

**REGIONAL WATER QUALITY CONTROL BOARD
COLORADO RIVER BASIN REGION
RESOLUTION NO. R7-2013-0049**

**AMENDING THE WATER QUALITY CONTROL PLAN REGARDING THE ONSITE
WASTEWATER TREATMENT SYSTEM IMPLEMENTATION PROGRAM**

WHEREAS, the California Regional Water Quality Control Board, Colorado River Basin Region (hereafter Regional Water Board) finds:

1. An updated Water Quality Control Plan for the Colorado River Basin (Basin Plan) was adopted by the Regional Water Board on November 17, 1993, approved by the State Water Resources Control Board (State Water Board) on February 17, 1994, and approved by the Office of Administrative Law (OAL) on August 3, 1994. This Basin Plan has been updated to include amendments adopted by the Regional Water Board through June 2006.
2. The Basin Plan was amended in accordance with the California Water Code (CWC) Section 13240 et seq.
3. The Basin Plan designates beneficial uses of waters of the State, water quality objectives to protect those beneficial uses or prevent nuisance, and programs of implement needed for achieving water quality objectives; addresses point source and nonpoint source discharges; specifies certain conditions or areas where the discharge of waste, or certain types of waste, are prohibited; and incorporates statewide plans and policies.
4. The Basin Plan contains a specific implementation program setting forth criteria regarding siting and design of onsite wastewater systems.
5. On June 19, 2012, the State Water Board adopted the *Water Quality Control Policy for Siting, Design, Operation, and Maintenance of Onsite Wastewater Treatment Systems* (OWTS Policy). The OWTS Policy includes a conditional waiver of the requirements to submit a report of waste discharge, obtain waste discharge requirements, and pay fees for discharges from onsite wastewater treatment systems covered by the OWTS Policy. The OWTS Policy was approved by the California Office of Administrative Law (OAL) on November 13, 2012, and became effective on May 13, 2013.
6. This Resolution No. R7-2013-0049 revises septic system sections of the Basin Plan and incorporates by reference the OWTS Policy into the Basin Plan.

7. This Basin Plan amendment applies throughout the Colorado River Basin Region, where onsite systems are used to treat and dispose of wastewater.
8. The proposed Basin Plan amendment meets the "Necessity" standard of the California Administrative Procedure Act, Government Code section 11353(b), because the OWTS Policy requires all regional water boards to incorporate the policy into their respective basin plans within one year of the effective date of the policy, Water Code section 13291(e) imposes the same incorporation requirement, and Water Code section 13240 requires each regional water board's water quality control plan to conform with any state policy for water quality control.
9. CEQA: The Regional Water Board's discretionary decisions are typically subject to the requirements of the California Environmental Quality Act (CEQA) (Pub. Resources Code § 21000 et seq.). The Secretary for the California Natural Resources Agency has certified the basin planning process as an exempt regulatory program. Therefore, the Water Boards are exempt from the specific CEQA requirement to prepare an environmental impact report or negative declaration when the Water Boards are complying with the procedures identified in the State Water Board's certified regulatory program (Pub. Resources Code § 21080.5; Cal. Code Regs., tit. 14, § 15251(g); tit. 23, §§ 3720-3781).
10. Substitute Environmental Documentation (SED) was prepared by the State Water Board for the OWTS Policy in accordance with the Water Boards' certified regulatory program (Cal. Code Regs., tit. 23 §§ 3777-3781). On June 19, 2012, the State Water Board approved the OWTS Policy and the SED. The proposed Basin Plan amendment removes existing Basin Plan provisions regulating onsite septic systems and incorporates the OWTS Policy. No substantive changes or modifications to the previously approved OWTS Policy are proposed, no substantial changes with respect to circumstances under which the project will be undertaken have occurred, and no new information triggers the need for supplemental or subsequent CEQA analysis.
11. This Basin Plan amendment is completely within the scope of the OWTS Policy as analyzed by the State Water Board in the SED. As such, the recommended actions do not require further environmental review pursuant to the certified regulatory program or CEQA (Pub. Resources Code § 21166; Cal. Code Regs., tit. 14, §§ 15161 & 15163).
12. The State Water Board paid the Department of Fish & Wildlife (DFW) CEQA document filing fee, required by California Fish and Game Code section 711.4, for its review of the SED and related certified regulatory program documents when it adopted the OWTS Policy. In addition, because the Regional Water Board is relying on that comprehensive SED prepared by the State Water Board, the Regional Water Board does not need to prepare any additional environmental documents that would require DFW review. Therefore, this Basin Plan amendment is exempt from any additional CEQA document filing fee payments to DFW under the California Fish and Game Code.

12. The State Water Board, in adopting the OWTS Policy, considered a wide range of factors affecting water quality and the availability of treatment measures to protect beneficial uses and public health, consistent with the goals and requirements set forth in State Water Board Resolution No. 68-16, *Statement of Policy with Respect to Maintaining High Quality of Waters in California*. The State Water Board analyzed the potential environmental impacts of reasonably foreseeable methods of compliance with the OWTS Policy, concluding that alternatives to the OWTS Policy do not accomplish the objectives of adopting consistent standards that will ensure public health and protection of beneficial uses of the state's waters while establishing an effective implementation process that considers cost and technological capabilities.
13. The State Water Board found that the OWTS Policy sets standards that could allow potentially significant direct water quality impacts from pathogen or nitrogen contamination as well as cumulative water quality and public health impacts. The State Water Board also found that available mitigation measures would not meet the goals of the OWTS Policy, and that specific overriding economic, legal, social, technological or other benefits outweigh any adverse environmental impacts resulting from new or continuing discharges in compliance with the OWTS Policy. With respect to local agency management programs, the State Water Board rejected mitigation measures that would remove too much local agency flexibility, render too many sites unsuitable for new and replaced OWTS, and/or impose significant costs without corresponding environmental benefit. The State Water Board concluded that effective implementation of protections to allow continued use of OWTS for wastewater disposal in areas not suitable for centralized treatment systems is an important public benefit, and the protections afforded by the OWTS Policy provide the best treatment to ensure the highest water quality consistent with the maximum benefit to the people of the State. The State Water Board concluded that the OWTS Policy establishes a statewide, risk-based, tiered approach for the regulation and management of OWTS installations and replacements and sets the level of performance and protection expected from OWTS.
14. The OWTS Policy requires local agencies implementing management programs to monitor and assess water quality to ensure that beneficial uses are protected. The assessments must evaluate the impact of OWTS discharges and assess the extent to which groundwater and local surface water quality may be adversely impacted. Local agencies must report the results to the applicable regional water board, and identify any changes in the local agency management program that will be undertaken to address impacts from OWTS. The regional water board may also require modifications to an approved local agency management program as appropriate.
15. Consistent with the State Water Board's findings and the requirements of the OWTS Policy, this Basin Plan amendment is consistent with maximum benefit to the people of the State; will not unreasonably affect present and anticipated beneficial uses; will not result in water quality less than that prescribed in applicable state policies, including the

OWTS Policy; and requires OWTS dischargers to use the best practicable treatment or control of the discharge necessary to avoid a pollution or nuisance and to maintain the highest water quality consistent with the maximum benefit to the people of the State. Therefore, the adoption of this Basin Plan amendment is consistent with Resolution No. 68-16.

16. Interested persons and the public have been informed of the Regional Water Board's intent to revise the Basin Plan implementation program for onsite wastewater systems. Efforts to inform the public and solicit public comment include a public notice of the amendment providing the public with a 45-day comment period in advance of the Regional Water Board public hearing. Notice of the public hearing was given by posting on the Regional Water Board website, by mailing a copy of the notice to all persons requesting such notice and to applicable government agencies, and by publishing notice in newspapers of general circulation throughout the Colorado River Basin region. The Regional Water Board has provided responses to timely written comments received from interested persons. The public also had the opportunity to comment on the OWTS Policy during the State Water Board adoption process.
17. On September 19, 2013, the Regional Water Board held a public hearing and considered all the evidence and comments concerning this matter. Notice of this hearing was given to all interested persons in accordance with the procedures specified in the California Code of Regulations, title 14, section 15072.
18. The Basin Plan amendment must be submitted for review and approval by the State Water Board and the California Office of Administrative Law (OAL). The Basin Plan amendment will become effective upon approval by OAL. This Resolution will become effective upon adoption by the Regional Water Board.

THEREFORE BE IT RESOLVED THAT:

1. Pursuant to California Water Code section 13240, the Regional Water Board, after considering the record, including oral testimony at the hearing, hereby adopts the Basin Plan amendment set forth in Attachments A and B to this Resolution adopting the OWTS Policy into the Basin Plan.
2. The Regional Water Board's Executive Officer is directed to forward copies of the Basin Plan amendment to the State Water Board in accordance with the requirements of California Water Code section 13245 for its review and approval.
3. The Regional Water Board requests the State Water Board approve the Basin Plan amendment in accordance with requirements of California Water Code section 13246, and forward it to OAL for approval.

4. The Executive Officer shall request that the State Water Board, on behalf of the Regional Water Board, file a Notice of Decision with the Secretary for the California Natural Resources Agency and the Governor's Office of Planning and Research (State Clearinghouse) after approval by OAL.
5. If, during the approval process, the State Water Board or OAL determines that minor, non-substantive corrections to the language of the amendment are needed for clarity or consistency, the Regional Water Board Executive Officer may make such changes, and shall inform the Regional Water Board of any such changes.

I, Robert Perdue, Executive Officer of the California Regional Water Quality Control Board, Colorado River Basin Region, do hereby certify that the foregoing is a full, true and correct copy of a resolution adopted by the California Regional Water Quality Control Board, Colorado River Basin Region, on September 19, 2013.



Executive Officer

- Attachments: A. Revised Basin Plan Chapter 4 (onsite septic systems section only)
- B. Revisions to Basin Plan Chapter 4 (onsite septic systems section only)

waters, surface waters, or into community sewers.

H. SEPTIC SYSTEMS

STATEWIDE ONSITE WASTEWATER TREATMENT SYSTEM REQUIREMENTS

Requirements for siting, design, operation, maintenance, and management of onsite wastewater systems are specified in the State Water Resources Control Board's Water Quality Control Policy for Siting, Design, Operation, and Maintenance of Onsite Wastewater Treatment Systems (OWTS Policy). The OWTS Policy sets forth a tiered implementation program with requirements based upon levels (tiers) of potential threat to water quality. The OWTS Policy includes a conditional waiver of waste discharge requirements for onsite systems that comply with the policy.

The OWTS Policy, including future revisions, is incorporated into this Basin Plan and shall be implemented according to the OWTS Policy's provisions.

PROHIBITIONS

Cathedral City Cove

On and after January 1, 2012, the discharge of wastewater into the ground through the use of individual subsurface disposal systems in the Cove area of Cathedral City in Riverside County is prohibited. Cathedral City Cove is that area of the city bound to the south by Cathedral City city limits as of January 1, 2012, to the east by the East Cathedral Canyon Channel, to the west by the West Cathedral Canyon Channel, and to the north east by the extension of the West Cathedral Canyon Channel, as depicted in the USGS Cathedral City Quad Map photorevised in 1981.

Cathedral City Cove - Reports

On October 17, 2002, the State Water Resources Control Board approved a \$2,809,000.00 grant to the city of Cathedral City for Cove area septic system elimination. Pursuant to Section 13225 of the Water Code, by May 21, 2004 the City of Cathedral City shall submit to the Regional Board a report describing an implementation plan to

comply with the January 1, 2012 prohibition date. Thereafter, the city shall submit annual reports to the Regional Board regarding any actions taken by the city of Cathedral City or any other person or entity in order to achieve compliance by January 1, 2012.

Mission Creek or Desert Hot Springs Aquifers

The following language implements Porter-Cologne Water Quality Control Act Section 13281.

Effective January 21, 2005:

(1) The discharge of waste from new or existing individual disposal systems on parcels of less than one-half acre that overlie the Mission Creek Aquifer or the Desert Hot Springs Aquifer in Riverside County is prohibited, if a sewer system is available.

(2) For parcels of one-half acre or greater that overlie the Mission Creek Aquifer or the Desert Hot Springs Aquifer in Riverside County, the maximum number of equivalent dwelling units with individual disposal systems shall be two per acre, if a sewer system is available. The discharge of waste from additional new or existing individual disposal systems is prohibited, if a sewer system is available. The term "equivalent dwelling unit" means a building designed to be used as a home by the owner of such building, which shall be the only dwelling located on a parcel of ground with the usual

Town of Yucca Valley

Pursuant to Section 13280 of the California Water Code, the discharge of wastewater from new or existing individual disposal systems on parcels within Phase 1, Phase 2, and Phase 3 of the Hi-Desert Water District Sewer Master Plan (Final Report, January 2009) is prohibited with certain exceptions noted below.

A. Time Schedule for Implementation

The prohibition shall become effective for all parcels within Phase 1 of the Hi-Desert Water District Sewer Master Plan by May 19, 2016, or when a municipal sewage collection system becomes available, whichever occurs first. The prohibition shall become effective on parcels within Phase 2 of the Hi-Desert Water Districts

waters, surface waters, or into community sewers.

H. SEPTIC SYSTEMS

STATEWIDE ONSITE WASTEWATER TREATMENT SYSTEM REQUIREMENTS

Requirements for siting, design, operation, maintenance, and management of onsite wastewater systems are specified in the State Water Resources Control Board's Water Quality Control Policy for Siting, Design, Operation, and Maintenance of Onsite Wastewater Treatment Systems (OWTS Policy). The OWTS Policy sets forth a tiered implementation program with requirements based upon levels (tiers) of potential threat to water quality. The OWTS Policy includes a conditional waiver of waste discharge requirements for onsite systems that comply with the policy.

The OWTS Policy, including future revisions, is incorporated into this Basin Plan and shall be implemented according to the policy's provisions.

~~Pursuant to Section 13224, Article 2, Chapter 4 of the California Water Code, the Colorado River Basin Region may issue policy statements relating to any water quality matter within its jurisdiction. Septic systems (all on-site wastewater treatment systems) have the potential to degrade the water within the Region's jurisdiction if improperly used. For this reason, the Regional Board has established guidelines and a general permit for such systems.~~

~~The 1979 "Guidelines for Sewage Disposal From Land Developments" (herein referred to as the guidelines) describe the appropriate use of septic tank systems. Also discussed is the role which the county governments have in the placement and allowance of these systems. The guidelines describe what types of discharges need Waste Discharge Requirements and what types of discharges qualify for a waiver under Water Code Sections 13260 and 13269, respectively. To eliminate confusion, systems which should adhere to the guidelines are also described. However, the bulk of the guidelines describe minimum design criteria where septic systems can be placed to protect groundwater quality.~~

~~The guidelines are reviewed and revised as necessary. At this time some local governments in the Region have prohibitions on septic systems.~~

~~Since January 1993, the Regional Board has required all new vehicle maintenance facilities which use septic systems as a wastewater disposal method to file for a general discharge permit. It has been shown that some septic systems for auto maintenance facilities have been contaminated with petroleum hydrocarbons. The general permit describes appropriate designs for septic systems used at vehicle maintenance shops and requires analysis, monitoring and reporting. By requiring these items, it is anticipated that pollution from these systems can be identified and stopped prior to extensive contamination.~~

PROHIBITIONS

Cathedral City Cove

On and after January 1, 2012, the discharge of wastewater into the ground through the use of individual subsurface disposal systems in the Cove area of Cathedral City in Riverside County is prohibited. Cathedral City Cove is that area of the city bound to the south by Cathedral City city limits as of January 1, 2012, to the east by the East Cathedral Canyon Channel, to the west by the West Cathedral Canyon Channel, and to the north east by the extension of the West Cathedral Canyon Channel, as depicted in the USGS Cathedral City Quad Map photorevised in 1981.

Cathedral City Cove - Reports

On October 17, 2002, the State Water Resources Control Board approved a \$2,809,000.00 grant to the city of Cathedral City for Cove area septic system elimination. Pursuant to Section 13225 of the Water Code, by May 21, 2004 the City of Cathedral City shall submit to the Regional Board a report describing an implementation plan to comply with the January 1, 2012 prohibition date. Thereafter, the city shall submit annual reports to the Regional Board regarding any actions taken by the city of Cathedral City or any other person or entity in order to achieve compliance by January 1, 2012.