

Yucca Valley OWTS Prohibition

The following is an excerpt from the Colorado River Basin Regional Water Quality Control Plan, Chapter 4, Section II. Point Source Controls, H. Septic Systems, 2. Prohibitions, iii. Yucca Valley OWTS Prohibition, as revised under Colorado River Basin Regional Water Quality Control Board's Resolution R7-2021-0028, effective December 5, 2022.

iii. Yucca Valley OWTS Prohibition

(a) Definitions

For the purposes of the Yucca Valley OWTS Prohibition, the following definitions apply:

1. **Onsite Wastewater Treatment Systems (OWTS)** are individual disposal systems, community collection and disposal systems, and alternative collection and disposal systems that use subsurface disposal.
2. **For residential parcels a municipal sewage collection system is considered available** when the public sewer or any building or exterior drainage facility connected thereto is located less than 200 feet from any existing or proposed building or exterior drainage facility on the parcel, and the parcel abuts and is served by such public sewer.
3. **For non-residential parcels a municipal sewage collection system is considered available** when the public sewer or any building or exterior drainage facility connected thereto is located less than 500 feet from any existing or proposed building or exterior drainage facility on the parcel, and the parcel abuts and is served by such public sewer.
4. The **sewer availability date** is the first day when the municipal sewage collection system is available.
5. The **individual prohibition deadline** is the day when the prohibition of OWTS goes into effect for a specific parcel based on the provisions contained in the Yucca Valley OWTS Prohibition.
6. **Deferred parcels** are parcels where the installation of a municipal sewage collection system is not economically or technically advisable, and is not required, until sufficient development occurs, as described in section (e)(2).
7. A **deferred area** is a continuous set of deferred parcels that would be serviced by a segment of sewer line that could be readily connected to the available centralized sewer system.
8. A **discharger** is any person or entity that discharges domestic wastewater from OWTS within Phases 1 and 2 defined in Appendix C of the Basin Plan.
9. An **Advanced Treatment Unit (ATU)** is an OWTS component capable of reducing specific constituents in wastewater not normally achieved by other treatment options such as septic tanks.

(b) Implementation

Pursuant to Water Code section 13280, the discharge of wastewater from OWTS within Phases 1 and 2 defined in Appendix C of the Basin Plan, shall be prohibited, in accordance with the following schedule:

1. For Phase 1: by December 31, 2023;
2. For Phase 2:
 - a. by December 31, 2028 if western Joshua tree is not listed as threatened or endangered by the California Fish and Game Commission;
 - b. by December 31, 2031 if western Joshua tree is listed as threatened or endangered by the California Fish and Game Commission;
3. Or when a municipal sewage collection system becomes available, whichever comes first.

Alternative deadlines apply to some dischargers as described in section (e) of the Yucca Valley OWTS Prohibition. Hi-Desert Water District (HDWD) shall complete the construction of the municipal sewage collection system in time to make it available at all parcels within the Prohibition Phases 1 and 2 in accordance with the above schedule. Dischargers shall connect to the municipal sewage collection system and cease discharging from OWTS within 180 days of their individual prohibition deadline.

(c) Sewer Availability Notifications

Regarding the availability of and need to connect to the municipal sewage collection system, HDWD shall provide each property owner at a minimum the following two notifications:

1. 90 days or more before the projected sewer availability date, announcing when the municipal sewage collection system will become available and advising of the requirement to connect to it within 180 days of that date; and
2. Within 14 days after the sewer availability date, confirming the municipal collection system's availability and advising of the requirement to connect to it within 180 days of the sewer availability date.

A schedule of the projected sewer availability dates shall be made available by HDWD through its website until all properties within Phases 1 and 2 are connected.

(d) Discharge from OWTS

New, replacement or existing OWTS on all parcels where the individual prohibition deadline has not passed may discharge as regulated by the local agency under the Water Quality Control Policy for Siting, Design, Operation and Maintenance of Onsite Wastewater Treatment Systems (OWTS Policy), or by the Regional Water Board under a waste discharge requirements permit, in accordance with any other applicable provisions in the Yucca Valley OWTS Prohibition.

(e) Alternative Deadlines

Phase deadlines shall not apply to certain dischargers and shall be replaced with alternative deadlines as described below.

(1) *Recent OWTS Installations*

For parcels where new or replacement basic OWTS were installed less than 36 months prior to the sewer availability date, the individual prohibition deadline shall be 36 months after the OWTS installation date. Owners of such OWTS shall provide proof of the installation date to the Regional Water Board.

For parcels where a new or replacement OWTS consisting of an ATU designed to remove at minimum 50% nitrogen was installed less than 60 months prior to the sewer availability date, the individual prohibition deadline shall be 60 months after the OWTS installation date. Owners of such OWTS shall provide proof of the installation date and nitrogen removal rates to the Regional Water Board.

(2) *Deferred Parcels*

The individual prohibition deadlines for all deferred parcels shall be the same as their sewer availability date, unless other alternative deadlines apply. HDWD shall construct the municipal sewage collection system so that the sewer availability date occurs by December 31 of the second year after one of the following criteria is met by the corresponding deferred area¹:

1. A deferred area has experienced enough development to meet a threshold of 1.7 equivalent dwelling units (EDU) per 100 feet of pipe; or
2. A deferred area is 80 percent developed; or
3. A deferred area has experienced enough development to generate flows resulting in a minimum of 2 feet per second (fps) flushing velocity; or
4. The phase deadline passed more than 15 years ago.

(f) Reporting

Pursuant to Water Code section 13225, HDWD shall submit the following reports to the Regional Water Board:

(1) *Construction Progress Reports*

On an annual basis by the 15th day of February, HDWD shall submit to the Regional Water Board reports regarding the construction of the municipal sewage collection system and the wastewater reclamation plant (WRP) during the reporting period of the preceding calendar year. Reports shall be submitted annually until all construction is complete, including the municipal sewage collection system for deferred parcels. Each report shall

¹ With the exception of properties that have received an exemption granted by the Regional Water Board's Executive Officer.

include the following information for the reporting period, as applicable: description of progress building the municipal sewage collection system; description of progress building the WRP; the latest available construction schedule; number and percentage of parcels in each phase connected to the municipal sewage collection system; and other activities to achieve compliance with the Yucca Valley OWTS Prohibition.

(2) *Deferred Parcels Status Reports*

On an annual basis by the 15th day of February, HDWD shall submit to the Regional Water Board reports regarding the status of deferred parcels. Each report shall be organized in editable spreadsheet format and shall list all deferred parcels that have met any of the criteria specified in section (e)(2), above, prior to December 31 of the previous calendar year. The reports shall contain the following information for each parcel, as applicable: Assessor's Parcel Number (APN), address, which connection criterion was met, calendar year when the connection criterion was met, connection status, expected connection date, and actual connection date.

(3) *Connection Compliance Reports*

On a biannual basis by the 15th day of January and July, HDWD shall submit to the Regional Water Board reports documenting all properties to date that did not connect to the municipal sewage collection system within 180 days of their individual prohibition deadline. The reports may be submitted on a more frequent basis as requested by the Regional Water Board staff or per HDWD's discretion. The reports shall be organized in editable spreadsheet format and contain the following information, as applicable: APN, property owner name, property owner mailing address, date of the individual prohibition deadline, type of alternative deadline, date of the first report where the noncompliance was listed, current connection status, and the date when the property was connected.

(g) Prohibition Exemptions

Exemptions to the Yucca Valley OWTS Prohibition shall be considered and may be granted by the Regional Water Board on a case-by-case basis pursuant to an application submitted to the Regional Water Board's Executive Officer by a discharger or by HDWD. Such exemptions shall be based upon the weight of the evidence demonstrating the existence of unique technical or environmental conditions applicable to the property in question that would make connection to the municipal sewage collection system technically impracticable or economically excessively burdensome. If such circumstances exist, the applicant must also demonstrate that the continued discharge would not pose a significant threat to water quality. To be considered for an exemption, the applicant shall apply to the Regional Water Board's Executive Officer for relief in writing and provide the following information, as applicable:

1. Property address, APN, land use type, and size in acres; and
2. OWTS description: system capacity in gallons per day (gpd), average or anticipated flow in gpd, treatment unit type (such as septic tank, ATU, or other), disposal system

type (such as leach field, seepage pit, or other), and disposal system parameters (length, depth)²; and

3. Evidence that the connection to the municipal sewage collection system would be technically impracticable or economically excessively burdensome, such as:
 - a. A map of the planned municipal sewage collection system layout demonstrating that the system will not be made available to the parcel, as defined in sections (a)(2) and (a)(3); or
 - b. A certification from HDWD that it will not make the municipal sewage collection system available to the parcel, as defined in sections (a)(2) and (a)(3); or
 - c. Written quotes from three state-licensed commercial contractors regarding the estimated cost to build a lateral connection to the municipal sewage collection system.
4. Any other relevant evidence as requested by Regional Water Board staff.

The Regional Water Board's Executive Officer shall:

- a. Within thirty (30) days from receipt of the application notify the applicant in writing whether the application is complete or request additional information as necessary; and
- b. Verify the information and decide to approve or deny the exemption based on the provided evidence; and
- c. Within (60) days of certifying that the application is complete, notify the discharger, HDWD, and the local agency implementing the OWTS Policy of the decision regarding the exemption status of the property in question.

In the absence of a response from the Regional Water Board's Executive Officer, the exemption shall be considered denied. An exemption would waive the requirement to meet the deadlines that are listed in the Yucca Valley OWTS Prohibition; it would not exempt the discharger from applicable OWTS Policy provisions, the requirement to submit a Report of Waste Discharge (ROWD), other existing requirements pertaining to the discharge of wastewater, or any additional requirements imposed to protect water quality. The exemption will be revoked if conditions that the exemption was based on change or become no longer applicable. New and replacement OWTS on exempted parcels must consist of an ATU with a nitrogen removal rate of 50% or higher; the new or replacement OWTS shall utilize a leach field or equivalent horizontal dispersal system, if there is sufficient area on the property to provide for a 100 percent replacement area that is equivalent and separate, and available for future use.

² This requirement only applies to applications submitted by the dischargers.

(h) Enforcement

It is the Regional Water Board's objective to work cooperatively with the dischargers who are subject to the Yucca Valley OWTS Prohibition. There may be circumstances where a discharger is not responsive to staff compliance efforts. In these cases, the Regional Water Board enforcement staff will implement progressive enforcement consistent with the State Water Board's Water Quality Enforcement Policy to bring the discharger into compliance at the earliest practicable date with the terms of this Prohibition. Towards this end, the Regional Water Board staff may take a combination of several actions, as the circumstances of the case may warrant, including but not limited to the following:

- Issue Notice of Violation letters;
- Issue an order pursuant to Water Code section 13267 to ensure that a discharger submits, in a prompt and complete manner, a technical report to bring its discharge into compliance with the Yucca Valley OWTS Prohibition;
- Issue a Cleanup and Abatement order pursuant to Water Code section 13304 against any discharger who violates the Yucca Valley OWTS Prohibition and/or threatens a condition of nuisance or pollution;
- Prepare for consideration of adoption by the Regional Water Board, a Cease and Desist order pursuant to Water Code section 13301 against any discharger who violates the Yucca Valley OWTS Prohibition;
- Issue Administrative Civil Liability Complaints, as provided for by the Water Code, against any responsible party who fails to comply with Regional Water Board orders and/or the Yucca Valley OWTS Prohibition.