

California Regional Water Quality Control Board
Santa Ana Region

May 3, 2013

STAFF REPORT

ITEM: *6

SUBJECT: Appeal for an Exemption from the Yucaipa-Calimesa Waste Discharge Prohibition for Subsurface Disposal Use, Bruce Southworth, 35784 Carter Street, Yucaipa, San Bernardino County – APN 0320-231-14

DISCUSSION:

Bruce Southworth owns the property located at 35784 Carter Street, Yucaipa. The lot size is 44,867 sq. ft. (1.03-acres). There is a single family home on the lot which is served by onsite septic tank-subsurface disposal system. Mr. Southworth proposes to construct a second single-family home on the lot (1 or 2 bedroom) for his parents which will either be served by the existing septic system that serves the house or a second septic system to serve the new structure. Yucaipa Valley Water District (sewering agency) has indicated the nearest sewer line to the property is about 1000 feet away.

On March 9, 1973, after extensive study and following public notice and a public hearing, the Regional Board adopted a waste discharge prohibition applicable to the use of septic systems in the Yucaipa-Calimesa area of San Bernardino County. The studies leading to the waste discharge prohibition indicated that the continued use of subsurface disposal systems in the area could adversely impact water quality. To eliminate the existing subsurface disposal systems in those areas, the USEPA provided assistance in the form of grant money for the construction of a sewage treatment plant and sewer lines. The prohibition required all septic systems within the Yucaipa Valley Water District be connected to sewer unless an exemption was granted. After February 1, 1988, only those septic systems that are on one acre (net) or more lots and are more than 200 feet from the sewer are exempt from the waste discharge prohibition.

Mr. Southworth's property is located within the Yucaipa-Calimesa prohibition area. The property is more than 200 feet from the nearest sewer line and meets the one-acre criterion for an exemption from the waste discharge prohibition; however, the lot does not meet the criterion for exemption for the proposed second dwelling unit and/or second septic system on the lot. Consequently, staff was required to deny Mr. Southworth's request for an exemption.

Tentative

The Yucaipa Valley Water District has indicated there are no current plans to offer or extend sewer service to the property. Mr. Southworth purchased the property for his immediate family with the intent of constructing a second dwelling unit to provide a home for his elderly parents. Mr. Southworth contacted the City of Yucaipa prior to the purchase of his home to obtain information regarding dependent housing for his parents. Mr. Southworth also notes his property transfer disclosures indicated the property was sewered. It was not until recently Mr. Southworth was advised that his property is not sewered and was instructed to obtain an approval from Regional Board for the proposed second dwelling because the discharges will be to a septic tank. Mr. Southworth noted had he been advised ahead of time that the property is within the waste discharge prohibition area and he would not be allowed to construct a second dwelling unit, he would not have purchased the property.

Mr. Southworth also notes that the additional flows that would occur as a result of this project would be no greater than the flows that currently are occurring while his parents reside with him or if he were allowed to add on to the existing house and replace the existing septic tank to accommodate the increased flows.

Since the adoption of the prohibition, Yucaipa Valley Water District has sewered the vast majority of the area and has abated the issues that had occurred in the past regarding the use of subsurface disposal systems. Staff believes that the use of a second septic system at the site would not significantly impact the quality of groundwater in the area.

Although Yucaipa Valley Water District has no current plans to extend sewer in the area, they have advised staff that connection of the property to sewer will be mandatory once it has been constructed.

RECOMMENDATION:

Approve Mr. Southworth's request for a exemption from the waste discharge prohibition applicable to the Yucaipa-Calimesa area for the use of septic systems on his property, with the provision that he must abandon the septic tank(s) and connect to the sewer if it becomes available.