

**CALIFORNIA REGIONAL WATER QUALITY CONTROL  
BOARD COLORADO RIVER BASIN REGION**

**RESOLUTION NO. R7-2016-0001**

APPROVE A SUBSTITUTE ENVIRONMENTAL DOCUMENT AND ADOPT A PROPOSED  
AMENDMENT TO THE COLORADO RIVER BASIN WATER QUALITY CONTROL PLAN  
TO REVISE A SEPTIC TANK DISCHARGE PROHIBITION  
FOR THE TOWN OF YUCCA VALLEY, CA - SAN BERNARDINO COUNTY

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

1. The Water Quality Control Plan for the Colorado River Basin Region of California (Basin Plan), which was adopted on November 17, 1993 and amended on November 16, 2012, designates the beneficial uses of ground and surface waters in this Region, and contains implementation programs and policies to achieve objectives.
2. The Basin Plan was amended in accordance with California Water Code (CWC) Section 13240 et seq.
3. The Regional Water Board adopted a Septic Tank Wastewater Discharge Prohibition (Prohibition) for the Town of Yucca Valley on May 19, 2011. The Prohibition required phasing out wastewater discharges from septic systems pursuant to the following time schedule:
  - Phase 1 by May 19, 2016
  - Phase 2 by May 19, 2019
  - Phase 3 by May 19, 2022
4. The Hi-Desert Water District (HDWD) proposes to construct a municipal sewage collection system, and wastewater treatment and reclamation facility (WRF) for the Town of Yucca Valley to enable the Town to comply with the Prohibition. However, HDWD recently requested additional time to complete construction of Phases 1, 2, and 3 above, as a result of delays in its obtaining funding to finance the project.
5. The proposed amendment revises the Prohibition for the Town of Yucca Valley as follows:
  - Extends the deadline for Phase 1 from May 19, 2016, to June 30, 2021;
  - Extends the deadline for Phases 2 and 3 from May 19, 2019, and May 19, 2021, respectively, to a single deadline of December 31, 2025;
  - Revises the internal boundaries for Phases 1, 2, and 3 to coincide with the adjusted phase boundaries provided by the HDWD; and
  - Incorporates into the Prohibition criteria for addressing “deferred” properties.

6. The proposed amendment will modify Chapter 4 of the Basin Plan, Section II. Point Source Controls, H. Septic Systems, 2. Prohibitions, c. Town of Yucca Valley, as provided in Attachment A.
7. The proposed amendment establishes a monitoring and reporting program, and a series of milestones to ensure the municipal sewage collection system and WRF are constructed at the earliest practicable time.
8. This Basin Plan amendment is necessary to ensure: (a) the proposed centralized sewer system is constructed at the earliest practicable date; (b) the discharge from the septic systems is eliminated at the earliest practicable date; and (c) the internal boundaries of the Prohibition accommodate technical and economic constraints associated with the centralized system and are consistent with the Assessment District approved by Yucca Valley property owners affected by the Prohibition. Accordingly, this regulatory action meets the “necessity” standard of the Administrative Procedures Act, Government Code Section 11353, subdivision (b).
9. Pursuant to state regulations (California Code of Regulations (CCR), Title 23, Section 3775 et seq.), and federal regulations (Title 40 Code of Federal Regulations (CFR) Part 25, and 40 CFR Part 131), Regional Water Board staff circulated a Notice of a Public Hearing, project staff report, California Environmental Quality Act (CEQA) environmental checklist and determination, and draft proposed amendment to interested individuals and public agencies for review and comment.
10. The staff report for the existing Prohibition underwent scientific peer review pursuant to California Health and Safety Code, Section 57004. The peer review panel concluded the Prohibition was needed and scientifically warranted, particularly in parts of Yucca Valley with a high density of septic tanks. The revisions this amendment proposes to the Prohibition address policy, compliance, and economic issues that are within the discretion of the Regional Water Board. These issues were not scientific factors in establishing the Prohibition in 2011, and do not change the scientific basis for the Prohibition. Hence, the proposed amendment to revise the Prohibition does not need further scientific peer review.
11. The Regional Water Board is the lead CEQA agency for evaluating environmental impacts for the proposed amendment. Although the basin planning process is a regulatory action that is subject to CEQA, the California Secretary for Natural Resources has certified this process as being exempt from certain CEQA environmental review requirements, including preparation of an Initial Study, Negative Declaration, and Environmental Impact Report (Pub. Resources Code Section 21080.5; CCR, Title 14, Section 15251(g)).
12. Pursuant to CCR, Title 23, Section 3777, documents required for Basin Plan amendments include: project staff report; CEQA environmental checklist and determination to assess potentially significant environmental effects due to the proposed action; and alternatives to avoid or mitigate those effects to less than significant levels. Pursuant to the Secretary’s certification of the basin planning process, the staff report, basin plan amendment, CEQA environmental checklist and determination, and other supporting documentation (e.g., public comments and Regional Water Board’s responses to comments), are considered substitute

environmental documents (SED) that may be relied on in lieu of an Initial Study, Negative Declaration, and Environmental Impact Report (CCR, Title 23, Section 3777; Title 14, Sections 15250 and 15252).

13. In accordance with the California Code of Regulations, the Regional Water Board has prepared the required SED. The CEQA environmental checklist and determination includes an identification of any significant or potentially significant adverse environmental impacts of the proposed project; an analysis of reasonable alternatives to the project and mitigation measures to avoid or reduce any significant or potentially significant adverse environmental impacts; and an environmental analysis of the reasonably foreseeable methods of compliance. The environmental analysis includes all of the following: (A) An identification of the reasonably foreseeable methods of compliance with the project; (B) An analysis of any reasonably foreseeable significant adverse environmental impacts associated with those methods of compliance; (C) An analysis of reasonably foreseeable alternative methods of compliance that would have less significant adverse environmental impacts; and (D) An analysis of reasonably foreseeable mitigation measures that would minimize any unavoidable significant adverse environmental impacts of the reasonably foreseeable methods of compliance.
14. The CEQA environmental checklist and determination takes into account a reasonable range of environmental, economic, and technical factors as well as population and geographic area, and specific sites.
15. The CEQA analysis concludes that the proposed project has less than significant impacts that are individually limited, but cumulatively considerable. The CEQA analysis also concludes that the proposed amendment may have significant or potentially significant effects on the environment, and therefore alternatives and mitigation measures were evaluated.
16. Regional Water Board staff provided an overview of the proposed amendment to the HDWD on December 16, 2015, and to the Yucca Valley Town Council on January 20, 2016. In addition, Regional Water Board staff held a public workshop at the HDWD offices in Yucca Valley on February 4, 2016. During these events, Regional Water Board staff heard, considered, and addressed all comments regarding the proposed basin plan amendment.
17. A notice of a public hearing to consider Regional Water Board adoption of the proposed amendment was circulated to interested parties on December 8, 2015, in accordance with CWC Section 13244. The required minimum 45-day comment period was provided from December 8, 2015, to January 22, 2016. Regional Water Board staff considered and addressed all comments received.
18. On March 10, 2016, the Regional Water Board conducted a public hearing, and heard and considered all comments pertaining to the basin plan amendment. The Regional Water Board considered testimony offered at the hearing, and written comments submitted by the public, before taking final action.

19. Following Regional Water Board adoption, the basin plan amendment (and associated administrative record) will be submitted for review and approval to the State Water Resources Control Board (SWRCB), and to the Office of Administrative Law (OAL). The amendment shall become effective upon OAL approval. A Notice of Decision (NOD) will then be filed.

**THEREFORE BE IT RESOLVED THAT:**

1. Pursuant to CWC Section 13240 et seq., the Regional Water Board, after considering the entire record, including oral comments made at the hearing, hereby approves the Substitute Environmental Documents (the project staff report, environmental checklist and determination, public comments and responses thereto), and adopts the basin plan amendment as set forth in Attachment A.
2. Pursuant to CWC Section 13245, the Interim Executive Officer is hereby directed to forward the basin plan amendment administrative record to the SWRCB for its review and approval.
3. Pursuant to CWC Sections 13245 and 13246, the Regional Water Board hereby requests that the SWRCB approve the basin plan amendment, and then forward the amendment with supporting documents to OAL for approval.
4. The Interim Executive Officer is directed to transmit to the California Department of Fish and Wildlife payment of its required CEQA filing fee for certified regulatory programs (currently set at \$1,043.75), which includes this basin plan amendment, as prescribed by California Fish and Game Code Section 711.4, and implementing regulations set forth at CCR, Title 14, Section 753.5.
5. If, during the review and approval process, Regional Water Board staff, SWRCB, and/or OAL determine that minor, non-substantive changes to the language of the amendment are needed for clarity or consistency, the Interim Executive Officer may authorize such change(s), and shall inform the Regional Water Board accordingly.
6. Following OAL approval of the amendment, the Interim Executive Officer is directed to request the SWRCB to file, on behalf of the Regional Water Board, a Notice of Decision (NOD) with the Secretary for the Natural Resources Agency in accordance with CCR, Title 23, Section 3781(b), and to include with the NOD a copy of the CEQA filing fee paid to the California Department of Fish and Wildlife.

I, Jose Angel, Interim Executive Officer, do hereby certify the foregoing is a full, true, and correct copy of the Resolution adopted by the California Regional Water Quality Control Board, Colorado River Basin Region, on March 10, 2016.

  
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JOSE L. ANGEL, P.E.  
Interim Executive Officer