

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

**STAFF REPORT**

**April 22, 2016**

ITEM: 8

SUBJECT: Review of Regional Board Staff's Determination Regarding Applicability of the Quail Valley Waste Discharge Prohibition for Subsurface Disposal Systems Use, Carole Masson, Montana Street, Menifee, Riverside County – APN 350-031-001 and 350-031-002

DISCUSSION:

On January 12, 2016 and February 23, 2016, Gregg Berge, on behalf of Carole Masson, property owner, submitted a request for approval to install either onsite septic tank-subsurface disposal systems or advanced treatment disposal systems to serve proposed single-family homes on two individual lots located on Montana Street in the Quail Valley area of Riverside County. These lot sizes are 2.10 and 0.56-acre. There is no sewer available to serve the lots.

On October 3, 2006, after extensive studies and following public hearings, the Regional Board adopted a waste discharge prohibition pertaining to the use of subsurface disposal systems in the Quail Valley area (Quail Valley Prohibition). The Quail Valley Prohibition became effective on August 20, 2007 after it was approved by the State Water Resources Control Board and the California Office of Administrative Law. The Quail Valley Prohibition prohibits the discharge of waste from new or existing septic systems within all 9 subareas of Quail Valley. If a sewer system is built within the Quail Valley prohibition area, existing septic systems are required to connect to the sewer within one year of sewer installation.

The Quail Valley Prohibition does allow new septic systems to be installed in subareas outside of subareas 4 and 9 under the following conditions: 1) the Regional Board finds that the sewerage agency is on schedule to provide sewer service for subareas 4 and 9 within five years of the effective date of the prohibition (by August 2012), or 2) the Regional Board has determined that the sewerage agency has completed the sewer system design for subareas 4 and 9. To date, the sewerage agency (Eastern Municipal Water district) has not completed the sewer system design for subareas 4 and 9; the Prohibition remains in effect for all areas of Quail Valley.

Following the Regional Board adoption of the Quail Valley Prohibition, Regional Board staff worked with the Riverside County Department of Environmental Health to develop a plan for how the Quail Valley Prohibition would apply to those parcels that had obtained or were in the process of obtaining County approval(s) for the installation of

new onsite subsurface disposal systems. After the Regional Board adoption date (October 3, 2006) and prior to the effective date of the Prohibition (August 20, 2007), it was Regional Board staff's approach to review proposals with the County on a case-by-case basis and to allow only those projects that had received prior County approvals for the use of septic systems to move forward.

Accordingly, by letters dated June 21, 2007 and August 14, 2007 (attached), Regional Board staff did issue two conditional approvals for projects that met the above criteria before the effective date of the Quail Valley Prohibition. However, to date, Board staff have not approved any proposed projects for the use of septic systems within Quail Valley after August 20, 2007 – the effective date of the Quail Valley Prohibition.

Board staff did receive email communication from Ms. Masson on February, 8, 2008, February, 9, 2008, April 21, 2008 and July 9, 2008 inquiring about the status of the Quail Valley Prohibition and the status of the Montana Street properties. In these emails, Ms. Masson indicated that she was in the process of obtaining septic tank approval or in the process of obtaining grading permits. However, according to the documents provided by Ms. Masson, there is no indication that the County had approved septic systems on the two properties prior to the Prohibition effective date.

In the January 12, 2016 and February 23, 2016 submittals, Mr. Berge asked Regional Board staff to allow septic systems to be installed on the Montana Street properties consistent with the Regional Board's practice at the time Quail Valley Prohibition became effective. The documentation provided (see Attachments) alleges that a septic system on Ms. Masson's project should be exempted from the Quail Valley Prohibition as her lots had received approvals from Riverside County prior to the effective date of the Prohibition. Staff's review of the documentation submitted does not indicate that any approvals for septic systems were issued by the County. The documentation submitted did indicate grading permits were issued for the lots; however, County staff have indicated this is the standard procedure and once grading had been completed, County staff would have again reviewed the graded property documentation to ensure that the lot could support the onsite subsurface disposal system as originally proposed. At that point, the County would have issued an approval. Discussions with County staff have confirmed that no approvals for the use of septic systems on either lot had been issued prior to the effective date of the prohibition.

#### STAFF DETERMINATION

Regional Board staff recommend that the Board deny Ms. Masson's request to allow the use of septic systems on the above referenced properties as no approvals for the use of septic systems had been obtained prior to the Prohibition effective date.

Comments were solicited from the following:

Riverside County Environmental Health – John Watkins/Matt Riha  
City of Menifee – Jonathan Smith

ATTACHMENTS:

1. June 21, 2007 – letter from Gerard Thibeault, Executive Officer to Mr. Robert Coscia, “Conditional Approval for the Use of On-site Septic Tank-Subsurface Disposal System at 29569 La Cresta Drive, Quail Valley Area, Riverside County, APN 351-053-010”
2. August 4, 2007 – letter from Gerard Thibeault, Executive Officer to Mr. and Mrs. Lopez, “Conditional Approval for the Use of On-site Septic Tank-Subsurface Disposal System at 28171 Rancho Drive, Quail Valley Area, Riverside County, APN 341-020-005”
3. January 12, 2016 – submittal from Gregg Berge of Masson Property Documents
4. February 9, 2016 – letter from Kurt V. Berchtold, Executive Officer to Mr. Gregg Berge, “Denial of the Proposed Use Of Onsite Septic Tank-Subsurface Disposal Systems or Advanced Treatment Systems at Montana Street, Quail Valley Prohibition Area, Riverside County, APN 350-031-001 and 350-031-002”
5. February 23, 2016 – submittal from Gregg Berge of Masson Property Septic Plan Check Documents from the County of Riverside
6. March 25, 2016 – letter from Kurt V. Berchtold, Executive Officer to Mr. Gregg Berge, “Denial of the Proposed Use Of Onsite Septic Tank-Subsurface Disposal Systems or Advanced Treatment Systems at Montana Street, Quail Valley Prohibition Area, Riverside County, APN 350-031-001 and 350-031-002”

**ATTACHMENT 1**

June 21, 2007 – letter from Gerard Thibeault, Executive Officer  
to Mr. Robert Coscia,  
"Conditional Approval for the Use of On-site Septic Tank-Subsurface Disposal  
System at 29569 La Cresta Drive, Quail Valley Area, Riverside County,  
APN 351-053-010"



# California Regional Water Quality Control Board

## Santa Ana Region



Linda S. Adams  
Secretary for  
Environmental Protection

3737 Main Street, Suite 500, Riverside, California 92501-3348  
Phone (951) 782-4130 • FAX (951) 781-6288 • TDD (951) 782-3221  
[www.waterboards.ca.gov/santaana](http://www.waterboards.ca.gov/santaana)

Arnold  
Schwarzenegger  
Governor

June 21, 2007

Robert Coscia  
23760 Cathedral Peak  
Quail Valley, CA 92587

CONDITIONAL APPROVAL FOR THE USE OF ON-SITE SEPTIC TANK-SUBSURFACE DISPOSAL SYSTEM AT 29569 LA CRESTA DRIVE, QUAIL VALLEY AREA, RIVERSIDE COUNTY, APN 351-053-010

Dear Mr. Coscia:

This is in response to your June 8 and 11, 2007 submittals regarding the above-referenced project. You are proposing to construct a single-family residence on a 0.2-acre lot at 29569 La Cresta Drive in the Quail Valley area of Riverside County. A 1,200-gallon septic tank-subsurface disposal system will be installed to service this lot. Currently, there is no sewer available to serve the lot.

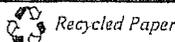
In 1989, the Regional Board adopted minimum lot size criteria for septic tank-subsurface disposal system use. The Water Quality Control Plan for the Santa Ana River Basin (Basin Plan) specifies a minimum lot size requirement (MLSR) of one-half acre (gross) per dwelling unit for new developments using on-site septic tank-subsurface leaching/percolation systems regionwide. Since the subject lot had received approval prior to the effective date of the MLSRs, it is exempt from the minimum lot size requirements.

Please note that on October 3, 2006, the Regional Board adopted Resolution No. R8-2006-0024, amending the Basin Plan to include a prohibition on the use of septic tank-subsurface disposal systems in the Quail Valley area of Riverside County. Attached is a copy of this resolution for your information and guidance. This prohibition will become effective upon approval by the State Water Resources Control Board and the Office of Administrative Law. On June 19, 2007, the State Water Resources Control Board approved this Basin Plan amendment. The prohibition will require connection to the sewer when sewers become available and the septic tank-subsurface disposal systems will have to be properly abandoned.

This letter constitutes our conditional clearance for the above-referenced project. The conditions are as follows:

1. You must obtain prior approval for the use of a septic tank-subsurface disposal system from the Riverside County Environmental Health Department and the County Department of Building and Safety.

*California Environmental Protection Agency*



Robert Coscia  
APN 351-053-010

- 2 -

June 21, 2007

2. You must complete the attached form, sign the form in front of a notary, and return it to the Regional Board office in the stamped pre-printed envelope provided. By completing and returning this form, you acknowledge that you have read and understood that upon the effective date of the prohibition, you would eliminate the use of septic systems on your property by connecting to a sewer designed to serve the property. Once this notarized letter of acknowledgement has been returned to us, we will notify the Riverside County Environmental Health Department.

More information regarding the prohibition can be obtained by visiting the Regional Board website: [http://www.waterboards.ca.gov/santaana/html/quail\\_valley.html](http://www.waterboards.ca.gov/santaana/html/quail_valley.html)

If you have any questions, please contact Jun Martirez at (951) 782-3258 or Susan Beeson at (951) 782-4902.

Sincerely,

*K. J. Thibeault*

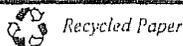
for Gerard J. Thibeault  
Executive Officer

Enclosures: Acknowledgement Form  
Resolution No. R8-2006-0024  
Stamped Pre-printed envelope

cc: Riverside County Environmental Health – Sam Martinez  
Riverside County Building and Safety – Steve Dondalski

SKB/mydoc/septic/quailvalley/ca/wcoscia-qv-lacrestadr-ltr.doc

*California Environmental Protection Agency*



**ATTACHMENT 2**

August 4, 2007 – letter from Gerard Thibeault, Executive Officer  
to Mr. and Mrs. Lopez,  
"Conditional Approval for the Use of On-site Septic Tank-Subsurface Disposal  
System at 28171 Rancho Drive, Quail Valley Area, Riverside County,  
APN 341-020-005"



# California Regional Water Quality Control Board Santa Ana Region



Linda S. Adams  
Secretary for  
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Arnold  
Schwarzenegger  
Governor

August 14, 2007

John and Lisette Lopez  
c/o Ernesto Lopez  
P.O. Box 3542  
Quail Valley, CA 92587

CONDITIONAL APPROVAL FOR THE USE OF ON-SITE SEPTIC TANK-SUBSURFACE DISPOSAL SYSTEM AT 28171 RANCHO DRIVE, QUAIL VALLEY AREA, RIVERSIDE COUNTY, APN 341-020-005

Dear Mr. and Mrs. Lopez:

This is in response to your August 3, 2007 submittal regarding the above-referenced project. You own a 1.55-acre lot located at 28171 Rancho Drive in the Quail Valley area of Riverside County. Currently there is an existing home on the lot that is served by an existing septic system. You are proposing to build an additional dwelling unit (a guest house) on the lot. A 1,200-gallon septic tank-subsurface disposal system will be constructed to service the new guest house. Currently there is no sewer available to serve the lot.

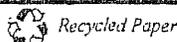
In 1989, the Regional Board adopted minimum lot size criteria for septic tank-subsurface disposal system use. The Water Quality Control Plan for the Santa Ana River Basin (Basin Plan) specifies a minimum lot size requirement (MLSR) of one-half acre (gross) per dwelling unit for new developments using on-site septic tank-subsurface leaching/percolation systems regionwide. Since the subject lot had received approval prior to the effective date of the MLSRs, it is exempt from the minimum lot size requirements.

Please note that on October 3, 2006, the Regional Board adopted Resolution No. R8-2006-0024, amending the Basin Plan to include a prohibition on the use of septic tank-subsurface disposal systems in the Quail Valley area of Riverside County. Attached is a copy this resolution for your information and guidance. The State Water Resources Control Board has approved this Basin Plan amendment. This prohibition will become effective upon approval by the Office of Administrative Law. The prohibition will require connection to the sewer when sewers become available and the septic tank-subsurface disposal systems will have to be properly abandoned.

This letter constitutes our conditional clearance for the above-referenced project. The conditions are as follows:

1. You must obtain prior approval for the use of a septic tank-subsurface disposal system from the Riverside County Environmental Health Department and the County Department of Building and Safety.

*California Environmental Protection Agency*



John and Lisette Lopez  
APN 341-020-005

- 2 -

August 14, 2007

2. You must complete the attached form, sign the form in front of a notary, and return it to the Regional Board office in the stamped pre-printed envelope provided. By completing and returning this form, you acknowledge that you have read and understood that upon the effective date of the prohibition, you would eliminate the use of septic systems on your property by connecting to a sewer designed to serve the property. Once this notarized letter of acknowledgement has been returned to us, we will notify the Riverside County Environmental Health Department.

More information regarding the prohibition can be obtained by visiting the Regional Board website: [http://www.waterboards.ca.gov/santaana/html/quail\\_valley.html](http://www.waterboards.ca.gov/santaana/html/quail_valley.html)

If you have any questions, please contact Jun Martirez at (951) 782-3258 or Susan Beeson at (951) 782-4902.

Sincerely,



Gerard J. Thibeault  
Executive Officer

Enclosures: Acknowledgement Form  
Resolution No. R8-2006-0024

cc: Riverside County Environmental Health – Sam Martinez  
Riverside County Building and Safety – Steve Dondalski

SKB/mydoc/septic/quailvalley/ca/wlopez-qv-ranchodr-ltr.doc

*California Environmental Protection Agency*



Recycled Paper

**ATTACHMENT 3**

January 12, 2016 – submittal from Gregg Berge of Masson Property Documents

1/12/16  
E. Berge  
23 pages

\*\*\*\*\*  
Riverside County LMS Receipt  
\*\*\*\*\*

Receipt Number: R1600187 Amount: 8.67 01/08/16 12:32  
Payment Method: CASH Notation: CASH Init: CU

-----  
Payment #: BRI160025 Type: BRI BUILDING RECORDS INQ  
Parcel No: 350-031-001  
Site Address: 28143 MONTANA ST

This Payment 8.67 Total Fees: 8.67  
Total ALL Pmts: 8.67  
Balance: .00

\*\*\*\*\*

Account Code	Description	Amount
202033100200772210	LMS SURCHARGE	.17
202503110100780040	RECORDS RETRIEVAL - COPY	1.00
202503110100777700	RECORDS RETRIEVAL - HRLY	7.50





Data: Addresses

28143 MONTANA ST CYLK

05/13/05

Data: Parcels

350031001

01/01/1986

Data: Process Tables

Screen No: 01 .....

General Information

Parcel No: 350-031-001

Owner: MASSON RICHARD AND CAROLE

Status: EXPIRED Entered By: FSTU Process Fee Exempt (Y/N) : N

App Type: GSFR GRADING: SINGLE FAMILY

Description: GRADING FOR SINGLE FAMILY RESIDENCE

Location: 2005 TG 837 D6

Cubic Yards: 1115 Number of Lots: 1

Insp Area: TG01

Area of disturbance: 21000 SQ FT

Applied: 05/13/2005 Plan Ck Exp: 02/25/2006

Approved: 08/29/2005 Permit Expires: 10/25/2006

Issued: 08/29/2005 Renewed: 00/00/0000

Closed: 07/09/2009 Orig Exp Date: 00/00/0000

Screen No: 02 .....

Geographic Information

Tract/Lot.....: TRO2257 LOT 363

Start GIS Process (Y/N) : N Get Fields (Y/N) : N

Zoning Code (Ord. 348).....: R-1

Supervisory District.....: 3

Development Agreement.....: 0 Fee per DU is \$0

DIF Area (Ord. 659).....: 17 SUN CITY/MENIFEE

School District.....: MENIFEE UNION/PERRIS UNION HIGH

SKR Fee Area (Ord. 663).....: INSIDE FEE AREA

SKR Core Area (Ord. 457)....: N Flood Review.: RIVERSIDE COUNTY FLOOD CONTROL D

SKR Habitat.....: N

Gnatcatcher Habitat.....: Riversidean Sage Scrub

FTL Fee Area (Ord. 457&460): N

QC Butterfly Habitat.....: N

Fault Zone.....: Not in fault area

High Fire Area (Ord. 546)...: Y

Lighting (Ord. 655).....: Zone B 33.21 miles.

Screen No: 03 .....

Grading Fees & Totals

Processing Fee...:Y 15.00 Microfilm@.10 (Qty) .00

Prmt Deposit (Hrs) 4.0 652.00 @.50 (Qty) .00

Oth Prmt Dep (Hrs) .0 .00 Transfer Fee (Qty) .00

Data: Process Tables Continued...

Landscape..(Lots)	.00	LMS Surcharge.....:	.00
LMS Surcharge.....:	13.34	TOTAL CALC FEES:	1,693.20
PERMIT SUBTOTAL:	680.34		
PC Process..(Y/N):Y	15.00		
PC Deposit..(Hrs) 6.0	978.00		
Oth PC Depos(Hrs) .0	.00		
LandscapePC(Lots)	.00		
LMS Surcharge.....:	19.86		
PLANCK SUBTOTAL:	1,012.86	** From Fee Summary Screen **	
		Additional Fees...:	1,428.00
NoFee PlanCk(Y/N):	.00	TOTAL PERMIT FEES.:	3,121.20
Permit(Y/N):	.00	Payments.....:	3,121.20
Code: (1-5)		BALANCE DUE.....:	.00

Screen No: 04 .....  
 Unpermitted Construction Options  
 Un-permitted construction permit.....(Y/N): N  
 45-day expiration date: 00/00/0000

Data: People

APPLICANT MASSON CAROLE 01/27/09 Phone: 951-587-2283  
 42250 A VIA DE LOS FIDEOS  
 TEMECULA CA  
 92590

CONTRACTOR OWNER BUILDER 05/13/05  
 License: 00000000000001 00000000000001

OWNER MASSON RICHARD AND CAROLE 05/13/05 Phone: 951 587 2283  
 42250 VIA DE LOS FIDEOS A  
 TEMECULA CA  
 92590

ENGINEER JOSEPH ROSS LAND DEVELOPMENT 05/13/05 Phone: 951/301-6399  
 25060 HANCOCK AVE #103-227  
 MURRIETA, CA  
 92562  
 License: JOSEPH ROSS Also is Applicant

Data: Fee Summary

Calculated Fees:	1,693.20	Total Fees:	3,121.20
Additional Fees:	1,428.00	Payments:	3,121.20
Total Fees:	3,121.20	Balance:	.00

Data: Full Description

Description: GRADING FOR SINGLE FAMILY RESIDENCE

## Data: Conditions

Title: GP\* - ENVIRONMENTAL MITIGATION Status: DRAFT  
Dept: B&S

Prior to the issuance of a grading permit, an assessment of the site and/or a payment of a mitigation fee for an environmentally sensitive area is required. The requirements are indicated below:

## Stephens Kangaroo Rat

- Mitigation fee  
 Assessment and/or Biological report

## California Gnatcatcher Bird

- Assessment and/or Biological report

## Quino Checkerspot Butterfly

- Assessment and/or Biological report

## Coachella Valley Fringe-Toed Lizard

- Mitigation fee

## Other:

Title: GP\* - ISSUE BGR050767 Status: DRAFT

Dept: B&S

BGR050767 MUST BE ISSUED CONCURRENTLY WITH THIS PERMIT, AS THIS IS AN IMPORT SITE.

Title: GP\* - IN HIGH FIRE AREA Status: DRAFT

Dept: B&S

Prior to issuance of this permit, clearance must be obtained from the Riverside County Fire Department.

Title: MAP - HFA REVIEW & APPROVAL Status: DRAFT

Dept: FIRE

Fire department shall review and approve setbacks, water and access for all single family dwellings, additions and projections that are in a hazardous fire area.

## Data: Comments

AYAMASAK 05/24/05 5/24/05. Cut/Fill 4600 CY, Import 800 CY from BGR 050767.  
GMCCOMBS 11/18/05 11/18/05 pad cert and comp test appr by GM  
AYAMASAK 11/28/05 11/22/05. RG Not Approved. No SWPPPS, pad and slopes not  
AYAMASAK 11/28/05 per approved plan.Todd./AGY\*  
EFLETCH 04/02/07 03-29-07 I EF RECVD 1 SET OF BGR PLANS AND 1 SET OF SLOPE

## Data: Comments

Continued...

EFLETCH 04/02/07 STABILITY EVALUATION  
 SBENJAMI 04/06/07 04-06-07 SGB REDLINED GRADING. DVWY TOO STEEP. ASKED FOR  
 SBENJAMI 04/06/07 CL PROFILE & FLATTEN SLOPE. ENGR PROVIDED  
 SBENJAMI 04/06/07 WRONG NUMBER. LEFT THE OWNERS A MESSAGE  
 SBENJAMI 04/10/07 TP p/U REDLINES.  
 SBENJAMI 04/10/07 04-10-07 SGB OWNER WALKED IN ASKING FOR APPROVAL SAYING  
 SBENJAMI 04/10/07 CANN'T FLATTEN SLOPE. PER KHALID WE'LL  
 SBENJAMI 04/10/07 APPROVE SLOPE IF FIRE SAYS OK. ASKED LADY  
 SBENJAMI 04/10/07 TO SUBMIT PLANS TO FIRE.  
 SBENJAMI 05/08/07 05-08-07 SGB OWNER CALLED NOTIFYING ME FIRE CLEARED  
 SBENJAMI 05/08/07 GRADING IN THE CONDITIONS SCREEN. TRANS CLRD  
 SBENJAMI 05/08/07 GRADING.  
 ALMILLER 05/22/07 5/22/07 ALM NEW RG CERT, GRANDING REPORT AND RG INSPECTION  
 ALMILLER 05/22/07 REQUIRED BEFORE ISSUANCE OF BP.

## Data: Locks, Holds, Notices

PAEISENB 10/05/09 EXPIRED-HOLDING FOR RECORDS. PE  
 Type: NOTICE Effective Date Range: 10/05/2009 - 12/31/2019  
 LMS 10/01/09 DBF REFUND \$350.74 PV#00229155 CK#01831869 9/29/2009  
 Type: NOTICE Effective Date Range: 10/01/2009 - 12/31/2020  
 RLMILLER 07/09/09 PERMIT EXPIRED FOR NO ACTIVITY  
 Type: NOTICE Effective Date Range: 07/09/2009 - 12/31/2019  
 RCHATHAM 01/05/10 RECEIVED IN RECORDS GS 533 01510  
 Type: NOTICE Effective Date Range: 01/05/2010 - 12/31/2019  
 WCHEN 03/05/07 LOCK ON BMR054030  
 Type: LOCK Effective Date Range: 03/05/2007 - 03/28/2007  
 WCHEN 03/05/07 SUPPL'T FEES DUE \$765.00 LOW DEPOSIT 3/5/07  
 Type: LOCK Effective Date Range: 03/05/2007 - 03/28/2007  
 ALMILLER 05/22/07 NEW PAPERWORK REQ'D BEFORE ISSUANCE OF BP 5/22/07  
 Type: NOTICE Effective Date Range: 05/22/2007 - 12/31/2019  
 TGARRISO 05/16/07 PLANS RESTAMPED BY L/U - CUT/FILL CHANGED FROM 4600 TO 1115  
 Type: NOTICE Effective Date Range: 05/16/2007 - 12/31/2019  
 SBENJAMI 05/08/07 TRANS CLEARANCE TO GRADING, SBENJAMIN, 5/8/07, SEE COMMENTS  
 Type: NOTICE Effective Date Range: 05/08/2007 - 12/31/2019  
 PNEAL 08/29/05 NOT IN A CELL CRITERIA AREA  
 Type: NOTICE Effective Date Range: 08/29/2005 - 08/30/2005  
 WCHEN 08/03/05 SUPPL'T FEES DUE \$663.00 LOW DEPOSIT 8/3/05 -- PAID  
 Type: NOTICE Effective Date Range: 08/03/2005 - 08/16/2005  
 AYAMASAK 05/24/05 Import site from BGR 050767 AGY\*  
 Type: NOTICE Effective Date Range: 05/24/2005 - 12/31/2019

## Data: Approvals

Item: 00001 Planning Department Approval Dept: A@PL Division:  
 08/29/2005 PNEAL Action: APPR  
 Item: 00011 B&S: Permit Approval Dept: AQBS@@@ Division: @@  
 08/29/2005 RLMILLER Action: APPR

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**BUILDING PERMIT INSPECTION HISTORY FOR**

Online Services

**No Information Available for BGR050765**

Carole Masson  
42250A Via De Los Fideos  
Temecula, CA 92590  
December 31, 2008

County of Riverside  
Department of Building & Safety  
P.O. box 1629  
Riverside, CA 92502-1629

Dear Building Dept.:

Reference Properties: APN's 350-03-001 & 350-031-002

I am the owner of these properties and want my name to also be known as the applicant. Joseph Ross's name is to be removed and he is to have nothing to do with these properties. He was fired for failure to complete the contract. I have personally paid all the fees.

Sincerely,

*Carole Masson*

Carole Masson  
951 587-3283

BGR0507105

BGR0507167

Permit No BGR050767

DATA SHEET  
01/08/16

Page: 1  
12:04

Data: Addresses

28155 MONTANA ST CYLK

05/13/05

Data: Parcels

350031002

05/13/2005

Data: Process Tables

Screen No: 01 .....

General Information

Parcel No: 350-031-002

Owner: MASSON RICHARD AND CAROLE

Status: EXPIRED Entered By: FSTU Process Fee Exempt(Y/N): N

App Type: GSFR GRADING: SINGLE FAMILY

Description: GRADING FOR SINGLE FAMILY RESIDENCE

Location: 2005 TG 837 D6

Cubic Yards: 800 Number of Lots:

Insp Area: TG01

Area of disturbance:

SQ FT

Applied: 05/13/2005

Plan Ck Exp: 01/25/2006

Approved: 07/29/2005

Permit Expires: 10/25/2006

Issued: 08/29/2005

Renewed: 00/00/0000

Closed: 07/09/2009

Orig Exp Date: 00/00/0000

Screen No: 02 .....

Geographic Information

Tract/Lot.....: TR02257 LOT 362

Start GIS Process(Y/N): N Get Fields(Y/N): N

Zoning Code (Ord. 348).....: R-1

Supervisory District.....: 3

Development Agreement.....: 0 Fee per DU is \$0

DIF Area (Ord. 659).....: 17 SUN CITY/MENIFEE

School District.....: MENIFEE UNION/PERRIS UNION HIGH

SKR Fee Area (Ord. 663).....: INSIDE FEE AREA

SKR Core Area (Ord. 457)....: N Flood Review.: RIVERSIDE COUNTY FLOOD CONTROL D

SKR Habitat.....: N

Gnatcatcher Habitat.....: Riversidean Sage Scrub

FTL Fee Area (Ord. 457&460): N

QC Butterfly Habitat.....: N

Fault Zone.....: Not in fault area

High Fire Area (Ord. 546)...: Y

Lighting (Ord. 655).....: Zone B 33.21 miles.

Screen No: 03 .....

Grading Fees & Totals

Processing Fee...:Y	15.00	Microfilm@.10(Qty)	.00
Prmt Deposit(Hrs) 4.0	652.00	@.50(Qty)	.00
Oth Prmt Dep(Hrs) .0	.00	Transfer Fee (Qty)	.00

Data: Process Tables Continued...

Landscape..(Lots)	.00	LMS Surcharge.....	.00
LMS Surcharge.....	13.34	TOTAL CALC FEES:	1,693.20
PERMIT SUBTOTAL:	680.34		
PC Process..(Y/N):Y	15.00		
PC Deposit..(Hrs) 6.0	978.00		
Oth PC Depos(Hrs) .0	.00		
LandscapePC(Lots)	.00		
LMS Surcharge.....	19.86		
PLANCK SUBTOTAL:	1,012.86	** From Fee Summary Screen **	
NoFee PlanCk(Y/N):	.00	Additional Fees....	.00
Permit(Y/N):	.00	TOTAL PERMIT FEES..	1,693.20
Code: (1-5)		Payments.....	1,693.20
		BALANCE DUE.....	.00

Screen No: 04 .....  
 Unpermitted Construction Options  
 Un-permitted construction permit.....(Y/N): N  
 45-day expiration date: 00/00/0000

Data: People

APPLICANT MASSON CAROLE 01/27/09 Phone: 951-587-2283  
 42250 A VIA DE LOS FIDEOS  
 TEMECULA CA  
 92590

ENGINEER JOSEPH ROSS LAND DEVELOPMENT 05/13/05 Phone: 951/301-6399  
 25060 HANCOCK AVE #103-227  
 MURRIETA, CA  
 92562  
 License: JOSEPH ROSS Also is Applicant

OWNER MASSON RICHARD AND CAROLE 05/13/05 Phone: 951 587 2283  
 42250 VIA DE LOS FIDEOS A  
 TEMECULA CA  
 92590

CONTRACTOR OWNER BUILDER 05/13/05  
 License: 00000000000001 00000000000001

Data: Fee Summary

Calculated Fees:	1,693.20	Total Fees:	1,693.20
Additional Fees:	.00	Payments:	1,693.20
Total Fees:	1,693.20	Balance:	.00

Data: Full Description

Description: GRADING FOR SINGLE FAMILY RESIDENCE

## Data: Conditions

Title: GP\* - ENVIRONMENTAL MITIGATION Status: DRAFT  
Dept: B&S

Prior to the issuance of a grading permit, an assessment of the site and/or a payment of a mitigation fee for an environmentally sensitive area is required. The requirements are indicated below:

Stephens Kangaroo Rat

- Mitigation fee  
 Assessment and/or Biological report

California Gnatcatcher Bird

- Assessment and/or Biological report

Quino Checkerspot Butterfly

- Assessment and/or Biological report

Coachella Valley Fringe-Toed Lizard

- Mitigation fee

Other: \_\_\_\_\_

Title: GP\* - ISSUE BGR050765 Status: DRAFT  
Dept: B&S

BGR050765 MUST BE ISSUED CONCURRENTLY WITH THIS PERMIT, AS THIS IS AN EXPORT SITE.

Title: GP\* - IN HIGH FIRE AREA Status: DRAFT  
Dept: B&S

Prior to issuance of this permit, clearance must be obtained from the Riverside County Fire Department.

Title: MAP - HFA REVIEW & APPROVAL Status: DRAFT  
Dept: FIRE

Fire department shall review and approve setbacks, water and access for all single family dwellings, additions and projections that are in a hazardous fire area.

## Data: Comments

GMCCOMBS 11/18/05 11/18/05 Pad cert and comp rpt appr by GM  
AYAMASAK 11/28/05 11/22/05. RG Insp Not Approved. Not per approved plan; no  
AYAMASAK 11/28/05 SWPPPS, no posted address, slopes exceed 2:1.TTODD/AGY\*  
JAYCHA 01/12/06 1/12/06. APPR SUPPLEMENTAL CERT PER DSS REGARDING MINOR  
JAYCHA 01/12/06 CHANGES JYC\*

-----  
Data: Locks, Holds, Notices  
-----

LMS 10/01/09 DBF REFUND \$271.79 PV#00229154 CK#01831868 9/29/2009  
Type: NOTICE Effective Date Range: 10/01/2009 - 12/31/2020  
PAEISENB 07/30/09 EXPIRED-SCANNED & SENT TO RECORDS.PE  
Type: NOTICE Effective Date Range: 07/30/2009 - 12/31/2019  
RLMILLER 07/09/09 PERMIT EXPIRED FOR NO ACTIVITY  
Type: NOTICE Effective Date Range: 07/09/2009 - 12/31/2019  
WCHEN 06/03/08 NEW TEL # 951-816-1182 OR 522-6429  
Type: NOTICE Effective Date Range: 06/03/2008 - 12/31/2008  
WCHEN 06/03/08 NEW UPDTD ADDR: 30300 ANTELOPE RD. STE 1012, MENIFEE, CA 92584  
Type: NOTICE Effective Date Range: 06/03/2008 - 12/31/2008  
PNEAL 08/01/05 PLANS STAMPED AND RETURNED TO GRADING RACK  
Type: NOTICE Effective Date Range: 08/01/2005 - 08/02/2005  
PNEAL 08/01/05 NOT IN A CELL CRITERIA AREA  
Type: NOTICE Effective Date Range: 08/01/2005 - 08/02/2005  
AYAMASAK 05/24/05 Export Site to BGR 050765 AGY\*  
Type: NOTICE Effective Date Range: 05/24/2005 - 12/31/2019

-----  
Data: Approvals  
-----

Item: 00001 Planning Department Approval Dept: A@PL Division:  
08/01/2005 PNEAL Action: APPR  
Item: 00011 B&S: Permit Approval Dept: AQBS@@@ Division: @@  
08/29/2005 RLMILLER Action: APPR

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**BUILDING PERMIT INSPECTION HISTORY FOR**

Online Services

**No Information Available for BGR050767**



COUNTY OF RIVERSIDE  
TRANSPORTATION AND LAND MANAGEMENT AGENCY

---

WESTERN RIVERSIDE COUNTY  
MULTI-SPECIES HABITAT CONSERVATION PLAN

INCIDENTAL TAKE PERMIT TE-088609-0  
ACKNOWLEDGMENT FORM

I am the applicant or authorized agent for Grading Permit Number BBR050767. I acknowledge that I have received a copy of the attached Section 10(a) Permit and specifically acknowledge that I have read Condition No. 26 of said Permit.

Carole Masson  
Applicant / Authorized Agent

Condition No.: 26

" A copy of this Permit must be in on file in the possession of the Permittees, and Third Parties under their direct control, while conducting taking activities. Please refer to the Permit number in all correspondence and reports concerning Permit activities. Any questions you may have about this Permit should be directed to the Field Supervisor, Carlsbad Fish and Wildlife Office, 6010 Hidden Valley Road, Carlsbad, California 92008, telephone: 760-431-9440."



# Megaland Engineers & Associates

civil engineers • planners • structural • surveyors • soils

January 3, 2006

County of Riverside  
39493 Los Alamos Road  
Murrieta, CA 92563

Attn: Building & Safety Grading Department

OK  
Per  
PSS  
1/12/06  
dc

**RE: MASSON MANUFACTURED HOME PROJECT**  
**PROJECT ADDRESS: 28155 MONTANA ST., QUAIL VALLEY**  
**PERMIT NUMBER: BGR 050767**  
**APN 350-031-002; LOT 362, MB 042/015 TRACT 2257**

**SUBJECT: CIVIL ENGINEER'S ROUGH GRADING CERTIFICATION**

Please refer this letter to the attached copy of comment by your field staff dated 11/22/05 for the above referenced project with Permit No. BGR 050767 concerning the front slope and will supplement my letter of certification dated 11/11/05.

Further investigation of the site and review of the maps, records including information obtained from the grading contractor reveals that the slope in question is an existing cut exceeding 2:1 ratio. For additional information, attached are pictures of existing front slope prior to grading.

Sincerely,  
*Megaland Engineers & Associates*

Art Bananal, PE  
Cert 36117 Exp. 6/30/06

Cc: Rick & Carol Masson, Owners



RECEIVED

JAN 12 2006

COUNTY OF RIVERSIDE  
BUILDING AND SAFETY

APP Gm  
11/18/05



# Megaland Engineers & Associates

civil engineers • planners • structural • surveyors • soils

November 11, 2005

County of Riverside  
39493 Los Alamos Road  
Murrieta, CA 92563

Attn: Building & Safety Grading Department

**RE: MASSON MANUFACTURED HOME PROJECT**  
**PROJECT ADDRESS: 28155 MONTANA ST., QUAIL VALLEY**  
**PERMIT NUMBER: BGR 050767**  
**APN 350-031-002; LOT 362, MB 042/015 TRACT 2257.**

## SUBJECT: CIVIL ENGINEER'S ROUGH GRADING CERTIFICATION

This letter shall confirm that the above site has been graded in accordance with the approved grading plan including: location and elevation of building pads and positive building pad drainage. The placement of the building pad and the pad elevation as shown below are in substantial conformance with the grading plans as approved by the County of Riverside and County Ordinance 457.

A field inspection has been performed 11/11/05 and shows that the pad has been graded to be in substantial conformance with the plans as follows:

### PAD ELEVATION

**As-Built Elevation**  
1554.0±

**Approved Plan Elevation**  
1554.00

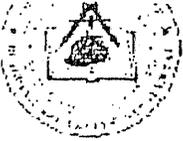
The pad elevation and pad placement fall within the standards of care for grading practice and tolerances and the building pad is suitable for building construction as related to the preceding items.

Sincerely,  
*Megaland Engineers & Associates*

Art Bananal, PE  
Cert 36117 Exp. 6/30/06



Cc: Rick & Carol Masson, Owner



DEPARTMENT OF BUILDING AND SAFETY



APPLICATION TO CONSTRUCT WORKSHEET

PROJECT INFORMATION					For Office Use Only Permit # <b>BGR050767</b>				
Jobsite Address No. <b>28159</b>		Street Name <b>MONTANA</b>			Rd/St/Etc. <b>ST</b>		Space #		
Thomas Guide Page # <b>837</b>				Grid Location <b>0-6</b>					
City/Community <b>QUAIL VALLEY</b>		State <b>CA</b>	Zip Code		Assessors Parcel Number <b>350-031-002</b>				
Property Owner's Last Name <b>MASSON</b>					First <b>CAROL E &amp; RICK</b>				
FOR OFFICE USE ONLY									
Planning Case #			Parcel/Tract Map # <b>2257</b>					Par/Lot <b>362</b>	
Legal Zone <b>R-1</b>	Lot Size <b>0.56</b>	FIA <b>A</b>	Depth	Frontage	FSB	LF SB	Rt SB	R SB	
APPLICANT/AGENT INFORMATION									
<i>Note: The applicant will receive ALL billings, correspondence and refunds for any and all permits. Any changes in applicant information (i.e. from architect to contractor) must be made in writing by the original applicant to the Regional Office Manager.</i>									
Applicant/Agent's Last Name: <b>JOSEPH ROSS LAND DEVELOPMENT</b>					First				
Mailing Address No. <b>25060</b>		Street Name <b>HANCOCK</b>			Road/Street <b>AVE</b>		Space #		
City/Community <b>MURRIETA</b>		State <b>CA</b>	Zip Code <b>92362</b>	Phone Number <b>(951) 301-6393</b>					
Permit Use: <b>GRADING</b>									
PRIOR TO BUILDING PERMIT ISSUANCE, GRADING CLEARANCE MUST BE OBTAINED FROM THE BUILDING DEPARTMENT.									
CONTRACTOR, ARCHITECT and ENGINEER INFORMATION									
Contractor License #			EXP. Date	Type	Firm Name				
Mailing Address No.		Street Name			Road/Street/Etc.		Space #		
City/Community		State	Zip Code		Phone Number: ( )				
Architect or Engineer License #			EXP. Date	Type	Firm Name				
Mailing Address No.		Street Name			Road/Street/Etc.		Space #		
City/Community		State	Zip Code		Phone Number: ( )				

RECEIVED  
MAY 13 2005  
COUNTY OF RIVERSIDE  
BUILDING AND SAFETY

OWNER/BUILDER

**APPLICATION FOR WASTE WATER DISPOSAL APPROVAL**

APPLICANT: Submit this form with four copies of a SCALED plot plan (1"=20' to 1"=40' SCALE) drawn to County specifications as indicated on the attached check list. A non-refundable filing fee is required when the application is submitted. Check must be made payable to the County of Riverside. Approval of this application shall remain valid for a period not to exceed one year from date of payment.

LMS # BGR 050767

SECTION A	Agent, Contractor, Contact Person <u>JOSEPH ROSS</u>		Address <u>25000 HANCOCK AVE. MURRIET, CA 92562</u>		City <u>MURRIET</u>	State <u>CA</u>	Zip <u>92562</u>	Telephone <u>301-6377</u>
	Owner <u>CAROL E. ERICK WASSMAN</u>		Address <u>42250A VIA DE LOS FIDIOS</u>		City <u>TEMECULA</u>	State <u>CA</u>	Zip <u>92590</u>	Telephone <u>951-6740</u>
	Job Property Address <u>28155</u>		Address <u>MONTANA ST</u>		City <u>QUINCY VALLEY</u>	Zip		
Lot Size		Water Agency/Well <u>EMWD</u>	Use of Permit, P/P, SUP, PUP, etc. <u>GRADING</u>	Legal Description <u>LOT 362, TR 2257</u>		DBA		
Signature of Applicant <u>B. L. R.</u>							Date <u>5/13/2005</u>	

**FOR OFFICE USE ONLY**

CHECK BOX IF REQUIRED  
If any box is checked, this application shall be considered rejected until the information is provided and the fee paid. Resubmittals later than 90 days after date noted below may require repayment of fees.

<input type="checkbox"/> Holding Tank Agreements Completed <input type="checkbox"/> Certification of Existing S.D. System Required <input type="checkbox"/> WQCB Clearance Required (Attach for DOH-SAN-007, Santa Ana Region Only) <input type="checkbox"/> Soils Percolation Report Required <input type="checkbox"/> Special Feasibility Boring Report Required <input type="checkbox"/> Rereview Required Initials _____ Date _____	<input type="checkbox"/> Detailed Contour Plot Plans Required (1 to 5 foot interval) <input type="checkbox"/> Other _____ <input type="checkbox"/> Staff Specialist Lot Inspection Required Thomas Bros. Page _____ Grid _____ <input type="checkbox"/> Date Lot Inspection Completed: _____ Initials _____ Remarks: _____ <input type="checkbox"/> Maintenance Booklet Provided <input type="checkbox"/> Final Inspection by Department of Environmental Health is required. Please call 24 hours PRIOR to inspection.
--	--

C/42 / Soils Percolation Boring Report By \_\_\_\_\_ Lic/Project # \_\_\_\_\_ Date \_\_\_\_\_  
 Soils Map Page \_\_\_\_\_ Soil Type \_\_\_\_\_ Approved By \_\_\_\_\_ Date \_\_\_\_\_

No. of Systems	Type of System(s) <input type="checkbox"/> Holding Tank <input type="checkbox"/> Replacement <input type="checkbox"/> New <input type="checkbox"/> Addition <input type="checkbox"/> Existing <input type="checkbox"/> Connect to Sewer	No. Dwelling Units Bedrooms, Fixture Units	(1) Septic Tank _____ Gal.	Soil Rate _____ Gal.	Grease/Sand Grease Intcp/Lint Trap _____ Gal.
Sq. Ft. Bottom Area	Total Linear Ft.	Sidewall Allowance _____ ft. rock/ _____ sq. ft. running ft. Inlet Tested Depth _____ <input type="checkbox"/> N/A Proposed Bottom Tested Depth _____	Install _____ Line(s) _____ ft. long _____ ft. wide with min. _____ inches rock below drainlines or _____	Leach Bed sq. ft. of Bottom Area	

Leach lines/bed special design for slope: (3) Pit Diameter \_\_\_\_\_ No. Pits \_\_\_\_\_ Pit Below Inlet (B1) \_\_\_\_\_ Seepage Pit Total Depth \_\_\_\_\_ Maximum Allowable Depth \_\_\_\_\_ Other: \_\_\_\_\_  
 Applicable \_\_\_\_\_  
 N/A \_\_\_\_\_ Overburden Factor \_\_\_\_\_  5'  6'

Well Review Approved: \_\_\_\_\_ Date: \_\_\_\_\_ Well Drilling Permit# \_\_\_\_\_  
 Grading Plan Approved: G. Lyon Date: 5/13/05  
 Plan Check Only Approved: \_\_\_\_\_ Date: \_\_\_\_\_

REMARKS:

This application is APPROVED/DENIED for the category checked in SECTION B above, regarding the design of a disposal system as indicated on the accompanied plot plan, using the requirements set forth in SECTION C above. A building permit is necessary for the installation of the above-designed system. ~~No construction is permitted in the required reserved 100% expansion area.~~

(1) Septic Tank must be 100' minimum from any walls.  
 (2) Leach lines must be 100' minimum from any walls, including expansion area.  
 (3) Sewer lines must be 50' minimum from any walls.  
 (4) Seepage pits must be 150' minimum from any walls, including expansion area.

Revenue Code EM5052935 Fee \$ 89<sup>76</sup>  
 Check # \_\_\_\_\_  
 Date \_\_\_\_\_ Initial \_\_\_\_\_  
 RIVERSIDE: 951-955-8980  
 INDIO: 760-863-7000  
 SOUTHWEST: 951-600-6180

Signature \_\_\_\_\_  
 Date \_\_\_\_\_



**COUNTY OF RIVERSIDE**  
**Department of Building and Safety**  
**BUILDING PERMIT**

This permit shall expire by limitation and become null and void if work is not commenced and a written request for inspection filed within 180 days from the date of issuance or if work has been suspended or abandoned for a period of 180 days between the filing of written requests for inspection.

**LICENSED CONTRACTORS DECLARATION:** I hereby affirm under penalty of perjury that I am licensed under provisions of Chapter 9 (commencing with Section 7000) of Division 3 of the Business and Professions Code, and my license is in full force and effect. License Class \_\_\_\_\_ License No. \_\_\_\_\_

Date \_\_\_\_\_ Contractor \_\_\_\_\_

**OWNER-BUILDER DECLARATION:** I hereby affirm under penalty of perjury that I am exempt from the Contractors License Law for the following reason (Sec. 7031.5, Business and Professions Code: Any city or county which requires a permit to construct, alter, improve, demolish or repair any structure, prior to its issuance, also requires the applicant for such permit to file a signed statement that he or she is licensed pursuant to the provisions of the Contractors License Law (Chapter 9 [commencing with Section 7000] of Division 3 of the Business and Professions Code) or that he or she is exempt therefrom and the basis for the alleged exemption. Any violation of Section 7031.5 by any applicant for a permit subjects the applicant to a civil penalty of not more than five hundred dollars [\$500].):

- I, as owner of the property, or my employees with wages as their sole compensation, will do the work, and the structure is not intended or offered for sale (Sec. 7044, Business and Professions Code: The Contractors License Law does not apply to the owner of property who builds or improves thereon, and who does such work himself or herself or through his or her own employees, provided that such improvements are not intended or offered for sale. If, however, the building or improvement is sold within one year of completion, the owner-builder will have the burden of proving that he or she did not build or improve for the purpose of sale.)
- I, as owner of the property, am exclusively contracting with licensed contractors to construct the project (Sec. 7044, Business and Professions Code: The Contractors License Law does not apply to an owner of property who builds or improves thereon, and who contracts for such projects with a contractor(s) licensed pursuant to the Contractors License Law.)
- I am exempt under Sec. \_\_\_\_\_, B.&P.C. for this reason \_\_\_\_\_

Date: 8-29-05 Owner: Carol Masson

**WORKERS COMPENSATION DECLARATION:** I hereby affirm under penalty of perjury one of the following declarations:

- I have and will maintain a certificate of consent to self-insure for workers compensation, as provided for by Section 370 of the Labor Code, for the performance of the work for which this permit is issued.
- I have and will maintain workers compensation insurance, as required by Section 3700 of the Labor Code, for the performance of the work for which this permit is issued. My workers compensation insurance carrier and policy number are: Carrier Policy Number \_\_\_\_\_ (This section need not be completed if the permit is for one hundred dollars [\$100] or less).

I certify that in the performance of the work for which this permit is issued, I shall not employ any person in any manner so as to become subject to the workers compensation laws of California, and agree that if I should become subject to the workers compensation provisions of Section 3700 of the Labor Code, I shall forthwith comply with those provisions.

Date: 8-29-05 Applicant: Carol Masson

**WARNING: FAILURE TO SECURE WORKERS COMPENSATION COVERAGE IS UNLAWFUL, AND SHALL SUBJECT AN EMPLOYER TO CRIMINAL PENALTIES AND CIVIL FINES UP TO ONE HUNDRED THOUSAND DOLLARS (\$100,000), IN ADDITION TO THE COST OF COMPENSATION, DAMAGES AS PROVIDED FOR IN SECTION 3706 OF THE LABOR CODE, INTEREST, AND ATTORNEY'S FEES.**

**CONSTRUCTION LENDING AGENCY:** I hereby affirm under penalty of perjury that there is a construction lending agency for the performance of the work for which this permit is issued (Sec. 3097, Civ. C.). Lender's Name \_\_\_\_\_

Lender's Address \_\_\_\_\_

**CERTIFICATE OF COMPLIANCE AND AUTHORIZATION OF ENTRY:** I certify that I have read this application and state that the above information is correct. I agree to comply with all county ordinances and state laws relating to building construction, and hereby authorize representatives of this county to enter upon the above-mentioned property for inspection purposes.

x Carol Masson \_\_\_\_\_ Carole Masson \_\_\_\_\_ 8-29-05  
 Signature of Applicant or Agent Print Applicant/Agent Name Date

**INSPECTION INFORMATION:** Work may proceed only at the direction of the field inspector. To request an inspection of work completed, call the appropriate office listed below. Our office hours are 8:00 a.m. to 5:00 p.m., Monday through Friday.

West County: Riverside Office (909) 955-1800  
 East County: Indio Office (760) 863-8271

South County: South County Office (909) 600-6100

**REINSPECTION FEE:** Reinspection fees may be assessed when the permit card is not properly posted on the work site, the approved plans are not readily available to the inspector, for failure to provide access on the date for which the inspection is requested, or for deviating from plans requiring approval of the Building Official. A reinspection fee may be assessed for each inspection or reinspection when such portion of work for which inspection is called is not complete or when corrections previously called for are not made.

**OCCUPANCY:** Buildings or structures shall not be used or occupied until the Building Official has issued a Certificate of Occupancy (or for residential dwellings, the sign-off of the final inspection on the job card by the building inspector).

Department of Building and Safety  
COUNTY OF RIVERSIDE

TO:

Dist. CY4K

ADDRESS: 28155 Montcrest Date 11/22/05

**CORRECTION NOTICE**

Permit No. GR 050767

(1) ROUGH GRADe Not Approved  
xlo SWMPs on-site, xlo  
address obstructed, stones exceed  
2:1 and not per approved  
plan. 11/22/05

*[Handwritten signature]*

Inspector

**DO NOT REMOVE FROM JOBSITE**

Department of Building and Safety  
COUNTY OF RIVERSIDE

TO:

Dist.

CY4K

ADDRESS:

28155 Montecast

Date

11/22/05

CORRECTION NOTICE

Permit No.

GR

050767

① ROUGH GRAD Not Approved  
No SWPPP on-site, No  
address posted, slopes exceed  
2:1 and not per approved  
plan. 11/22/05

Inspector

DO NOT REMOVE FROM JOBSITE



OFFICE OF COUNTY COUNSEL  
COUNTY OF RIVERSIDE

3960 ORANGE STREET, SUITE 500  
RIVERSIDE, CA 92501-3674  
TELEPHONE: 951/955-6300  
FAX: 951/955-6322 & 951/955-6363

December 31, 2015

Gregg Allen Berge  
Berkshire Hathaway Home Service  
1895 S. Centre City Parkway  
Escondido, CA 92025

Re: Response to Formal Appeal Dated December 11, 2015

Dear Mr. Berge:

Our office is in receipt of your letter titled "Formal Appeal of File Nos. E.H.S. #052934, #052935 and BGR File Nos. #054303, and #050767..." dated December 11, 2015 which was received by the Clerk of the Board on December 14, 2015. This letter will serve as the County's response to your request for an appeal pursuant to Riverside County Code section 8.124.060(c).

To the extent that you seek an appeal of the various permits issued to your clients in 2005 (the "2005 permits"), the time for an appeal has lapsed. Accordingly, your request for an appeal will not be scheduled for consideration by the Board of Supervisors. We have been advised by our client, the Riverside County Department of Environmental Health ("DEH"), that all 2005 building permits expired and the fees for the technical review of the septic system conducted by DEH were refunded in 2008. Assuming this action is appealable, Riverside County Code section 8.124.060(c), requires any appeal to have been made within 30 days of the action taken by the DEH. Specifically, section 8.124.060(c) states:

"Any person whose application for an approval or permit has been denied, in whole or in part, or to whom a certificate of completion has been refused, or entire approval or permit has been revoked may, within thirty (30) days after such action has been taken, appeal to the board of supervisors for a hearing by filing with the clerk of such board, in writing, a notice of appeal from the action taken by the director."

As the time period for filing any appeal related to the "2005 permits" has lapsed, your appeal request will not be scheduled for consideration as indicated above.

To the extent that you are seeking an appeal of the current application for septic system permits

Gregg Allen Berge  
December 31, 2015  
Page 2

recently submitted to DEH, the County does not have jurisdiction to consider this request. Provisions of the Riverside County Code relating to septic systems only apply to the unincorporated areas of Riverside County. As your clients' property is now located within the City of Menifee ("City"), the City's procedures for building permits and appeals on those permits would control.

Finally, it should be noted that DEH will not be processing the current application that was submitted directly to the DEH either by you or your clients. As noted in the letter you received from Ajit Thind, Assistant City Attorney for the City, dated December 16, 2015, the City's procedure is to submit all required documentation, including septic system plans to the City. Once all of the documents have been received, the City will conduct their formal review, including referring any necessary plans to agencies such as DEH. To that end, DEH will be returning all documents that have been submitted regarding the proposed septic system so that they may be submitted to the City according to their procedures.

Sincerely,

GREGORY P. PRIAMOS  
County Counsel



ERIC STOPHER  
Deputy County Counsel

ES:nh

cc: Kecia Harper-Ihem, Clerk of the Board  
Matt Riha, Supervising Environmental Health Specialist  
Ajit Singh Thind, Assistant City Attorney, Menifee

PSA

C.C. 65940  
C.C. 65941  
C.C. 65943  
Referenced

Back

6499-31

Printed Name  
Date

**ATTACHMENT 4**

February 9, 2016 – letter from Kurt V. Berchtold, Executive Officer  
to Mr. Gregg Berge,  
“Denial of the Proposed Use Of Onsite Septic Tank-Subsurface Disposal Systems or  
Advanced Treatment Systems at Montana Street, Quail Valley Prohibition Area,  
Riverside County, APN 350-031-001 and 350-031-002”



Santa Ana Regional Water Quality Control Board

February 9, 2016

Gregg Berge  
40735 Pocona Place  
Murrieta, CA 92562  
[theberggroup@verizon.net](mailto:theberggroup@verizon.net)

DENIAL OF THE PROPOSED USE OF ONSITE SEPTIC TANK-SUBSURFACE DISPOSAL SYSTEMS OR ADVANCED TREATMENT SYSTEMS AT MONTANA STREET, QUAIL VALLEY PROHIBITION AREA, RIVERSIDE COUNTY, APN 350-031-001 AND 350-031-002

Dear Mr. Berge:

This is in response to your January 12, 2016 submittal regarding the above-referenced properties. You are requesting approval to install either onsite septic tank-subsurface disposal systems or advanced treatment systems to serve proposed single-family homes on the two lots located on Montana Street in the Quail Valley area.

On January 4, 2016, our office issued you a letter which provided information regarding the proposed use of onsite wastewater treatment systems within the Quail Valley Prohibition Area (copy enclosed). The letter also advised you that the State Onsite Wastewater Treatment Systems (OWTS) Policy is not applicable to the Quail Valley Prohibition Area.

Board staff has approved proposals for new septic systems in the Quail Valley Prohibition Area where those proposals received septic system approvals from Riverside County Environmental Health prior to the effective date (August 20, 2007) of the prohibition.

We have reviewed your January 12, 2016 submittal. While the submittal includes documents indicating that grading permits were issued for the subject lots prior to the effective date of the prohibition, there is no documentation to indicate that there was ever any approval of septic systems for these lots. Therefore, we hereby deny your request for the proposed use of septic systems on the Montana Street lots based on the terms of the Quail Valley waste discharge prohibition as explained in our January 4, 2016 letter.

You may appeal staff's determination in this matter to the Regional Board. If you wish to appeal this staff denial, please contact and advise this office within 10 days of receiving this letter and we will schedule this matter for consideration at the March 11, 2016 Regional Board meeting. I am aware of requests you have made, both in a January 27, 2016 letter and orally to Regional Board staff, for an informal adjudicatory hearing for an "as applied challenge" to the Quail Valley waste discharge prohibition in this matter. The law does not require the Regional Board to hold such a hearing and the Regional Board declines to do so. However, in providing you an opportunity to appeal Regional Board staff's determination contained herein, you will be afforded a venue in which to directly address the Regional Board regarding issues related to the subject parcels.

WILLIAM RUH, CHAIR | KURT V. BERCHTOLD, EXECUTIVE OFFICER

3737 Main St., Suite 500, Riverside, CA 92501 | [www.waterboards.ca.gov/santaana](http://www.waterboards.ca.gov/santaana)

♻️ RECYCLED PAPER

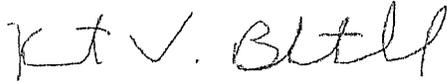
Gregg Berge

- 2 -

February 9, 2016

Finally, I received your email of January 12, 2016, seeking a "clarification" of our January 4, 2016 letter. That email did not raise questions relevant to the content of our letter. I trust that this letter, in combination with our prior letter, addresses your concerns.

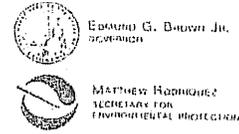
Sincerely,

Handwritten signature of Kurt V. Berchtold in black ink.

Kurt V. Berchtold  
Executive Officer

Enclosure: January 4, 2016 letter

cc: Riverside County Environmental Health – Matt Riha



---

Santa Ana Regional Water Quality Control Board

January 4, 2016

Gregg Berge  
1895 Centre City Parkway  
Escondido, CA 92025

**REQUEST FOR INFORMATION CONCERNING APN NOS. 350-031-001 and 350-031-002 AND TECHNICAL DENIAL OF A REQUEST FOR APPROVAL OF AN ADVANCED TREATMENT SYSTEM OR TRADITIONAL WASTEWATER TREATMENT SYSTEM**

Dear Mr. Berge:

We received your December 16, 2015 letter requesting that the above referenced properties be qualified for approval for advanced treatment systems or for traditional treatment systems pursuant to the Quail Valley Septic System Prohibition and the Water Quality Control Policy for Siting, Design, Operation and Maintenance of Onsite Wastewater Treatment Systems (OWTS Policy).

**Quail Valley Prohibition**

On October 3, 2006, the Santa Ana Regional Water Quality Control Board (Regional Board) adopted Resolution R8-2006-0024 amending the Water Quality Control Plan for the Santa Ana River Basin Plan (Basin Plan). The amendment incorporated the Quail Valley Septic System Prohibition (Quail Valley Prohibition). The Quail Valley Prohibition was approved by the State Water Resources Control Board (State Board) on June 19, 2007 (Resolution No. 2007-0038) and the California Office of Administrative Law (OAL) on August 20, 2007. The Quail Valley Prohibition, which became effective on August 20, 2007, effectively prohibits the installation of new septic systems in all 9 subareas of Quail Valley. The Prohibition also requires that, if a sewer system is built within the prohibition area, new and existing septic systems would be prohibited and new systems would be required to connect to the sewer. The Prohibition allows for the installation of new systems in subareas 1, 2, 3, 5, 6, 7 and 8 provided that one of two conditions is satisfied: 1) the sewerage agency is on schedule to provide sewer service for subareas 4 and 9 by August 20, 2012, or 2) the sewer system design for subareas 4 and 9 is complete. Condition 1 was not satisfied; condition 2 has not been satisfied at this time but could be satisfied in the future.

Water Quality Control Policy for Siting, Design, Operation and Maintenance of Onsite Wastewater Treatment Systems

On June 12, 2012 the State Board adopted the Statewide Water Quality Control Policy for Siting, Design, Operation and Maintenance of Onsite Wastewater Treatment Systems (OWTS Policy). The OWTS Policy, which was approved by OAL on November 13, 2012 and became effective on May 13, 2013, conditionally waives the requirements for owners of OWTS to apply for and receive Waste Discharge Requirements in order to operate their systems, provided that they meet the conditions established in the Policy. As stated in the Policy preamble, **"Nothing in this Policy supersedes or requires modification of Total Maximum Daily Loads or Basin Plan prohibitions of discharges from OWTS"** (*emphasis added*). The OWTS Policy further requires of OWTS owners/operators the following: "All new, replacement, or existing OWTS within an area that is subject to a Basin Plan prohibition of discharges from OWTS, must comply with the prohibition. If the prohibition authorizes discharges under specific conditions, the discharge must comply with those conditions and the applicable provisions of the Policy." (Section 2.1). Therefore, the Quail Valley Prohibition remains in effect and applicable to the subject properties.

With that as background, the following responds to the issue that you've raised – how to obtain approval for advanced treatment or traditional systems under the OWTS Policy and/or Quail Valley Prohibition.

As indicated above, the provisions of the OWTS Policy do not supersede the Quail Valley Prohibition; therefore, your questions about how the Policy provisions apply to the two subject parcels, APN Nos. 350-031-001 and 350-031-002, are misguided. The OWTS Policy clearly states that compliance with any prohibitions incorporated into the Basin Plan must be met. Therefore, the Regional Board Quail Valley Prohibition continues to be in effect, and until either the Prohibition is modified through the Regional Board Basin Plan amendment process or condition 2 mentioned above is satisfied, there is no mechanism to allow for approval of advanced or traditional treatment systems as described in the OWTS Policy for septic systems in Quail Valley, including the two subject parcels.

Your letter asks for confirmation as to whether Canyon Lake has been designated as an impaired water body pursuant to Clean Water Act section 303(d) and whether there are any costs or specific criteria for approval of a system pursuant to the Tier 3 Advanced Protection Management Program (APMP). Canyon Lake is listed as impaired for pathogens as identified in Attachment 2 (p. 48) of the OWTS Policy. However, because the OWTS Policy does not supersede the Quail Valley Prohibition, the applicable legal authority is the Quail Valley Prohibition and not the OWTS Policy Tier 3 provisions. At this time, the Quail Valley Prohibition does not provide for alternative treatment system options. As specified in the Prohibition, if and when sewer system design is complete for subareas 4 and 9, the Regional Board could consider allowing OWTS in the other subareas. To date, the sewer system design for subareas 4 and 9 is not complete.

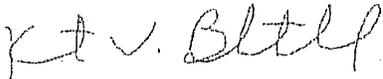
As I have discussed with you by telephone, the Regional Board did approve new septic systems for certain properties where the permitting process was initiated and significant fees paid prior to the effective date of the prohibition (August 20, 2007). Based on information available to Regional Board staff, it appears that the septic system permit process for the two subject parcels may have been initiated prior to the effective date of the prohibition. If that is the case, the Regional Board could consider allowing those septic systems to be installed (provided that site condition criteria are met). You may submit any relevant documents to that effect and Regional Board staff will consider that information.

Please be aware the Quail Valley Prohibition will remain in effect unless it is modified through an amendment to the Basin Plan. We anticipate scheduling an informational update regarding the status of the Quail Valley Prohibition for an upcoming Regional Board meeting. We will notify you of the Regional Board meeting date so that you may participate and present any concerns to the Regional Board at that time.

Lastly, you requested the required appeal procedures and applicable code sections in the event that the properties do not qualify for either a traditional system or a new advance system under the OWTS Policy. While I cannot provide any legal advice in terms of the applicability of specific legal authorities to your situation, Water Code section 13220 and sections 2050 et. seq. of Title 23 of the California Code of Regulations provides legal authority for appealing to the State Water Board an action or failure to act by the Regional Board. Additional information may be available on the State Water Board's website at: [http://waterboards.ca.gov/public\\_notices/petitions/](http://waterboards.ca.gov/public_notices/petitions/).

Should you need further clarification, please contact Chuck Griffin at (951) 782-4996 or by email at [Chuck.Griffin@waterboards.ca.gov](mailto:Chuck.Griffin@waterboards.ca.gov).

Sincerely,



Kurt V. Berchtold  
Executive Officer  
Santa Ana Regional Water Quality Control Board

cc: Tom Howard, Executive Director, State Water Resources Control Board  
Vicky Whitney, Deputy Director, Division of Water Quality, State Water Resources Control Board  
David Rice, Office of Chief Counsel, State Water Resources Control Board  
Bonnie Wright, Eastern Municipal Water District  
Nancy Horton, Elsinore Valley Municipal Water District  
Mark Norton, Lake Elsinore and San Jacinto Watershed Authority  
Matthew Riha, County of Riverside  
Jason Uhley, Riverside County Flood Control and Water Conservation District  
Jonathan Smith, City of Menifee

**ATTACHMENT 5**

February 23, 2016 – submittal from Gregg Berge of Masson Property Septic Plan  
Check Documents from the County of Riverside

2/23/16  
G. Berge  
10 pages

SEPTIC PLAN CHECK STATUS  
DEPARTMENT OF ENVIRONMENTAL HEALTH  
COUNTY OF RIVERSIDE

APN Number: 350-031-001 Date: 12/5/05

Job Site Address: 28143 Montana

Plans require *CORRECTIONS*\*

Plans are *APPROVED* for Environmental Health Clearance pending any Building Department and TLMA conditions.

\*Your plans are located at the office below

Riverside  
4080 Lemon Street, 2nd Floor  
Riverside  
(951) 955-8980

Murrieta  
39493 Los Alamos  
Murrieta  
(951) 600-6180

mark msg. 12-9-05 927 77665

SEPTIC PLAN CHECK STATUS  
DEPARTMENT OF ENVIRONMENTAL HEALTH  
COUNTY OF RIVERSIDE

APN Number: 350-031-002 Date: 12/5/05

Job Site Address: 28155 Montana

Plans require *CORRECTIONS*\*

Plans are *APPROVED* for Environmental Health Clearance pending any Building Department and TLMA conditions.

\*Your plans are located at the office below

Riverside  
4080 Lemon Street, 2nd Floor  
Riverside  
(951) 955-8980

Murrieta  
39493 Los Alamos  
Murrieta  
(951) 600-6180

\*\*\*\*\*  
 Riverside County LMS Reprinted: 05/13/05 12:04 Receipt  
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 Receipt Number: T0506742 Amount: 89.76 05/13/05 12:03  
 Payment Method: CK Notation: 2169 Init: AM  
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Permit No: EHS052934 Type: ENVH-SEP SEWAGE DISPOSAL SYST  
 Parcel No: 350-031-001  
 Site Address: 28143 MONTANA ST

This Payment 89.76 Total Fees: 89.76  
 Total ALL Pmts: 89.76  
 Balance: .00

\*\*\*\*\*

Account Code	Description	Amount
100004200420722080	ENVH: SEWAGE SYSTEM FEES	88.00
202033100200772210	ENVH: LMS SURCHARGE FEES	1.76

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EHS052934  
 RAM TILE TO 566742/3  
 42250A VIA DE LOS FIDEOS 951-695-6740  
 TEMECULA, CA 92590  
 BGR050268  
 15-49 242 2169  
 1220  
 2420010764  
 DATE 5-11-05  
 County of Riverside  
 PAY TO THE ORDER OF  
 One thousand one hundred two dollars + 60/100 \$1,102.<sup>60</sup>/<sub>100</sub>  
 UNION BANK OF CALIFORNIA  
 TEMECULA #242  
 26407 YNEZ ROAD, TEMECULA, CA 92591-4654  
 800 238 4486  
 MEMO  
 Carol M. Masson  
 ⑆ 22000496⑆ 2420010764⑆ 2169 ⑆0000⑆10260⑆

**NOTICE**

COUNTY OF RIVERSIDE PLANNING SERVICES DIVISION  
 YOUR CORRECT HOUSE NUMBER IS 28143 Montana St.  
 PLEASE REMOVE YOUR PRESENT HOUSE NUMBER \_\_\_\_\_  
 AND DISPLAY YOUR CORRECT HOUSE NUMBER AT A POINT PLAINLY VISIBLE FROM  
 THE ROAD IN NUMERALS NOT LESS THAN THREE INCHES IN HEIGHT.  
 The above correct house number was assigned on 5/13/05 to \_\_\_\_\_  
 Assessors Parcel No. 350-031-001  
 Legal Description Lot 363 of TR 02257  
 Delivered to Brandon Ross

In issuing this notice the Building Director is acting for the Board of Supervisors by virtue of the provisions of Ordinance No. 463 of the County of Riverside which provides that the official number is to be displayed within 30 days from the date of issuance of this notice.  
 Failure to comply with this notice is a violation of the provisions of above-mentioned ordinance.  
 For your convenience and to eliminate possible confusion you are required to immediately display your correct number, and to SHOW THIS CARD WHEN APPLYING FOR GAS, ELECTRICITY, WATER OR TELEPHONE SERVICE.  
 If further information is desired in this matter, address your communication to County Building Director, P.O. Box 1629 • 4080 Lemon Street • (909) 955-1800.

COUNTY OF RIVERSIDE COMMUNITY HEALTH AGENCY  
DEPARTMENT OF ENVIRONMENTAL HEALTH

ASSESSOR'S PARCEL NUMBER

350-001-001

**APPLICATION FOR WASTE WATER DISPOSAL APPROVAL**

APPLICANT: Submit this form with four copies of a SCALED plot plan (1"=20' to 1"=40' SCALE) drawn to County specifications as indicated on the attached check list. A non-refundable filing fee is required when the application is submitted. Check must be made payable to the County of Riverside. Approval of this application shall remain valid for a period not to exceed one year from date of payment.

LMS # BGR 050703

SECTION A	Agent, Contractor, Contact Person <u>THOMAS BROS</u>		Address <u>25060 HANCOCK HUE. MINN. CA</u>		City <u>MINN.</u>	State <u>CA</u>	Zip <u>92542</u>	Telephone <u>951-2001</u>
	Owner <u>CAROLE MASSON</u>		Address <u>VIA DE LOS FIDEOS TERR. CA.</u>		City <u>CA.</u>	State <u>CA.</u>	Zip <u>92570</u>	Telephone <u>645-2740</u>
	Job Property Address <u>23143 MOUNTAINA ST</u>				City <u>QUINTIL VALLEY</u>	Zip		
	Lot Size	Water Agency/Well <u>FNUWD</u>	Use of Permit, P/P, SUP, PUP, etc. <u>ERADIANE</u> Dwelling, MH Site Prep., etc.	Legal Description <u>PAR 36 31 12 237</u>		DBA		
Signature of Applicant <u>[Signature]</u>							Date <u>5/13/2005</u>	

**FOR OFFICE USE ONLY**

**CHECK BOX IF REQUIRED**  
If any box is checked, this application shall be considered rejected until the information is provided and the fee paid. Resubmittals later than 90 days after date noted below may require repayment of fees.

<input type="checkbox"/> Holding Tank Agreements Completed	<input type="checkbox"/> Detailed Contour Plot Plans Required (1 to 5 foot interval)
<input type="checkbox"/> Certification of Existing S.D. System Required	<input type="checkbox"/> Other _____
<input type="checkbox"/> WQCB Clearance Required (Attach for DOH-SAN-007, Santa Ana Region Only)	<input type="checkbox"/> Staff Specialist Lot Inspection Required Thomas Bros. Page _____ Grid _____
<input type="checkbox"/> Soils Percolation Report Required	<input type="checkbox"/> Date Lot Inspection Completed: _____ Initials _____ Remarks: _____
<input type="checkbox"/> Special Feasibility Boring Report Required	<input type="checkbox"/> Maintenance Booklet Provided
<input type="checkbox"/> Rereview Required Initials _____ Date _____	<input type="checkbox"/> Final Inspection by Department of Environmental Health is required. Please call 24 hours PRIOR to inspection.

C/42 / Soils Percolation Boring Report By \_\_\_\_\_ Lic/Project # \_\_\_\_\_ Date \_\_\_\_\_

Soils Map Page \_\_\_\_\_ Soil Type \_\_\_\_\_ Approved By \_\_\_\_\_ Date \_\_\_\_\_

No. of Systems	Type of System(s) <input type="checkbox"/> Holding Tank <input type="checkbox"/> Replacement <input type="checkbox"/> New <input type="checkbox"/> Addition <input type="checkbox"/> Existing <input type="checkbox"/> Connect to Sewer	No. Dwelling Units Bedrooms, Fixture Units	(1) Septic Tank _____ Gal.	Soil Rate _____ Gal.	Grease/Sand Grease Intcp/Lint Trap _____ Gal.
Sq. Ft. Bottom Area	Total Linear Ft.	Sidewall Allowance _____ ft. rock/ _____ sq. ft. running ft. Inlet Tested Depth _____ <input type="checkbox"/> N/A Proposed Bottom Tested Depth _____	Install _____ Line(s) _____ ft. long _____ ft. wide with min. _____ inches rock below drainlines or _____		Leach Bed sq. ft. of Bottom Area
Leach lines/bed special design for slope: Applicable _____ N/A _____	Overburden Factor _____	(3) Pit Diameter <input type="checkbox"/> 5' <input type="checkbox"/> 6'	No. Pits _____	Pit Below Inlet (B1) _____	Seepage Pit Total Depth TD _____
			Maximum Allowable Depth _____	Other: _____	

Well Review Approved: \_\_\_\_\_ Date: \_\_\_\_\_ Well Drilling Permit# \_\_\_\_\_

Grading Plan Approved: \_\_\_\_\_ Date: 5/13/05

Plan Check Only Approved: \_\_\_\_\_ Date: \_\_\_\_\_

REMARKS: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

This application is APPROVED/DENIED for the category checked in SECTION B above, regarding the design of a disposal system as indicated

\*\*\*\*\*

Riverside County LMS Reprinted: 05/13/05 12:04 Receipt

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Receipt Number: T0506742 Amount: 89.76 05/13/05 12:03  
Payment Method: CK Notation: 2169 Init: AM

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Permit No: EHS052934 Type: ENVH-SEP SEWAGE DISPOSAL SYST

Parcel No: 350-031-001

Site Address: 28143 MONTANA ST

This Payment 89.76 <sup>AM</sup> Total Fees: 89.76  
Total ALL Pmts: 89.76  
Balance: .00

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Account Code	Description	Amount
100004200420722080	ENVH: SEWAGE SYSTEM FEES	88.00
202033100200772210	ENVH: LMS SURCHARGE FEES	1.76

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05/13/05  
11:24

Riverside County LMS  
CONDITIONS OF APPROVAL

Page: 1

GRADING PERMIT Permit No: BGR050765

Parcel: 350-031-001

60. PRIOR TO GRADING PRMT ISSUANCE

B&S DEPARTMENT

60.B&S. 1

GP\* - ENVIRONMENTAL MITIGATION

INEFFECT

Prior to the issuance of a grading permit, an assessment of the site and/or a payment of a mitigation fee for an environmentally sensitive area is required. The requirements are indicated below:

Stephens Kangaroo Rat

- Mitigation fee
- Assessment and/or Biological report

California Gnatcatcher Bird

- Assessment and/or Biological report

Quino Checkerspot Butterfly

- Assessment and/or Biological report

Coachella Valley Fringe-Toed Lizard

- Mitigation fee

Other: \_\_\_\_\_

FIRE DEPARTMENT

60.FIRE. 2

GP\* - IN HIGH FIRE AREA

INEFFECT

Prior to issuance of this permit, clearance must be obtained from the Riverside County Fire Department.

05/13/05  
11:24

Riverside County LMS  
CONDITIONS OF APPROVAL

Page: 1

GRADING PERMIT Permit No: BGR050765

Parcel: 350-031-001

60. PRIOR TO GRADING PRMT ISSUANCE

B&S DEPARTMENT

60.B&S. 1

GP\* - ENVIRONMENTAL MITIGATION

INEFFECT

Prior to the issuance of a grading permit, an assessment of the site and/or a payment of a mitigation fee for an environmentally sensitive area is required. The requirements are indicated below:

Stephens Kangaroo Rat

- Mitigation fee
- Assessment and/or Biological report

California Gnatcatcher Bird

- Assessment and/or Biological report

Quino Checkerspot Butterfly

- Assessment and/or Biological report

Coachella Valley Fringe-Toed Lizard

- Mitigation fee

Other: \_\_\_\_\_

FIRE DEPARTMENT

60.FIRE. 2

GP\* - IN HIGH FIRE AREA

INEFFECT

Prior to issuance of this permit, clearance must be obtained from the Riverside County Fire Department.

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 side County LMS Reprinted: 05/13/05 12:03 Receipt  
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 apt Number: T0506741 Amount: 89.76 05/13/05 12:02  
 Payment Method: CK Notation: 2167 Init: AM

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 Permit No: EHS052935 Type: ENVH-SEP SEWAGE DISPOSAL SYST  
 Parcel No: 350-031-002  
 Site Address: 28155 MONTANA ST

Payment 89.76 Total Fees: 89.76  
 Total ALL Pmts: 89.76  
 Balance: .00

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Account Code	Description	Amount
004200420722080	ENVH: SEWAGE SYSTEM FEES	88.00
0033100200772210	ENVH: LMS SURCHARGE FEES	1.76

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3052935  
 RAM TILE T050674011 2167  
 42250A VIA DE LOS FIDEOS 951-695-6740  
 TEMECULA, CA 92590  
 DATE 5-11-05  
 \$1,102.<sup>60</sup>  
 One thousand one hundred two dollars and 60/100  
 ON BANK OF CALIFORNIA  
 TEMECULA #242  
 26407 YNEZ ROAD, TEMECULA, CA 92591-4654  
 800 238 4486  
 Carol M. Masson MP  
 220004961 2420010764 2167 000010260

**NOTICE**

CITY OF RIVERSIDE PLANNING SERVICES DIVISION  
 CORRECT HOUSE NUMBER IS 28155 Montana St  
 PLEASE REMOVE YOUR PRESENT HOUSE NUMBER  
 DISPLAY YOUR CORRECT HOUSE NUMBER AT A POINT PLAINLY VISIBLE FROM  
 ROAD IN NUMERALS NOT LESS THAN THREE INCHES IN HEIGHT.  
 Above correct house number was assigned on 5/13/05 to  
 owners Parcel No. 350-031-002  
 Description Lot 362 of TR 02257  
 Assigned to Brandon Ross

In issuing this notice the Building Director is acting for the Board of Supervisors by virtue of provisions of Ordinance No. 463 of the County of Riverside which provides that the official house number is to be displayed within 30 days from the date of issuance of this notice.

Failure to comply with this notice is a violation of the provisions of above-mentioned ordinance.

For your convenience and to eliminate possible confusion you are required to immediately display your correct number, and to SHOW THIS CARD WHEN APPLYING FOR GAS, ELECTRICITY, WATER OR TELEPHONE SERVICE.

If further information is desired in this matter, address your communication to County Building Director, P.O. Box 1629 • 4080 Lemon Street • (909) 955-1800.

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Riverside County LMS  
CONDITIONS OF APPROVAL

Page: 1

GRADING PERMIT Permit No: BGR050767

Parcel: 350-031-002

60. PRIOR TO GRADING PRMT ISSUANCE

B&S DEPARTMENT

60.B&S. 1

GP\* - ENVIRONMENTAL MITIGATION

INEFFECT

Prior to the issuance of a grading permit, an assessment of the site and/or a payment of a mitigation fee for an environmentally sensitive area is required. The requirements are indicated below:

Stephens Kangaroo Rat

- Mitigation fee
- Assessment and/or Biological report

California Gnatcatcher Bird

- Assessment and/or Biological report

Quino Checkerspot Butterfly

- Assessment and/or Biological report

Coachella Valley Fringe-Toed Lizard

- Mitigation fee

Other: \_\_\_\_\_

FIRE DEPARTMENT

60.FIRE. 2

GP\* - IN HIGH FIRE AREA

INEFFECT

Prior to issuance of this permit, clearance must be obtained from the Riverside County Fire Department.

\*\*\*\*\*  
 Riverside County LMS Reprinted: 05/13/05 12:03 Receipt  
 \*\*\*\*\*  
 Receipt Number: T0506741 Amount: 89.76 05/13/05 12:02  
 Payment Method: CK Notation: 2167 Init: AM

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 Permit No: EHS052935 Type: ENVH-SEP SEWAGE DISPOSAL SYST  
 Parcel No: 350-031-002  
 Site Address: 28155 MONTANA ST

		Total Fees:	89.76
This Payment	89.76	Total ALL Pmts:	89.76
		Balance:	.00

\*\*\*\*\*  

Account Code	Description	Amount
100004200420722080	ENVH: SEWAGE SYSTEM FEES	88.00
202033100200772210	ENVH: LMS SURCHARGE FEES	1.76

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 iverside County LMS Reprinted: 05/13/05 12:02 Receipt  
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 Receipt Number: T0506740 Amount: 1,012.86 05/13/05 12:02  
 Payment Method: CK Notation: 2167/.02 CASH Init: AM

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 Permit No: BGR050767 Type: GRADE GRADING PERMIT  
 Parcel No: 350-031-002  
 Site Address: 28155 MONTANA ST  
 Location: 2005 TG 837 D6

This Payment 1,012.86 *M* Total Fees: 1,012.86  
 Total ALL Pmts: 1,012.86  
 Balance: .00

\*\*\*\*\*

Account Code	Description	Amount
202033100200772210	BLDG LMS SURCHARGE FEES	19.86
202013100300201800	DEPOSIT BASED BLDG FEE	993.00

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**ATTACHMENT 6**

March 25, 2016 – letter from Kurt V. Berchtold, Executive Officer  
to Mr. Gregg Berge,  
“Denial of the Proposed Use Of Onsite Septic Tank-Subsurface Disposal Systems  
or Advanced Treatment Systems at Montana Street, Quail Valley Prohibition Area,  
Riverside County, APN 350-031-001 and 350-031-002”



Santa Ana Regional Water Quality Control Board

March 25, 2016

Gregg Berge  
40735 Pocona Place  
Murrieta, CA 92562  
[thebergegroup@verizon.net](mailto:thebergegroup@verizon.net)

**DENIAL OF THE PROPOSED USE OF ONSITE SEPTIC TANK-SUBSURFACE DISPOSAL SYSTEMS OR ADVANCED TREATMENT SYSTEMS AT MONTANA STREET, QUAIL VALLEY PROHIBITION AREA, RIVERSIDE COUNTY, APN 350-031-001 AND 350-031-002**

Dear Mr. Berge:

This is in response to your February 23, 2016 submittal of additional documents regarding the above referenced parcels. On January 4, 2016 and February 9, 2016, Board staff advised you in writing that Regional Board staff had allowed proposals for new septic systems in the Quail Valley Prohibition Area to proceed where those proposals received septic system approvals from Riverside County Department of Environmental Health prior to August 20, 2007, the effective date of the Prohibition. It appears that you intended your February 23, 2016 submittal to demonstrate approval prior to August 20, 2007 and you are therefore requesting approval to install either onsite septic tank-subsurface disposal systems or advanced treatment systems to serve proposed single-family homes on the two lots located on Montana Street in the Quail Valley area.

We have reviewed your February 23, 2016 submittal and note that it still does not include documentation that the Riverside County Department of Environmental Health approved the use of septic systems at the subject lots. The documents you provided dated December 5, 2005 and titled "Septic Plan Check Status" are checked "Plans require Corrections" for both lots. Therefore, we still do not have documentation which indicates there were any approvals issued for the use of septic systems at the Montana Street parcels. We again deny your request for use of onsite septic tank-subsurface disposal systems or advanced treatment systems for the subject lots.

As advised previously, you may appeal staff's determination in this matter to the Regional Board. You have previously requested Board review of staff's determination and we have scheduled this matter for the April 22, 2016 Board meeting. Additional information regarding that proceeding will be provided in separate correspondence. A

WILLIAM RUII, CHAIR | KURT V. BERCHTOLD, EXECUTIVE OFFICER

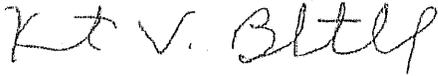
3737 Main St., Suite 500, Riverside, CA 92501 | [www.waterboards.ca.gov/santaana](http://www.waterboards.ca.gov/santaana)

♻️ RECYCLED PAPER

copy of the staff report as well as the agenda announcement will also be provided to you prior to that meeting.

If you have any questions, you may contact me at via email at [kurt.berchtold@waterboards.ca.gov](mailto:kurt.berchtold@waterboards.ca.gov).

Sincerely,



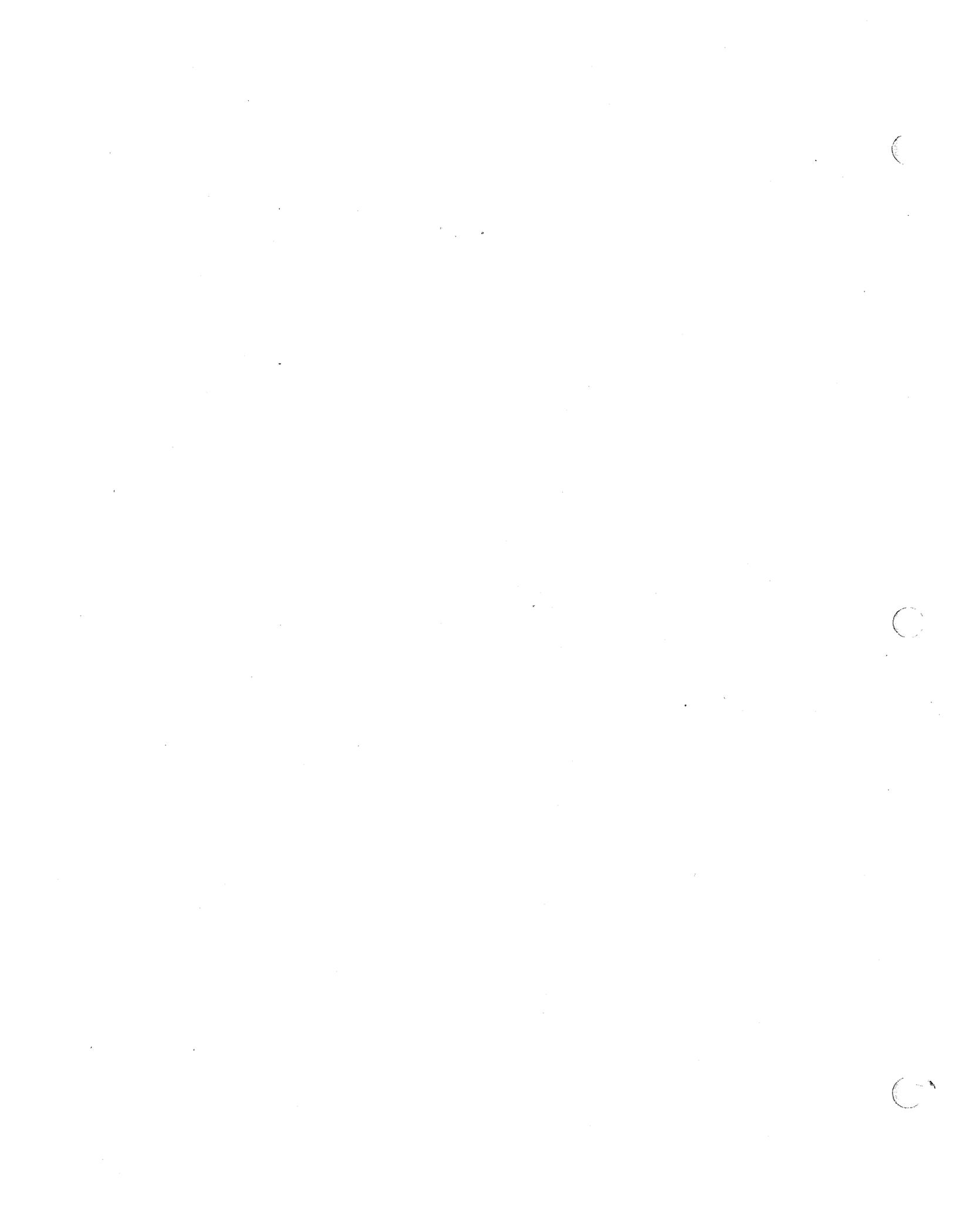
Kurt V. Berchtold  
Executive Officer

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



April 7, 2016

Documents Received from Gregg Berge re: Masson Appeal



April 5, 2016

Mr. Kurt V. Berchtold  
Executive Director  
Santa Ana Regional Water Quality Control Board  
3737 Main Street, Suite #500  
Riverside, CA 92501

**RE: FORMAL RESPONSE TO STAFF REPORT AND DETERMINATION OF FINDINGS OF FACT RELATING TO THE FORMAL REQUEST FOR APPROVAL OF TIER 3 ADVANCED TREATMENT SYSTEMS AND/OR CONVENTIONAL SEPTIC SYSTEM FOR PROPOSED RESIDENTIAL DEVELOPMENT PROJECT APPLICATIONS FOR SPECIFIC PROPERTIES LOCATED ON MONTANA STREET, MENIFEE, CALIFORNIA (APN NOS. 350-031-002)**

Dear Mr. Berchtold, staff, and Directors of the Santa Ana Board:

Please let this submittal serve as our formal response to the current staff report relating to our formal appeal scheduled to be heard by the Santa Ana Regional Water Quality Control Board on April 22, 2016.

In this document, we have tried to limit the amount of documentation items to only those that relate to the this specific conflict and controversy as related to the existing Quail Valley Septic System Prohibition "as applied" to the specific Montana Properties owned by Mr. and Mrs. Masson of Temecula, California.

#### INTRODUCTION

Carole and Richard Masson are the owners of rough graded residentially zoned parcels within the Quail Valley area of the City of Menifee, California and within the established service area of the Eastern Municipal Water District.

Eastern Municipal Water District ("EMWD") is the designated area service function provider for water and sewer services within the Quail Valley area as approved by the Local Agency Formation Commission ("LAFCO").

The subject properties are within the established state boundaries of the Santa Ana Regional Water Quality Control Board ("Regional Board") and are subject to the provisions of the Water Quality Control Plan of the Santa Ana River Basin Plan, as approved by both the State Water Resources Control Board ("State Board") and the Office of Administrative Law (the "OAL") in 1994 and 1995 respectively.

On or before August, 20, 2007 (effective date), the Regional Board adopted Resolution No. R8-2006-0024 which was an amendment to the Water Quality Control Plan for the Santa Ana River

Basin Plan which included a waste discharge prohibition on the use of on-site septic tank-subsurface disposal systems in the Quail Valley area.

The formal resolution was approved pursuant to the provisions of California Water Code Sections 13245 and 13246 by the Regional Board and then required that the amendment be forwarded to the "OAL" for review and final approval.

The relevant evidence pertaining to discharges from septic-tank subsurface disposal systems in Quail Valley were based upon factors set forth in Water Code section 13241, based upon violations of water quality objectives, impairment of present and future beneficial uses of water; will cause pollution, nuisance or contamination, or will unreasonably degrade the quality of waters of the state as related to bacteria inputs from septic systems effluent from Quail Valley (TDML Loading).

What is most important to note as part of this appeal, is that Resolution No. R8 2006-0024 was not adopted pursuant to California Water Code section 13243 regarding changes in waste discharge requirements, which upon adoption by the Regional or State Board, specify certain types of waste discharges that will not be permitted and what areas are subject to the prohibition.

In any and all actions under Section 13243 of the water code whereby waste discharge prohibitions are adopted on for a specific area, formal notice is required to all affected property owners pursuant to section 13244 of the California Water Code. Proper notice to affected property owners was not provided in violation of state law.

Simply put, Resolution R8-2006-0024 did not formally adopt a Waste Discharge Prohibition pursuant to the mandatory requirements of the California Water Code 13243.

After passage of the Resolution the Office of Administrative Law completed their review and approval of the Regional Board's Resolution R8-2006-0024 (see letter dated 08/23/07) and as part of the Clear and Concise Summary of the Board's action stated that:

*"the regulatory provisions in the Basin Plan are modified by establishing a phased waste discharge prohibition on the use of septic tank-subsurface disposal systems (septic systems) in the Quail Valley area of Riverside County. Currently the Board has a prohibition on the use of septic systems for a number of locations within the Region. This Basin Plan amendment phases in the Quail Valley area to the list of areas where septic systems are prohibited.*

*The Basin Plan amendment prohibits the use of new septic systems in high density areas (sub areas four (4) and nine (9) upon the effective date of the Resolution and requires all existing septic systems to connect to sewer within one year of availability of sewers. However, it does not prohibit septic systems in areas where sewers are not feasible (low density areas).*

The Masson properties are .56 acres and 2.10 acres in size and are located in an area outside of area 4 and 9, and are designated low density zoning under both the County and City development codes of record. The subject properties are located in area 1 for this administrative record of proceedings.

On August 29, 2006, the County of Riverside as the land use agency and authority with jurisdiction over the approval of septic systems as well as based upon a long standing Memorandum of Understanding (MOU) with the Regional Board, adopted Ordinance 856 establishing a septic tank prohibition for the specified areas of Quail Valley and requiring the connection of existing septic systems to sewer (see Ordinance 856 attached hereto). Provisions of Ordinance 856 were adopted pursuant to the requirements and enforcement provisions under County of Riverside Ordinance 650.

Pursuant to Ordinance 856, Section 3 states

*"(A) no new septic systems "shall" be approved for any lot or parcel within the prohibited area after the date this Ordinance becomes effective; and Section 2(C) of Ordinance 856 defines the "prohibited area" shall mean the areas located within sub areas four (4) and nine (9) as identified in the Quail Valley Boundary Map."*

This is consistent with the determination by the Office of Administrative Law (the "OAL") as part of their approval of the Regional Board's amendment to the Basin Plan Water Quality Control Plan under Resolution R8-2006-0024.

What is not consistent is the Regional Board's blanket prohibition over the low density area properties in the Board's phased approach flying in the face of the Office of Administrative Law directive that the prohibition does not prohibit septic systems where sewers are not feasible.

Simply put, properties that are in excess of one-half acre under both the County and City of Menifee Development Codes are exempt from sewer, unless it is within 200 feet or fronts and abuts the subject properties (California Uniform Plumbing Code sections 713.0-713.7)

This requirement under state law, and specifically established as a "Building Standard" by the Office of Planning and Research of the state of California as codified under the Plumbing Code has fallen on deaf ears by the staff at the Regional Board. The staff enforcement of the Prohibition is in complete "tension" with the Plumbing Code and it is our contention that the Office of Administrative Law was fully aware of this fact upon their review of the Resolution.

Under the requirements of Ordinance 650, the Riverside County Department of Environmental Health is the review agency for approval of individual private disposal systems (IPDS) for Onsite Wastewater Treatment Systems (OWTS) or alternative systems having a subsurface discharge (Section 2(L), and it is unlawful for any person to install or alter plumbing facilities or drainage systems for the discharge or deposit of any sewage, sewage effluent, or non-hazardous waste from any dwelling, house, or building or appurtenance thereof in or upon an unincorporated

territory of the County of Riverside, or into streams or bodies of water above or below the surface where the same is, without first securing, in the manner hereinafter provided, an approval and permit from the department (Department of Environmental Health).

The City of Menifee adopted County of Riverside Ordinance 650 as part of its city Municipal Code upon their formation proceedings in October 2008. Ordinance 650 is still in force and effect.

#### PROCEDURAL DUE PROCESS and EQUAL PROTECTION CONTROVERSY

On or about September 5, 2015, Mr. and Mrs. Masson after two years of unfruitful discussions with the City of Menifee to solve procedural due process problems related to development of their subject properties decided to go forward to obtain a final decision from the agency with proper jurisdiction to approve, approve with conditions, or deny a proposed building permit application on their rough graded properties on Montana Street.

Their need to seek a final administrative decision was to finally resolve if their two low density parcels could be developed as zoned, as rough graded, and created legally under the Subdivision Map Act. Their intent in meeting that submittal requirements was to get a final decision as required and pursuant to Government Code section 66499.37.

After finally obtaining the City of Menifee's exhibit list to submit a building permit application for a new residential dwelling unit (Gov. Code section 65940), the Masson's attempted to try to comply with the list requirements through the help of Mr. Gregg Berge. Mr. Berge had attended many prior meetings with the City, County, EMWD, and the Regional Board on the behalf of the Masson's.

At issue was the City of Menifee's requirement that the County of Riverside Environmental Health Department "shall" review and approve a proposed septic system design "prior to" submittal and acceptance of a building permit application by the city's building and safety department. This was confirmed in writing by the City Attorney of Menifee, Mr. Ajit Thind (see items as part of administrative file) in his letter dated December 16, 2015 when he states:

*"I have enclosed the City's submittal requirements (Gov. Code section 65940) for such a dwelling (new residential), which you have been previously provided. Once you have submitted the documentation and applicable fees, the City will review for accuracy and completeness. (Gov. Code section 65943)"*

. The City's own exhibit list states that

*"this handout is designed for assistance in Single Family Dwelling Plan Submittal to the Building and Safety Department:*

*." Omission of any of the following plan review items shall be deemed an incomplete Submittal and will not be accepted for plan review."*

The document provides that the 2013 Uniform Plumbing and Mechanical Code are currently in effect. This is a major issue later in this submittal and rebuttal.

Prior to Mr. Thinds letter of December 16, Mr. John Watkins of the County of Riverside Department of Environmental Health wrote a letter of response in regards to the problems of application review (or lack thereof) when he stated:

*"As explained to you in the past, the City of Menifee contracts with the Riverside County Department of Environmental Health (Department) to provide technical review of sub surface wastewater disposal systems with their jurisdiction. In 2006, the Santa Ana Regional Water Quality Control Board (RWQCB), which oversees groundwater quality in the Quail Valley area , approved Resolution R8-2006-0024 which prohibits approval of any new subsurface wastewater disposal systems in that area. At this time, the RWQCB continues to prohibit new subsurface sewage disposal systems in the Quail Valley prohibition area. Because of this, and the oversight authority that the RWQCB has over the Department in these matters we are not allowed to approve any new sub surface wastewater treatment systems in the Quail Valley area. If and when reasonable progress is made toward sewerage areas 4 and 9, application may be made to the Regional Board for an exemption. Unfortunately, reasonable progress has not yet been made. If you are able to obtain an exemption, you may submit your building plans to the City of Menifee to start the construction review of the project and submit plans to meet the exemption (if granted) to the Department for review with the applicable fees,.*

Based upon this letter, it is crystal clear that an exemption from the Regional Board to the existing prohibition must be granted in order to process a septic system permit application with the County of Riverside Environmental Health Department in order to be in compliance with Ordinance 650 and the City of Menifee exhibit list requirements under Government Code section 65940.

On December 16, 2015, the Masson's through Gregg Allen Berge (their agent of record), filed an application with the Regional Board for Approval of a Tier 3 Advanced Protection Management Program for Impaired Area for an OWTS (advanced or conventional) for the two Masson properties referenced under the Assessor Parcel Numbers (APN's).

As part of the submittal we asked in writing if there were any costs or specific criteria for the approval of a system pursuant to the APMP, Section 10.0 of the OWTS Amendments as adopted by the State Board in May, 2012; and asked for the required application forms and criteria under Government Code section 65940 to deem our submittal complete. The Regional Board did not respond to that specific request and based upon the Government Code, our

application(s) were deemed complete on January 16, 2016. There was no 30 day letter issued by the RWQCB.

Government Code section 65940

*"requires each state agency (which includes the Regional Board) and local agency "shall" compile one or more lists that shall specify in detail the information that will be required from any applicant for a development project. Each local agency shall revise the list of information required from an applicant to include a certification of compliance with Section 65962.5, and the statement of application required by section 65943, shall be made available to all applicants for development projects and to any person who requests the information"*

The Regional Board **did not comply** with this Government Code section as requested in writing and in violation of state law.

In areas that have been determined by the Regional of State Board to be impaired under the APMP (Advanced Protection Management Programs), any existing, new, or replacement OWTS that are near impaired water bodies and are covered by a Basin Plan prohibition must also comply with the terms of the prohibition, as provided in Section 2.1 of the adopted OWTS amendments.

Section 2.1 of the OWTS Amendments:

*" provides that all new, replacement, or existing OWTS within an area that is subject to a Basin Plan prohibition of discharges from OWTS, must comply with the prohibition. If the prohibition authorizes discharges under specified conditions, the discharge must comply with those conditions and the applicable provisions of this Policy.*

Under the terms and conditions of the Resolution after the effective date of August 20, 2007 (page 5 of 7, Item 2 states:

*"that all existing septic tank-subsurface disposal systems shall connect to the sewer designed to serve the lot within one year of sewer installation. New septic tank-subsurface disposal systems shall not be permitted in Quail Valley if a sewer system is available to serve the lot."*

What the prohibition does not address or speak to is **if an exemption** is available for a low density parcel when it has been determined that sewer **will never** be available to the proposed new dwelling lot location by the agency having jurisdiction (EMWD). The prohibition does not provide criteria to determine eligibility for an exemption for a low density property where sewer will never be installed.

Simply put, the Masson properties will never have sewer available by EMWD's own admission and concession as the Agency Having Jurisdiction pursuant to California Plumbing Code sections 713.0 to 713.7 in compliance with both the California Uniform Plumbing Code and Ordinance 650 of the City of Menifee Municipal Code. (see letter from EMWD regarding availability of sewer for the subject properties dated April 21, 2015) (see April 2, 2015)

We had requested this letter from the EMWD for a formal written determination that sewer is not available in compliance with Sections 713.0 and 713.7 of the California Uniform Plumbing Code in the verification that sewer is or is not available to the subject properties. This is mandatory under state law.

As to procedural due process issues, the Regional Board concedes in the Board's response to our California Public Records Act ("CPRA") request that the Regional Board does not have:

- 1) An Implementation Plan that has been adopted for the Quail Valley Septic Prohibition.
- 2) There is no application or application procedures for enforcement of the Prohibition against any individual parcel(s). The Board states that the Prohibition applies equally to all parcels identified in the Prohibition in contrast to the OAL.
- 3) There is no established appeal procedure for appealing a staff decision either approving or denying "an application for enforcement of the Prohibition against a specific property."
- 4) There is no Memorandum of Understanding between the Santa Ana Regional Board and the County of Riverside that directly addresses the enforcement of the Quail Valley Prohibition.
- 5) The OWTS Policy includes conditional waiver of the requirements to submit a report of waste discharge and obtain waste discharge requirements for Tier 3 subject to the policy.

It is important to note for this submittal on appeal that the Regional Board failed to provide the conditional waiver requirements or waste discharge requirements for Tier 3 as requested under Government Code section 65940. Perhaps this was just a misunderstanding or they failed to understand the requirements under state law when requested by the applicant under that specific code section (G.C. 65940)

#### "AS APPLIED CHALLENGE" UNDER EXISTING APPLICATION

The Masson application submittal requested a final determination for approval of an individual private disposal system under the OWTS Amendments (as adopted by the State Water Board in May of 2012) in compliance with Ordinance 650 of the City of Menifee Municipal Code.

The request was to comply with the current exhibit list requirements as established by the City of Menifee Department of Building and Safety in order to have a building permit application accepted for processing under Government Code sections 65940 through 65956. The Regional

Board did not provide any application or application permit criteria upon formal written request and no 30 day letter was sent requesting any additional information from the Masson's as applicants. The application of December 16, 2015 was deemed complete by operation of law on January 16, 2016.

It is important to note that the application submitted on December 16<sup>th</sup> to the Regional Board was "an as applied challenge" in the formal enforcement of all statutory requirements under Resolution R8-2006-0024; and "as applied" to the requirements for issuance of both an advanced treatment system or conventional septic system under the recently adopted OWTS Amendments in May of 2012.

The Masson's application of December 16, 2016 was submitted to the Regional Board after the County of Riverside Environmental Health had directed us to your agency after refusing to provide an application directly from the County, and based upon the fact that it was known with certainty that an application to the Environmental Health Department could not be approved and as such was futile in its attempt.

Any payment of fees as part of a bogus application process that could not be approved was not proper in light of the certainty that the County Environmental Health Department could not provide an approval to any proposed septic system design in compliance with the permitting requirements of the City of Menifee under Ordinance 650 and Government Code section 65940.

Hence the referral letter from the County to seek an exemption or exception from the Regional Board directly. (November 5<sup>th</sup> letter from John Watkins)

The Masson's application was processed by the Regional Board after it was determined by the County of Riverside that the:

*" Department does not have the Tier 3 Advanced Protection Management Program ("APMP"). This program will be managed by the Regional Water Quality Control Board. Please reflect all correspondence with the appropriate Regional Board. (see letter dated December 29, 2015 from Matthew Riha of the County of Riverside Environmental Health Department on file as part of this administrative file).*

On February 9, 2016, the Regional Board issued a follow-up letter of clarification to their formal "technical denial" of the application for either advanced treatment system or for a conventional system to be installed on the Masson Properties as part of a final decision in compliance with Ordinance 650 and the building permit exhibit list requirements of the City of Menifee pursuant to Government Code section 65940.

If the applications cannot be not approved (they were not) then the right to develop the property would be extinguished because the subject properties that would never have sewer as as determined by EMWD. The Masson properties are now being denied all rights to "any"

waste water treatment solution whatsoever in violation of the California Uniform Plumbing Code, Subdivision Map Act ("the SMA"), and the Clean Water Act as part of the Porter-Cologne Act under the California Water Code.

The California Uniform Plumbing Code is clear and concise on this issue. The agency having Jurisdiction (Regional Board) "shall" approve a individual private disposal system if and when it is determined that sewer is **unavailable** to serve the subject properties. (California Uniform Plumbing Code Section 713.2)

The Regional Boards denial of the Masson's application was based upon the determination that OWTS Systems Policy was **not applicable to the Quail Valley Prohibition Area**. Simply put, the Prohibition trumps the right to an alternative advanced treatment solution or a conventional system. In the January 4<sup>th</sup> letter, the Board stated that compliance with any prohibitions incorporated into the Basin Plan **must** be met. **Therefore, the Regional Board Quail Valley Prohibition continues to be in effect, and until either the Prohibition is modified through the Regional Board Basin Plan amendment process or Condition #2 mentioned above is satisfied, there is no mechanism to allow for approval of advanced or traditional treatment systems as described in the OWTS Policy for septic systems in Quail Valley, including the two subject parcels.**

Clearly this is a **final decision** by staff that is **subject to appeal** to the Regional Board for issuance of either a variance or exemption afforded under Resolution R\*-2006-0024.

Mr. and Mrs. Masson clearly have a beneficial interest in obtaining a final decision from the Regional Board directly on appeal in challenging the offending regulation that prevents them from obtaining a mandatory waste water treatment system solution, that by enforcement of such regulation or prohibition, prevents them from obtaining the necessary verification of sewerage systems, preventing them from filing a mandatory building permit application in the state of California. Such is the case at hand here when the Masson's cannot provide a waste water treatment solution that will comply with Government Code section 65940, not to mention the requirements mandated under the California Uniform Plumbing Code (sections 713.0-713.6).

It is perfectly clear that the Regional Board acting under their color of authority of the state has no problem eliminating development rights of private property owners under the guise of TDML Loading issues that cannot be tied to any specific property. By law and under police power, that is the Regional Boards right to do so **if they** have the right to take private property from individuals, **as long as they pay for the privilege**. (Fourth and Fifteenth Amendment of the state and Federal Constitution).

When protected rights are implicated, it is paramount that property owners have the right to some kind of hearing; a hearing to show factual findings, a formal decision, a record to review in a court of proper jurisdiction; and any other safeguards which are its due. (*Beck Development Co., Inc. v Southern Palisades Bowl Transportation Co. (1996) 44 Cal. App 4<sup>th</sup> 1160, 1203*), and in

doing so seeking some form of relief on appeal from a variance or exemption from the offending regulation that a) safeguard protected rights, b) provide the owner's the opportunity to be heard, and c) result in a final decision that is actionable under Government Code section 66499.37. (*Board of Regents v Roth* (1972) 408 U.S. 564, 570)

As well, the Masson's "right" to develop residential zoned property is a protected interest (*Harris v County of Riverside* (1990) 904 F 2d 497, 503)

On March 28, 2016, the Regional Board sent a letter to me stating advising that this scheduled appeal item **is not** an adjudicatory hearing related to any "as applied challenge" to the Prohibition, and it should not be treated or construed as such.

While we acknowledge that the Regional Board refused to hold our requested adjudicatory hearing in writing, with the Board citing that it was within their **discretion not** to hold an adjudicatory hearing, but we respectfully disagree that this is not a formal appeal to the denial of the requested Tier 3 OWTS application for either advanced treatment waste water treatment system or traditional system to the agency with jurisdiction upon referral from the County of Riverside Environmental Health Department. Remember, Mr. Watkins' told us to go ask the Regional Board if they will approve our application or grant an exemption as allowed under the current adopted Resolution (R8-2006-0024).

Mr. Rice (Office of Chief Counsel of the State Board) and I have had several spirited discussion as to the difference between a "**facial challenge**" and an "**applied challenge**" as related to the Masson properties and the applications of record.

Our applications were made in order to comply with both the Subdivision Map Act (the "SMA") as well as the Permit Streamlining Act (the "PSA") pursuant to Government Code sections 65920-65964.

Under Section 65931, the term "**project**" means any activity involving the issuance of a permit, or other entitlement for use by a public agency. Based upon the exhibit list requirements of the City of Menifee under Government Code 65940, the Masson's are required to have approval of a waste water treatment design for their proposed single-family in order to have a building permit application accepted for processing by the City of Menifee and determined to be complete under Government Code section 65943.

Under Government Code section 65928, the term "**development project**" means *any project* undertaken for the purpose of development. Clearly, the exhibit list provided by the City of Menifee requires that a developer (land owner) shall provide an approved septic system design by the County of Riverside Environmental Health Department prior to submittal of an application for building permit (See page two of Requirements for New Single Family Dwellings under Plumbing and Mechanical City of Menifee as part of the existing administrative file of this proceeding)

The subject properties are subject to Tier 3 due to the Prohibition and the code sections that the Regional Board cited in the passage of the amendment to the Basin Plan. The County of Riverside has acknowledged and conceded that they do not have a Local Area Management Plan (LAMP) in place and that the Regional Board is the agency with jurisdiction in this issue before us.

The OWTS Amendments were adopted to allow the continued use of OWTS Systems and their design criteria. Those impacted by OWTS are property owners, local agencies that permit OWTS, Regional Boards, and the State Board. The OWTS policy establishes a statewide, risk based, tiered approach for regulation and management of OWTS installations and replacements of failed systems, and evaluation of the effectiveness of local permitting agencies responsible for its implementation and enforcement.

Specifically, Tier 3 applies to Advanced Protection Management Plans (OWTS) Section 10) when a property is located near and impaired water body or bodies that are subject to Total Maximum Daily Load (TMDL) implementation plans pursuant to the adopted Resolution of Prohibition, or within 600 feet of a the listed water body. In this case, it is not clear as to which provision applies in light of the statement of factual finding issued by the Board upon adoption of the Resolution in 2006.

To put an end to Mr. Rice's misguided or attempt to mislead these proceedings, the Tier 3 OWTS Amendments did not exist in 2006 at the time of adoption of the Resolution in order to mount a "facial challenge" within the mandatory timeframes afforded under state law.

So to be clear, this is an "applied challenge" to the Prohibition currently in force and effect as it relates to the ability to comply with Ordinance 650, the California Uniform Plumbing Code Sections 713.0-713.7, and Government Code section 65940 as related to the exhibit list of the City of Menifee for a building permit application to be accepted and deemed complete (Government Code section 65943.)

Mr. and Mrs. Masson through this appeal seek relief from the existing provisions of Prohibition Resolution No. R8-2006-0024 of the Santa Ana Regional Water Control Board, as the agency acting under legislative authority, adopted such resolution that denies sewer and/or an individual private disposal system (OWTS) for their low-density properties in Quail Valley, after it has been determined that sewer is unavailable from EMWD.

They seek a variance or an exemption from the Prohibition that will allow them(Masson's) to submit to the County of Riverside Environmental Health Department specific septic system designs by a licensed engineer for approval in order to submit a building application to the City of Menifee for processing pursuant to the exhibit list requirements of the city.

Is it a Prohibition or Moratorium?

With this appeal we seek a final determination from the Regional Board as to the formal status of Resolution R8-2006-0024.

Because there is not consistency between the County of Riverside and the Regional Board as related to the Quail Valley Prohibition on Septic Tank Systems Installation; because the prohibition zones are not consistent as related to the formal action of both the Regional Board and the County, we seek formal resolution and determination with factual findings that the Quail Valley Prohibition is truly a prohibition and not a moratorium of some sorts on development for those properties where sewer will not be provided, both high and low density properties.

Because of the confusion put forth by both the Regional Board, County of Riverside, and the City of Menifee, we seek this determination from the Regional Board based upon the specific need for clarity and the large number of property owners who have been impacted by this resolution for over nine years with no real action to solve the problem.

Simply put, the Regional Board have left the vacant property owners in Quail Valley left for dead, and we believe this is purposeful by design,

Let me be perfectly clear on this issue. If this is truly a prohibition on the use of individual private disposal systems for properties where sewer is not available, then the problem of providing sewer to all the prohibition zones (9 of them) must be addressed before a Prohibition can be lifted.

This is state law under the Water Code when a prohibition zone has been established. The case at hand is a little fuzzy since it was not adopted under State Water Code section 13243.

And lastly, the Prohibition allows for exemptions when sewer is not available and it requires existing users must connect within one year and new residential dwellings must connect when sewer is available. The prohibition does not speak to the majority of us who have properties that are low density that will not have sewer installed within or near the 200 ft. threshold.

This is why we (the Masson's) seek an exemption or variance if available. If not, then their properties have been taken, and compensation will lie in a 1094.5 validation hearing pursuant to Government Code section 66499.37.

#### Vested Rights under Prior Permit (2005-2009)

The Masson's concede that they did not have a final approval on a septic system design for their new Manufactured Homes on both residential rough graded lots. This was not the fault of the Masson's, but it based upon the new permitting requirements at the time of their submittal for their building permit for the new residences.

It is undisputed by the County of Riverside Building and Safety Department that the Masson's had obtained the original SAN 53 letter from the County of Riverside Environmental Health Department (proposed septic system design) that was required to obtain approval to rough grade the subject properties.

The County of Riverside did issue the rough grade permits to the Masson's and the grading was complete.

In order for the County of Riverside to sign off on the final inspection for the rough grade, the Masson's needed to obtain approval from the County Fire Department as to the grade of the existing driveways. The Fire Department did signoff. They also needed to pay their mitigation fees for Endangered Species as part of the planning conditions to file for the building permit.

They did pay the fee and got clearance from the Environmental Programs Department (EPD)

The County of Riverside Building Department then cleared the Masson's to file for their building permit and this approval was required to be signed off by Kahlid, the County's Engineer of record after he confirmed that County Fire had signed off.

The only other condition was a pad certification by the engineer of record and that was satisfied on or around May 22, 2007.

The Masson's filed for their building permits upon clearance to do so but the new rules that required fixtures to be calculated in order to determine the sizing of a septic tank and its related leach field needed to be determined by the County of Riverside Environmental Health Department.

The proposed system design and calculation were sent to the Environmental Health Department who then requested that the trenching of the proposed system be laid out and increased in depth based upon the soils condition.

The trenches were dug, but the County of Riverside refused to do any or all inspections for septic systems after the Prohibition was enacted on August 20, 2007. The Masson's were told that the Regional Board had directed the County to stop all related inspections and ultimately the Masson's permit's died a slow death in 2009.

This was despicable after the County assured the Masson's that they were grandfathered based upon the existing permitting procedures in place at the time. It was nothing but a lie and the Masson's got screwed and tattooed throughout this whole permitting process.

The Regional Board determination that the septic system design for the Manufactured Home was not approved, but it is clear that it was the fault of the Regional Board in not having any viable implementation plan once the resolution had been adopted.

As for the staff providing copies of permits issued to others at the time of the adoption, our review of the Regional Board's public record documents provide a clear and concise answer to why this was not approved by the Board due to issuance of an exemption due to applications being filed prior to the adoption of the Resolution.

If you look at most if not all of the permits that were issued at that time, there was a separate box on the County application that if checked, required the Regional Board to approve and concur with the issuance of the building permit.

In the case of the Masson's, that box was not checked and it was because they were assured by the County that they were exempt and/or grandfathered due to the date of their first application and the date of the building permit application.

This did not happen and that was the fault of the Regional Board and not having cohesive implementation between the County as the review agency and the board.

For purposes of this appeal, the current determination that the Masson's did not provide an approved septic system design for their building permit application is "moot" and has nothing to do with the issues on appeal that relates to the new OWTS requirements and the exhibit list requirements of the now City of Menifee as the land use agency with jurisdiction.

Requested Action Under This Appeal

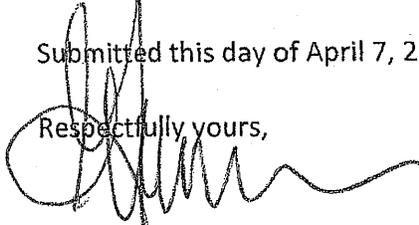
The Masson's are requesting that the Regional Board grant an exemption or variance under the existing prohibition (R8-2006-0024) to allow the Masson's to file an application with the County of Riverside Environmental Health Department for both of their low-density properties where it has been determined that sewer will not be provided by Eastern Municipal Water District.

The justification of this request is that the Regional Board has exceeded their authority in denying the right to an individual private disposal system based upon the formal determination of the Office of Administrative Law that the Prohibition does not prohibit septic systems in areas where sewer are not feasible (low density areas).

If this request for exemption or variance is denied, then they seek a final determination that this decision is final and that all administrative remedies have been exhausted based upon the final decision of the agency who enacted and passed the regulation that goes to far.

Submitted this day of April 7, 2016.

Respectfully yours,



Gregg Allen Berge

Agent of record on behalf of Richard and Carole Masson.

**CLEAR AND CONCISE SUMMARY  
OF REGULATORY PROVISIONS**

**Basin Plan Amendment to Include a Prohibition on the Use of Septic Tank-  
Subsurface Disposal Systems in the Quail Valley Area of Riverside County  
Resolution No. R8-2006-0024**

**TITLE 23. Waters**

**Division 4. Regional Water Quality Control Boards**

**Chapter 1. Water Quality Control Plans, Policies, and Guidelines**

**Article 8. Santa Ana Region**

**§ 3979.3 "Phased Waste Discharge Prohibition on the Use of Onsite Septic Tank-  
Subsurface Disposal Systems in the Quail Valley Area of Riverside County."**

This amendment to the Water Quality Control Plan for the Santa Ana River Basin (Basin Plan) revises Chapter 5, Waste Discharge Prohibitions, Section D, "Prohibitions Applying to Groundwaters" in the Basin Plan per Resolution No. R8-2006-0024 of the Regional Water Quality Control Board, Santa Ana Region. The regulatory provisions in the Basin Plan are modified by establishing a phased waste discharge prohibition on the use of septic tank-subsurface disposal systems (septic systems) in the Quail Valley area of Riverside County. Currently, the Basin Plan has a prohibition on the use of septic systems for a number of locations within the Region. This Basin Plan amendment phases in the Quail Valley area to the list of areas where septic systems are prohibited.

The Basin Plan amendment prohibits the use of new septic systems in high density areas (sub areas four and nine) upon the effective date of the Resolution and requires all existing septic systems to connect to the sewer within one year of availability of sewers. However, it does not prohibit septic systems in areas where sewers are not feasible (low density areas).

STATE OF CALIFORNIA  
OFFICE OF ADMINISTRATIVE LAW

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MEMORANDUM

To: Nick Martorano

Date: 08/23/07

File# 07-0713-02 S

Phone: 916-323-6225

From: OAL Front Counter

Subject: RETURN OF APPROVED RULEMAKING MATERIALS

OAL hereby returns this Approved file your agency submitted for our review.

If this is an approved file, it contains a copy of the regulation(s) stamped "ENDORSED FILED" by the Secretary of State. The effective date of an approved file is specified on the date Form 400 (see item B.4)

Note: The 30th Day after filing with the Secretary of State is calculated from the date Form 400 was stamped "ENDORSED FILED" by the Secretary of State.

**DO NOT DISCARD OR DESTROY THIS FILE**

Due to its legal significance, please retain this rulemaking record. Government Code section 11347.3(d) requires that this record be available to the public and to the courts for possible later review. Government Code section 11347.3(e) further provides that "...no item contained in the file shall be removed, altered, or destroyed or otherwise disposed of." See also the Records Management Act (Government Code section 14740 et seq.) and the State Administrative Manual (SAM) section 1600 et seq.) regarding retention of your records. If you decide not to keep this rulemaking at your agency office or at the State Records Centre, you may transmit it to the State Archives with instructions that the Secretary of State shall not remove, alter, or destroy or otherwise dispose of any item contained in the file. See Government Code section 11347.3(f)

enclosures

# REGULAR

STATE OF CALIFORNIA—OFFICE OF ADMINISTRATIVE LAW

## NOTICE PUBLICATION/REGULATIONS SUBMISSION

INSTRUCTIONS ON REVERSE

For use by Secretary of State only

STD. 400 (REV. 4-98)

OAL FILE NUMBERS	NOTICE FILE NUMBER <b>Z-</b>	REGULATORY ACTION NUMBER <b>07-0713-025</b>	EMERGENCY NUMBER
NOTICE		REGULATIONS	
For use by Office of Administrative Law (OAL) only <b>2007 JUL 13 PM 2:15</b> <b>OFFICE OF ADMINISTRATIVE LAW</b>			
AGENCY WITH RULEMAKING AUTHORITY State Water Resource Control Board			AGENCY FILE NUMBER (if any) 2007-0038

ENDORSED FILED IN THE OFFICE OF

2007 AUG 20 PM 2:52

*Jenna Bowen*  
JENNA BOWEN  
SECRETARY OF STATE

### A. PUBLICATION OF NOTICE (Complete for publication in Notice Register)

1. SUBJECT OF NOTICE Amendment to the Santa Ana Basin Plan	TITLE(S) 23	FIRST SECTION AFFECTED	2. REQUESTED PUBLICATION DATE
3. NOTICE TYPE <input type="checkbox"/> Notice re Proposed Regulatory Action <input type="checkbox"/> Other	4. AGENCY CONTACT PERSON Nick Martorano	TELEPHONE NUMBER (916) 341-5980	FAX NUMBER (Optional) (916) 341-5550
OAL USE ONLY <input type="checkbox"/> Approved as Submitted <input type="checkbox"/> Approved as Modified	ACTION ON PROPOSED NOTICE <input type="checkbox"/> Disapproved/Withdrawn	NOTICE REGISTER NUMBER	PUBLICATION DATE

### B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)

1a. SUBJECT OF REGULATION(S) Basin Plan Amendment for Phased Waste Discharge Prohibition	1b. ALL PREVIOUS RELATED DAL REGULATORY ACTION NUMBER(S)
---	--

2. SPECIFY CALIFORNIA CODE OF REGULATIONS TITLE(S) AND SECTION(S) (Including title 26, if toxics-related)
SECTION(S) AFFECTED (List all section number(s) individually)
ADOPT 3979.3
AMEND
TITLE(S) 23
REPEAL

3. TYPE OF FILING	
<input type="checkbox"/> Regular Rulemaking (Gov. Code, § 11346) <input type="checkbox"/> Certificate of Compliance: The agency officer named below certifies that this agency complied with the provisions of Government Code §§ 11346.2 - 11346.9 prior to, or within 120 days of, the effective date of the regulations listed above. <input type="checkbox"/> Print Only <input type="checkbox"/> Changes Without Regulatory Effect (Cal. Code Regs., title 1, § 100) <input checked="" type="checkbox"/> Other (specify) Gov't Code 11353	<input type="checkbox"/> Resubmittal of disapproved or withdrawn nonemergency filing (Gov. Code, §§ 11349.3, 11349.4) <input type="checkbox"/> Emergency (Gov. Code, § 11346.1(b)) <input type="checkbox"/> Emergency Readopt (Gov. Code, § 11346.1(h)) <input type="checkbox"/> Resubmittal of disapproved or withdrawn emergency filing (Gov. Code, § 11346.1)

4. ALL BEGINNING AND ENDING DATES OF AVAILABILITY OF MODIFIED REGULATIONS AND/OR MATERIAL ADDED TO THE RULEMAKING FILE (Cal. Code Regs. title 1, §§ 44 and 45)

5. EFFECTIVE DATE OF REGULATORY CHANGES (Gov. Code, §§ 11343.4, 11346.1(d))
<input type="checkbox"/> Effective 30th day after filing with Secretary of State <input type="checkbox"/> Effective on filing with Secretary of State <input checked="" type="checkbox"/> Effective other (Specify) Upon Approval (Gov't Code 11353)

6. CHECK IF THESE REGULATIONS REQUIRE NOTICE TO, OR REVIEW, CONSULTATION, APPROVAL OR CONCURRENCE BY, ANOTHER AGENCY OR ENTITY
<input type="checkbox"/> Department of Finance (Form STD. 399) (SAM §6660) <input type="checkbox"/> Fair Political Practices Commission <input type="checkbox"/> State Fire Marshal <input type="checkbox"/> Other (Specify)

7. CONTACT PERSON Nick Martorano	TELEPHONE NUMBER (916) 341-5980	FAX NUMBER (Optional) (916) 341-5550	E-MAIL ADDRESS (Optional) nmartorano@waterboards.ca.gov
-------------------------------------	------------------------------------	---	--

I certify that the attached copy of the regulation(s) is a true and correct copy of the regulation(s) identified on this form, that the information specified on this form is true and correct, and that I am the head of the agency taking this action, or a designee of the head of the agency, and am authorized to make this certification.

SIGNATURE OF AGENCY HEAD OR DESIGNEE <i>Darrin Polhemus</i>	DATE 7/12/07
--	-----------------

TYPED NAME AND TITLE OF SIGNATORY  
Darrin Polhemus, Deputy Director, Division of Water Quality, State Water Resources Control Board

From: Ehrenfeld, Catherine@Waterboards <Catherine.Ehrenfeld@waterboards.ca.gov>

To: theberggroup <theberggroup@verizon.net>

Subject: FW: RESPONSE TO PRA DATED 02/23/2016

Date: Thu, Mar 3, 2016 1:18 pm

Attachments: mou\_riverside.pdf (67K), OAL\_Approval\_Pages.pdf (144K)

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Mr. Berge, this is in response to your most recent Public Records Request, dated February 23, 2016.

Item #1 – There is no Implementation Plan of the Quail Valley Septic Prohibition that has been adopted by the Santa Ana Regional Board.

Item #2 – There is no application and no application procedures for enforcement of the Prohibition against any individual parcel(s). The Prohibition applies equally to all parcels identified in the Prohibition.

Item #3 – There is no established appeal procedure for appealing a staff decision either approving or denying “an application for enforcement of the Prohibition against a specific property.”

Item #4 – There is no Memorandum of Understanding (MOU) between the Santa Ana Regional Board and the County of Riverside that directly addresses the enforcement of the Quail Valley Prohibition. There is a more general MOU between the Santa Ana Regional Board and County of Riverside which may be of interest, and it is attached.

Item #5 - The OWTS Policy includes a conditional waiver of the requirements to submit a report of waste discharge and obtain waste discharge requirements for all OWTS subject to the Policy, including Tier 3. There is no application or implementation plan for approval of a Tier 3 treatment system. All of the requirements of the OWTS Policy for Tier 3 are included in the Policy itself.

Item #6 – Copies of the OAL approval pages are attached.

If I can be of any further assistance, please reply to this email.

Catherine Ehrenfeld  
Regional Administrative Officer  
Santa Ana Regional Water Quality Control Board  
3737 Main St., Ste. 500  
Riverside, CA 92501  
951-782-4130



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**Chairman of the Board,  
The Metropolitan Water  
District of So. Calif.**  
Randy A. Record

**Legal Counsel**  
Lemieux & O'Neill

April 2, 2015

Mr. Gregg Berge  
40735 Pocono Place  
Murrieta, CA 92562

Dear Mr. Berge:

**Subject: Sewer Service Availability – Quail Valley**

Per your request, the District has prepared the enclosed exhibit depicting where our existing sewer facilities are located within the Quail Valley area. Associated with our sewer facilities, we have also identified, through shading, those areas within 200 feet of our gravity sewer mains, which are available for direct gravity service connections.

We acknowledge that your position, based on your interpretation of Uniform Plumbing Code (HCD-1), Subsection 713.4, is that areas outside of those shown by shading would be considered as not having public sewer available.

Please feel free to contact me at (951) 928-3777, ext. 4461, if you have any questions.

Sincerely,

Charles J. Bachmann  
Assistant General Manager  
Planning, Engineering, & Construction

CJB:cdd

Enclosure: Quail Valley Sewer Exhibit

c: Director Sullivan, Division 4  
Paul Jones, General Manager  
Lemieux & O'Neill, Legal Counsel

j:\cjb\letters\2015-0402 Berge Quail Valley.docx

Mailing Address:

Post Office Box 8300 Perris, CA 92572-8300 Telephone: (951) 928-3777  
Location: 2270 Trumble Road Perris, CA 92570 Internet: www.emwd.com

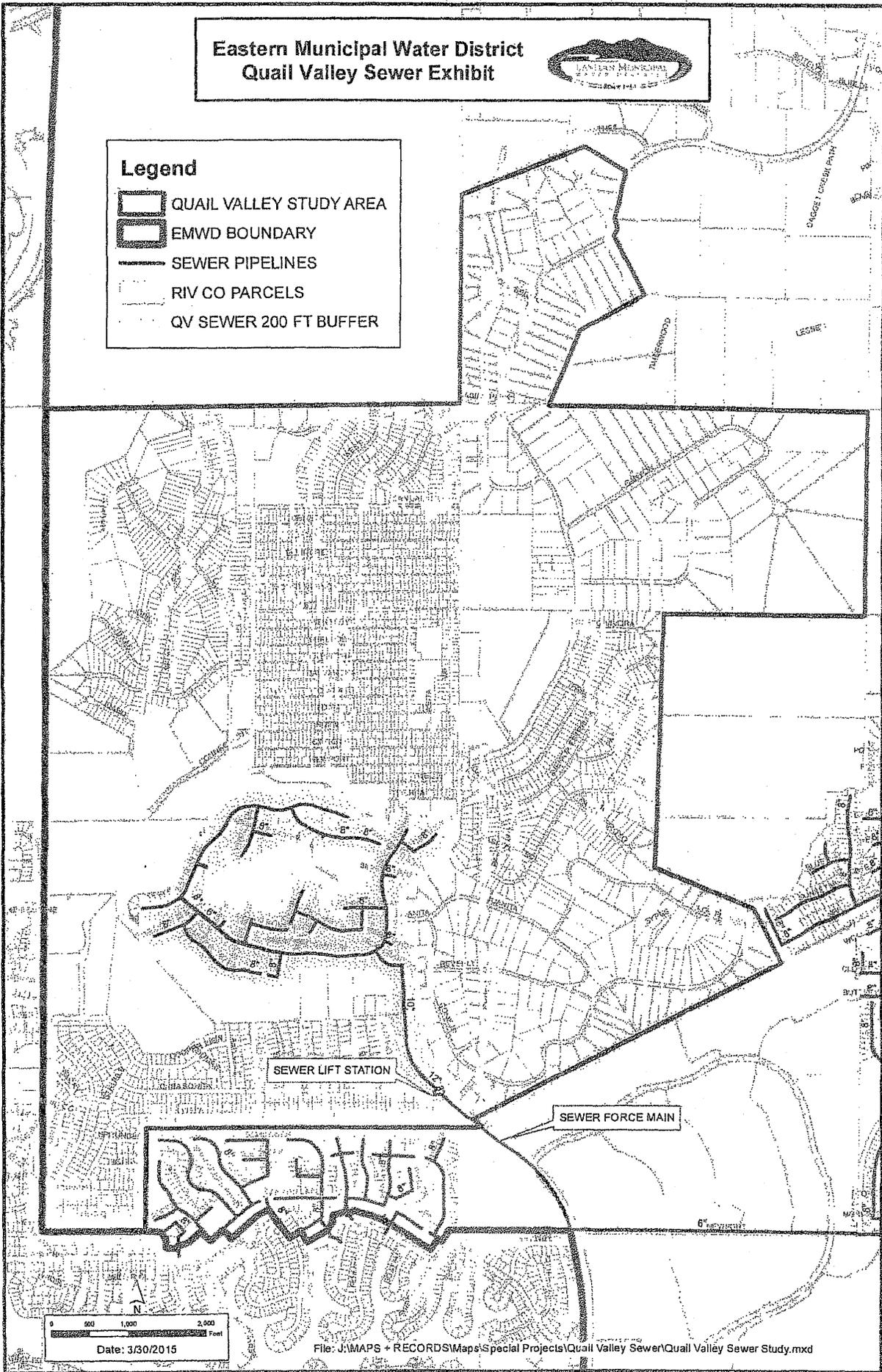
Fax: (951) 928-4177

# Eastern Municipal Water District Quail Valley Sewer Exhibit



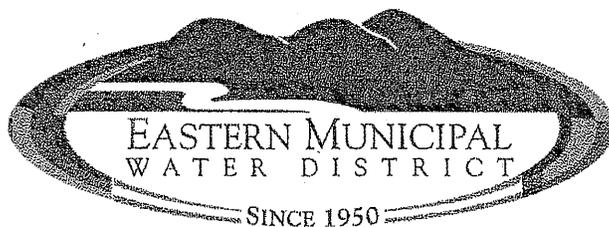
## Legend

- QUAIL VALLEY STUDY AREA
- EMWD BOUNDARY
- SEWER PIPELINES
- RIV CO PARCELS
- QV SEWER 200 FT BUFFER



Date: 3/30/2015

File: J:\MAPS + RECORDS\Maps\Special Projects\Quail Valley Sewer\Quail Valley Sewer Study.mxd



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April 21, 2015

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Joseph J. Kuebler, CPA

**Chairman of the Board,  
The Metropolitan Water  
District of So. Calif.**

Randy A. Record

**Legal Counsel**

Lemieux & O'Neill

Mr. Gregg Berge  
40735 Pocono Place  
Murrieta, CA 92562

Dear Mr. Berge:

**Subject: Sewer Service Availability – Quail Valley**

As a follow up to our meeting yesterday, I want to reiterate the District's position on your request for a legal determination of current public sewer service availability, and respond to your questions regarding the potential for actually receiving sewer service to your property.

Enclosed is a copy of the April 2, 2015, letter and exhibit, which clearly shows that public sewer service is currently unavailable to the vast majority of the Quail Valley area. We understand that your particular property is located on Montana Street, which is approximately 10,000 lineal feet from the closest available sewer.

You assert that Eastern Municipal Water District must make a determination that public sewer service, as defined within the California Uniform Plumbing Code, is unavailable to your property. Clearly, you are not within 200 feet of our existing sewer system. Should you feel that additional documentation or certification be required from the District, please provide us with contact information for the agency to whom you will be submitting this information, so that we can better understand their requirements.

Regarding future public sewer service to your property, the District does follow well established policies and procedures to facilitate the extension of sewer collection facilities throughout our service area. While local collector lines are typically the responsibility of the developer or property owner, regional collectors are master planned and constructed by the District. Funding for regional collectors is provided through the District's Financial Participation Charge program; although the District also aggressively pursues state and federal grant funding, where possible. In fact, the District is currently in the final stages of receiving substantial grant funding to extend sewer service to a portion of Subarea 9 of the Quail Valley area. As part of this project, the District will be participating in the oversizing of downstream sewage transmission facilities to accommodate potential sewage flows from the entire Quail Valley area.

Mr. Berge  
Page 2  
April 21, 2015

Please feel free to contact me in writing, if you have further questions.

Sincerely,

Paul D. Jones II, P.E.  
General Manager

PDJ:cdd

Enclosure: Letter dated April 2, 2015

c: Lemieux & O'Neill, Legal Counsel  
Matt Rhia, Riverside County Environmental Health

J:\...\CHARLIE\Letters\2015-0421 Berge Quail Valley pdj.docx



County of Riverside  
DEPARTMENT OF ENVIRONMENTAL HEALTH

P.O. BOX 7909 • RIVERSIDE, CA 92513-7909

STEVE VAN STOCKUM, DIRECTOR

December 29, 2015

Gregg Berge  
Berkshire Hathaway Home Service  
1895 So. Centre City Pkwy  
Escondido, CA 92025

Dear Mr. Berge:

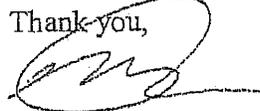
Re: APN 350-031-001 / APN 350-031-002

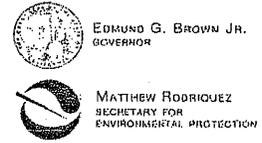
In response to your request of records dated December 17, 2015, and your letter dated December 16, 2015 with subject matter "Approval of Tier 3 Advanced Protection Management Program for Impaired Area for OWTS Systems for APN Nos. 350-031-001 and 350-031-002 (Masson Montana Street properties)" the Department has the following information:

We have records on file for the two properties. You may already have copies of the correspondence, but if you would like to retrieve copies you can pay at the office or by phone via credit card. The processing and reproduction fee amounts to \$11.90. After fees are paid, the copies can be released to you either by mail or pick up.

The Department does not have the Tier 3 Advanced Protection Management Program. This program will be managed by the Regional Water Quality Control Board. Please reflect all correspondence with the appropriate Regional Board.

Thank you,

  
Matthew Riha  
Supervising E.H.S.  
County of Riverside  
Department of Environmental Health  
Environmental Protection and Oversight Division  
(951) 955-8980



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## Santa Ana Regional Water Quality Control Board

March 28, 2016

Gregg Berge  
40735 Pocona Place  
Murrieta, CA 92562  
[thebergegroup@verizon.net](mailto:thebergegroup@verizon.net)

RE: APPEAL OF STAFF'S DETERMINATION REGARDING USE OF ONSITE SEPTIC TANK-SUBSURFACE DISPOSAL SYSTEMS OR ADVANCED TREATMENT SYSTEMS AT MONTANA STREET, QUAIL VALLEY PROHIBITION AREA, RIVERSIDE COUNTY, APN 350-031-001 AND 350-031-002, CURRENTLY SCHEDULED FOR THE APRIL 22, 2016 SANTA ANA REGIONAL WATER QUALITY CONTROL BOARD MEETING

Dear Mr. Berge,

Over the past year, this office has had many communications with you regarding your concerns related to the application of the Santa Ana Regional Water Quality Control Board's (Regional Water Board's or Board's) prohibition against onsite septic tank disposal systems in the Quail Valley Prohibition Area (Prohibition) to the above-noted parcels, whose owner(s) you have advised us that you represent. Pursuant to your request, I have scheduled an item related to your concerns for the next regularly scheduled Regional Water Board Meeting, to be held on April 22, 2016 at the Loma Linda City Council Chambers. The purpose of this letter is to set forth the general administrative process for this item, including what issues the Regional Water Board will consider.

In my February 9, 2016 and March 25, 2016 letters to you, I explained that Regional Water Board staff had determined that the above-noted parcels did not have the requisite septic system approvals in place prior to the effective date of the Prohibition (August 20, 2007) in order for Board staff to allow the use of septic systems on these parcels. The scheduled item is an opportunity for you to address the Regional Water Board regarding Board staff's determination on this issue.

In prior communications with this office, you have insisted that the Regional Water Board is required to hold some type of adjudicatory hearing which would constitute or support an "as applied challenge" to the Prohibition related to the above-noted parcels. We have consistently disagreed with you on this issue and have declined this request. Please be advised that the scheduled item is not an adjudicatory hearing related to any "as applied challenge" to the Prohibition, and it should not be treated or construed as such. We do expect that you will address the Regional Water Board regarding why they should hold such a hearing in the future.

The administrative process for the April 22, 2016 item shall be as follows. Regional Water Board staff will first present the basis for the determination identified above. Following this presentation, you will have an opportunity to address the Regional Water Board. Both you and Board staff will each have 20 minutes for your presentation. You may ask the Regional Water Board Chair for additional time during your presentation. Board Members and Executive Staff

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WILLIAM RUH, CHAIR | KURT V. BERCHTOLD, EXECUTIVE OFFICER

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may ask questions at any time during the presentations, and answering these questions will not count against this allotted time.

A Regional Water Board staff report, including all materials relevant to Board staff's presentation, will be prepared for this item and will be available on the Regional Water Board website by the close of business on April 1, 2016. We will inform you when this staff report is available. In order to allow the Board Members an opportunity to review any relevant materials in advance of the Board meeting, please provide any materials associated with your presentation to the Regional Water Board office by close of business on April 7, 2016. Additionally, please let me know if you intend to use a Power Point presentation or need any special accommodations.

If you have any questions, you may contact me via email at [kurt.berchtold@waterboards.ca.gov](mailto:kurt.berchtold@waterboards.ca.gov).

Sincerely,



Kurt V. Berchtold  
Executive Officer  
Santa Ana Regional Water Quality Control Board

cc: State Water Resources Control Board, Office of Chief Counsel – David Rice  
Riverside County Environmental Health – Matt Riha



EDMUND G. BROWN JR.  
GOVERNOR



MATTHEW RODRIGUEZ  
SECRETARY FOR  
ENVIRONMENTAL PROTECTION

---

## San Diego Regional Water Quality Control Board

15 March 2016

Gregg A. Berge  
40735 Pocona Place  
Murrieta, CA 92562

### Subject: Release of Liability and Hold Harmless

Mr. Berge,

Via email on 8 March 2016, you conveyed the following:

*Please let this email transmittal serve as my formal request for application, forms, procedures, and appeal process in order to obtain a Release of Liability and Hold Harmless from the Regional Board based upon the actions of the City of Murrieta and the statement of facts relating to potential liability from failure to provide a WQMP prior to any and all construction activities under the state of California Storm Water Management Program. Please also provide the formal disposition of this request in writing*

*Please send the required documentation to my address at:*

*40735 Pocona Place  
Murrieta, CA 92562*

*Please confirm date of receipt of this formal request in writing by email to the address listed above.*

As we discussed earlier on the 8<sup>th</sup> of March via phone, the San Diego Regional Water Quality Control Board, San Diego Region (San Diego Water Board) does not have any formal forms nor applications to make such a request. As I suggested then, please submit your request for "Release of Liability and Hold Harmless" in writing to myself at the address below. Upon receipt of your letter, I will evaluate the request and advise my Executive Officer David Gibson on a course of action. I highly doubt I, nor Mr. Gibson, would recommend our Board become party to such an agreement as you seek.

Further, I don't believe one is necessary or appropriate to address the situation you described to me over the telephone on the 8<sup>th</sup> of March for the following reason. The local jurisdiction (in this case, the City of Murrieta) determines whether to require a developer or landowner to submit a Water Quality Management Plan (WQMP). The timing is dependent upon when the jurisdiction requires the applicant to submit the WQMP as part of their land development permitting process. This is most often described in a jurisdiction's grading ordinance or storm water ordinance, and specified in conditions of approval for projects. The San Diego Water Board's Municipal Separate Storm Sewer



EDMUND G. BROWN JR.  
GOVERNOR



MATTHEW RODRIGUEZ  
SECRETARY FOR  
ENVIRONMENTAL PROTECTION

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**Santa Ana Regional Water Quality Control Board**

March 25, 2016

Gregg Berge  
40735 Pocona Place  
Murrieta, CA 92562  
[thebergegroup@verizon.net](mailto:thebergegroup@verizon.net)

**DENIAL OF THE PROPOSED USE OF ONSITE SEPTIC TANK-SUBSURFACE DISPOSAL SYSTEMS OR ADVANCED TREATMENT SYSTEMS AT MONTANA STREET, QUAIL VALLEY PROHIBITION AREA, RIVERSIDE COUNTY, APN 350-031-001 AND 350-031-002**

Dear Mr. Berge:

This is in response to your February 23, 2016 submittal of additional documents regarding the above referenced parcels. On January 4, 2016 and February 9, 2016, Board staff advised you in writing that Regional Board staff had allowed proposals for new septic systems in the Quail Valley Prohibition Area to proceed where those proposals received septic system approvals from Riverside County Department of Environmental Health prior to August 20, 2007, the effective date of the Prohibition. It appears that you intended your February 23, 2016 submittal to demonstrate approval prior to August 20, 2007 and you are therefore requesting approval to install either onsite septic tank-subsurface disposal systems or advanced treatment systems to serve proposed single-family homes on the two lots located on Montana Street in the Quail Valley area.

We have reviewed your February 23, 2016 submittal and note that it still does not include documentation that the Riverside County Department of Environmental Health approved the use of septic systems at the subject lots. The documents you provided dated December 5, 2005 and titled "Septic Plan Check Status" are checked "Plans require Corrections" for both lots. Therefore, we still do not have documentation which indicates there were any approvals issued for the use of septic systems at the Montana Street parcels. We again deny your request for use of onsite septic tank-subsurface disposal systems or advanced treatment systems for the subject lots.

As advised previously, you may appeal staff's determination in this matter to the Regional Board. You have previously requested Board review of staff's determination and we have scheduled this matter for the April 22, 2016 Board meeting. Additional information regarding that proceeding will be provided in separate correspondence. A

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WILLIAM RUH, CHAIR | KURT V. BERCHTOLD, EXECUTIVE OFFICER

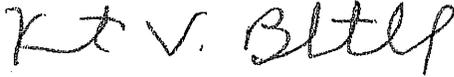
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copy of the staff report as well as the agenda announcement will also be provided to you prior to that meeting.

If you have any questions, you may contact me at via email at [kurt.berchtold@waterboards.ca.gov](mailto:kurt.berchtold@waterboards.ca.gov).

Sincerely,

Handwritten signature of Kurt V. Berchtold in black ink.

Kurt V. Berchtold  
Executive Officer

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



# Fact Sheet

STATE WATER RESOURCES CONTROL BOARD | 1704 K Street, Sacramento, CA 95814 | Mailing Address: P. O. Box 100, Sacramento, CA 95832-0100 | [www.waterboards.ca.gov](http://www.waterboards.ca.gov)

## Water Quality Control Policy for Siting, Design, Operation and Maintenance of Onsite Wastewater Treatment Systems (OWTS Policy)

### General OWTS Policy Information

#### *What are we regulating?*

- Onsite wastewater treatment systems (OWTS) commonly known as septic systems that primarily treat domestic wastewater and employ subsurface disposal.
- There are an estimated 1.2 million OWTS in California

#### *When does it take effect?*

- The effective date of the Policy was May 13, 2013.
- Except for Tier 3, local agencies may continue to implement their existing OWTS permitting programs for 60 months after the effective date of the Policy.
- Owners of OWTS with projected flow over 10,000 gallons per day (gpd) or receives high-strength wastewater shall notify the Regional Water Boards. These OWTS may be required to submit a Report of Waste Discharge for coverage of Waste Discharge Requirements (WDR) or a Waiver of WDR.

#### *Why was the Policy adopted?*

- To allow continued use of OWTS, while protecting water quality and public health
- Assembly Bill 885 amended California Water Code section 13290, which required the State Water Board to develop statewide standards or regulations for permitting and operation of OWTS.

#### *Who is impacted?*

- OWTS owners
- Local agencies that permit OWTS (county environmental health dept., etc.)
- Regional Water Boards
- State Water Board

### OWTS Policy Tiers

The OWTS Policy establishes a statewide, risk-based, tiered approach for regulation and management of OWTS installations and replacements, and recognizes the effectiveness of local permitting agencies. Tiers are briefly summarized below, refer to the OWTS Policy for a complete discussion of the requirements.

#### **Tier 0: Existing OWTS (OWTS Policy Section 6)**

- Applies to properly functioning systems that do not need corrective action and are not near an impaired water body subject to TMDL, local agency's special provisions, or located within 600 feet of a water body listed on OWTS Policy Attachment 2.
- Maximum flow rate is 10,000 gpd.

#### **Tier 1: Low Risk New or Replacement OWTS (OWTS Policy Sections 7 & 8)**

- Applies to new or replacement OWTS that comply with conservative siting and design standards described in the OWTS Policy.
- Tier 1 applies when a Local Agency Management Program (LAMP) has not been approved by the Regional Water Board.
- Maximum flow rate is 3,500 gpd.

#### **Tier 2: Local Agency Management Program (LAMP) for New or Replacement OWTS (OWTS Policy Section 9)**

- Applies to new or replacement OWTS that comply with the siting and design standards in an approved LAMP. LAMPs are developed by Local Agencies based on local conditions; siting and design standards may differ from Tier 1 standards.
- Maximum flow rate is 10,000 gpd.

#### **Tier 3: Advanced Protection Management Program (OWTS Policy Section 10)**

- Applies to OWTS located near impaired surface water bodies that are subject to a Total Maximum Daily Load (TMDL) implementation plan, a special provision contained in a LAMP, or is located within 600 feet of a water body listed on OWTS Attachment 2.
- Supplemental treatment requirements may apply to a Tier 3 system.
- Maximum flow rate is 10,000 gpd.

#### **Tier 4: OWTS Requiring Corrective Action (OWTS Policy Section 11)**

- Applies to systems that are not properly functioning (failing).
- Failure may be indicated by surfacing effluent, wastewater backing up in plumbing fixtures, OWTS component/piping structural failure, or significant groundwater or surface water degradation

The Policy and Substitute Environmental Document are available on the Internet at:  
[http://www.waterboards.ca.gov/water\\_issues/programs/owts/index.shtml](http://www.waterboards.ca.gov/water_issues/programs/owts/index.shtml)

For more information please contact:

Sherly Rosilela, P.E., Water Resource Control Engineer  
[Sherly.Rosilela@waterboards.ca.gov](mailto:Sherly.Rosilela@waterboards.ca.gov) or (916)341-5578

"The 'patent legislative objective' of [section 66499.37] is to ensure that judicial resolution of Subdivision Map Act disputes occurs 'as expeditiously as is consistent with the requirements of due process of law.' " (Hunt v. County of Shasta (1990) 225 Cal. App. 3d 432, 442 [275 Cal. Rptr. 113].) As the Court of Appeal recognized here and in Hunt, section 66499.37 applies by its terms to any action involving a controversy over or arising out of the Subdivision Map Act. Therefore, if this is a claim arising out of application of a land-use regulation authorized by that act, section 66499.37 applies. Plaintiff seeks to avoid application of section 66499.37 by arguing he does not challenge the validity of the Glendale ordinance. He seeks only compensation for the taking he alleges was effected by the ordinance. He contends on that basis that the statutes of limitation found in the Code of Civil Procedure govern this action. We disagree.

65940. (a) Each state agency and each local agency shall compile one or more lists that shall specify in detail the information that will be required from any applicant for a development project. Each local agency shall revise the list of information required from an applicant to include a certification of compliance with Section 65962.5, and the statement of application required by Section 65943. Copies of the information, including the statement of application required by Section 65943, shall be made available to all applicants for development projects and to any person who requests the information.

## Data: Comments Continued...

EFLETCHER 04/02/07 STABILITY EVALUATION.  
 SBENJAMI 04/06/07 04-06-07 SGB REDLINED GRADING, DVWY TOO STEEP, ASKED FOR  
 SBENJAMI 04/06/07 CL PROFILE & FLATTEN SLOPE, ENGR PROVIDED  
 SBENJAMI 04/06/07 WRONG NUMBER, LEFT THE OWNERS A MESSAGE  
 SBENJAMI 04/10/07 TP p/U REDLINES.  
 SBENJAMI 04/10/07 04-10-07 SGB OWNER WALKED IN ASKING FOR APPROVAL SAYING  
 SBENJAMI 04/10/07 CANNOT FLATTEN SLOPE, PER KHALID WE'LL  
 SBENJAMI 04/10/07 APPROVE SLOPE IF FIRE SAYS OK, ASKED LADY  
 SBENJAMI 04/10/07 TO SUBMIT PLANS TO FIRE.  
 SBENJAMI 05/08/07 05-08-07 SGB OWNER CALLED NOTIFYING ME FIRE CLEARED  
 SBENJAMI 05/08/07 GRADING IN THE CONDITIONS SCREEN, TRANS CLRD  
 SBENJAMI 05/08/07 GRADING.  
 ALMILLER 05/22/07 5/22/07 ALM NEW RG CERT, GRADING REPORT AND RG INSPECTION  
 ALMILLER 05/22/07 REQUIRED BEFORE ISSUANCE OF BP.

## Data: Locks, Holds, Notices

PARISENE 10/05/09 EXPIRED HOLDING FOR RECORDS PE  
 Type: NOTICE Effective Date Range: 10/05/2009 - 12/31/2019  
 LMS 10/01/09 DBF REFUND \$350.74 PV#00229155 CK#01831869 9/29/2009  
 Type: NOTICE Effective Date Range: 10/01/2009 - 12/31/2020  
 RLMILLER 07/09/09 PERMIT EXPIRED FOR NO ACTIVITY  
 Type: NOTICE Effective Date Range: 07/09/2009 - 12/31/2019  
 RCHATHAM 01/05/10 RECEIVED IN RECORDS GS 533 01510  
 Type: NOTICE Effective Date Range: 01/05/2010 - 12/31/2019  
 WCHEN 03/05/07 LOCK ON BMR054030  
 Type: LOCK Effective Date Range: 03/05/2007 - 03/28/2007  
 WCHEN 03/05/07 SUPPL T FEES DUE \$765.00 LOW DEPOSIT 3/5/07  
 Type: LOCK Effective Date Range: 03/05/2007 - 03/28/2007  
 ALMILLER 05/22/07 NEW PAPERWORK REQ'D BEFORE ISSUANCE OF BP 5/22/07  
 Type: NOTICE Effective Date Range: 05/22/2007 - 12/31/2019  
 TGARRISO 05/16/07 PLANS RESTAMPED BY L/U - CUT/FILL CHANGED FROM 4600 TO 1115  
 Type: NOTICE Effective Date Range: 05/16/2007 - 12/31/2019  
 SBENJAMI 05/08/07 TRANS CLEARANCE TO GRADING, SBENJAMIN, 5/8/07, SEE COMMENTS  
 Type: NOTICE Effective Date Range: 05/08/2007 - 12/31/2019  
 PNEAL 08/29/05 NOT IN A CELL CRITERIA AREA  
 Type: NOTICE Effective Date Range: 08/29/2005 - 08/30/2005  
 WCHEN 08/03/05 SUPPL T FEES DUE \$663.00 LOW DEPOSIT 8/3/05 -- PAID  
 Type: NOTICE Effective Date Range: 08/03/2005 - 08/16/2005  
 AYAMASAK 05/24/05 Import site from BGR 050767 AGY\*  
 Type: NOTICE Effective Date Range: 05/24/2005 - 12/31/2019

## Data: Approvals

Item: 00001 Planning Department Approval Dept: A@PL Division:  
 08/29/2005 PNEAL Action: APPR  
 Item: 00011 B&S: Permit Approval Dept: AQBS@@@ Division: @@  
 08/29/2005 RLMILLER Action: APPR

## Data: Locks, Holds, Notices

LMS 10/01/09 DBF REFUND \$271.79 PV#00229154 CK#01831868 9/29/2009  
Type: NOTICE Effective Date Range: 10/01/2009 - 12/31/2020

PAEISENB 07/30/09 EXPIRED-SCANNED & SENT TO RECORDS PE  
Type: NOTICE Effective Date Range: 07/30/2009 - 12/31/2019

RLMILLER 07/09/09 PERMIT EXPIRED FOR NO ACTIVITY  
Type: NOTICE Effective Date Range: 07/09/2009 - 12/31/2019

WCHEN 06/03/08 NEW TEL # 951-816-1182 OR 522-6429  
Type: NOTICE Effective Date Range: 06/03/2008 - 12/31/2008

WCHEN 06/03/08 NEW UPDTE ADDR: 30300 ANTELOPE RD. STE 1012, MENIFEE, CA 92584  
Type: NOTICE Effective Date Range: 06/03/2008 - 12/31/2008

PNEAL 08/01/05 PLANS STAMPED AND RETURNED TO GRADING RACK  
Type: NOTICE Effective Date Range: 08/01/2005 - 08/02/2005

PNEAL 08/01/05 NOT IN A CELL CRITERIA AREA  
Type: NOTICE Effective Date Range: 08/01/2005 - 08/02/2005

RYAMASAK 05/24/05 Export Site to BGR 050765 AGY\*  
Type: NOTICE Effective Date Range: 05/24/2005 - 12/31/2019

## Data: Approvals

Item: 00001 Planning Department Approval Dept: A@PL Division:  
08/01/2005 PNEAL Action: APPR

Item: 00011 BLS: Permit Approval Dept: A@BS@@@ Division: @@  
08/29/2005 RLMILLER Action: APPR



COUNTY OF RIVERSIDE  
TRANSPORTATION AND LAND MANAGEMENT AGENCY

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WESTERN RIVERSIDE COUNTY  
MULTI-SPECIES HABITAT CONSERVATION PLAN

INCIDENTAL TAKE PERMIT TE-088609-0  
ACKNOWLEDGMENT FORM

I am the applicant or authorized agent for Grading Permit Number  
B61050767. I acknowledge that I have received a copy of the  
attached Section 10(a) Permit and specifically acknowledge that I have read  
Condition No. 26 of said Permit.

Carol Madison  
Applicant/Authorized Agent

Condition No. 26

A copy of this Permit must be in on file in the possession of the Permittees, and Third Parties under their direct control, while conducting taking activities. Please refer to the Permit number in all correspondence and reports concerning Permit activities. Any questions you may have about this Permit should be directed to the Field Supervisor, Carlsbad Fish and Wildlife Office, 6010 Hidden Valley Road, Carlsbad, California 92008, telephone: 760-431-9440.



AP 612  
11/1/05

# Megaland Engineers & Associates

civil engineers • planners • structural • surveyors • soils

November 11, 2005

County of Riverside  
39493 Los Alamos Road  
Murrieta, CA 92563

Attn: Building & Safety Grading Department

RE: MASSON MANUFACTURED HOME PROJECT  
PROJECT ADDRESS: 28155 MONTANA ST. QUAIL VALLEY  
PERMIT NUMBER: BGR 050767  
APN 350-031-002; LOT 362, MB 042/015 TRACT 2257

**SUBJECT: CIVIL ENGINEER'S ROUGH GRADING CERTIFICATION**

This letter shall confirm that the above site has been graded in accordance with the approved grading plan including location and elevation of building pads and positive building pad drainage. The placement of the building pad and the pad elevation as shown below are in substantial conformance with the grading plans as approved by the County of Riverside and County Ordinance 457.

A field inspection has been performed 11/11/05 and shows that the pad has been graded to be in substantial conformance with the plans as follows:

### PAD ELEVATION

As-Built Elevation  
1554.0±

Approved Plan Elevation  
1554.00

The pad elevation and pad placement fall within the standards of care for grading practice and tolerances and the building pad is suitable for building construction as related to the preceding items.

Sincerely,  
*Megaland Engineers & Associates*

Art Bananal, PE  
Ced 36117 Exp. 6/30/06



Car Rick & Carol Masson, Owner

Department of Building and Safety

COUNTY OF RIVERSIDE

TO:

Dist.

CY/LK

ADDRESS: 28155 Montano St Date 11/22/05

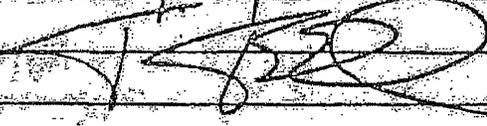
CORRECTION NOTICE

Permit No.

GR

050767

① ROUGH GRADE Not Approved  
No SWPPP on-site, No  
address posted, slopes exceed  
2:1 and not per approved  
plan. 11/22/05



Inspector

DO NOT REMOVE FROM JOBSITE

**ORDINANCE NO.856**  
**AN ORDINANCE OF THE COUNTY OF RIVERSIDE**  
**ESTABLISHING A SEPTIC TANK PROHIBITION FOR SPECIFIED AREAS OF QUAIL**  
**VALLEY AND REQUIRING THE CONNECTION OF EXISTING SEPTIC SYSTEMS TO**  
**SEWER**

**The Board of Supervisors of the County of Riverside do Ordain as Follows:**

**SECTION 1. FINDINGS**

The Board of Supervisors hereby makes the following findings of fact:

- A.** The proper disposal of sewage waste as generated in homes and business is essential to protect the health and welfare of the residents and visitors to the County of Riverside; and
- B.** The Quail Valley area was developed initially in the 1920's with individual septic systems and now experiences an unacceptable number of on-site disposal system failures due to age of the systems, small lot sizes and existing soil and groundwater conditions.
- C.** The records of the Department show numerous and ongoing failures of septic systems within the Quail Valley area, many of which are affecting newer construction as well as older residences; and
- D.** A survey conducted by the Department of Environmental Health in March of 2005 found that 37% of those residents responding from the Quail Valley area had sewage or grey water discharges to the ground surface and on to the streets; and
- E.** These failures lead to the discharge of untreated sewage to the surface of the ground, mixing with other run-off water that directly impacts the residents of the community and can pollute the runoff water during rain events; and
- F.** Storm water runoff from this area drains almost directly into Canyon Lake which is listed by the USEPA as an impaired water body due to excessive concentrations of bacteria, nitrogen and phosphorus, all of which are present in septic wastes, and
- G.** Resolution No. R8-2004-0037 established by the SARWQCB and approved by the USEPA requires the County of Riverside to institute Regulations and Programs to reduce the level of the nitrogen and phosphorus going into Canyon Lake; and
- H.** Further requirements are being developed by the SARWQCB that will require the County of Riverside to institute regulations and programs to reduce the level of the pathogens going into Canyon Lake; and
- I.** The Department believes that, due to the small lot sizes, high population density, historical failure rates, poor soil conditions and variable groundwater levels that any new septic system being installed in the prohibited areas as defined in Section 3 of this Ordinance has an unacceptably high probability of either failing on-site or otherwise contributing to the pollution levels in and from the community; and
- J.** In light of the above findings a potential health hazard exists in the Quail Valley area due to the lack of an effective sewer system; and
- K.** The SARWQCB has drafted and is pursuing Basin Plan Amendment 2006-0024 to include a Waste Discharge Prohibition on the use of Onsite Septic Tank-Subsurface Disposal Systems in the Quail Valley area of Riverside County; and

- L. The Eastern Municipal Water District has completed a feasibility study for a sewer system that will transport the wastewater to an existing treatment facility and thereby address the potential health issues related to failing or inadequate septic systems; and
- M. The Uniform Plumbing Code, referenced as the County's standard for plumbing design and installation by Riverside County Ordinance No. 457, states in Appendix K, Section (g) "When there is insufficient lot area or improper soil conditions for adequate sewage disposal for the building or land use proposed, no building permit shall be issued and no private sewage disposal shall be permitted."

## **SECTION 2. DEFINITIONS**

- A. "Department" shall mean the Riverside County Department of Environmental Health.
- B. "Feasibility study" shall mean the study prepared by PBS&J for the Eastern Municipal Water District, entitled "Quail Valley Sewer Improvements Alternatives Study", dated August 2005, regarding the feasibility of a sewer system in the Quail Valley Area.
- C. "Prohibited area" shall mean the areas located within sub areas four (4) and nine (9) as identified in the Quail Valley Boundary Map.
- D. "Quail Valley area" shall mean the areas north and east of the City of Canyon Lake on either side of Goetz Road described and depicted on the maps created for the Eastern Municipal Water District feasibility study.
- E. "Quail Valley Boundary Map" shall mean the map identified as Figure 4 of the Feasibility study as defined above and on file at the Department.
- F. "SARWQCB" shall mean the State of California Santa Ana Regional Water Quality Control Board.
- G. "USEPA" shall mean the United States Environmental Protection Agency.

## **SECTION 3. PROHIBITIONS**

- A. No new septic systems shall be approved for any lot or parcel within the prohibited area after the date this Ordinance becomes effective.
- B. No existing system in the prohibited area shall be expanded or otherwise modified to accommodate new construction and/or additional wastewater generating fixtures or appliances.

## **SECTION 4. REPLACING OR REPAIRING EXISTING SYSTEM**

- A. In the event that an existing system requires replacement or repair, such replacement may be approved and installed, subject to the existing requirements of Riverside County Ordinance No. 650.
- B. If and when a decision is formally made to provide sewer service to the area, a holding tank may be provided as a substitute for replacement of an existing system subject to the conditions in Riverside County Ordinance No. 650.

## **SECTION 5. MANDATORY CONNECTION TO SEWER**

All existing septic tank-subsurface disposal systems within the Quail Valley area shall connect to the sewer designed to serve the lot within one year of sewer installation.

**SECTION 6. REQUIREMENT FOR COMPLIANCE**

Non-compliance with this Ordinance shall be deemed a violation of Riverside County Ordinance No. 650

**SECTION 7. SEVERABILITY**

If any clause, provision, sentence, or paragraph of this Ordinance or the application thereof, is deemed to be invalid as to any person, entity, establishment, or circumstance, such invalidity shall not affect the other provisions of the Ordinance which shall remain in effect.

**SECTION 8. EFFECTIVE DATE**

This Ordinance shall take effect thirty (30) days after the date of its adoption or upon the effective date of Basin Plan Amendment 2006-0024 whichever is later.

**Adopted:** 856 Item 16.2 of 08/29/2006 (Eff: 09/28/2006)

**ORDINANCE NO. 650.5**  
**AN ORDINANCE OF THE COUNTY OF RIVERSIDE AMENDING ORDINANCE NO. 650**  
**REGULATING THE DISCHARGE OF SEWAGE IN THE UNINCORPORATED AREAS OF**  
**THE COUNTY OF RIVERSIDE AND INCORPORATING BY REFERENCE ORDINANCE 725**

The Board of Supervisors of the County of Riverside, State of California, Ordains that Ordinance 650 (Chapter 8.124 of the Riverside County Code) is amended in its entirety to read as follows:

**ORDINANCE NO. 650**  
**REGULATING THE DISCHARGE OF SEWAGE IN THE UNINCORPORATED AREAS OF**  
**THE COUNTY OF RIVERSIDE**  
(Incorporating Riverside County Ordinance No. 725)

**SECTION 1. PROHIBITIONS.**

- A) It shall be unlawful for any person to discharge or deposit or cause or permit to be discharged or deposited any sewage, sewage effluent or non-hazardous waste whether treated or untreated in or upon any unincorporated territory of the County of Riverside, including any deposit or discharge of sewage into streams or bodies of water above or below the ground. When sewage, other than the discharge from an approved sewage treatment plant, is overflowing or being discharged upon the surface of any premises, the Director may order the owner of the premises or occupants thereof who contribute to such overflow or discharge to abate the same forthwith.
- B) It shall be unlawful for any person to install or alter plumbing facilities or drainage systems for the discharge or deposit of any sewage, sewage effluent, or non-hazardous waste from any dwelling, house or building or appurtenance thereof in or upon unincorporated territory of the County of Riverside, or into streams or bodies of water above or below the surface where the same is, or may be carried through, or upon, unincorporated territory of said County, without first securing, in the manner hereinafter provided, an approval and permit from the Department.
- C) It shall be unlawful for any person to install any structure or paving in the areas identified for OWTS tank access or the primary and expansion dispersal area.

**SECTION 2. DEFINITIONS.**

- A) "**Alternative System**" or "**Alternative OWTS**" shall mean any OWTS that does not meet the criteria of a conventional OWTS, but is allowed under conditions specified by the Department.
- B) "**Approval**" shall mean the written approval by the Director or his designated representative of a plan to install, construct, reconstruct, convert or alter any OWTS which discharges or disposes of sewage, sewage effluent, or non-hazardous waste.
- C) "**Construction Permit**" shall mean a permit issued by the Department authorizing the permittee to install, construct, reconstruct, convert or alter any OWTS.
- D) "**Conventional Septic System**" shall mean an OWTS consisting of a septic tank and Department approved subsurface gravity dispersal system.
- E) "**Critical Area**" shall mean those areas determined by the Director to be difficult for installation of an OWTS due to, but not limited to one or more of the following: lot size, seasonal groundwater, slope, or poor soil conditions.

- F) **"Department"** shall mean the Riverside County Department of Environmental Health.
- G) **"Department's Manual"** shall mean the technical document identifying the requirements and procedures for the OWTS evaluation and design as developed and provided by the Department.
- H) **"Director"** shall mean the Director of the Department of Environmental Health or his or her designated representative.
- I) **"Dispersal System"** shall mean the trench, seepage pit, mound, drip irrigation or evapotranspiration and absorption system for final wastewater treatment and subsurface discharge.
- J) **"Failure"** shall mean a condition of an OWTS that threatens public health or water quality by creating a potential for direct or indirect contact between sewage and the public. Examples of failure include:
1. Sewage leaking to ground surface or groundwater;
  2. Sewage backing up into a structure caused by slow OWTS soil absorption of septic tank effluent;
  3. Inadequately treated sewage causing pollution of groundwater or surface water;
  4. Noncompliance with standards stipulated in the permit issued for the OWTS based upon the protection of human health, water quality and the environment.
- K) **"Holding Tank"** shall mean a sewage facility, of a temporary nature, that has no means of discharge and requires periodic maintenance and shall have a renewable operating permit issued by the Department.
- L) **"Major Repair"** shall mean OWTS improvements or corrective work where such improvements involve the replacement, enlargement, or modification of a septic tank, treatment unit, or dispersal system (excluding non-perforated distribution pipes), regardless of whether or not a failure condition exists. Such repairs shall require a construction permit from the Department.
- M) **"Onsite Wastewater Treatment System(s)"** (OWTS) shall mean any individual or community onsite wastewater treatment, pretreatment and dispersal system including, but not limited to, a conventional or alternative OWTS having a subsurface discharge.
- N) **"Permit"** shall mean either a construction permit or operating permit as defined within this section.
- O) **"Person"** shall mean any person, firm, partnership, corporation, association, club or organization.
- P) **"Qualified Service Provider"** is a State Licensed Contractor with knowledge and competency in OWTS design, construction, operation, maintenance and monitoring through experience and/or education. Effective January 1, 2007, and thereafter a qualified service provider must meet certification requirements as established by the Director.
- Q) **"Operating permit"** shall mean an annual permit issued by the Department authorizing the permittee to operate an OWTS.
- R) **"Soil"** is the naturally occurring body of porous mineral and organic materials on the land surface, and is composed of unconsolidated materials above bedrock. Soil is composed of sand-sized, silt-sized, and clay-sized particles mixed with varying amounts of larger fragments and organic material. The various combinations of particles differentiate specific soil textures identified

in the USDA Soil Classification Chart. For the purposes of this Ordinance, soil shall contain earthen material having more than 50 % of its volume composed of particles smaller than 0.08 inches (2 mm) in size.

S) **"Sewage" or Sewage Effluent**" shall mean waste as defined in Section 5410(a), California Health and Safety Code.

T) **"Sewage Facilities"** shall mean OWTS, sanitary sewer connections, holding tanks, alternative systems or other methods of disposing of sewage as approved by the Director.

U) **"System Certification"** is an expression of professional opinion that the OWTS, or its components, meet industry standards that are the subject of the certification but do not constitute a warranty or guarantee, either express or implied. System Certifications shall be performed by a Qualified Service Provider using forms and procedures established or approved by the Director.

V) **"Weathered Bedrock"** is rock that has been exposed to the atmosphere at or near the earth's surface and changed in color, texture, composition, firmness, and/or form as a result of the exposure with little or no transport of loosened or altered material. For purposes of this Ordinance, weathered bedrock is not soil.

### **SECTION 3. GENERAL REQUIREMENTS FOR AN APPROVAL AND CONSTRUCTION PERMIT.**

A) No person shall erect, construct, rebuild, convert or alter any plumbing system designed for the discharge or disposal of sewage or sewage effluent unless he has first obtained a written approval for such purpose from the Director. In designated areas of Riverside County, this approval shall also constitute a construction permit.

B) If it is impracticable to connect a plumbing fixture affecting the sanitary drainage system with a street sewer, the sewage effluent must be disposed according to the minimum standards of the most recent edition of the Uniform Plumbing Code and the sewage disposal requirements in the Department's Manual, as such requirements may be amended from time to time. Setback requirements between subsurface sewage disposal components (including septic tanks, distribution and leaching systems) and any water well shall be as specified in Section 15 of Riverside County Ordinance No. 682 Regulating the Construction, Reconstruction, Abandonment and Destruction of Wells.

1) The type of sewage facilities installed shall be determined on the basis of location, soil porosity, site slope and ground water level, and shall be designed to receive all sanitary sewage from the property. No surface drainage shall be permitted to enter any part of the OWTS. The OWTS, except as otherwise provided, shall consist of a septic tank with effluent discharging by gravity flow into a Dispersal System. Under special circumstances (when conventional parameters cannot be met) other disposal methods may be utilized with approval of the Director.

2) OWTS sizing shall be based on the higher volume estimation as determined by either the number of bedrooms or plumbing fixture unit counts.

3) The location and installation of the sewage facilities and each part thereof shall be such that, with reasonable maintenance, the OWTS will function in a sanitary manner and will not result in contamination, pollution or creation of

a nuisance or endanger the safety of any domestic water supply or public health.

4) New OWTS or OWTS subject to major repair shall be designed to prevent solids in excess of one-eighth (1/8) inch in diameter from passing to the dispersal system while under two feet of hydrostatic head. Septic tanks that use National Sanitation Foundation (NSF)/ American National Standards Institute (ANSI) Standard 46 certified septic tank filter at the final point of effluent discharge from the OWTS and prior to the dispersal system shall be deemed to meet this requirement.

5) Septic tanks shall have at least 2 access openings using risers that allow access to the tank interior meeting the following requirements:

- a. Each compartment shall have an access opening
- b. Access openings shall be at least 20 inches in diameter
- c. Access openings shall be secured (locked or equivalent) to prevent unauthorized access, and
- d. Access openings shall have watertight risers and shall be set at or near finished grade.

6) Dispersal systems shall be sited in soils that are suitable for new and repaired OWTS operation. Where soils consist of greater than 10% rock fragments (cobbles, stones and gravel), the dispersal system area shall be increased in proportion to the percent of rock fragments to compensate for the lost treatment volume.

7) Conventional OWTS dispersal systems shall have at least five feet of continuous soil below the bottom of the dispersal system and above the seasonal high groundwater level and eight feet of soil to fractured/weathered bedrock at all times.

8) Approval of an OWTS shall require: detailed plan review, pre-site, and construction inspections..

C) OWTS Installation

1) The installation shall be performed by a Qualified Service Provider in a manner that is consistent with the approved plan design.

2) In the event that conditions on site prevent the installation or function of the OWTS as designed, a revised design plan must be submitted to and approved by the Department prior to installation.

D) Construction Inspection. All OWTS shall require a construction inspection and final approval by either the Department or the Department of Building and Safety prior to use.

E) Any person desiring approval of an OWTS shall submit an application on a form to be provided by the Department. Such application shall be accompanied by a fee as required in Riverside County Ordinance No. 671 and as amended. The application shall contain the following information:

- 1) Name and address of applicant.
- 2) Location of the proposed installation or reconstruction.
- 3) A scaled, engineered contoured plot plan describing the proposed construction or alteration in sufficient detail to enable the Director to determine whether the proposed installation or alteration is in compliance with the provisions of Section 3 of this Ordinance. All drawings must be made on a scale not less than 1"=20'

- 4) Other information as deemed necessary by the Director to adequately determine the suitability of a site for the utilization of an OWTS. This information may consist of, but is not limited to one or more of the following:
- a) A soils percolation report which adequately evaluates soil percolation requirements as prescribed in the Department's Manual. When a soils percolation test is to be performed the Department is to be notified so that Department staff can be made available to observe the testing.
  - b) A groundwater and/or bedrock evaluation report. To effectively evaluate seasonal groundwater a minimum of 80% of the average annual rainfall shall have fallen based on record of rainfall accumulations from the nearest weather stations. To measure the groundwater level, a groundwater detection boring shall be installed and this detection boring shall be left in place for the Department to make determinations of the groundwater levels. The exact specifications for this detection boring shall be as prescribed in the Department's Manual.

#### **SECTION 4. HOLDING TANKS.**

A holding tank may be approved by the Director if approval to utilize an OWTS has been denied provided the sewerage agency which serves the area agrees in writing to the installation of a holding tank and the following conditions are met:

- A) A holding tank may be approved for a period not to exceed two (2) years from the date of approval. A "will serve" letter from the sewerage agency which serves the area shall be submitted which indicates the site can be provided sewer service within the two-year approval period. An extension of the two-year approval may be considered upon notification from the sewerage agency.
- B) The sewerage agency for the area takes responsibility for the operation and maintenance of the holding tank.
- C) No wholesale or retail food facilities shall be approved for connection to a holding tank.
- D) When a sewer line becomes available, abandonment of the holding tank in a proper manner and connection to the sanitary sewer will be required within a period not to exceed sixty (60) calendar days.
- E) A holding tank may be approved as a replacement system for an existing residence when an OWTS is not feasible if approved in writing by the Director
- F) No holding tank facility shall be placed in any portion of a public right-of-way without written approval from the responsible public agency.

#### **SECTION 5. OPERATING PERMITS.**

- A) All new or repaired Alternative OWTS shall be subject to an annual operating permit.
- B) Any OWTS subject to this section must be inspected yearly and cleaned (pumped) at least once every 5 years, unless otherwise specified by manufacturer or Department, by a person holding a valid permit as authorized by Riverside County Ordinance No 712 as amended.
- C) Renewal of subsequent operating permits shall be completed by the property owner or agent on or before the expiration of the permit on forms provided by the Department and shall include:
  - 1. Proof of appropriate on-going maintenance
  - 2. Proof of septic tank pumping as per the above specified time frame.

3. Alternative OWTS with advanced treatment shall include evidence of a current maintenance agreement with the manufacturer or other qualified service provider and copies of that company's evaluation/inspections of the OWTS. Said agreement shall include evaluations by the service provider of a frequency no less than once every 3 months, with direct visual inspection at a frequency of no less than once every 6 months.
  4. Proof of repairs or alterations to an OWTS must be submitted, when such repairs have been required by the Department.
  5. Any and all OWTS reports required as part of the OWTS design approval.
- E) Within 60 days of a change of ownership, the new owner or owners must transfer the permit into his, her or their names, using forms provided by the Department.
  - F) Every OWTS subject to this Section shall be subject to an annual inspection by the Department to assure it is operating in a satisfactory manner.

**SECTION 6. APPLICATION REVIEW PROCESS FOR APPROVAL OR PERMIT.**

- A) Initial Application Review
  - 1) Applicants shall be notified of incomplete or inaccurate applications within ten (10) working days after the date of the filing of the application. The applicant may make the proper corrections and resubmit the corrected application.
  - 2) Except as to incomplete or inaccurate applications as hereinabove provided, all applications shall be approved or denied, in whole or in part, within fifteen (15) working days after the date of filing. If an application is denied, in whole or in part, the applicant may amend the application and resubmit the amended application.
- B) Revocations of Approvals or Permits
  - 1) An approval or permit may be revoked by the Director for failure of the applicant to provide proper, complete and accurate information regarding site conditions for a proposed OWTS.
  - 2) An approval or permit previously granted may be rescinded if soil conditions change significantly prior to construction in a manner that would affect the proper operation of an OWTS.
- C) Hearing Before the Board of Supervisors.

Any person whose application for an approval or permit has been denied, in whole or in part, or to whom a certificate of completion has been refused, or entire approval or permit has been revoked may, within thirty (30) days after such action has been taken, appeal to the Board of Supervisors for a hearing by filing with the Clerk of said Board, in writing, a Notice of Appeal from the action taken by the Director. The Clerk of the Board, immediately upon a receipt of a notice of appeal, shall set a date for a hearing thereon, such hearing to be not less than ten (10) nor more than thirty (30) working days from the filing of said notice. At the hearing, the Board of Supervisors shall receive all pertinent oral and documentary evidence hereon. Upon the conclusion of the hearing, the Board of Supervisors, within fifteen (15) working days, shall render its decision in reference to the subject matter of the appeal. The decision by the Board of Supervisors shall be final.

**SECTION 7. OWTS FAILURE.**

- A) In the event an OWTS is determined to be in failure by the Director, an order shall be given to abate the failure.

- B) The property owner, agent or occupant shall be given a notice and reasonable time to abate the stated failure. If the OWTS failure is contributing to an immediate hazard or contamination to a public access or body of water, immediate remedy shall be required.
- C) If a determination of an immediate hazard is made by the Director, which could potentially contaminate a body of water or public area, such as but not limited to sewage effluent flow onto a public roadway, culvert, drainage ditch, dry or active stream or river bed, the property owner, agent and/or occupant must take measures to abate the failure immediately.
- D) When reasonable effort to contact the owner, agent, or occupant is unsuccessful, or upon refusal to abate the OWTS failure, the Director may designate it an imminent hazard to health and safety and may abate the failure. Those remedies include, but are not limited to, the department contracting to pump a septic tank to eliminate discharge; shutting off water to eliminate sewage discharge; providing alternate means of waste disposal, such as portable toilets or other means deemed necessary to abate the nuisance. Further, the Department may recover the cost for abating the nuisance and its enforcement activities as provided for in Riverside County Ordinance No. 725.
- E) The property owner, agent, or occupant may be required to secure a System Certification by a Qualified Service Provider as part of the abatement process.
- F) Any and all component failures, deficiencies, or malfunctions identified by the System Certification shall be repaired. Any and all major repairs are subject to the approval process as described in Section 3.

**SECTION 8. FEES.**

A) The fees required to obtain an approval under the provisions of this Ordinance shall be as specified in Riverside County Ordinance No. 671, and shall be in such amounts as are based upon a cost-analysis determined by the Riverside County Auditor-Controller.

Such fees may be waived in cases where corrective or replacement work is being undertaken to replace property damaged or destroyed in a disaster recognized in a resolution adopted by the Board of Supervisors.

**B) Combined Design Review and Construction Inspection Fees**

When construction inspections are required of the Department by virtue of this Ordinance or other Board action, the applicant shall pay a \$600.00 deposit in lieu of any applicable individual fees for sewage plan review and site inspections as noted in Riverside County Ordinance No. 671. If the Department's cost of performing the reviews and inspections is less than the above deposit, the balance will be refunded to the applicant. If the Department's cost is greater than the above deposit, the applicant shall pay the difference to the County within thirty (30) calendar days of receipt of an invoice thereof.

This fee shall be included in and subject to future changes of Riverside County Ordinance No 671.

**C) Annual Operating Permit Fees**

Prior to the issuance or annual renewal of an operating permit, there shall be paid to the Director the fees indicated below.

- 1. Alternative OWTS or holding tank.....\$150.00
- 2. Alternative OWTS with advanced treatment.....\$200.00
- 3. Transfer fee.....\$10.00

The application fee for the pre-installation review and approval of an alternative OWTS shall include the fees for the first year of the OWTS' annual permit. If the OWTS is not installed, this portion of the submittal fee shall be refunded to the applicant. These fees shall be included in and subject to future changes as per Riverside County Ordinance No 640.

#### **SECTION 9. ENFORCEMENT AND ADDITIONAL REMEDIES, PENALTIES, PROCEDURES.**

- A) It shall be the duty of the Director or his agents to enforce the provisions of this Ordinance.
- B) The additional remedies, penalties, and procedures for violations of this Ordinance and for recovery of costs related to enforcement provided for in Riverside County Ordinance No. 725 are incorporated into this section by reference.

#### **SECTION 10. VIOLATIONS.**

- A) Any person violating any provision of this Ordinance shall be deemed guilty of an infraction or misdemeanor as hereinafter specified. Such person shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of this ordinance is committed, continued or permitted. Any person convicted of a violation of this ordinance shall be: (1) guilty of an infraction offense and punished by a fine not exceeding one hundred dollars (\$100.00) for a first violation; (2) guilty of an infraction offense and punished by a fine not exceeding two hundred dollars (\$200.00) for a second violation on the same site. The third and any additional violations on the same site shall be punishable by a fine not exceeding one thousand dollars (\$1,000.00) or six (6) months in jail, or both.
- B) Notwithstanding the above, a first offense may be charged and prosecuted as a misdemeanor. Payment of any penalty herein shall not relieve any person from the responsibility for correcting the violation.

#### **SECTION 11. PUBLIC NUISANCE DECLARATION.**

In addition, any violation of this Ordinance is hereby declared to be a public nuisance and may be abated by the Director or his duly authorized agent irrespective of any other remedy hereinabove provided.

#### **SECTION 12. SEVERABILITY.**

If any provision, clause, sentence, or paragraph of this Ordinance or the application thereof to any person, establishment or circumstances shall be held invalid, such invalidity shall not affect the other provisions or application of the provisions of this ordinance which can be given effect without the invalid provision or application, and to this end, the provisions of this Ordinance are hereby declared to be severable.

#### **SECTION 13. EFFECTIVE DATE.**

This Ordinance shall take effect 30 days after the date of adoption.

**Adopted:** 650 Item 9.1 of 02/02/1988 (Eff: 04/03/1988)

**Amended:** 650.1a Item 3.7 of 06/13/1989 (Eff: 07/13/1989)

650.1 Item 3.11 of 03/28/1989 (Eff: 04/27/1989)

650.2 Item 3.4 of 03/20/1990 (Eff: 04/19/1990)

650.3 Item 3.11 of 06/26/1990 (Eff: 07/26/1990)

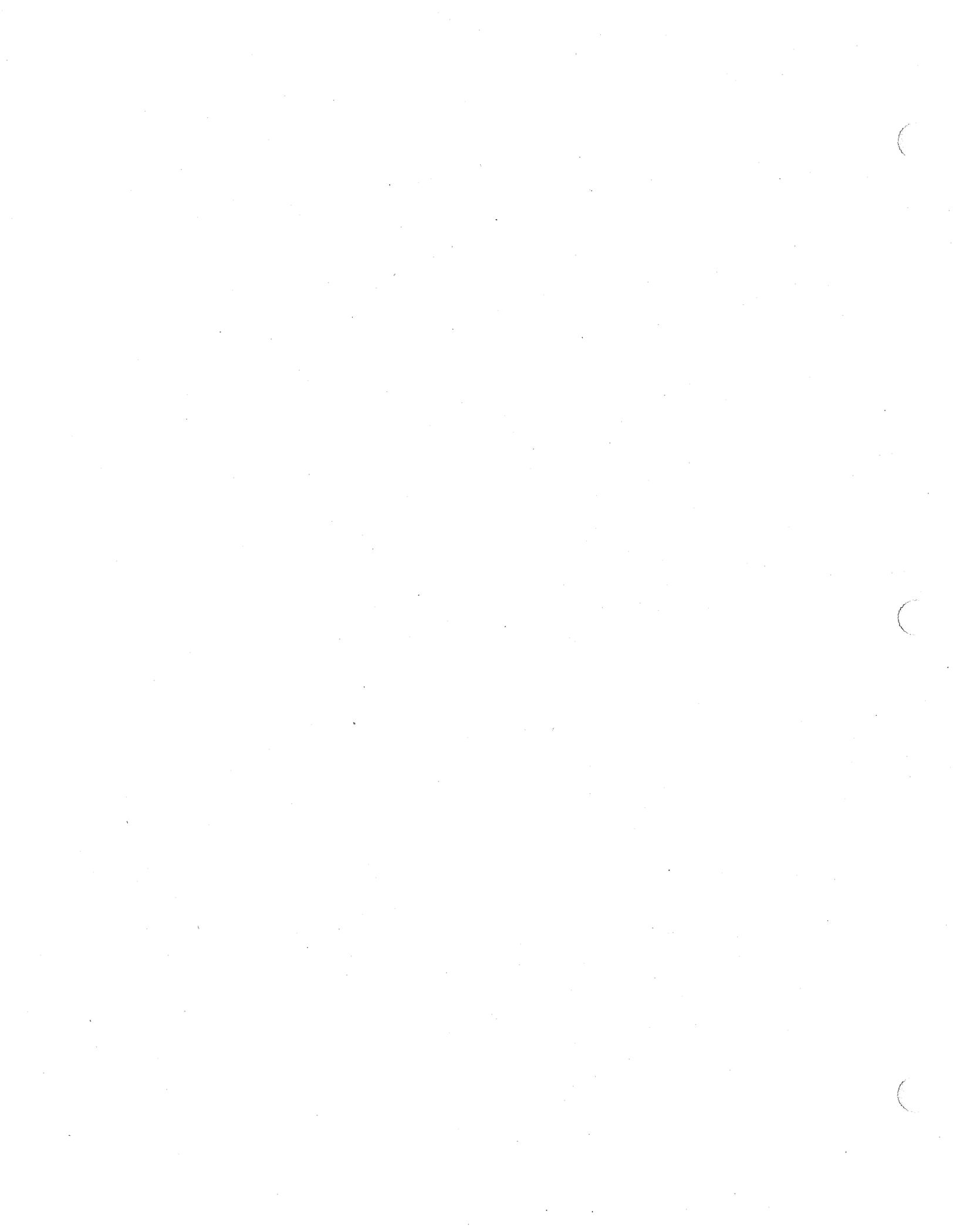
650.4 Item 3.1 of 12/07/1993 (Eff: 12/07/1993)  
650.5 Item 16.1 of 05/16/2006 (Eff: 06/15/2006)

# Responsibilities and Duties

## Responsibilities and Duties

### 2.0 OWTS Owners Responsibilities and Duties

- 2.1 All new, replacement, or existing OWTS within an area that is subject to a Basin Plan prohibition of discharges from OWTS, must comply with the prohibition. If the prohibition authorizes discharges under specified conditions, the discharge must comply with those conditions and the applicable provisions of this Policy.
- 2.2 Owners of OWTS shall adhere to the requirements prescribed in local codes and ordinances. Owners of new and replacement OWTS covered by this Policy shall also meet the minimum standards contained in Tier 1, or an alternate standard provided by a Local Agency Management Program per Tier 2, or shall comply with the requirements of Tier 3 if near an impaired water body and subject to Tier 3, or shall provide corrective action for their OWTS if their system meets conditions that place it in Tier 4.
- 2.3 Owners of OWTS shall comply with any and all permitting conditions imposed by a local agency that do not directly conflict with this Policy, including any conditions that are more stringent than required by this Policy.
- 2.4 To receive coverage under this Policy and the included waiver of waste discharges, OWTS shall only accept and treat flows of domestic wastewater. In addition, OWTS that accept high-strength wastewater from commercial food service buildings are covered under this Policy and the waiver of waste discharge requirements if the wastewater does not exceed 900 mg/L BOD and there is a properly sized and functioning oil/grease interceptor (a.k.a grease trap).
- 2.5 Owners of OWTS shall maintain their OWTS in good working condition including inspections and pumping of solids as necessary, or as required by local ordinances, to maintain proper function and assure adequate treatment.
- 2.6 The following owners of OWTS shall notify the Regional Water Board by submitting a Report of Waste Discharge for the following:
  - 2.6.1 a new or replacement OWTS that does not meet the conditions and requirements set forth in either a Local Agency Management Program if one is approved, an existing local program if it is less than 60 months from the effective date of the Policy and a Local Agency Management Program is not yet approved, or Tier 1 if no Local Agency Management Program has been approved and it is more than 60 months after the effective date of this Policy;
  - 2.6.2 any OWTS, not under individual waste discharge requirements or a waiver of individual waste discharge requirements issued by a Regional Water Board, with the projected flow of over 10,000 gallons-per-day;



## Responsibilities and Duties

- 4.8 Regional Water Boards may adopt waste discharge requirements, or conditional waivers of waste discharge requirements, that exempt individual OWTS from requirements contained in this Policy.

### 5.0 State Water Board Functions and Duties

- 5.1 As the state agency charged with the development and adoption of this Policy, the State Water Board shall periodically review, amend and/or update this Policy as required.
- 5.2 The State Water Board may take any action assigned to the Regional Water Boards in this Policy.
- 5.3 The State Water Board shall resolve disputes between Regional Water Boards and local agencies as needed within 12 months of receiving such a request by a Regional Water Board or local agency, and may take action on its own motion in furtherance of this Policy. As part of this function, the State Water Board shall review and, if appropriate, approve Local Agency Management Programs in cases where the respective Regional Water Board has failed to consider for approval a Local Agency Management Program. The State Water Board shall approve Local Agency Management Programs at a regularly noticed board hearing and shall provide for public participation, including notice and opportunity for public comment. Once taken up by the State Water Board, Local Agency Management Programs shall be approved or denied within 180 days.
- 5.4 A member of the public may request the State Water Board to resolve any dispute regarding the Regional Water Board's approval of a Local Agency Management Program if the member of the public timely raised the disputed issue before the Regional Water Board. Such requests shall be submitted within 30 days after the Regional Water Board's approval of the Local Agency Management Program. The State Water Board shall notify the member of the public, the local agency, and the Regional Water Board within 90 days whether it intends to proceed with dispute resolution.
- 5.5 The State Water Board shall accept and consider any requests for modification or revocation of a Local Agency Management Program submitted by any person, where that person has previously submitted said request to the Regional Water Board and has received notice from the Regional Water Board of its dismissal of the request. The State Water Board will notify the person making the request and the local agency implementing the Local Agency Management Program at issue by letter within 90 days whether it intends to proceed with the modification or revocation process per Section 4.4 above, or is dismissing the request. The State Water Board will post the request and its response letter on its website.
- 5.6 The State Water Board or its Executive Director, after approving any Impaired Water Bodies [303 (d)] List, and for the purpose of implementing Tier 3 of this Policy, shall update Attachment 2 to identify those water bodies where: (1) it is likely that operating OWTS will subsequently be determined to be a contributing

# Responsibilities and Duties

## Responsibilities and Duties

### 2.0 OWTS Owners Responsibilities and Duties

- 2.1 All new, replacement, or existing OWTS within an area that is subject to a Basin Plan prohibition of discharges from OWTS, must comply with the prohibition. If the prohibition authorizes discharges under specified conditions, the discharge must comply with those conditions and the applicable provisions of this Policy.
- 2.2 Owners of OWTS shall adhere to the requirements prescribed in local codes and ordinances. Owners of new and replacement OWTS covered by this Policy shall also meet the minimum standards contained in Tier 1, or an alternate standard provided by a Local Agency Management Program per Tier 2, or shall comply with the requirements of Tier 3 if near an impaired water body and subject to Tier 3, or shall provide corrective action for their OWTS if their system meets conditions that place it in Tier 4.
- 2.3 Owners of OWTS shall comply with any and all permitting conditions imposed by a local agency that do not directly conflict with this Policy, including any conditions that are more stringent than required by this Policy.
- 2.4 To receive coverage under this Policy and the included waiver of waste discharges, OWTS shall only accept and treat flows of domestic wastewater. In addition, OWTS that accept high-strength wastewater from commercial food service buildings are covered under this Policy and the waiver of waste discharge requirements if the wastewater does not exceed 900 mg/L BOD and there is a properly sized and functioning oil/grease interceptor (a.k.a grease trap).
- 2.5 Owners of OWTS shall maintain their OWTS in good working condition including inspections and pumping of solids as necessary, or as required by local ordinances, to maintain proper function and assure adequate treatment.
- 2.6 The following owners of OWTS shall notify the Regional Water Board by submitting a Report of Waste Discharge for the following:
  - 2.6.1 a new or replacement OWTS that does not meet the conditions and requirements set forth in either a Local Agency Management Program if one is approved, an existing local program if it is less than 60 months from the effective date of the Policy and a Local Agency Management Program is not yet approved, or Tier 1 if no Local Agency Management Program has been approved and it is more than 60 months after the effective date of this Policy;
  - 2.6.2 any OWTS, not under individual waste discharge requirements or a waiver of individual waste discharge requirements issued by a Regional Water Board, with the projected flow of over 10,000 gallons-per-day;

## Responsibilities and Duties

- 2.6.3 any OWTS that receives high-strength wastewater, unless the waste stream is from a commercial food service building;
- 2.6.4 any OWTS that receives high-strength wastewater from a commercial food service building: (1) with a BOD higher than 900 mg/L, or (2) that does not have a properly sized and functioning oil/grease interceptor.
- 2.7 All Reports of Waste Discharge shall be accompanied by the required application fee pursuant to California Code of Regulations, title 23, section 2200.

### 3.0 Local Agency Requirements and Responsibilities

- 3.1 Local agencies, in addition to implementing their own local codes and ordinances, shall determine whether the requirements within their local jurisdiction will be limited to the water quality protection afforded by the statewide minimum standards in Tier 0, Tier 1, Tier 3, and Tier 4, or whether the local agency will implement a Local Agency Management Program in accordance with Tier 2. Except for Tier 3, local agencies may continue to implement their existing OWTS permitting programs in compliance with the Basin Plan in place at the effective date of the Policy until 60 months after the effective date of this Policy, or approval of a Local Agency Management Program, whichever comes first, and may make minor adjustments as necessary that are in compliance with the applicable Basin Plan and this Policy. Tier 3 requirements take effect on the effective date of this Policy. In the absence of a Tier 2 Local Agency Management Program, to the extent that there is a direct conflict between the applicable minimum standards and the local codes or ordinances (such that it is impossible to comply with both the applicable minimum standards and the local ordinances or codes), the more restrictive standards shall govern.
- 3.2 If preferred, the local agency may at any time provide the State Water Board and all affected Regional Water Board(s) written notice of its intent to regulate OWTS using a Local Agency Management Program with alternative standards as authorized in Tier 2 of this Policy. A proposed Local Agency Management Program that conforms to the requirements of that Section shall be included with the notice. A local agency shall not implement a program different than the minimum standards contained in Tier 1 and 3 of this Policy after 60 months from the effective date of this Policy until approval of the proposed Local Agency Management Program is granted by either the Regional Water Board or State Water Board. All initial program submittals desiring approval prior to the 60 month limit shall be received no later than 36 months from the effective date of this Policy. Once approved, the local agency shall adhere to the Local Agency Management Program, including all requirements, monitoring, and reporting. If at any time a local agency wishes to modify its Local Agency Management Program, it shall provide the State Water Board and all affected Regional Water Board(s) written notice of its intended modifications and will continue to implement its existing Local Agency Management Program until the modifications are approved.

## **Responsibilities and Duties**

- 3.3 All local agencies permitting OWTS shall report annually to the Regional Water Board(s). If a local agency's jurisdictional area is within the boundary of multiple Regional Water Boards, the local agency shall send a copy of the annual report to each Regional Water Board. The annual report shall include the following information (organized in a tabular spreadsheet format) and summarize whether any further actions are warranted to protect water quality or public health:
  - 3.3.1 number and location of complaints pertaining to OWTS operation and maintenance, and identification of those which were investigated and how they were resolved;
  - 3.3.2 shall provide the applications and registrations issued as part of the local septic tank cleaning registration program pursuant to Section 117400 et seq. of the California Health and Safety Code;
  - 3.3.3 number, location, and description of permits issued for new and replacement OWTS and which Tier the permit is issued.
- 3.4 All local agencies permitting OWTS shall retain permanent records of their permitting actions and will make those records available within 10 working days upon written request for review by a Regional Water Board. The records for each permit shall reference the Tier under which the permit was issued.
- 3.5 A local agency shall notify the owner of a public well or water intake and the California Department of Public Health as soon as practicable, but not later than 72 hours, upon its discovery of a failing OWTS as described in sections 11.1 and 11.2 within the setbacks described in sections 7.5.6 through 7.5.10.
- 3.6 A local agency may implement this Policy, or a portion thereof, using its local authority to enforce the policy, as authorized by an approval from the State Water Board or by the appropriate Regional Water Board.
- 3.7 Nothing in the Policy shall preclude a local agency from adopting or retaining standards for OWTS in an approved Local Agency Management Program that are more protective of the public health or the environment than are contained in this Policy.
- 3.8 If at any time a local agency wishes to withdraw its previously submitted and approved Tier 2 Local Agency Management Program, it may do so upon 60 days written notice. The notice of withdrawal shall specify the reason for withdrawing its Tier 2 program, the effective date for cessation of the program and resumption of permitting of OWTS only under Tiers 1, 3, and 4.

### **4.0 Regional Water Board Functions and Duties**

- 4.1 The Regional Water Boards have the principal responsibility for overseeing the implementation of this Policy.
- 4.2 Regional Water Boards shall incorporate the requirements established in this Policy by amending their Basin Plans within 12 months of the effective date of this Policy, pursuant to Water Code Section 13291(e). The Regional Water

## Responsibilities and Duties

Boards may also consider whether it is necessary and appropriate to retain or adopt any more protective standards. To the extent that a Regional Water Board determines that it is necessary and appropriate to retain or adopt any more protective standards, it shall reconcile those region-specific standards with this Policy to the extent feasible, and shall provide a detailed basis for its determination that each of the more protective standards is necessary and appropriate.

- 4.2.1 Notwithstanding 4.2 above, the North Coast Regional Water Board will continue to implement its existing Basin Plan requirements pertaining to OWTS within the Russian River watershed until it adopts the Russian River TMDL, at which time it will comply with section 4.2 for the Russian River watershed.
- 4.3 The Regional Water Board designated in Attachment 3 shall review, and if appropriate, approve a Local Agency Management Program submitted by the local agency pursuant to Tier 2 in this Policy. Upon receipt of a proposed Local Agency Management Program, the Regional Water Board designated in Attachment 3 shall have 90 days to notify the local agency whether the submittal contains all the elements of a Tier 2 program, but may request additional information based on review of the proposed program. Approval must follow a noticed hearing with opportunity for public comment. If a Local Agency Management Program is disapproved, the Regional Water Board designated in Attachment 3 shall provide a written explanation of the reasons for the disapproval. A Regional Water Board may approve a Local Agency Management Program while disapproving any proposed special provisions for impaired water bodies contained in the Local Agency Management Program. If no action is taken by the respective Regional Water Board within 12 months of the submission date of a complete Local Agency Management Program, the program shall be forwarded to the State Water Board for review and approval pursuant to Section 5 of this Policy.
  - 4.3.1 Where the local agency's jurisdiction lies within more than one Regional Water Board, staff from the affected Regional Water Boards shall work cooperatively to assure that water quality protection in each region is adequately protected. If the Regional Water Board designated in Attachment 3 approves the Local Agency Management Program over the written objection of an affected Regional Water Board, that Regional Water Board may submit the dispute to the State Water Board under Section 5.3.
  - 4.3.2 Within 30 days of receipt of a proposed Local Agency Management Program, a Regional Water Board will forward a copy to and solicit comments from the California Department of Public Health regarding a Local Agency Management Program's proposed policies and procedures, including notification to local water purveyors prior to OWTS permitting.
- 4.4 Once a Local Agency Management Program has been approved, any affected Regional Water Board may require modifications or revoke authorization of a local agency to implement a Tier 2 program, in accordance with the following:

## Tier 3 – Impaired Areas

### Tier 3 – Advanced Protection Management Programs for Impaired Areas

Existing, new, and replacement OWTS that are near impaired water bodies may be addressed by a TMDL and its implementation program, or special provisions contained in a Local Agency Management Program. If there is no TMDL or special provisions, new or replacement OWTS within 600 feet of impaired water bodies listed in Attachment 2 must meet the applicable specific requirements of Tier 3.

#### 10.0 Advanced Protection Management Program

An Advanced Protection Management Program is the minimum required management program for all OWTS located near a water body that has been listed as impaired due to nitrogen or pathogen indicators pursuant to Section 303(d) of the Clean Water Act. Local agencies are authorized to implement Advanced Protection Management Programs in conjunction with an approved Local Agency Management Program or, if there is no approved Local Agency Management Program, Tier 1. Local agencies are encouraged to collaborate with the Regional Water Boards by sharing any information pertaining to the impairment, provide advice on potential remedies, and regulate OWTS to the extent that their authority allows for the improvement of the impairment.

10.1 The geographic area for each water body's Advanced Protection Management Program is defined by the applicable TMDL, if one has been approved. If there is not an approved TMDL, it is defined by an approved Local Agency Management Program, if it contains special provisions for that water body. If it is not defined in an approved TMDL or Local Agency Management Program, it shall be 600 linear feet [in the horizontal (map) direction] of a water body listed in Attachment 2 where the edge of that water body is the natural or levied bank for creeks and rivers, the high water mark for lakes and reservoirs, and the mean high tide line for tidally influenced water bodies, as appropriate. OWTS near impaired water bodies that are not listed on Attachment 2, and do not have a TMDL and are not covered by a Local Agency Management Program with special provisions, are not addressed by Tier 3.

10.2 The requirements of an Advanced Protection Management Program will be in accordance with a TMDL implementation plan, if one has been adopted to address the impairment. An adopted TMDL implementation plan supersedes all other requirements in Tier 3. All TMDL implementation plans adopted after the effective date of this Policy that contain load allocations for OWTS shall include a schedule that requires compliance with the load allocations as soon as practicable, given the watershed-specific circumstances. The schedule shall require that OWTS implementation actions for OWTS installed prior to the TMDL implementation plan's effective date shall commence within 3 years after the TMDL implementation plan's effective date, and that OWTS implementation actions for OWTS installed after the TMDL implementation plan's effective date shall commence immediately. The TMDL implementation plan may use some or all of the Tier 3 requirements and shall establish the applicable area of

## Tier 3 – Impaired Areas

implementation for OWTS requirements within the watershed. For those impaired water bodies that do have an adopted TMDL addressing the impairment, but the TMDL does not assign a load allocation to OWTS, no further action is required unless the TMDL is modified at some point in the future to include actions for OWTS. Existing, new, and replacement OWTS that are near impaired water bodies and are covered by a Basin Plan prohibition must also comply with the terms of the prohibition, as provided in Section 2.1.

- 10.3 In the absence of an adopted TMDL implementation plan, the requirements of an Advanced Protection Management Program will consist of any special provisions for the water body if any such provisions have been approved as part of a Local Agency Management Program.
- 10.4 The Regional Water Boards shall adopt TMDLs for impaired water bodies identified in Attachment 2, in accordance with the specified dates.
  - 10.4.1 If a Regional Water Board does not complete a TMDL within two years of the time period specified in Attachment 2, coverage under this Policy's waiver of waste discharge requirements shall expire for any OWTS that has any part of its dispersal system discharging within the geographic area of an Advanced Protection Management Program. The Regional Water Board shall issue waste discharge requirements, general waste discharge requirements, waivers of waste discharge requirements, or require corrective action for such OWTS. The Regional Water Board will consider the following when establishing the waste discharge requirements, general waste discharge requirements, waivers of waste discharge requirements, or requirement for corrective action:
    - 10.4.1.1 Whether supplemental treatment should be required.
    - 10.4.1.2 Whether routine inspection of the OWTS should be required.
    - 10.4.1.3 Whether monitoring of surface and groundwater should be performed.
    - 10.4.1.4 The collection of a fee for those OWTS covered by the order.
    - 10.4.1.5 Whether owners of previously-constructed OWTS should file a report by a qualified professional in accordance with section 10.5.
    - 10.4.1.6 Whether owners of new or replacement OWTS should file a report of waste discharge with additional supporting technical information as required by the Regional Water Board.
- 10.5 If the Regional Water Board requires owners of OWTS to submit a qualified professional's report pursuant to Section 10.4.1.5, the report shall include a determination of whether the OWTS is functioning properly and as designed or requires corrective actions per Tier 4, and regardless of its state of function, whether it is contributing to impairment of the water body.
  - 10.5.1 The qualified professional's report may also include, but is not limited to:

### **Tier 3 – Impaired Areas**

- 10.16 The minimum responsibilities of a local agency administering an Advanced Protection Management Program include those prescribed for the Local Agency Management Programs in Section 9.3 of this policy, as well as monitoring owner compliance with Sections 10.13, 10.14, and 10.15.

## of Rights

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### **California Environmental Protection Agency Bill of Rights for Environmental Permit Applicants**

California Environmental Protection Agency (Cal/EPA) recognizes that many complex issues must be addressed when pursuing reforms of environmental permits and that significant challenges remain. We have initiated reforms and intend to continue the effort to make environmental permitting more efficient, less costly, and to ensure that those seeking permits receive timely responses from the boards and departments of the Cal/EPA. To further this goal, Cal/EPA endorses the following precepts that form the basis of a permit applicant's "Bill of Rights."

1. Permit applicants have the right to assistance in understanding regulatory and permit requirements. All Cal/EPA programs maintain an Ombudsman to work directly with applicants. Permit Assistance Centers located throughout California have permit specialists from all the State, regional, and local agencies to identify permit requirements and assist in permit processing.
2. Permit applicants have the right to know the projected fees for review of applications, how any costs will be determined and billed, and procedures for resolving any disputes over fee billings.
3. Permit applicants have the right of access to complete and clearly written guidance documents that explain the regulatory requirements. Agencies must publish a list of all information required in a permit application and of criteria used to determine whether the submitted information is adequate.
4. Permit applicants have the right of timely completeness determinations for their applications. In general, agencies notify the applicant within 30 days of any deficiencies or determine that the application is complete. California Environmental Quality Act (CEQA) and public hearing requests may require additional information.
5. Permit applicants have the right to know exactly how their applications are deficient and what further information is needed to make their applications complete. Pursuant to California Government code Section 65944, after an application is accepted as complete, an agency may not request any new or additional information that was not specified in the original application.
6. Permit applicants have the right of a timely decision on their permit application. The agencies are required to establish time limits for permit reviews.
7. Permit applicants have the right to appeal permit review time limits by statute or administratively that have been violated without good cause. For state environmental agencies, appeals are made directly to the Cal/EPA Secretary or to a specific board. For local environmental agencies, appeals are generally made to the local governing board or, under certain circumstances, to Cal/EPA. Through this appeal, applicants may obtain a set date for a decision on their permit and, in some cases, a refund of all application fees (ask boards and departments for details).
8. Permit applicants have the right to work with a single lead agency where multiple environmental approvals are needed. For multiple permits, all agency actions can be consolidated under a lead agency. For site remediation, all applicable laws can be administered through a single agency.
9. Permit applicants have the right to know who will be reviewing their application and the time required to complete the full review process.

Contact the Santa Ana Regional Board

13243. A regional board, in a water quality control plan or in waste discharge requirements, may specify certain conditions or areas where the discharge of waste, or certain types of waste, will not be permitted.

13245. A water quality control plan, or a revision thereof adopted by a regional board, shall not become effective unless and until it is approved by the state board. The state board may approve such plan, or return it to the regional board for further consideration and resubmission to the state board. Upon resubmission the state board may either approve or, after a public hearing in the affected region, revise and approve such plan.

13245.5. Guidelines adopted by a regional board shall not become effective unless and until approved by the state board.

13246. (a) The state board shall act upon any water quality control plan not later than 60 days from the date the regional board submitted the plan to the state board, or 90 days from the date of resubmission of the plan.

(b) When the state board is acting upon a water quality control plan that is being amended solely for an action related to a regional board's total maximum daily load submittal, not including submittals related to listing, the state board shall not exceed the 60-day timeline, inclusive of the time spent sending the submittal back to the regional board, unless one of the following circumstances exists:

(1) The proposed amendment is for an exceedingly complex total maximum daily load. In order to determine if a total maximum daily load is exceedingly complex, the state board may consider a number of factors including, but not limited to, the volume of the record, the number of pollutants included, the number of dischargers and land uses involved, and the size of the watershed. The reason or reasons that any total maximum daily load is determined to be exceedingly complex shall be provided by the state board to the regional board in writing.

(2) The submittal by the regional board is clearly incomplete.

13241. Each regional board shall establish such water quality objectives in water quality control plans as in its judgment will ensure the reasonable protection of beneficial uses and the prevention of nuisance; however, it is recognized that it may be possible for the quality of water to be changed to some degree without unreasonably affecting beneficial uses. Factors to be considered by a regional board in establishing water quality objectives shall include, but not necessarily be limited to, all of the following:

- (a) Past, present, and probable future beneficial uses of water.
- (b) Environmental characteristics of the hydrographic unit under consideration, including the quality of water available thereto.
- (c) Water quality conditions that could reasonably be achieved through the coordinated control of all factors which affect water quality in the area.
- (d) Economic considerations.
- (e) The need for developing housing within the region.
- (f) The need to develop and use recycled water.