

#26

May 02, 2012

Ms. Jeanine Townsend, Clerk of Record
State Water Resources Control Board
1001 I Street, 24th Floor
Sacramento, CA. 95814

Re: Comment Letter- Onsite Wastewater Treatment System (OWTS) Policy (AB 885)

Dear Ms. Townsend:

The City of Barstow (City) opposes the proposed "OWTS Final Draft" and its implementation schedule. The City along with other local municipalities have developed and discussed a number of concerns that could and would adversely affect the High Desert, its citizens, and any future business climate if this regulatory policy is imposed. The City has the following comments.

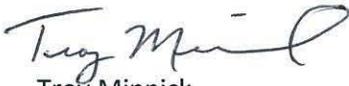
- 1 → City Staff became aware of this OWTS Policy in Mid-March 2012 and with a comment deadline of May 04, 2012, providing the City a very narrow window to not only review, but even less time to fully understand the implications of this policy.
- 2 → The development of a Local Agency Management Program (LAMP) is not clearly outlined, since the Regional Board will be developing the guidelines and then approving each LAMP for the cities or towns within the sphere of influence. Based upon the LAMP guidelines established the City will incur cost to meet these requirements and to develop a LAMP that has no guarantees of being approved by the Regional Board.
 - The adoption of this policy will place undue hardship on the residents that currently have OWTS. The five year grace period will EVENTUALLY cost the homeowner five to ten thousand additional dollars (based upon current rates) to meet the requirements that all new OWTS's be designed by a "qualified professional" (Engineer/Geologist) if a LAMP is not approved. Who is to say that the Regional Board does not establish other monetary costs or fees?
 - This rule puts existing homeowners in limbo should their septic system fail and the LAMP is not approved. It brings to light the fact that unwanted business practices within the State could be developed that would exacerbate the current and proposed regulations. Leaving a desperate homeowner at their mercy.
- 3 → Currently, Trailer Parks fall under the control of the State. Will this OWTS Policy require the State to develop a LAMP for each Regional Board that a Trailer Park resides in? Will the State be required to provide the surround Cities or Towns (that a Trailer Park resides in) with current Groundwater Sampling reports for these Trailer Parks to show current Nitrate levels and that any future increase in Nitrates are not contributed to that locality.
 - With no historical data that can demonstrate the overall effects on each and every soil within this State, the so called "shotgun approach" will place regulatory costs with unknown benefits to the groundwater basin and the City it serves.

4

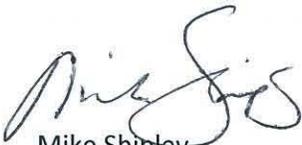
➔ This rule does not appear to have been brought to the attention of the California Building Officials (CALBO) or the Building Standards Board. The California Plumbing Code (CPC) Appendix K is being amended without any input or knowledge of this policy.

- The City currently does not provide any collection system to residents on the north side of the Mojave River. The cost to the City to install infrastructure and build another treatment facility on the north side would be cost prohibitive. This policy could potential displace families, medically confined, or the elderly from their place of residence if their OWTS has failed. The City will be forced to red tag the residence as a health hazard. Currently, the City has an MOU with San Bernardino County Department of Environmental Health Services that provides a fast track to approval of current septic system replacements. Will this policy eliminate the current MOU's? Not to mention the increase staffing needs to process at the County level, increasing the review and approval process.

Sincerely,



Troy Minnick
Industrial Pretreatment Coordinator



Mike Shipley
City Building Official



Brad Merrell
Contracted City Engineer



Oliver Chi
Assistant City Manager