

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD  
COLORADO RIVER BASIN REGION

**ADDENDUM TO THE  
SUBSTITUTE ENVIRONMENTAL DOCUMENTATION  
FOR  
THE PROHIBITION IN THE WATER QUALITY CONTROL PLAN FOR THE COLORADO  
RIVER BASIN REGION (BASIN PLAN) ON SEPTIC TANK DISCHARGES IN THE TOWN OF  
YUCCA VALLEY**

SCH Number: 2017039003

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**INTRODUCTION**

The California Regional Water Quality Control Board, Colorado River Basin Region (Colorado River Basin Water Board) is the lead agency for evaluating the environmental impacts of proposed amendments to the Water Quality Control Plan for the Colorado River Basin Region (Basin Plan). On May 19, 2011, the Colorado River Basin Water Board approved an amendment to the Basin Plan prohibiting the discharge of wastes from septic systems in the Town of Yucca Valley in areas that overlie the Warren Valley Groundwater Subbasin through Resolution R7-2011-0004 (Prohibition). The Colorado River Basin Water Board subsequently revised the Prohibition under Resolution R7-2016-0001 on March 10, 2016. In establishing and revising the Prohibition, the Colorado River Basin Water Board previously prepared Substitute Environmental Documentation (SED) for each amendment pursuant to California Code of Regulations, title 23, section 3775 et seq. and Public Resources Code section 21159. The two sets of SED contained the required environmental documentation under the State Water Resources Control Board's (State Water Board) California Environmental Quality Act (CEQA) regulations. (Cal. Code Regs., tit. 23, §§ 3777, 3779.5.)

This environmental document is an Addendum to the prior SEDs originally prepared for the amendments to the Basin Plan that enacted and revised the Prohibition. This Addendum addresses the potential environmental impacts of new proposed changes to the Prohibition from a third amendment to the Basin Plan and second revision to the Prohibition (Amendment). None of the revisions to the Prohibition from the Amendment will result in any new significant environmental effects or in a substantial increase in the severity of the prior impacts disclosed in the prior SEDs. Further, there are no changes in circumstances or new information that would otherwise warrant any subsequent or supplemental environmental review under Public Resources Code section 21166 or CEQA Guidelines sections 15162 or 15163. The Colorado River Basin Water Board has therefore determined that the prior SEDs adequately address the potential environmental impacts of the Prohibition, as revised, and no further environmental review is necessary.

STAFF REPORT – ATTACHMENT 4  
YUCCA VALLEY PROHIBITION BASIN PLAN AMENDMENT

**CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)**

Pursuant to Public Resources Code section 21080.5, the Secretary of the California Natural Resources Agency has certified the State and Regional Water Boards' basin planning process as exempt from certain requirements of the CEQA, including preparation of an initial study, negative declaration, and environmental impact report. (Cal. Code Regs., tit. 14, § 15251(g); Cal. Code Regs., tit. 23, § 3782.) As amendments to the Basin Plan are part of the basin planning process, the environmental information developed for and included with the amendments are considered a substitute to an initial study, negative declaration, and/or environmental impact report. The "certified regulatory program" of the State and Regional Water Boards, however, must satisfy the requirements of California Code of Regulations, title 23, section 3777(a), which requires a written report, containing an environmental analysis of the project, and an environmental checklist as part of its SED. The Colorado River Basin Water Board's substantive obligations when adopting Basin Plan amendments are also described in Public Resources Code section 21159. That section provides that an agency shall perform, at the time of the adoption of a rule or regulation requiring the installation of pollution control equipment, or a performance standard or treatment requirement, an environmental analysis of the reasonably foreseeable environmental impacts of the methods of compliance, reasonably foreseeable feasible mitigation measures, and reasonably foreseeable alternative means of compliance with the rule or regulation.

When an environmental document has been adopted for a project, no subsequent or supplemental environmental document is required by the lead agency under CEQA unless, "on the basis of substantial evidence in the light of the whole record," the agency determines one or more of the following:

- (1) Substantial changes are proposed in the project which will require major revisions of the previous environmental document due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;
- (2) Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous environmental document due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or
- (3) New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous environmental document was adopted shows any of the following:
  - a. The project will have one or more significant effects not discussed in the previous environmental document;
  - b. Significant effects previously examined will be substantially more severe than shown in the previous environmental document;
  - c. Mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or
  - d. Mitigation measures or alternatives which are considerably different from those analyzed in the previous environmental document would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

(Cal. Code Regs., tit. 14, §§ 15162(a)(1)-(3), 15163; see also Pub. Res. Code, § 21166.)

STAFF REPORT – ATTACHMENT 4  
YUCCA VALLEY PROHIBITION BASIN PLAN AMENDMENT

If a subsequent environmental document is not required, the lead agency may document its decision and supporting evidence in an addendum to the environmental document. (Cal. Code Regs., tit. 14, § 15164(e).) An addendum is appropriate if minor technical changes or modifications to the proposed project occur, and only if the minor technical changes or modifications do not result in any new significant impacts or substantially increase the severity of previously identified significant impacts. (*Id.*, § 15164(a)-(b).) The addendum and lead agency's findings should include a "brief explanation of the decision not to prepare a subsequent [environmental document]," and the explanation "must be supported by substantial evidence." (*Id.*, § 15164(e).)

This Addendum is prepared as an addition to the previously adopted SEDs for the Prohibition as originally adopted (approved May 19, 2011) and the first revision to the Prohibition (approved March 10, 2016) in accordance with California Code of Regulations, title 14, section 15164 to take into account the new proposed revisions to the Prohibition. This Addendum demonstrates that none of the revisions to the Prohibition will result in any new significant environmental effects or in a substantial increase in the severity of the impacts disclosed in the prior SEDs. Further, there are no changes in circumstances or new information that would otherwise warrant any subsequent or supplemental environmental review under Public Resources Code section 21166 or CEQA Guidelines sections 15162 or 15163. This Addendum, therefore, supports the finding that the prior SEDs adequately address the potential environmental impacts of the Prohibition, as revised.

**MODIFICATIONS TO THE PROJECT**

Additional changes to the Prohibition have been proposed since the adoption of the 2016 SED. As originally approved, the 2016 Amendment extended the deadlines for overall compliance with the Prohibition, established deferred parcels where the installation of a sewer is not required until sufficient development occurs, established criteria for deferred parcels to connect to the centralized system, and adjusted the internal boundaries of each phase. In the new proposed Amendment, the Prohibition would be further revised to combine Phases 2 and 3 into a single Phase 2, further extend the deadlines for overall compliance with the Prohibition, and identify additional deferred parcels. Additional proposed changes will provide dischargers with a 180-day compliance period after the collection system becomes available when they need to connect to it, add compliance date extensions for parcels with recently installed OWTS, and require all deferred parcels to connect within 15 years after their phase deadline.

Changes have also occurred to the circumstances under which the project is undertaken. On September 22, 2020, the California Fish and Game Commission determined that listing western Joshua trees as threatened or endangered under California Endangered Species Act (CESA) may be warranted. This commenced a one-year status review of the species before the Commission makes a final decision whether to list the species. During the status review, the western Joshua tree is protected under CESA as a candidate species.

Proposed changes to the Prohibition text are detailed in the Staff Report in support of the Amendment. The following changes to the Prohibition and to the circumstances under which the Project will be undertaken potentially impact the environmental factors relating to water quality and biological resources, as noted below:

STAFF REPORT – ATTACHMENT 4  
YUCCA VALLEY PROHIBITION BASIN PLAN AMENDMENT

1. Combine Phases 2 and 3 into a single Phase 2.  
Phases 2 and 3 already had a single deadline prior to this change, therefore this change will have no impact on the environment.
2. Extend the deadline for Phase 1 from June 30, 2021 to December 31, 2023.  
This change may allow up to 1.02 million gallons per day of Onsite Wastewater Treatment System (OWTS) discharge for two and a half additional years. ***The potential impact on water quality must be considered.***
3. Extend the deadline for Phase 2 from December 31, 2025 to December 31, 2028 or December 31, 2031, depending on the listing status of the western Joshua tree.  
This change may allow up to 0.59 million gallons per day of OWTS discharge for three to six additional years. ***The potential impact on water quality must be considered.***
4. Add deferred parcels with a net increase of 625 parcels.  
This change will cause a twofold increase in the total number of deferred parcels from 629 to 1,254, which may double the amount of OWTS discharge from deferred parcels. ***The potential impact on water quality must be considered.***
5. Provide a 180-day compliance period after the collection system becomes available when the dischargers need to connect to it.  
Although this change appears to allow discharge from all OWTS for 180 additional days, it will not have an impact on the environment because it only formalizes a grace period that already had to be implemented for practical reasons.
6. Add compliance date extensions for parcels with recently installed OWTS.  
This change will allow recently installed basic OWTS to discharge for up to two additional years and recently installed OWTS with Advanced Treatment Units (ATUs) to discharge for up to five additional years. However, it will not have a significant impact on the environment because only a limited number of dischargers are expected to qualify, the extension period is limited, and the longer extension for ATUs is mitigated by ATU's nitrogen removal capabilities.
7. Add a connection criterion for deferred parcels that will require all parcels to connect 15 years after their phase deadline.  
This change decreases the impact of this Project on water quality because it puts a limit on how long a deferred parcel can continue to discharge from OWTS, while previously such a limit did not exist.
8. Require ATUs for new and replacement OWTS on exempt parcels.  
This change decreases the impact of this Project on water quality because it requires exempt parcels, which may discharge from OWTS indefinitely, to utilize ATUs with nitrogen removal capability for new and replacement OWTS.
9. Western Joshua Tree CESA candidate species status.  
Some western Joshua trees may need to be removed to build a lateral connection from the properties to the collection system. Because the western Joshua tree became a candidate species under CESA effective October 9, 2020, ***the potential impact on biological resources must be considered.***

#### POTENTIAL IMPACTS FROM REVISED PROJECT

The 2011 SED and 2016 SED identified potential impacts of the project on a variety of environmental factors, including biological resources and hydrology / water quality. The following sections address the specific CEQA Checklist questions where project changes from the Amendment could potentially affect environmental factors.

#### Biological Resources – Question (a)

## STAFF REPORT – ATTACHMENT 4 YUCCA VALLEY PROHIBITION BASIN PLAN AMENDMENT

*Would the project have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?*

**Less than significant.** The proposed changes to the project on their own do not affect biological resources because all the same activities that could have an impact will be carried out as before, but with different timelines. However, the western Joshua tree (*Yucca brevifolia*), whose range includes the Prohibition project area in the Town of Yucca Valley and unincorporated Riverside County, was identified as a candidate species by California Fish and Game Commission (Commission) under CESA effective October 9, 2020. As before, the project may require the removal or relocation of some western Joshua trees in order to connect properties to the collection system (sewer); however, CESA prohibits the take and possession of any species, or any part or product of a species that is designated by California Fish and Game Commission as an endangered, threatened, or candidate species. As a candidate species, western Joshua tree now has full protection under CESA and any take of the species (including removal and relocation) will require authorization under CESA. Under an Emergency Regulation codified in California Code of Regulations, title 14, section 749.12, for the duration of the candidacy period, the Commission has granted the Town of Yucca Valley and the County of San Bernardino the authority to issue permits for the take of western Joshua trees associated with developing structures including sewer connections. The Emergency Regulation requires a set of mitigation measures, including that the subject municipalities and project proponents pay mitigation fees, that the Town of Yucca Valley may not authorize the take of more than 100 western Joshua trees for sewer connection projects, that the County of San Bernardino may not authorize the take of more than 450 western Joshua trees in total, and that to the maximum extent feasible, the project proponent must relocate all western Joshua trees that cannot be avoided to another location on the project site. Once the Commission makes a determination about the species' threatened or endangered status, a new set of mitigation measures will be implemented as necessary. If a discharger is unable to obtain a take permit, they may be eligible for an exemption under the Prohibition. Therefore, given the protective measures already imposed by law through the Emergency Regulation and CESA, potential impacts are less than significant when carried out according to existing legal requirements.

### **Hydrology and Water Quality – Question (a)**

*Would the project violate any water quality standards or waste discharge requirements?*

**Less than significant with mitigation.** The 2016 SED found potential impacts under this factor to be less than significant with mitigation. The proposed changes to the project from the Amendment could potentially affect the water quality standards associated with the Warren Valley Groundwater Subbasin by permitting certain OWTS to continue discharging for a longer period of time. However, as described below, these changes will not require any new mitigation measures or substantially increase the severity of previously identified impacts.

Domestic wastewater constituents from OTWS discharges include nitrogen compounds such as nitrate. In the Basin Plan, the Warren Valley Groundwater Subbasin has a water quality objective of 10 mg/L for nitrate as N, designated to protect the municipal and domestic supply beneficial use. The proposed changes would prolong the amount of time that properties within the Prohibition area will be discharging domestic wastewater from OWTS, instead of discharging it into the collection system, which will convey the wastewater to the wastewater treatment and reclamation facility (WRF). The WRF also discharges to the Warren Valley Groundwater Subbasin, but the discharge from the WRF is regulated under Waste Discharge Requirements

## STAFF REPORT – ATTACHMENT 4 YUCCA VALLEY PROHIBITION BASIN PLAN AMENDMENT

R7-2015-0043 which include effluent limitations for total nitrogen of 10 mg/L, as well as a Monitoring and Reporting Program. Total nitrogen includes nitrate and therefore an effluent limitation of 10 mg/L for total nitrogen is protective of the 10 mg/L water quality objective for nitrate. The WRF is designed to treat domestic effluent to meet these effluent limitations. OWTS consisting of septic tanks however are not designed to remove nitrogen compounds to this level and typical septic tank wastewater effluent have total nitrogen concentrations of 40-100 mg/L<sup>1</sup> In 2003, U.S. Geological Survey (USGS) published a study titled *Evaluation of the Source and Transport of High Nitrate Concentrations in Ground Water, Warren Subbasin, California*, establishing that the high density of septic tanks in Yucca Valley in conjunction with elevated groundwater levels due to an artificial recharge program were causing an increase in groundwater nitrate concentrations exceeding the water quality objective. Prior to the water-level rise, nitrate concentrations were near background levels, indicating that the nitrates had not reached the water table or that denitrification was occurring in the unsaturated zone. Based on this evidence, the Colorado River Basin Water Board adopted the Prohibition in 2011 to limit the use of septic tanks and prevent further contamination of the water supply with nitrates. Nitrates in drinking water pose a threat to human health and their effects can be serious and sometimes fatal, especially to infants.

Since the adoption of the original Prohibition, the nitrate concentrations in the Warren Valley Groundwater Subbasin have decreased to below the water quality objective of 10 mg/L.<sup>2</sup> This may be attributed in part to changes in artificial recharge practices by Hi-Desert Water District (HDWD) in response to USGS findings and recommendations. Since February 2020, the properties in Phase 1 have been connecting to the collection system in stages as the collection system gets installed, which will further decrease nitrate loading. Phase 1 residential parcels are on average smaller in size than Phase 2 residential parcels, which means that Phase 1 has a greater OWTS density and completing it by the end of 2023 will reduce nitrate input into groundwater. In 2012, State Water Board adopted the *Water Quality Control Policy for Siting, Design, Operation, and Maintenance of Onsite Wastewater Treatment Systems* (OWTS Policy), which has been incorporated into the Basin Plan by reference and regulates eligible OWTS systems. The systems that are deemed to pose a greater threat to water quality based on specified criteria are not eligible to be covered by the OWTS Policy, such as systems discharging more than 3,500 gpd. Such systems will be required to submit a report of waste discharge to the Colorado River Basin Water Board in order to obtain Waste Discharge Requirements, which would be protective of water quality standards.

The potential adverse impacts are also lessened by other changes made to the Project in the Amendment. Adding a connection criterion for deferred parcels that will require all parcels to connect 15 years after their phase deadline will put a limit on how long the deferred parcels can continue to discharge from OWTS. Requiring Advanced Treatment Units (ATU) for new and replacement OWTS on exempt parcels will reduce the nitrate loading from those systems. Ultimately, the overall goal of the project is to decrease the impact of domestic wastewater on the water quality of the Warren Valley Groundwater Subbasin by moving the majority of the discharges from OWTS to the WRF. This objective will still be achieved. The delays to the construction of the collection system are unavoidable and maintaining the old deadlines would only put dischargers in violation with the Prohibition when the only compliance option is not available to them. On the whole, therefore, impacts from the changes to the project will not

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<sup>1</sup> Data from Table 3-19, USEPA Onsite Wastewater Treatment Systems Manual, June 2005, EPA/625/R00/008

<sup>2</sup> 2019-2020 Annual Report of the Warren Valley Basin Watermaster for the period October 1, 2019 through September 30, 2020.

STAFF REPORT – ATTACHMENT 4  
YUCCA VALLEY PROHIBITION BASIN PLAN AMENDMENT

substantially increase the severity of previously identified impacts and will not require any new mitigation measures be adopted.

**SUMMARY AND FINDINGS**

The Colorado River Basin Water Board has reviewed the changes to the Prohibition from the Amendment and concludes that the project will not result in new or more severe significant environmental impacts beyond those analyzed in the prior SEDs. Accordingly, the Colorado River Basin Water Board has determined that an Addendum is the appropriate environmental document for its approval of the Amendment. None of the conditions described in California Code of Regulations, title 14, section 15162 calling for preparation of a subsequent environmental document, or section 15163 calling for a supplemental environmental document, have occurred. This Addendum finds that the revisions to the Prohibition from the Amendment will not result in any new significant environmental effects, cause a substantial increase in the severity of previously identified significant effects, or require new mitigation measures or alternatives that are considerably different from those analyzed in the previous SEDs. Therefore, through this Addendum, the Colorado River Basin Water Board determines that no subsequent or supplemental environmental documentation is required for the project.