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RESOLUTION NO. 2012-9

RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE VICTOR VALLEY WASTEWATER RECLAMATION AUTHORITY, STATE OF CALIFORNIA, OPPOSING CERTAIN FINDINGS AND PROVISIONS OF THE FINAL DRAFT WATER QUALITY CONTROL POLICY OF THE STATE WATER RESOURCES CONTROL BOARD FOR SITING, DESIGN, OPERATION, AND MAINTENANCE OF ONSITE WASTEWATER TREATMENT SYSTEMS

WHEREAS, on March 20, 2012, the State Water resources Control Board ("SWRCB") released the Final Draft Water Quality Control Policy for Siting, Design, Operation, and Maintenance of Onsite Wastewater Treatment Systems ("Policy"), attached hereto as Exhibit "A"; and

WHEREAS, approximately fifty percent (50%) of the population within the geographic boundaries of the Victor Valley Wastewater Reclamation Authority ("VVWRA") area of service reside in dwelling units that are served by onsite wastewater treatment systems ("OWTS"), also known as septic systems; and

WHEREAS, under current regulations property owners within the VVWRA have enjoyed the ability, or potential ability, to develop land at a density of up to one dwelling unit for 0.5 acres, for properties relying on septic systems; and

WHEREAS, VVWRA has developed its sewer system in part relying on the current regulations, in place since at least the 1980s; and

WHEREAS, as part of the area encompassed by VVWRA area of service has suffered considerable hardships as the result of the recent economic downturn, including unemployment rates well above the state and national average; and

WHEREAS, in light of the desert climate as well as water conservation efforts, water consumption and disposal in the VVWRA area of service does not follow the average state patterns; and

1 → **WHEREAS**, according to Section 7.8 of the Policy, under Tier 1 of the Policy the maximum density allowed for properties relying on OWTS (septic systems) would be purportedly restricted to one dwelling unit per 2.5 acres and this portion of the policy, among others, has the potential to negatively impact property owners within the VVWRA and the economic development of the Victor Valley at a crucial time in its economic history; and

WHEREAS, in 1993 the Unites States Geological Survey ("USGS") issued Water Resources Investigation Report 93-4137 (the "USGS Report"); and

WHEREAS, the USGS Report indicates that in the Mojave River Basin "current onsite domestic-wastewater disposal practices pose little immediate threat to the local ground-water resource."; and

WHEREAS, the USGS Report further indicates septic systems contribute substantial return flows to groundwater and slow the decline of groundwater levels resulting in a significant benefit to the region's water resources to which VVWRA contributes by the nature of its operations and mission.

NOW, THEREFORE, the Board of Commissioners of Victor Valley Wastewater Reclamation Authority hereby resolves:

Section 1. The above recitals are true and correct.

Section 2. VVWRA strongly opposes the Final Draft Water Quality Control Policy for Siting, Design, Operation, and Maintenance of Onsite Wastewater Treatment Systems VVWRA on the grounds, among others, that it fails to recognize local conditions and the SWRCB failed to obtain sufficient public input and has not provided local entities and the general public with appropriate time to meaningfully participate in the process. In addition, and without limitation, VVWRA specifically opposes Section 7.8, and related provisions, of the Final Draft Water Quality Control Policy for Siting, Design, Operation, and Maintenance of Onsite Wastewater Treatment Systems.

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Section 3. This Resolution shall become effective on the date of its approval and adoption.

APPROVED AND ADOPTED this 26th day of April, 2012

Scott Nassif, Chair
VVWRA Board of Commissioners

ATTEST:

Russ Blewett, Secretary
VVWRA Board of Commissioners

APPROVED AS TO FORM:

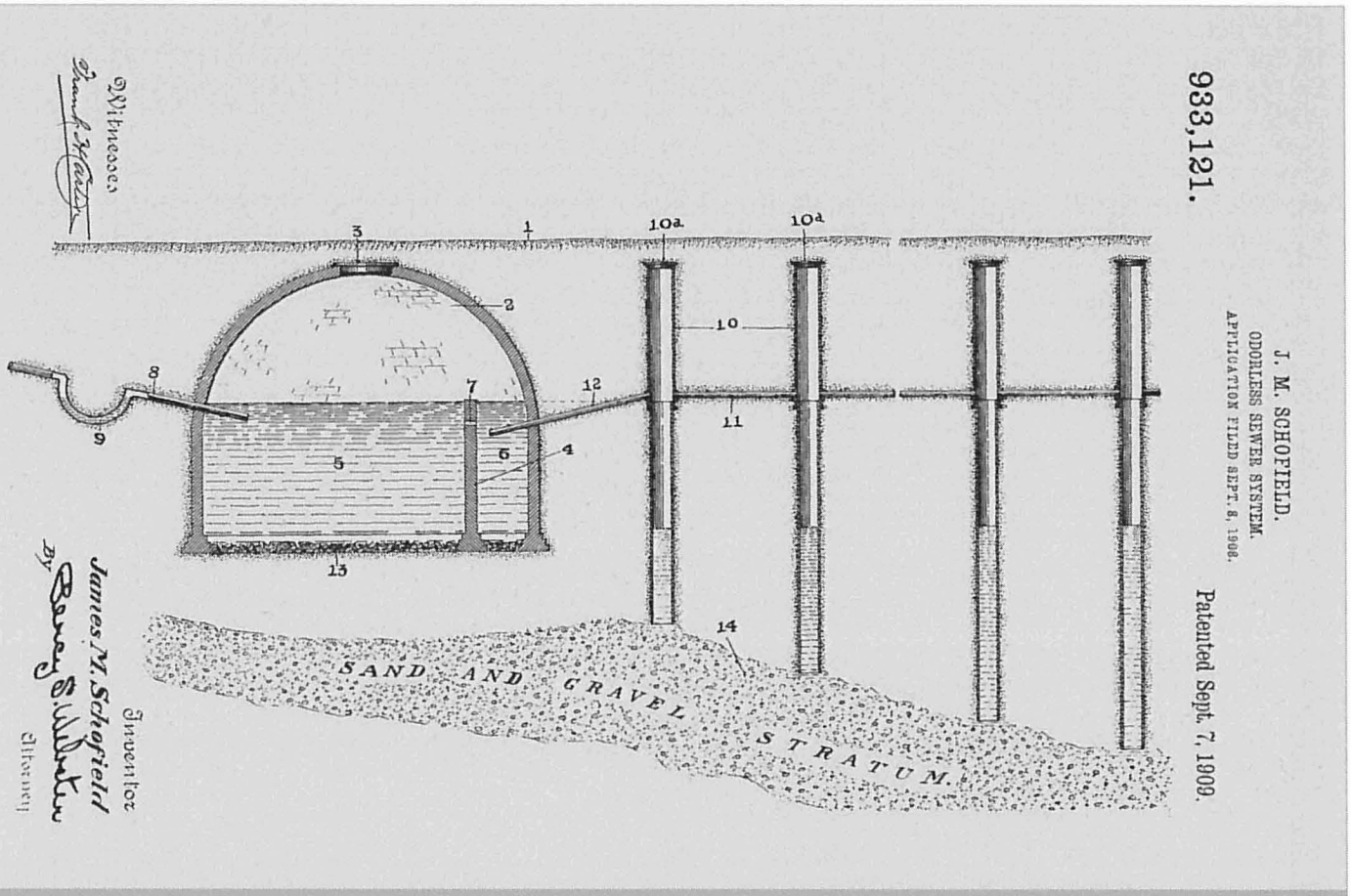
Piero Dallarda of
Best Best & Krieger LLP,
General Counsel for VVWRA

CERTIFICATION

I, Patricia J. Johnson, Secretary to the Board of Commissioners of the Victor Valley Wastewater Reclamation Authority, State of California, do hereby certify that the foregoing is a full, true and correct copy of Resolution No. 2012-9 adopted by the Board of Commissioners of said Authority at its regular meeting of April 26, 2012.

Patricia J. Johnson
Secretary to the Board of Commissioners/GM

EXHIBIT “A”



FINAL DRAFT

Water Quality Control Policy for Siting, Design, Operation, and Maintenance of Onsite Wastewater Treatment Systems

March 20, 2012

CALIFORNIA
Water Boards

STATE WATER RESOURCES CONTROL BOARD

REGIONAL WATER QUALITY CONTROL BOARDS