

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD—
LAHONTAN REGION2007 LAKE TAHOE BOULEVARD
BOX 9428
LAKE TAHOE, CALIFORNIA 95731-2428
(707) 544-3481

March 11, 1991

Meg Vall
City of Hesperia
1588 Main Street, Suite 213
Hesperia, CA 92345

Dear Ms. Vall:

AMENDED SEPTIC SYSTEM MEMORANDUM OF UNDERSTANDING

It has come to our attention that an error was made in the original wording of the above-referenced Memorandum of Understanding (MOU) between the Regional Board and the City of Hesperia. Item II. G. of the MOU should have had the word "before" rather than "after" so that the MOU would accurately reflect the intentions of the Regional Board. Pursuant to item XI of the MOU, we propose that this change be made with the mutual agreement of both parties. If you concur, please substitute the enclosed page containing this correction with the corresponding page in your copy of the agreement.

Also, please have one of the enclosed forms signed and returned to this office within 60 days of receipt. We thank you for your prompt attention to this matter. If you have any questions or comments, please contact David Himebaugh or Dr. Ranjit Gill.

Sincerely,

Handwritten signature of Harold J. Singer in cursive.

HAROLD J. SINGER
EXECUTIVE OFFICER

Enclosure

cc: septic system mailing list

sh

The amendment of Item G., changing the word "after" to "before" in the Septic System Memorandum of Understanding with the Lahontan Regional Water Quality Control Board is executed on the date of the last signature below, by the following authorized representatives of the parties.

Harold J. Singer
Harold J. Singer
Executive Officer

Date

Mar 11, 1991
Date

SEPTIC TANK GUIDELINES

Memorandum of Understanding
Between the
California Water Quality Control Board
Lahontan Region
and
The City of Hesperia

This Memorandum of Understanding is entered into by and between the California Regional Water Quality Control Board, Lahontan Region (hereinafter Board), and the City of Hesperia (hereinafter City). Its purpose is to expedite the overall review process for proposed developments and to provide a clear operating policy between the Board and the City on the implementation of the Board's guidelines for wastewater disposal from land developments.

Section 13260 of the California Water Code requires any person discharging waste or proposing to discharge waste that may affect waters of the State, except to a community sewer system, to file a report of waste discharge with the regional board of that region. Implementation of this code section has included regulation of individual waste systems wherever warranted.

In 1973 and again in 1974, the Board adopted guidelines to (1) establish the conditions under which waivers of the filing requirement would be in the public interest (pursuant to California Water Code Section 13269); (2) establish minimum criteria for the use of individual systems; and (3) prevent pollution or nuisance caused by the discharges from leaching or percolation systems.

On January 14, 1988, the Regional Board adopted revisions to the "Guidelines for Waste Disposal From Land Developments." In conjunction with these revisions, the Regional Board also adopted the "Regional Board Guidelines for Implementation of Criteria for Individual Waste Disposal Systems." These implementation guidelines list general and specific provisions in considering exemptions to the maximum density criteria (2 EDUs per acre) for individual waste disposal systems in both new and existing land developments.

This requirement also applies to domestic wastewater discharges from new commercial and industrial development with wastewater discharge volumes exceeding two EDU per acre density (500 gal/day/acre based on 250 gal/day/EDU). On June 16, 1988, the State Water Resources Control Board approved the revisions. For purposes of this Memorandum of Understanding gross acreage is that area which encompasses the entire net lot area plus any underlying fee title within the adjacent right-of-ways, if any.

Inasmuch as the City has incorporated into its review criteria the "Minimum Criteria for Subsurface Discharge of Sewage" contained in the Board's guidelines, and has consistently applied these criteria in its review of proposed developments, it is not against the public interest for the Board to reduce its oversight work by eliminating redundant review of proposed projects.

It is agreed that:

- I. The City is authorized to issue construction permits for

projects that utilize individual subsurface disposal systems without Regional Board approval under the following conditions:

A. All of the Following:

1. The on-site soil characteristics comply with the established "Minimum Criteria for Individual Waste Disposal Systems as adopted by Resolution 6-88-15; and
2. The discharge is composed of domestic wastewater only; and

B. One of the Following:

1. The development consists of single-family residences or multiple-family residences, the density does not exceed two equivalent dwelling units (EDU) per acre (500 gallons/acre/day wastewater flow), or
2. The development consists only of a single-family home on an individual lot which has a minimum net area of 15,000 square feet; or
3. The development is non-residential or of mixed occupancy and the wastewater discharge does not exceed 500 gallons/acre/day as determined using Table I-2 and I-3 in the Uniform Plumbing Code and occupant loads as determined by Table 33A in the Uniform Building Code; or
4. The project is in a class that has been designated exempt from Regional Board review in writing under signature of the Regional Board Executive Officer; or
5. The project/development has been granted an exemption by the Board and complies with the City's standards for use of septic tank wastewater disposal systems.

- II. The City shall not issue construction permits without Regional Board approval for the following projects:
- A. Projects that involve domestic wastewater discharge from commercial or industrial development in excess of 500 gallon/acre/day as determined by the Board; or
 - B. Projects that will have industrial wastewater discharges; or
 - C. Projects that exceed the two EDU/acre density requirement for septic tank use (except in exempted areas); or
 - D. Projects that do not comply with the City's standards for use of septic tank wastewater disposal systems; or
 - E. Projects located within existing waste discharge prohibition areas (unless in areas exempted in I.B. above); or
 - F. Projects utilizing package wastewater treatment plants with on-site disposal; or
 - G. Projects that consist of a single-family home on individual lots that were created out of a subdivision before June 16, 1988 when the lot has a net area of less than 15,000 square feet.
- III. The City, at its discretion, may defer consideration of projects, based on water quality impacts, to the Board for any projects even if it appears that compliance with Section I. of this Memorandum of Understanding has been achieved.
- IV. The City, at its discretion, may require the formation of a public entity (as defined in the State of California Government Code

Section 53090 et seq.) to maintain septic systems in residential developments of one hundred (100) lots or more.

- V. The Board may review permits issued by the City at its discretion. Copies of permits will be made available upon request for review in City offices.
- VI. The Board, upon reviewing permits issued by the City, may require proposals be submitted and/or waste discharge requirements (permits) be obtained for all other types of waste discharges such as stormwater runoff and solid waste leachate.
- VII. The City, on its own initiative or at the request of an applicant and upon providing the information specified in the implementation guidelines, may apply for individual, large scale, or area-wide exemptions.
- VIII. The applicant, for projects found in compliance with the Board's guidelines, will be notified of acceptance by issuance of a City building permit or by issuance of a Board clearance letter.
- IX. The City shall maintain a record of all documents submitted and reviewed under this Memorandum of Understanding. This record shall be kept as a note on the construction permit for each project.
- X. This Memorandum of Understanding shall be effective immediately after

execution of this agreement and shall remain in full force until terminated by a prior thirty (30) day written notice by either party.

XI. This Memorandum of Understanding may be amended as mutually agreed to by the City and the Regional Board.

XII. All notices and communications under this Memorandum of Understanding shall be addressed to the following:

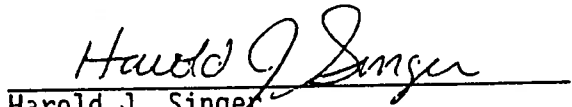
Meg Vall
City of Hesperia
1588 Main Street Suite 213
Hesperia, CA 92345

Harold J. Singer
California Regional Water Quality
Control Board, Lahontan Region
P.O. Box 9428
South Lake Tahoe, CA 95731-2428

This Memorandum of Understanding is executed on the date of the most recent signature below, by the following authorized representatives of the parties.



Robert A. Rizzo
City Manager

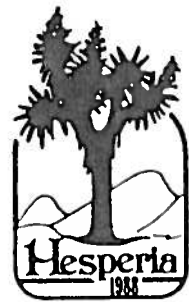


Harold J. Singer
Executive Officer

Date 2/13/90

Date Dec 20, 1989

CITY OF HESPERIA
MEMORANDUM



DATE: February 1, 1990
TO: Robert A. Rizzo, City Manager
FROM: Thomas K. Harp, Building Official *TKH*
SUBJECT: MEMORANDUM OF UNDERSTANDING WITH CALIFORNIA REGIONAL
WATER QUALITY CONTROL BOARD-LAHONTAN REGION

RECOMMENDATION:

It is recommended the City Council approve a Memorandum of Understanding with the Lahontan Regional Water Quality Control Board establishing an operating policy toward implementation of the Board's guidelines.

BACKGROUND:

The California Regional Water Quality Control Board-Lahontan Region adopted guidelines in 1974 that establishes criteria for the use of septic tanks on individual lots. Enforcement of the guidelines did not begin until April of 1987. At that time, Lahontan developed a Memorandum of Understanding (M.O.U.) with the jurisdictions comprising the lower region. The City of Hesperia did not incorporate until July 1988 and was not included in the development of the M.O.U.

This M.O.U. gives the City of Hesperia the authority to enforce Lahontan standards while allowing the City to refer questionable projects to Lahontan for review. The standards are the same as those effective in the County area and have been previously utilized in Hesperia under the County's M.O.U. Developers in the City are familiar with the guidelines and have been complying under the guidelines since they were enforced in 1987.

Staff considers the guidelines to be minimum requirements and will be working toward a mandatory sewer requirement for industrial, commercial, and multiple-residential development in the near future.

Please contact me if you have any questions.

ATTACHMENTS:

1. Memorandum of Understanding

TKH:jw
mou.sr



City of Hesperia

15888 Main Street, Suite 213 • P.O. Box 2966 • Hesperia, California 92345 • (619) 947-1000

February 15, 1990

Mr. Harold J. Singer
California Regional Water Quality Control Board
Lahonta Region
P.O. Box 9428
South Lake Tahoe, CA 95731-2428

Mr. Singer,

We are enclosing a signed agreement between the City of Hesperia and your board which was approved at the City Council meeting of February 1, 1990. This is for your records.

If there are any questions, please, feel free to contact this office at 619-947-1000.

Respectfully,

Meg Vall, Deputy City Clerk

by

Carol Ann Alves, Office Assistant

MV/caa

Councilmembers

Mayor
Bruce D. Kitchen

Percy Bakker
Howard H. Roth

George M. Beardsley
M. Val Shearer

City Manager
Robert A. Rizzo