions above). The belief of Hi-Desert Water District is that any contaminants will be filtered out before the treated water reaches the aquifer. This would help to create additional problems by washing more contaminants from the soil into the groundwater (see again Dr. Hunt’s question). My Question: Isn’t that what is supposed to be happening with our septic systems now?	Please see Response 2.9, above.
2.15	Claude Short	By placing a ban on septic systems in our area, you are not stopping the problem (IE- higher nitrate levels in the aquifer). The nitrates and contaminants that are in our soils would still be there-waiting for Hi-Desert Water District to raise the water level in the aquifer higher and entrain them also. You would only be creating a financial nightmare for the local citizens- and a financial boon for the local water company and real estate speculators!	This comment is similar to Comments N-15, N-17, and P-3, or is a new comment. Please see Response 2.6, above.
2.16	Claude Short	The Hi-Desert Water District, and Colorado Basin Regional	This comment is similar or identical

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		Water Board, uses the town of Los Osos, CA. as an example of why we ‘need’ a sewer system and a wastewater treatment plant. They focus in the costs to the town’s people through fines, etc. if we don’t comply with their orders. While Los Osos is a good example of a bad situation, the similarity to Yucca Valley ends with the fight against the sewer system. Los Osos and Yucca Valley are completely dissimilar in most of the important ways.	to Comment N-18. Please see Response 2.3, above.
2.17	Claude Short	A more appropriate comparison to Yucca Valley’s predicament would be the town of Paradise, Ca. They experienced growth (unlike Yucca Valley’s 1% in the last 10 years or so) which caused potential problems with their groundwater supply. They were faced with the possible need for a sewer system and wastewater reclamation plant. However, they used reason to mitigate the problem. Package plants were built to handle the excess waste which was produced by certain multi-family housing units and businesses. Previously existing septic systems are still allowed.	This is a new comment. Please see Response 2.5, above.
2.18	Claude Short	Zoning was reconsidered and fewer homes were built on one lot. The problem was resolved to everyone’s satisfaction without undue burden on the local citizens.	This is similar to Comment P-6. Please see Response 2.3, above.
2.19	Claude Short	I suggested to Mr. Rokke at our Regional Water Board, and I will suggest to you, that our septic systems could be required to be serviced every 3-5 years as recommended by USEPA. When serviced, the servicing company could certify them as safely operated (similar to Air Quality Management District’s approach to air quality issues). If the systems were not serviced and certified, the owner could be fined or made to replace the system- at the <u>owners</u> expense. This solution would reduce the financial burden which is being forced on our entire community and place it where it belongs- on the polluters.	This is similar to Comments N-16, P-5, and P-8. Please see Response 2.3, above.

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2.20	Claude Short	Businesses with higher waste outputs could be required to build ‘package’ plants, thus minimizing the costs to individual home-owners.	This appears to be a new comment. Please see Response 2.5, above.
2.21	Claude Short	If Hi-Desert Water District deems it necessary to continue with the artificial recharge program, they should inject the water directly into the aquifer, rather than allow it to percolate into the soil. This would reduce the amount of nitrates and other pollutants which would be washed out of the soil and into the groundwater. It would also reduce the amount of water lost to evaporation. By injecting the water, we would experience additional savings by NOT replacing the evaporated “State” water with more expensive “State” water.	This appears to be a new comment. Please see Response 2.5, above.
2.22	Claude Short	Hi-Desert Water District would need to monitor the water level in the aquifer to insure that it does not contact the vados (sic) zone and entrain more septage, causing more of the same problem.	This appears to be a new comment. Please see Response 2.5, above.
2.23	Claude Short	Limit building to the recommended ‘1 single-family per half acre of property’ (USEPA recommendation).	This appears to be a new comment. Please see Response 2.5, above.
2.24	Claude Short	Our town council has, for some unknown reason, ignored the USEPA recommendation. They have permitted over-building in our area. There are solutions which would fix that problem without making every home owner pay for THEIR mistakes. Our Regional Water Board, who is supposed to be over-seeing and regulating septic tanks, has allowed it! This needs to be stopped!	This is similar to Comment P-6. Please see Response 2.3, above.
2.25	Claude Short	If some or all of the above suggestions are put in place, we (the people of Yucca Valley): <ol style="list-style-type: none"> 1. will experience maximum benefit of our water, 2. will not unreasonably affect present and anticipated beneficial uses of waters and, 	This appears to be a new comment. Please see Response 2.5, above.

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		3. will not create any situations that will result in water quality less than that prescribed in policies (e.g. violation of any WQO).	
2.26	Claude Short	I also do not believe for one minute that any of you will consider my arguments and relent from banning the septic systems in our area, After-all, it has been stated at our meeting with the Regional Water Board in March or April, 2010, by one of you members that “The State is 100% behind the Regional Water Board’s decision.” I believe that the “Good Ol’ Boys Club” in our area has only 1 item on its agenda- “Find a way to make more money for their friends.” I consider this request for comments to be another “dog-and-pony show” to meet your legal requirements, and nothing more. Please prove me wrong.	This similar to Comment N-19 or is a new comment. Please see Response 2.6, above.
3.1	David G Humphrey	I am the designated representative of the Board of Directors of our Non- Profit, Resident Owned, Apache Mobile Home Park at 56254 29 Palms Hwy, Yucca Valley CA. We have a very high percentage of low and very low income residents who are already struggling to pay their Rent of \$315.00 a month plus Utilities and other basic necessities of life. We recognize the necessity of eliminating the Septic tank system that now serves our 135 space MHP. Our concern is that these residents who all own their Mobile Homes and are share holders on our NON PROGIT ASSOCIATION which has a 3.5 million dollar mortgage must be eligible for low-income assistance. Our mortgage and operating expense consume nearly all of our income so an increase in our monthly costs could cause our most vulnerable residents to abandon their aging Mobile Homes and move in with their children and grandchildren. This in turn could cause so many vacancies that we could loose our park to our lender causing further hardship and disruption to our residents.	All of the commenter’s comments are being raised for the first time, and the commenter has not explained why the commenter was unable to timely raise these comments before the Regional Water Board. For the reason given in Response 2.5, above, the State Water Board refuses to accept these comments.

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3.2	David G Humphrey	This problem extends to other, privately owned Mobile Home Parks in our community. Unless a way is found to channel low-income assistance for our low-income residents towards paying for this assessment and connection costs that must be paid by Mobile Home Parks, our community may lose significant inventory if low-cost housing.	Please see Response 3.1, above.
4.1	John Thurman	<p>I will start my comments with a simple, yet flawed syllogism that summarizes the Colorado River Basin Board and staff findings and conclusions regarding septic discharge in Yucca Valley:</p> <p>Septic tank effluent discharge has been found to contain nitrates (NO₃), TDS, and pathogens;</p> <p>The USGS found groundwater in certain areas of the Town of Yucca Valley to be contaminated with nitrate and other salts that presumably came from septic system discharges;</p> <p>Therefore, all effluent discharges from all septic systems in the Town of Yucca Valley, including those adequately designed, installed, maintained, and functioning septic systems in Phase 3, located miles away from the contaminated groundwater sites, must be prohibited and replaced with an outrageously expensive and unnecessary wastewater collection and treatment system.</p>	<p>Although these are new comments, the commenter has followed the regulatory requirement to explain why the commenter was unable to raise the comment before the Regional Water Board. The commenter explained that he “was not able to study all of the ‘reports’ prepared by the Regional Water Board Staff, nor was [he] available to attend any meetings held by the Colorado River Basin Board.” This explanation is satisfactory. Therefore, the State Water Board accepts this new comment.</p> <p>Syllogism noted.</p>
4.2	John Thurman	As a homeowner on Piedmont Drive in the Sky Harbor area, just a few hundred feet from the boundaries of Joshua Tree National Park, I find it completely unreasonable and absurd that the Regional Water Board and the all too eager Hi-Desert Water District are proposing to drag the homeowners in Phase 3, especially those in the southern area of Yucca Valley, into this wasteful and unnecessary endeavor.	<p>This comment is similar to Comment DH&L-2 previously addressed by the Regional Water Board. The comments and the Regional Water Board’s responses are available at: http://www.waterboards.ca.gov/coloradoriver/water_issues/program</p>

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			<p>s/basin_planning/docs/yuccavalley/responses_yv_bpa.pdf.</p> <p>The commenter has failed to explain why and in what manner the commenter believes the response provided by the Regional Water Board was inadequate or incorrect—a second regulatory requirement for submitting comments to the State Water Board.</p> <p>Therefore, pursuant to its regulatory authority, the State Water Board refuses to accept this comment.</p>
4.3	John Thurman	I haveno (sic) reason to doubt that the 2003 USGS report did findNO ₃ (sic) contamination in the ground water beneath the Townin (sic) the area corresponding to Phase 1. I am also quite certain that those contaminants came from septic systems near and along the HWY 62 corridor. One only has to drive through this area to see the very high-density housing and commercial activities. It does not take much toreasonably (sic) conclude that many of these septic systems were not properly designed, installed, or maintained...for various reasons.	Comment noted.
4.4	John Thurman	However, an objective and reasonable person would conclude that there is no shred of credible evidence in the staff reports to find that the septic systems in Phase 3 have contributed, are contributing, or will contribute to this contamination. The effluent discharged from my septic systems and this in southern Phase 3 area are simply too small and too far away from the contaminated areas. My home is more than 3.5 miles form the	Please see Response 4.2, above.

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		Phase 1 and Hwy 62.	
4.5	John Thurman	One only has to drive through the south-east area of Yucca Valley (Joshua Lane, south of San Andreas, south of Black Rock Campground, and south-east of Carmelita area) to see low-density housing on large lots (most of the lots exceed one acre in area, many are 2 acres or more). In this community, the predominately owner-occupied household sizes are generally very small. There are may undeveloped lots, and there are thousands of acres of National Park and BLM land that will never be developed. This area is not the source of contamination.	Please see Response 4.2. above.
4.6	John Thurman	To put an appropriate spin on language used in the staff report summary: septic system failures are not likely to occur if systems are properly designed, installed, and maintained; hydrological conditions are suitable; and/or septic system density is low. That describes the southern area of Phase 3.	Please see Response 4.2. above.
4.7	John Thurman	What is the logical conclusion? Simply stated, the NO ₃ contamination found in the USGS report below the Town of Yucca Valley is the result of failed septic systems in the area corresponding to Phase 1. Therefore, that is where the sewer collection system and treatment facility need to be constructed, not Phase 3.	Please see Response 4.2, above.
4.8	John Thurman	This is where the justification for this large regional waste water system,by (sic) the Colorado River Basin Board and the empire-building HDWD, <u>just (sic) does not hold water.</u> We all know why Phase 3 is being dragged into this – to subsidize the cost of Phase 1 and Phase II. This is especially relevantgiven (sic) the ever increasing cost estimates being reported by the HDWD for the project during a time of declining government assistance for such projects. It is clear that this is ridiculous and	Please see Response 4.2, above.

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		unnecessary regional (sic) waste water system proposal is being fully-supported by the greedy developers, land owners, realtors, and contractors in the area, as well as unscrupulous civil engineering firms that stand to make millions of dollars for planning, design, and construction management.	
4.9	John Thurman	Let the record show that I want safe drinking water, and I support all valid and cost-effective measures to improve water quality in the Yucca Valley area. But I do not and will not support a wasteful and unnecessary project (sic) to be subsidized by those that have neither caused the problem nor will benefit from the proposed solution.	Please see Response 4.2, above.