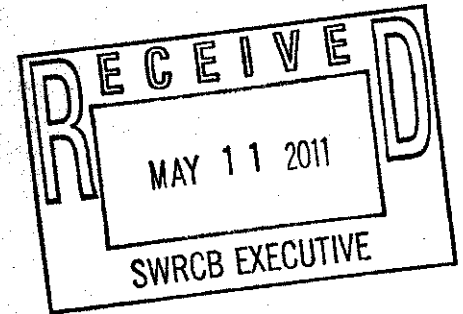




Western
Manufactured Housing Communities
Association

May 11, 2011



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

Re: Comment Letter - SSSWDRs Review and Update

Dear State Water Resources Control Board:

On behalf of the Western Manufactured Housing Communities Association, the statewide trade association representing mobilehome parks in California, I submit the following comments regarding the proposed State Water Resources Control Board (Board) Order No. 2011 - XXXX DWQ, Statewide General Waste Discharge Requirements for Sanitary Sewer Systems.

First of all, let me explain that these proposed regulations come as a total surprise to the mobilehome park industry. We have never before received notice that this proceeding was on-going or that there was serious consideration being given to including privately owned satellite sewer systems connected to enrollee sanitary sewer systems in these very onerous regulations and reporting requirements. The first notice I had of this proceeding was through an email from Board staff which included the proposed regulations. I received this email at the end of April. I emailed staff and asked if these regulations would apply to a mobilehome park and staff said yes. On page 6 of the Regulatory Findings, Item #28, the Board states that it has notified all known affected sanitary sewer system owners and all known interested persons of the intent to prescribe general WDRs in the form of the SSSWDRs for sanitary sewer systems. Our industry received no such notice other than this email from staff. The mobilehome parkowners have not been notified of these regulations.

The Board needs to be aware that most mobilehome parks are small businesses, owned by an individual or a partnership. The owner usually employs a manager and may have an on-site maintenance person. There is usually no other staff employed by the park. Most mobilehome parks were built in the 1960's and 1970's. The average size of the mobilehome parks is 100 spaces. The Department of Housing and Community Development is the regulator of mobilehome parks, unless a city or county has assumed local enforcement of Title 25, Division 1, Chapter 2, of the California Code of Regulations. Title 25 is the Building Code to which mobilehome parks are constructed and inspected. Section 1248, Sewage Disposal, requires that all park drainage systems shall discharge into a public sewer or private sewage disposal system approved by the local health department.

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We are very unclear as to where the Board acquires regulatory jurisdiction over mobilehome parks. The Board has statutory jurisdiction over on-site sewage treatment systems pursuant to Section 13290 - 13291.5 of the California Water Code. In addition, HCD has statutory authority over wastewater discharge in a mobilehome park pursuant to Section 18554 of the Health and Safety Code.

Mobilehome parkowners will have no idea how to determine if these regulations apply to them. They will not know if they have pipe greater than one mile in contiguous length and if they have 25,000 gallons per day of untreated or partially treated wastewater. The way these regulations have been drafted to apply to mobilehome parks and other private entities is totally unsuitable for small businesses. Small businesses do not have the staff or the resources to comply with the Sewer System Management Plan outlined on Pages 14- 23. The plan, which was written for sewer districts or municipal sewer systems, can in no way be implemented by a mobilehome park. A mobilehome park cannot pass ordinances or service agreements, nor does a mobilehome park possess the legal authority of a municipality. A mobilehome park cannot collect penalties. The Board cannot take a regulation designed for municipal sewer districts serving populations of 2,500 people to 100,000 people and over, and impose it on a mobilehome park with 200 people. It makes no legal, practical or regulatory sense.

Under the definition section a "Sanitary Sewer Overflow" is defined to include overflows or releases of untreated or partially treated wastewater that do not reach surface waters of the state; and wastewater backups in buildings and on private properties that are caused by blockages or flow conditions. Section 13271 of the Water Code states in subsection (c) that the notice requirements for sanitary sewer spills "shall not apply to any discharge to land which does not result in a discharge to the waters of this state." This broad definition included in the proposed regulations would include an overflowing toilet. This seems extremely excessive and has nothing to do with sanitary sewer overflow into surface waters, which is the whole point of the sanitary sewer waste discharge requirements. This definition exceeds the statutory authority of the Board.

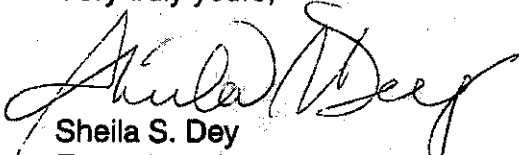
Your threshold for the definition of a sanitary sewer system is entirely too low and will sweep in many private businesses that will be totally unable to comply with these regulations. On what basis did the Board determine the applicability criteria for an enrollee? How was this threshold reached?

Your decision to include private collection systems connected to enrollee collection systems is totally unworkable for the mobilehome park industry. We strongly oppose these proposed revised regulations and request that the Board and staff reconsider this change to the sanitary sewer system waste discharge requirements. Including satellite systems connected to enrollee collection systems such as shopping malls, private gated communities, mobilehome parks and other private collection systems is totally unworkable and imposes new burdens on small, private business that are unjustified and unworkable.

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Thank you for considering our views on these very burdensome changes.

Very truly yours,

A handwritten signature in cursive script, appearing to read "Sheila S. Dey".

Sheila S. Dey
Executive Director, Western Manufactured Housing Communities Association

cc: Traci Stevens, Acting Undersecretary, Business, Transportation and Housing Agency
Cathy Creswell, Acting Director, Department of Housing and Community Development
Kim Strange, Deputy Director of Codes and Standards, Department of Housing and
Community Development
Chris Anderson, Department of Housing and Community Development
WMA Board of Directors