

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL VALLEY REGION

ORDER NO. 90-126

REVISION OF THE WATER QUALITY CONTROL PLAN,
SACRAMENTO RIVER BASIN 5A, BY THE ADDITION OF PROHIBITION
OF WASTE DISCHARGE FROM INDIVIDUAL DISPOSAL SYSTEMS
IN THE CHICO URBAN AREA
BUTTE COUNTY

The California Regional Water Quality Control Board, Central Valley Region, (hereafter Board) finds that:

1. The Board adopted a Water Quality Control Plan, 2nd Edition, (hereafter Basin Plan) for the Sacramento Basin 5A.
2. The Basin Plan contains areas or communities where the discharge of waste from individual disposal systems is prohibited.
3. The California Water Code (hereafter Water Code), Article 3, Chapter 4, Division 7, defines criteria for such prohibition areas (Section 13240, et seq.). Article 5, Chapter 4, Division 7 of the Water Code specifies criteria for regulation of the discharge of waste from individual disposal systems (Section 13280, et seq.).
4. The Chico Urban Area contains approximately 68,000 residents, of which one-half utilize individual systems for disposal of domestic wastes. Surface drainage is to Big Chico and Little Chico Creeks and the Lindo Channel, tributaries to the Sacramento River.
5. The beneficial uses of these creeks and the Sacramento River include municipal, industrial, and agricultural supply; recreation; esthetic enjoyment; navigation; ground water recharge; freshwater replenishment; hydroelectric power generation; and preservation and enhancement of fish, wildlife, and other aquatic resources.
6. The beneficial uses of ground water are domestic, industrial, and agricultural supply.
7. The soil to which the majority of individual disposal systems are discharging consists of Vina loams and Vina fine sandy loams which percolate rapidly. Shallow ground water is generally found at 15 to 20 feet minimum depth, and ground water flow is westerly. Many individual domestic wells in the area tap into this shallow aquifer.
8. The development density of the urban area served by septic tanks ranges from less than one unit per acre to as high as approximately 20 units per acre. Areas that underlie high nitrate concentrations in ground water generally contain developments of three units per acre or greater.

9. As a result of some private wells that tested at high nitrate levels in the late 1970s, Butte County contracted with the Department of Water Resources (DWR) to perform an assessment of the problem. The conclusion of the DWR study was that several areas of high nitrates existed and that septic tanks were a major source of nitrate contamination. A private consulting firm hired by the County subsequent to the DWR study confirmed these results. In addition, improperly abandoned wells exist in the urban area which may provide a pathway for nitrates to directly enter ground water.
10. These studies showed there are two major areas of high nitrate levels, as well as some minor areas, and that these areas were in urban and agricultural/urban land use zones. Of the approximately 129 wells that have been tested by the County or its consultants as of October 1988, 42 (or 33 %) indicated nitrate concentrations above the State Department of Health Services' maximum contaminate level of 45 mg/l (as NO₃) at least once, and another 23 (or 18%) indicated concentrations between 30 and 45 mg/l at least once. Nitrate concentrations in some wells exceeded 200 mg/l or four times the State standard.
11. The area of concern lies within the limits of the City of Chico or the adjacent unincorporated area of Butte County, as delineated on the attached map.
12. The City of Chico and Butte County adopted a Nitrate Action Plan on 5 March 1985 to address the high nitrate contamination of the shallow aquifer. Only a portion of the items in the Nitrate Action Plan have been implemented, some after passage of original deadlines. Several critical action items have yet to be implemented. It also appears that the local entities lack the commitment to force elimination of the discharge of waste from individual disposal systems in the urban area.
13. The basin planning process has been certified as a "functional equivalent" to the California Environmental Quality Act requirements for preparing environmental documents and is, therefore, exempt from those requirements (Public Resources Code, Section 21000, et seq.), in accordance with Section 15108 of the State EIR Guidelines (California Code of Regulations, Title 14, Division 7, Chapter 3).
14. Pursuant to Section 13280 and 132B1 of the Water Code, the Board finds the continued discharge of waste from individual disposal systems will result in violation of water quality objectives, will impair beneficial uses of ground water, and will cause a condition of pollution. These will occur due to unsuitable hydrogeologic conditions and the existing urban land use, which includes dwelling densities of up to 20 dwelling units per acre.

15. Adequate protection of water quality and beneficial uses cannot be attained by continued use of individual systems, even under management of an authorized public agency as provided in Section 13282 of the Water Code.
16. On 27 October 1988, at California State University, Chico, Laxson Auditorium, after due public notice, the Board conducted a public hearing at which evidence was received pursuant to Section 13281 of the Water Code concerning the discharges of wastes from individual disposal systems, and impacts of these discharges on water quality and public health. Order No. 88-177 was adopted at this meeting.
17. On 20 October 1989, the State Water Resources Control Board adopted Order No. 89-95. This order approved Regional Board Order No. 88-177, in its entirety except for its original compliance dates. It is appropriate to amend these dates because of the time that has elapsed between adoption of Regional Board Order No. 88-177 and State Board Order No. 89-95.
18. On 27 April 1990, after due public notice, the Board conducted a public hearing at which testimony was received concerning the adoption of new compliance dates for the Basin Plan revision and amendment for the Chico Urban Area.

IT IS HEREBY ORDERED that:

1. The discharge of waste within the Chico Urban Area, as currently defined and delineated on the attached map, from individual disposal systems installed after **1 July 1990** is prohibited. An exemption to this prohibition may be granted by the Executive Officer after presentation by the proposed discharger of geologic and hydrologic evidence that leaching system disposal will not, individually or collectively, result in pollution or nuisance.
2. The discharge of waste within the Chico Urban Area, as currently defined and delineated on the attached map, from individual systems is prohibited after **1 July 1995**. An exemption to this prohibition may be granted whenever the Board finds that the continued operation of individual sewage disposal systems in a particular area will not, individually or collectively, directly or indirectly, adversely affect water quality. The discharge to individual systems in a particular area will be considered for exemption by the Board, if it can be demonstrated that costs to connect to a sewer system will be inordinately high, relative to beneficial uses protected and an adequate level of environmental protection can be achieved by alternative means.

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3. Individual systems producing less than 334 gallons per day per acre (one dwelling unit per acre equivalent) are exempt from the above prohibitions.
4. The Water Quality Control Plan, 2nd Edition, is revised by the addition of this prohibition. This amendment shall not take effect until approved by the State Water Resources Control Board.

I, WILLIAM H. CROOKS, Executive Officer, do hereby certify the foregoing is a full, true, and correct copy of an Order adopted by the California Regional Water Quality Control Board, Central Valley Region, on 27 April 1990.


WILLIAM H. CROOKS, Executive Officer

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Attachment

