



Town of Apple Valley

# Town of Apple Valley

14955 Dale Evans Parkway • Apple Valley, California 92307

May 1, 2012

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Ms. Jeanine Townsend, Clerk to the Board  
State Water Resources Control Board  
1001 I Street, 24<sup>th</sup> Floor  
Sacramento, CA 95814

**SUBJECT: Comment letter – OWTS Policy (AB 885)**

Dear Ms. Townsend:

The Town of Apple Valley (Town) opposes the referenced “Final Draft” rule and its implementation schedule and has the following comments:

- 1 → Insufficient notice was provided (March 20, 2012) and insufficient time has been scheduled for appropriate and thorough review and understanding of the impact of this rule on our residents and this community (notice provided March 20, 2012, comments due May 4, 2012 and final adoption proposed for June 19, 2012).
- The draft rule, if adopted, will add unreasonable expense for existing homeowners who find it necessary to replace their OWTS. Replacement of existing OWTS’s should not be classified as “NEW”.
- While the rule permits a 5 year grace period, upon its implementation it will require all new OWTS’s be designed by a “qualified professional” (Engineer) unless the local agency agrees to create (and pay the cost of creating) a Local Agency Management Program (LAMP).
- Approval of the LAMP is not guaranteed. The LAMP must be approved by the Water Board/Regional Board and the process for approval is not clearly defined.
- 4 → This rule puts existing homeowners in limbo should their septic system fail and the LAMP is not in place.
- 5 → This rule will restrict land development proposed to be served by OWTS (septic systems) unless lots being created exceed 2.5 acres in size or until a LAMP is created and approved to allow smaller lots.
- 6 → This rule presumes that connection to public sewers is a simple task. Many locations have no current wastewater treatment facility at all or the funding necessary to construct one. Those communities where public wastewater treatment facilities exist may need to identify new funding sources to pay for the cost of expansions to facilitate additional sewer connections.

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- This rule is a State mandated program for which the Town may submit for reimbursement. The State has deferred reimbursement to the Town for other authorized State mandated costs. The amount currently owed by the State to the Town is \$2,894,995 in unfunded mandated costs. The State has reimbursed \$39,770. This rule will result in a new State mandated program for which the State will again be using the Town as their bank, essentially taking out a new loan to pay for implementing this rule with no indication of how it will be paid back.
- This rule imposes costly regulatory burdens upon the citizens of our community and is not based upon demonstrated need or scientific proof that it will produce benefits for community or the groundwater basin.

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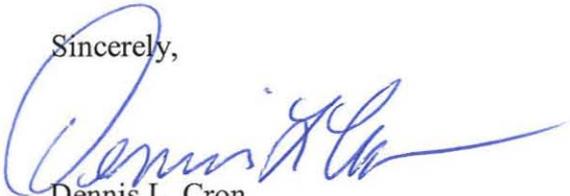
- This rule requires the Regional Water Boards to amend and update their basin plans within twelve months of adoption of the rule. It is unlikely the Regional Boards can complete basin plan amendments within a twelve month period given the necessary reviews and environmental determinations that will be required.

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- Based on the information we have gathered, this rule does not appear to have been discussed with California Building Officials (CALBO) or the Building Standards Board. It appears that amendments to the California Plumbing Code (CPC) Appendix K are proposed without the above input or knowledge.
- The Town council will consider adoption of a resolution opposing the rule at the May 8, 2012 Town Council meeting. Upon adoption of said resolution, the Town will forward a conformed copy to the State Water Resources Control Board.

If you have any questions or comments, I can be reached at (760) 240-7000, extension 7610, or you may e-mail me at [Dcron@applevalley.org](mailto:Dcron@applevalley.org).

Sincerely,



Dennis L. Cron  
Assistant Town Manager  
Municipal Operations and Contract Services