

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
COLORADO RIVER BASIN REGION

CEASE AND DESIST ORDER R7-2023-0033
FOR

DESERT VISTA VILLAGE HOMEOWNER'S ASSOCIATION
DESERT VISTA VILLAGE
WASTEWATER TREATMENT AND DISPOSAL SYSTEMS
TOWN OF YUCCA VALLEY, SAN BERNARDINO COUNTY

The California Regional Water Quality Control Board, Colorado River Basin Region, (Regional Water Board) finds that:

1. The Desert Vista Village Homeowner's Association (Discharger) owns and operates a wastewater treatment and disposal system used to treat domestic wastewater generated from the Desert Vista Village subdivision. The entrance to the gated community is on Palm Ave, just south of the intersection with Twentynine Palms Highway (Hwy 62) in the Town of Yucca Valley.
2. The Discharger is regulated by Waste Discharge Requirements (WDRs) Order No. R7-2007-0008, adopted by the Regional Water Board on March 21, 2007¹. The Discharger is also regulated by Revised Monitoring and Reporting Program (Revised MRP) Order No. R7-2007-0008-01, issued by the Executive Officer on December 8, 2022.
3. The WDRs contain effluent limitations, prohibitions, specifications, and provisions necessary to protect the beneficial uses of the underlying groundwater and to prevent nuisance conditions from the discharge of waste.

DESCRIPTION OF FACILITY

4. According to the WDRs, domestic wastewater from the community flows to a wastewater treatment facility (WWTF) which consists of an activated sludge package treatment plant that includes metering, instrumentation, screening, an equalization tank, an extended aeration tank, a secondary clarifier, and an aerobic sludge digester. Effluent from the WWTF is disposed of via eight nearby seepage pits. Solids and sludge are removed by a licensed septage hauler.
5. The WDRs state that the subdivision will generate up to 14,700 gallons per day (gpd) of wastewater and that the WWTF is designed to treat 15,000 gpd. The WDRs also state

¹ The WDRs identify Desert Vista Village LLC as the Discharger. Board Order No. R7-2023-0025, adopted on June 27, 2023, formally changes the Discharger to the Desert Vista Village Homeowner's Association.

that construction of the 106 homes will begin in October 2006 and be completed by May 2008. However, as of April 2023, only 51 homes were constructed and owner-occupied.

RELEVANT PROVISIONS OF WDRS ORDER NO. R7-2007-0008

6. Discharge Prohibition A.3 of WDRs Order No. R7-2007-0008 states, in part, “Bypass or overflow of untreated or partially treated waste is prohibited...”
7. Discharge Prohibition A.5 of WDRs Order No. R7-2007-0008 states “Discharge of wastewater from the WWTF, other than into the seepage pits described in Finding Nos. 3 and 4, above, is prohibited.”
8. Discharge Prohibition A.6 of WDRs Order No. R7-2007-0008 states “The WWTF and seepage pits shall be maintained so that at no time is sewage or treated effluent permitted to surface or overflow at any location.”
9. Discharge Specification B.1 of WDRs Order No. R7-2007-0008 states, in part, “The 30-day monthly average daily discharge flow shall not exceed 14,700 gpd.”
10. Discharge Specification B.2 of WDRs Order No. R7-2007-0008 states “Effluent from the WWTF shall not have a pH below 6.0 or above 9.0.”
11. Discharge Specification B.4 of WDRs Order No. R7-2007-0008 states “Public contact with wastewater and the subsurface disposal area shall be precluded or controlled through such means as fence and signs, or other acceptable alternatives.”
12. Discharge Specification B.8 of WDRs Order No. R7-2007-0008 states “WWTF effluent shall not exceed the following effluent limits:

Constituent	Units	Monthly Average	Weekly Average	Daily Maximum
BOD ₅ ¹	mg/L	30	45	65
Total Suspended Solids	mg/L	30	45	65
Nitrogen (as Total Nitrogen)	mg/L	10	15	20
Total Dissolved Solids (TDS)	mg/L	415	--	--
¹ 5-day biochemical oxygen demand at 20 ⁰ C				

HISTORY OF VIOLATIONS

13. An inspection by Regional Water Board staff on April 2, 2015 found that the WWTF was not fully enclosed by a fence, in violation of Discharge Specification B.4.
14. On March 27, 2019, the Chief Plant Operator for the Hi-Desert Water District sent Regional Water Board staff an email, stating that the Discharger's pump station was inoperable and spilling raw sewage. The email included photos showing sewage flowing across the ground, underneath the facility's fence, and into an area accessible to the public, in violation of Discharge Prohibition A.5. Regional Water Board staff responded with an inspection and noted that a septic pumping company was in the process of removing 6,750 gallons of sewage from the WWTF's influent chamber and the ground. On April 23, 2019, Regional Water Board staff issued a Notice of Violation (NOV) for the spill, which was in violation of Discharge Prohibitions A.3 and A.5.
15. As stated in the monthly Self-Monitoring Reports², the WWTF's flow meter has been inoperable since at least January 2021. Reported flows are estimates and until recently, did not appear to reflect the number of homes constructed. Failure to report flows measured by a meter is a violation of both Monitoring and Reporting Program No. R7-2007-0008 and Revised Monitoring and Reporting Program No. R7-2007-0008-01.
16. On May 5, 2022, the Discharger was issued an NOV for failure to comply with the WDR's effluent limits. The Discharger was required to submit a technical report describing the actions it would take to either (a) upgrade the WWTF to consistently meet the WDR effluent limits or (b) connect to the Hi-Desert Water District centralized sewer collection system. The report was to include a timeline for either option. However, the technical report has never been received.
17. A series of emails from the previous WWTF operator in June 2022 state that the WWTF needs an anoxic mixer, a grinder pump, and a flush paddle wheel meter. In addition, the emails state the flow meter needs flushing and vandalism repairs are necessary.
18. As of April 2013, the State Water Board Resources Control Board (State Water Board) has required that all privately owned WWTFs be staffed by certified operators. However, in June 2022, State Water Board staff learned that the individual that had been operating the Discharger's WWTF for many years was not a licensed operator. The Discharger subsequently hired a certified operator as of June 30, 2022.

² For example, see page 4 of the January 2021 Self-Monitoring Report and page 1 of the January 2023 Self-Monitoring Report.

19. On March 22, 2023, State Water Board staff notified the Discharger that its February 2023 monitoring report did not comply with the Revised MRP. In particular, flows were not measured and the monitoring frequency for those constituents which exceeded effluent limits had not been increased from monthly to two times per month.
20. Attachment A to this Cease and Desist Order lists the Discharger's effluent limit violations from January 2021 through May 2023.

RECENT ACTIONS BY THE DISCHARGER

21. In response to email inquiries by State Water Board staff, in June 2022, the Hi-Desert Water District notified Water Board staff that the Discharger wanted to discuss the process for connecting to the centralized sewer collection system. State Water Board staff subsequently asked the Discharger to provide monthly updates as to its progress, but these have not been submitted.
22. On March 23, 2023, the Hi-Desert Water District responded to another inquiry by State Water Board staff. According to the District, in February 2023, the Discharger decided that it did not want to connect to the centralized sewer collection system, but in March 2023 the Discharger changed course and requested that the connection process proceed.
23. The Discharger's February 2023 self-monitoring report states that the seepage pits were not properly disposing wastewater and had to be pumped.
24. An April 4, 2023 email from the Discharger stated that there was a recent meeting with Hi-Desert Water District regarding connecting to the centralized sewer collection system. The Discharger recognized that after doing so, its WWTF would need to be decommissioned, and based on funding concerns, asked if the Regional Water Board would allow until June 2024 to decommission the WWTF and seepage pits.
25. A June 15, 2023 email from the Discharger reiterates that the Discharger intends to connect its WWTF to the Hi-Desert Water District sewer collection system. The email includes a permit from the Town of Yucca Valley and the contractor's invoice. A June 29, 2023 email from the Discharger contains the Hi-Desert Water District's verification that connection has been completed. A July 26, 2023 email from the Discharger shows that the Town of Yucca Valley's final inspection and approval of the connection was July 19, 2023. The Discharger's wastewater now flows to the Hi-Desert Water District's sewer collection system.

REGULATORY CONSIDERATIONS

26. According to the WDRs, discharge from the WWTF is to groundwater within the Joshua Tree Hydrologic Unit.

27. The beneficial uses of the groundwater are defined in the [Water Quality Control Plan for the Colorado River Basin Region](#). The beneficial uses of the Joshua Tree hydrologic unit are municipal and domestic water supply, and industrial service water supply. The failure to comply fully with the effluent limits of WDRs Order No. R7-2007-0008 threatens these beneficial uses.
28. Water Code section 13301 states, in part: “When a regional board finds that a discharge of waste is taking place, or threatening to take place, in violation of requirements or discharge prohibitions prescribed by the regional board or the state board, the board may issue an order to cease and desist and direct that those persons not complying with the requirements or discharge prohibitions (a) comply forthwith, (b) comply in accordance with a time schedule set by the board, or (c) in the event of a threatened violation, take appropriate remedial or preventive action.”
29. The Regional Water Board finds that a discharge of waste is taking place in violation of WDRs Order No. R7-2007-0008, as described in the Findings of this Order. This Order requires the Discharger to take appropriate remedial action and to comply in accordance with the time schedule set forth below.
30. Water Code section 13267, subdivision (b) states, in part: “In conducting an investigation specified in subdivision (a), the regional board may require that any person who has discharged, discharges, or is suspected of having discharged or discharging, or who proposes to discharge waste within its region [...] that could affect the quality of waters within its region shall furnish, under penalty of perjury, technical or monitoring program reports which the regional board requires. The burden, including costs, of these reports shall bear a reasonable relationship to the need for the report and the benefits to be obtained from the reports. In requiring those reports, the regional board shall provide the person with a written explanation with regard to the need for the reports, and shall identify the evidence that supports requiring that person to provide the reports.”
31. The Discharger owns and operates the Desert Vista Village wastewater treatment and disposal facility which is subject to WDRs Order No. R7-2007-0008 and this Cease and Desist Order. The technical and monitoring reports required by this Order are necessary to determine compliance with the requirements in WDRs Order No. R7-2007-0008 and with this Order to ensure prevention of degradation to groundwater. The cost to produce the reports required by this Order is estimated to be \$750, based on statewide rates for a project engineer. Therefore, the burden of production of these reports is reasonable.
32. Issuance of this Order is exempt from the provisions of the California Environmental Quality Act (Pub. Resources Code § 21000 et seq.), in accordance with California Code of Regulations, title 14, section 15321(a)(2).

33. After due notice to the Discharger, and all other affected persons, the Regional Water Board conducted a public hearing at which evidence was received to consider this Cease and Desist Order under Water Code section 13301 to establish a time schedule to achieve compliance with waste discharge requirements.

IT IS HEREBY ORDERED that, pursuant to sections 13301 and 13267 of the Water Code, the Discharger shall implement the following measures in order to return to compliance with its WDRs: .

1. Connect to the Hi-Desert Water District and Decommission WWTF
 - a. By **February 15, 2024**, the Discharger shall submit a technical report, prepared by a California Registered Engineer or Certified Engineering Geologist containing a proposal for complete decommissioning of the WWTF and seepage pits. Decommissioning shall include proper destruction of the seepage pits.
 - b. By **July 15, 2024**, the Discharger shall submit a technical report, prepared by a California Registered Engineer or Certified Engineering Geologist, certifying that the WWTF and seepage pits have been decommissioned as proposed in Item 1.a. A copy of any necessary state or local permits shall be included. The report may also contain a request to rescind the Discharger's WDRs.
2. The Regional Water Board has transitioned to a paperless office. Therefore, all technical reports required by this Order must be converted to searchable pdf files and submitted via email to the Regional Board's paperless mailbox at RB7-wdrs_paperless@waterboards.ca.gov.
3. In accordance with California Business and Professions Code sections 6735, 7835, and 7835.1, engineering and geologic evaluations and judgments shall be performed by or under the direction of registered professionals competent and proficient in the fields pertinent to the required activities. All technical reports specified herein that contain workplans for investigations and studies, that describe the conduct of investigations and studies, or that contain technical conclusions and recommendations concerning engineering and geology shall be prepared by or under the direction of appropriately qualified professional(s), even if not explicitly stated. Each technical report submitted by the Discharger shall bear the professional's signature and stamp.
4. Any person signing a document submitted under this Order shall make the following certification:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted in this document and all attachments and that, based on my knowledge and on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the information is true, accurate, and complete. I am

aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment.”

The Executive Officer or her delegee may extend the deadlines contained in this Order if the Discharger demonstrates that circumstances beyond the Discharger’s control have created delays, provided that the Discharger continues to undertake all appropriate measures to meet the deadlines. The Discharger shall make any deadline extension request in writing at least 30 days prior to the deadline. The Discharger must obtain written approval from the Executive Officer or her delegee for any departure from the time schedule shown above. Failure to obtain written approval for any departures may result in further enforcement action.

If, in the opinion of the Executive Officer or her delegee, the Discharger fails to comply with the provisions of this Order, the Executive Officer or her delegee may refer this matter to the Attorney General for judicial enforcement, may issue a complaint for administrative civil liability, or may take other enforcement actions. Failure to comply with this Order or the WDRs may result in the assessment of Administrative Civil Liability of up to \$5,000 per violation, per day, depending on the violation, pursuant to the Water Code, including sections 13268 and 13350. The Regional Water Board reserves its right to take any enforcement actions authorized by law.

Any person aggrieved by this action of the Regional Water Board may petition the State Water Board to review the action in accordance with Water Code section 13320 and California Code of Regulations, title 23, sections 2050 and following. The State Water Board must receive the petition by 5:00 p.m., 30 days after the date that this Order becomes final, except that if the thirtieth day following the date that this Order becomes final falls on a Saturday, Sunday, or state holiday, the petition must be received by the State Water Board by 5:00 p.m. on the next business day. Copies of [the law and regulations applicable to filing petitions](#) may be found on the Internet at: (http://www.waterboards.ca.gov/public_notices/petitions/water_quality) or will be provided upon request.

I, PAULA RASMUSSEN, Executive Officer, do hereby certify the foregoing is a full, true, and correct copy of an Order issued by the California Regional Water Quality Control Board, Colorado River Basin, on August 10, 2023.

Original Signed by _____
PAULA RASMUSSEN, Executive Officer

Attachment A to CDO R7-2023-0033

Desert Vista Village, San Bernardino County

Monitoring results are collated from the Discharger's self-monitoring reports from January 2021 through May 2023. Constituents listed are those required to be monitored per the Monitoring and Reporting Program. Effluent limits are in () and are from the WDRs. Results in bold and yellow exceed the WDR effluent limits. "NA" means not analyzed. The Discharger was not required to monitor for settleable solids until February 2023. The WWTF flow meter has been non-operational for several years; flows have been estimated ("Est") or not reported.

Month/Year	Effluent Limits and Results							Influent TDS, mg/L
	BOD, mg/L (30 monthly/ 45 weekly/ 65 max daily)	TSS, mg/L (30 monthly/ 45 weekly/ 65 max daily)	Settleable Solids (no limit)	Total N, mg/L (10 monthly/ 15 weekly/ 20 daily)	pH- (6-9)	TDS, mg/L (415)	Flow, gpd (14,700 gpd)	
May 2023	9/17/13	10/8	<0.1	3/20/22	7.2	400/ 420 /410	6,000 est	290
April 2023	16/6	5/12	<0.1	16/13	7.2	440 /330	6,000 est	220
Mar 2023	13/16	6.8/5	<0.1	30/16	7.3	330/440	6,000 est	230
Feb 2023	91	62	<0.1	41	7.5	420	6,000 est	280
Jan 2023	23	22	<0.1	71	7.4	330	6,000 est	280
Dec 2022	18	14	-	23	7.3	430	Meter out	270
Nov 2022	13	19	-	14	7.5	450	Meter out	270
Oct 2022	3.5	5.2	-	3.5	7.4	460	Meter out	300
Sept 2022	7.7	9.3	-	10	7.2	460	Meter out	260
Aug 2022	14	13	-	9	7.3	430	Meter out	260
July 2022	13	18	-	8.1	7.5	470	Meter out	300
June 2022	1.3	9.0	-	3.5	7.4	330	Meter out	270
May 2022	23	9.3	-	17	7.3	370	Meter out	280
Apr 2022	11	5.8	-	14	7.3	340	Meter out	240
Mar 2022	3.6	5.3	-	3.6	7.3	390	Meter out	240
Feb 2022	<5	5.3	-	1.6	7.1	310	1,800 est	230
Jan 2022	39	23	-	20	7.3	390	1,800 est	300
Dec 2021	Report missing							
Nov 2021	9.4	2.5	-	11	7.3	360	1,800 est	270
Oct 2021	9	9.6	-	9.3	7.4	370	1,800 est	290

Month/Year	Effluent Limits and Results							Influent TDS, mg/L
	BOD, mg/L (30 monthly/ 45 weekly/ 65 max daily)	TSS, mg/L (30 monthly/ 45 weekly/ 65 max daily)	Settleable Solids (no limit)	Total N, mg/L (10 monthly/ 15 weekly/ 20 daily)	pH- (6-9)	TDS, mg/L (415)	Flow, gpd (14,700 gpd)	
Sep 2021	7.9	13	-	4.6	7.6	280	1,800 est	300*
Aug 2021	0.95	2.3	-	6.8	7.4	340	1,800 est	310
July 2021	15	<2.5	-	4.8	7.2	340	1,800 est	330
Jun 2021	5.3	<2.5	-	10	7.0	350	1,800 est	340
May 2021	26	14	-	14	7.5	240	1,800 est	200
Apr 2021	8.9	6.5	-	12	7.3	340	1,800 est	240
Mar 2021	6.2	25	-	8.5	7.1	280	1,800 est	240
Feb 2021	Report is missing							
Jan 2021	0.2	19	0.1	11	7.3	340	1,800 est.	270