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**Santa Ana Regional Water Quality Control Board**

September 3, 2015

Glenn Dorzok  
19887 Nandina Avenue  
Riverside, CA 92508-9671

APPEAL TO THE REGIONAL BOARD FOR AN EXEMPTION FROM THE MINIMUM LOT SIZE REQUIREMENTS FOR THE USE OF SUBSURFACE DISPOSAL SYSTEMS AT 19887 NANDINA AVENUE, RIVERSIDE, RIVERSIDE COUNTY, APN 266-330-019

Dear Mr. Dorzok:

This is in response to your request to appeal the Regional Board staff's denial for an exemption from the minimum lot size requirements for the use of subsurface disposal systems at the above-referenced site. Your appeal has been scheduled for consideration at the Board's September 18, 2015, meeting at the Irvine Ranch Water District, 15600 Sand Canyon Avenue, Irvine, California. The meeting is scheduled to begin at 9:00 a.m. A copy of the staff report that will be presented to the Board regarding this matter and the agenda announcement for the meeting are enclosed.

As you will note from the staff report, staff is recommending that the Board grant your request for an exemption. As such, this item has been placed on the "consent calendar" portion of the agenda for the meeting. Consent calendar items are approved without discussion unless someone requests that they be removed. Therefore, unless you or someone else requests that this item be removed from the consent calendar, your exemption will be granted without the need for you to speak before the Board. If you have any questions about the proceedings, please contact Susan Beeson of my staff at (951) 782-4902.

Sincerely,



Kurt V. Berchtold  
Executive Officer

Enclosures: Staff Report and Agenda Announcement

cc w/enc: State Water Resources Control Board, Office of the Chief Counsel – David Rice  
Riverside County Environmental Health – Matt Riha / Marc Haraksin

State of California  
California Regional Water Quality Control Board  
Santa Ana Region

STAFF REPORT

September 18, 2015

ITEM:           **\*6**

SUBJECT:    Appeal of Staff's Denial of an Exemption from the Minimum Lot Size Requirement for Subsurface Disposal System Use – Glenn Dorzok, 19887 Nandina Avenue, Riverside, Riverside County, APN 266-330-019

DISCUSSION:

On July 29, 2015, Glenn Dorzok, property owner, contacted staff and requested approval for the use of a second dwelling unit on the lot located at 19887 Nandina Avenue, Riverside. Mr. Dorzok owns the lot and currently resides in an existing home located at the site. An existing subsurface disposal system is utilized for the discharge of domestic waste from the house. The gross size of the lot is slightly less than one acre (41,868 square feet or 0.96 acre). This area of the County is unsewered and onsite septic tank-subsurface disposal systems are utilized for disposal of domestic waste.

Mr. Dorzok is proposing to construct a second home on the lot for his parents. A new septic tank-subsurface disposal system is proposed for the discharge of domestic waste from the second dwelling unit.

On October 13, 1989, the Regional Board adopted Resolution No. 89-157, which requires that new developments, for which on-site subsurface disposal system use is proposed, have a minimum one-half acre of land per dwelling unit. The Board found that it was necessary to limit the density of new subsurface disposal systems to control the nitrate quality problems found in the groundwater of the Region. In adopting the minimum lot size requirements (MLSR), the Board recognized that it was necessary to distinguish between "existing" developments using subsurface disposal systems (i.e., those already in place or approved at the time the MLSR were adopted), and "new" developments. The Board specifically exempted from the one-half acre requirement existing developments where septic tank-subsurface disposal systems had been installed by September 7, 1989 or for which conditional approval (e.g. conditional use permit, or conditional approval of tentative parcel or tract map) had been obtained by that date. The one-half acre requirement applies only to "new" developments. The proposal to construct a second dwelling is considered a new development as defined in Resolution No. 89-157 and is, therefore, subject to the minimum lot size requirements specified therein. The lot is slightly less than one acre in size. With a density of 0.48

acres per dwelling unit, the proposal does not comply with the Board's minimum lot size requirements. Accordingly, Board staff was required to deny Mr. Dorzok's request for an exemption from the minimum lot size requirements.

However, staff believes that since the lot is very close to the 1-acre minimum requirement, this factor would support granting an exemption for the proposed project. Granting an exemption for this proposed project would be consistent with prior Board actions.

**RECOMMENDATION:**

Approve Mr. Dorzok's request for an exemption from the minimum lot size requirements for the use of a second septic system to serve the second dwelling unit on the lot.

Comments were solicited from the following agencies:

Riverside County Environmental Health – Matt Riha / Marc Haraksin

Santa Ana Regional Water Quality Control Board

# AGENDA ANNOUNCEMENT

**REGIONAL BOARD MEETING**  
**Friday, September 18, 2015, 9:00 A.M.**  
**Irvine Ranch Water District**  
**15600 Sand Canyon Avenue**  
**Irvine, CA 92618**

## NOTICE

Changes and postponements that may occur to this agenda will be placed on our website and automatically forwarded to those who subscribe to our electronic mailing list. Anyone wishing to subscribe to our electronic agenda mailing list may do so as follows: go to [www.waterboards.ca.gov/santaana/](http://www.waterboards.ca.gov/santaana/) and choose "Email Subscriptions" from the homepage. Those who are not subscribers should visit our website prior to the board meeting date to view any changes to the agenda.

Supporting documents for agenda items are now posted on our website at least 7 days prior to the scheduled meeting. To view or download the documentation, go to [www.waterboards.ca.gov/santaana/](http://www.waterboards.ca.gov/santaana/) and select the "Public Notices" page.

1. **Introductions**
2. **Public Forum** - Any person may address the Regional Board at the commencement of the meeting on any matter within the Regional Board's jurisdiction and not related to an item that is to be considered separately.
3. **State Water Resources Control Board Liaison Report** - This item is for information only. No public testimony will be allowed, and the Regional Board will take no formal action.
4. **Approval of the Minutes of the Regular Board Meeting of July 24, 2015**  
{Felipa Carrillo 951/782-3285 [felipa.carrillo@waterboards.ca.gov](mailto:felipa.carrillo@waterboards.ca.gov)}
5. **Consideration of Consent Calendar Items** - Items marked with an asterisk (\*) are expected to be routine, and non-controversial. The Regional Board will be asked to consider these items at one time without discussion. If any interested party, Board Member or staff requests that an item be removed from the consent calendar, it will be taken up in the order shown.
- \*6. **Appeal of Staff's Denial of an Exemption from the Minimum Lot Size Requirement** - Glenn Dorzok, 19887 Nandina Avenue, Riverside, Riverside County, APN 266-330-019  
{Milasol Gaslan 951/782-4419 [milasol.gaslan@waterboards.ca.gov](mailto:milasol.gaslan@waterboards.ca.gov)}
- \*7. **Appeal of Staff's Denial of an Exemption from the Minimum Lot Size Requirement** - Francisco Zamora, 343 Pelican Drive, Riverside, Riverside County, APN 255-311-017  
{Milasol Gaslan 951/782-4419 [milasol.gaslan@waterboards.ca.gov](mailto:milasol.gaslan@waterboards.ca.gov)}

- \*8. **Rescissions** – Orders for the following facilities are proposed to be rescinded as the discharge has ceased or the project has been completed.  
{Milasol Gaslan 951/782-4419 [milasol.gaslan@waterboards.ca.gov](mailto:milasol.gaslan@waterboards.ca.gov)} Order No. R8-2015-0015

<u>Order No.</u>	<u>Facility and Location</u>	<u>Reason for Rescission</u>
1. R8-2008-0053	Inland Empire Utilities Agency, Magnolia Channel Improvement.	Project has been completed. WDR is no longer necessary.
2. 76-67	California Institute for Women, Brine Facility, Corona.	This is an inactive brine pond and is now regulated under Order No. R8-2014-0001.
3. 81-125	Riverside County Waste Management Department, West Riverside Landfill	This is an inactive landfill and is now regulated under Order No. R8-2013-0010.

- \*9. **Renewal of Waste Discharge Requirements and National Pollutant Discharge Elimination System Permit (NPDES No. CA8000188) for Eastern Municipal Water District** - This Order includes requirements for the discharge of approximately 52.5 million gallons per day of tertiary treated wastewater to Reach 5 of the Temescal Creek, a tributary to Reach 3 of the Santa Ana River, during wet weather conditions.  
{Milasol Gaslan 951/782-4419 [milasol.gaslan@waterboards.ca.gov](mailto:milasol.gaslan@waterboards.ca.gov)} Order No. R8-2015-0006

- \*10. **Renewal of Waste Discharge Requirements and Master Reclamation Requirements and National Pollutant Discharge Elimination System Permit (NPDES No. CA0105619) for Yucaipa Valley Water District** - The Order includes renewed requirements for the production and delivery of tertiary treated recycled water to various uses overlying the Yucaipa, San Timoteo and Beaumont Groundwater Management Zones and the discharge of this water to Reach 3 of the San Timoteo Creek, a tributary to Reach 5 of the Santa Ana River.  
{Milasol Gaslan 951/782-4419 [milasol.gaslan@waterboards.ca.gov](mailto:milasol.gaslan@waterboards.ca.gov)} Order No. R8-2015-0027

11. **Costa Mesa Sanitary District Administrative Civil Liability Order No. R8-2015-0037** - The Board will consider adoption of an order imposing administrative civil liability based on a hearing conducted at the July 24, 2015 Board Meeting.  
{Kurt V. Berchtold 951/782-3286 [kurt.berchtold@waterboards.ca.gov](mailto:kurt.berchtold@waterboards.ca.gov)}

12. **Underground Storage Tanks Corrective Action Plans** - Board staff will provide a list of sites where Corrective Action plans have been submitted within the Region as required by the California Underground Storage Tank Regulations, Title 23, Article 11, Section 2728 (information item).  
{Kenneth R. Williams 951/782-4496 [ken.williams@waterboards.ca.gov](mailto:ken.williams@waterboards.ca.gov)}

13. **Underground Storage Tanks Site Closure Report** - Board staff will provide a list of site closures that have occurred within the Region as required by the California Underground Storage Tank Regulations, Title 23, Article 11, Section 2728(d) (information item).  
{Kenneth R. Williams 951/782-4496 [ken.williams@waterboards.ca.gov](mailto:ken.williams@waterboards.ca.gov)}

14. **Regional Board Member and Executive Officer Communications** - Regional Board Members and the Executive Officer may discuss meetings, communications, correspondence, or other items of general interest relating to matters within the Board's jurisdiction. There will be no voting or formal action taken.



15. **Closed Session** - At any time during the regular session, the Regional Board may adjourn to a closed session to:
- a. consider evidence received in an adjudicatory hearing and deliberate on a decision to be reached based on that evidence (Gov. Code Section 11126(c)(3));
  - b. consider the appointment, employment, evaluation of performance, or dismissal of a public employee or to hear complaints or charges brought against a public employee (Gov. Code Section 11126(a)(1));
  - c. discuss significant exposure to litigation (Gov. Code Section 11126(e)(2)(B)(i));
  - d. discuss whether to initiate litigation (Gov. Code Section 11126(e)(2)(C)(i)); and
  - e. discuss pending litigation in the following matters (Gov. Code, § 11126, subd.(e)):
    - (1) Goodrich Corporation v. California State Water Resources Control Board et al. (Los Angeles Sup. Ct. Case No. BS 110389, [consolidated with BS 110390 and BS110391]);
    - (2) In re Petitions of Kwikset Locks, Inc. (SWRCB/OCC File Nos. A-1732, 1732(a), 1732(b), 1732(c), and 1732(d));
    - (3) In re Own Motion Review of Rialto-Area Perchlorate Contamination (SWRCB/OCC File No. A-1824).

**Adjournment** to the regular Board Meeting of October 30, 2015, at City of Loma Linda, 25541 Barton Road, Loma Linda CA 92354.

#### NOTICES

Any person, who has a disability and requires reasonable accommodation to participate in this Regional Board Meeting, should contact Felipa Carrillo [felipa.carrillo@waterboards.ca.gov](mailto:felipa.carrillo@waterboards.ca.gov), or call 951/782-3285, no later than ten (10) days prior to the meeting.

Any person interested in obtaining information and/or providing input regarding pending applications for Water Quality Standards Certification under Section 401 of the Federal Clean Water Act may do so by contacting Marc Brown at 951/321-4584 [marc.brown@waterboards.ca.gov](mailto:marc.brown@waterboards.ca.gov).



## California Regional Water Quality Control Board - Santa Ana Region 8

3737 Main Street, Suite 500 • Riverside, CA • 92501-3348 • (951) 782-4130

Internet Address: <http://www.waterboards.ca.gov/santaana>

### BOARD INFORMATION SHEET

#### BOARD MEMBERS

William Ruh, Chair  
Linda Ackerman, Vice-Chair  
Tom Rivera  
William P. von Blasingame  
James Famiglietti  
Vacant  
Vacant

#### REGIONAL BOARD LEGAL COUNSEL

David Rice, State Water Resources Control Board  
Office of Chief Counsel (916) 341-5182  
1001 "I" Street, 22<sup>nd</sup> Floor  
Sacramento, CA 95812

#### REGIONAL BOARD SENIOR STAFF

Kurt V. Berchtold, Executive Officer  
Joanne E. Schneider, Division Chief  
Hope A. Smythe, Division Chief  
Xinyu (Cindy) Li, Chief of Land Disposal  
Wanda Cross, Chief of Regional Planning Programs  
Terri Reeder, Chief of Basin Planning – Coastal Waters  
Mark E. Smythe, Chief of Basin Planning - Inland Waters  
Michelle Beckwith, Chief of Stormwater - Coastal  
Milasol C. Gaslan, Chief of Permitting and Compliance  
Ann E. Sturdivant, Chief of Site Cleanup  
Kenneth R. Williams, Chief of Pollutant Investigations  
Catherine Ehrenfeld, Regional Administrative Officer  
Felipa Carrillo, Executive Assistant  
Kevin Heinemann, Senior Information Systems Analyst  
Daniel Mefford, Assistant Information Systems Analyst

#### GENERAL STATEMENT

The primary duty of the Regional Board is to protect the quality of the waters within the Region for all beneficial uses. This duty is implemented by formulating and adopting water quality control plans for all ground and surface water bodies in the region and by prescribing and enforcing requirements on waste discharges. The specific responsibilities and procedures of the Regional Water Quality Boards and the State Water Resources Control Board are outlined in the Porter-Cologne Water Quality Control Act (Division 7, California Water Code).

The purpose of this meeting is for the Board to obtain testimony and information from concerned and affected parties and make decisions after considering the recommendations made by the Executive Officer.

Whenever possible, lengthy testimony should be presented to the Board in writing one week prior to the scheduled meeting and only a summary of pertinent issues should be presented orally. For each matter considered, relevant Regional Board files are incorporated into the record.

A copy of the procedures governing Regional Water Board meetings may be found at Title 23, California Code of Regulations, Section 647 et seq., and is available upon request. Hearings before the Regional Water Board are conducted pursuant to Government Code Section 11400 et seq. and 11513.

DISCLOSURE STATEMENT

All persons who actively support or oppose the adoption of waste discharge requirements or NPDES permits pending before the Regional Board, must submit a statement to the board disclosing any contribution of \$250.00 or more to be used in a federal, state, or local election, made by the action supporter or opponent, or his/her agent, within the last twelve months to any Regional Board Member.

Also, all permit applicants and all persons who actively support or oppose adoption of a set of waste discharge requirements and/or NPDES permits pending before the Regional Board are prohibited from making contributions of \$250.00 or more to any Board member for three months following a Regional Board decision on the permit application.

RIGHT TO PETITION

Any person affected adversely by a decision of the California Regional Water Quality Control Board, Santa Ana Region (Regional Board), may petition the State Water Resources Control Board (State Board) to review the decision. The petition must be received by the State Board within thirty days of the Regional Board's meeting at which the adverse action was taken. Copies of the law and regulations applicable to filing petitions will be provided upon request to the Regional Board.

NOTE: The agenda items are numbered for identification purposes only and will not necessarily be considered in the order listed. The Public Forum item will be limited to one hour.

----- MAILER -----

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