



City of Hesperia

Gateway to the High Desert

May 2, 2012

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Jeanine Townsend, Clerk to the Board
State Water Resources Control Board
1001 I Street, 24th Floor
Sacramento, CA 95814

Subject: Letter regarding the Final Draft Water Quality Control Policy for Siting, Design, Operation, and Maintenance of Onsite Wastewater Treatment Systems

Dear Chairman and Members of the Board:

This letter is written to express the City of Hesperia's continued concerns regarding the State Water Resources Control Board's (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. The City previously provided comments on this matter on January 19, 2009, when comments were last solicited by the State. The City did not receive notice of this latest draft until March 20, 2012.

For a geographical perspective and background, Hesperia is a city of 70-plus square miles situated in the Mojave Desert region of San Bernardino County. The City started with one major developer purchasing and developing a 36 square mile area. The sub-division took place primarily in the 1940's and 1950's and most of the sub-divisions involved one-half (1/2) acre residential lots.

In 1987, the Regional Water Quality Control Board (Lahontan Region), and San Bernardino County signed a Memorandum of Understanding (MOU) regarding septic tank usage in the region. In 1989, the then recently incorporated City of Hesperia (City) signed a like MOU with Lahontan. The City, as well as all surrounding cities and communities have enforced the Lahontan guidelines since that time, and it has worked effectively since then. To date, there are no impaired surface waters affecting the region, as reflected by Map 47 prepared by your Agency.

Today, Hesperia is a city of approximately 90,000 people. Nearly 90% of the 25,000 lots created prior to incorporation have been developed with single family residences on septic tanks. The City has extended sewers to most commercial and multi-family residential areas. There are some existing buildings in those areas as well as older industrial buildings that were constructed prior to the 1987 Lahontan MOU that remain on septic systems.

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The current allowed density of one dwelling unit per 0.5 acres is supported by a 1993 report prepared by the U.S. Geological Survey (USGS) ("Potential for Ground-Water Contamination from Movement of Wastewater Through the Unsaturated Zone, Upper Mojave River Basin, California," Water-Resources Investigations Report 93-4137). The report evaluated densities of 1 to 4 dwelling units per acre, and concluded that in the Mojave River Basin "current onsite domestic-wastewater disposal practices pose little immediate threat to the local ground-water resource." The USGS report also indicates septic systems contribute substantial return flows to groundwater and slow the decline of groundwater levels in an area that has historically experienced severe overdraft. This is a significant benefit to the region's water resources.

1 → This change in the density requirement has the potential to negatively impact many property owners within the City of Hesperia and statewide. The OWTS Policy should not impose an arbitrary density requirement, but rather it should use a science-based approach to determining appropriate thresholds for OWTS. This issue could be addressed by removing the 2.5 acre per dwelling unit requirement in Section 7.8 or by changing it to be something less restrictive, such as 0.5 acres per dwelling unit or by reviewing the assumptions and analyses in the USGS report as part of the proposed regional Salt/Nutrient Plans (SNMP's).

One of the biggest concerns of the City of Hesperia is the impact the proposed OWTS Policy will have on property owners and permitting entities with respect to replacement systems. By default, a replaced septic system falls under Tier 1 or 2 in the OWTS Policy, under which a new series of requirements apply. Currently, because of MOUs in place between the City of Hesperia and Lahontan, a property owner with a failed septic system can get approval for a replacement system in a single day. The City of Hesperia has a concern that the new requirements would make the process of replacing a failed septic system much more difficult, time consuming and costly for the property owner. Under certain circumstances, the Policy will force property owners to connect to sewer or relocate the replacement system, costing much more than replacement would under current rules. We urge the SWRCB to move "replacement systems" to Tier 0 in the OWTS Policy, rather than Tier 1 or 2 as currently proposed in the Policy, in order to relieve the strain and potential costs on property owners.

3 → The cost to homeowners to comply with the proposed Policy can range from \$6,000.00 to \$30,000.00. While the 2000 law identifies making low interest loans available to homeowners from the Clean Water State Revolving Fund, the history of inadequate funding and availability of such state funding, and the timing of such funding does not resolve this concern.

4 → This proposed Policy seems to give preference to leach line systems over seepage pit systems by requiring that systems be installed to the shallowest practicable depth. In this City, the preference is for seepage pits as they require the least area and have shown the greatest lifespan. Given the 100 to 700 foot depth to groundwater in this City, and with the suggested ten (10) foot separation noted in the Policy, Hesperia's use of seepage pits should not be restricted.

Given the preference for leach lines shown in this Policy, it appears unreasonable to restrict them in this way. The California Plumbing Code allows the use of sidewall area above the first foot in the rock bed. This will reduce the allowed leaching area by 57% and thus, require leach lines to be extended to nearly twice their required length. Given other Plumbing Code



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requirements, leach lines will not easily fit on the one-half (1/2) acre lots commonly found in Hesperia.

This requirement is excessive for the conditions described in Hesperia. More than 90% of the City's septic systems have seepage pits. Given the depth of the water table, the smaller lot area utilized, and their long-term successful use in the community, seepage pits are the preferred disposal method and should not be restricted.

The Policy appears to allow some local flexibility or deviation from the above-mentioned standards through the Local Agency Management Program (LAMP) process. This flexibility is good in concept as it appears to encourage a science-based approach with close community involvement. However, we feel 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. The City of Hesperia would be willing to work with representatives of the Regional Water Quality Control Board (Lahontan) to tailor a set of requirements appropriate for the City.

In summary, the State's draft Policy creates additional unneeded rules and should instead rely on those rules/procedures for OWTS already in place on a regional basis. Until these issues are resolved, the City of Hesperia opposes the proposed Policy as drafted.

Please contact me at (760) 947-1901 if you have any further questions.

Very Truly Yours,

Scott Priester
Director of Development Services

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