STATE OF CALIFORNIA
REGIONAL WATER QUALITY CONTROL BOARD
SANTA ANA REGION

RESOLUTION NO. R8-2006–0024

BASIN PLAN AMENDMENT
AMENDING THE WATER QUALITY CONTROL PLAN FOR THE SANTA ANA RIVER BASIN TO INCLUDE A WASTE DISCHARGE PROHIBITION ON THE USE OF ONSITE SEPTIC TANK-SUBSURFACE DISPOSAL SYSTEMS IN THE QUAIL VALLEY AREA OF RIVERSIDE COUNTY

WHEREAS, the California Regional Water Quality Control Board, Santa Ana Region (hereinafter Board), finds that:

1. An updated Water Quality Control Plan for the Santa Ana River Basin (Basin Plan) was adopted by the Board on March 11, 1994, approved by the State Water Resources Control Board (State Board) on July 21, 1994, and approved by the Office of Administrative Law (OAL) on January 24, 1995.

2. Chapter 5, Implementation, includes waste discharge prohibitions for certain types of waste, including prohibitions on septic tank-subsurface disposal systems (septic systems) for certain areas within the region. The proposed amendment will incorporate in the Basin Plan a prohibition on septic tank-subsurface disposal system use in the Quail Valley area.

3. The Community of Quail Valley is a small residential community located in Riverside County within the San Jacinto River Watershed.

4. Most residents in Quail Valley utilize septic systems for disposal of domestic wastewater.

5. Poor soil conditions, combined with high groundwater in the area, are not suitable for septic system use, as evidenced by a large number of septic system failures.

6. Board staff and Riverside County Environmental Health (County Health) investigated these failures and determined that the failing septic systems in the area are causing a public health hazard for the residents in the area and are adversely impacting the water quality and beneficial uses of receiving waters in the area.

7. A survey conducted by County Health in March 2005 found that 37% of those residents surveyed had sewage or grey water discharges to the ground surface, including the streets. There were an unusually large number of failing septic systems in Areas 4 and 9 (see Attachment A). The County is proposing regulations to prohibit the use of new

septic systems in Areas 4 and 9. This Basin Plan amendment is consistent with the proposed County regulations.

8. Surface and groundwater samples collected from Quail Valley and surrounding areas confirmed the presence of high bacteria levels, indicative of septic system effluent.

9. The surface flows from Quail Valley, including surfacing septic system effluent, are adversely impacting public health of residents in the area and water resources in the area, including water quality in Canyon Lake, a downstream drinking water supply source.

10. In 2005, during the rainy season, County Health was notified of over 50 septic system failures in the Quail Valley area.

11. Board staff conducted an investigation of the septic system failures in the Quail Valley area and presented its initial findings to the Board on April 15, 2005. The Board directed staff to evaluate the problem and to make recommendations to the Board to address the problem.

12. Board staff conducted further investigations of the septic system problems in Quail Valley and held two public meetings (on June 6, 2005 and December 8, 2005) to discuss findings and proposed solutions and to seek public input.

13. Board staff prepared a staff report that indicates that there is a serious public health and water quality threat from the failing septic systems in Quail Valley. Surface runoff from Quail Valley area is tributary to Canyon Lake. The designated beneficial uses of Canyon Lake include municipal and domestic supply and water contact recreation. These uses are impaired due to high bacteria levels resulting, at least in part, from surface runoff from the Quail Valley area that is commingled with surfacing septic tank effluent. Accordingly, Canyon Lake is included on the list of impaired waterbodies under Section 303(d) of the Clean Water Act.

14. Canyon Lake is included on the 303(d) list of impaired waters as the result of nutrients, as well as bacteria. High concentrations of bacteria and nutrients are found in septic system effluent. Board staff monitored surface runoff from Quail Valley area and determined that it contained high concentrations of bacteria, indicators of septic system effluent. The surface runoff from Quail Valley, commingled with surfacing septic system effluent from the area, is adversely impacting public health and the beneficial uses of the Lake.

15. The Clean Water Act requires that control measures, generally referred to as total maximum daily loads or TMDLs, be developed for pollutants causing the water quality impairment. The Board has established a nutrient TMDL for Canyon Lake (Resolution No. R8-2004-0037). This TMDL identifies septic systems as a source of nitrogen to the Lake and includes load allocations for septic systems that require reductions in nutrient inputs. Board staff is currently investigating different sources of bacteria in Canyon

Lake and will be developing TMDLs for various sources of input into the Lake. In the meantime, this Basin Plan amendment would address the bacteria inputs from the septic system effluent from Quail Valley.

16. All relevant evidence pertaining to discharges from septic-tank subsurface disposal systems in the Quail Valley area, including the factors set forth in Water Code Section 13241, information provided pursuant to Section 117435 of the Health and Safety Code, actual and possible adverse impacts of the discharges and septic system failure rates, has been considered. There is substantial evidence in the record that the discharge of waste from septic tank-subsurface disposal systems in the Quail Valley area will result in violation of water quality objectives, will impair present or future beneficial uses of water, will cause pollution, nuisance or contamination, or will unreasonably degrade the quality of waters of the state.

17. This Basin Plan amendment and the TMDLs will assure the reasonable protection of the beneficial uses of surface waters within the Region and is consistent with the state's antidegradation policy (State Board Resolution No. 68-16).

18. The Board has considered the costs associated with implementation of this amendment, as well as costs resulting from failure to implement bacteria control measures necessary to prevent adverse effects on beneficial uses. Board staff and other responsible agencies will be working together to get grants and funds for a proposed sewer project to the area to minimize the financial burden on the residents of the area.

19. The proposed amendment results in no potential for adverse effects, either individually or cumulatively, on fish and/or wildlife species.

20. The adoption of this Basin Plan amendment is necessary to reduce loadings of fecal coliform bacteria and nutrients to Canyon Lake and to address water quality impairments that arise therefrom.

21. The proposed amendment meets the "Necessity" standard of the Administrative Procedures Act, Government Code, Section 11352, subdivision (b).

22. The Board concurs with the Staff determination that there is no new scientific information (a trigger for the need for external peer review) contained in the relevant technical documents (staff report) that serve as the basis for the proposed amendment. As such, an external scientific peer review of the technical documents is not necessary.

23. Board staff conducted two workshops (June 6, 2005 and December 8, 2005) and the Board discussed this matter at a workshop conducted on May 8, 2006 after notice was given to all interested persons in accordance with Section 13244 of the California Water Code. Board staff considered all the comments received at these workshops and through other means (by mail, email, voicemail, etc.), and prepared responses to these comments. These comments and responses were distributed to interested persons and posted on the Board's website. Based on the discussion at the Board workshop, the

Board directed staff to prepare the appropriate Basin Plan amendment and related documentation to incorporate a septic system prohibition for Quail Valley.

24. Board staff prepared and distributed written reports (staff reports) regarding adoption of the Basin Plan amendment in accordance with applicable state and federal environmental regulations (California Code of Regulations, Section 3775, Title 23, and 40 CFR Parts 25 and 131).

25. The Secretary for Resources has certified the basin planning process as exempt from the requirement of the California Environmental Quality Act (Public Resources Code Section 21000 et seq.) to prepare an Environmental Impact Report or Negative Declaration. The Basin Plan amendment package includes staff report, response to comments, an Environmental Checklist, an assessment of the potential environmental impacts of the Basin Plan amendment, an economic analysis, and a discussion of alternatives. The Basin Plan amendment, Environmental Checklist, staff report, and supporting documentation are functionally equivalent to an Environmental Impact Report or Negative Declaration.

26. On October 3, 2006, the Board held a Public Hearing to consider the Basin Plan amendment. Notice of the Public Hearing was given to all interested persons and published in accordance with Water Code Section 13244.

27. The Basin Plan amendment must be submitted for review and approval by the State Board and OAL. Once approved by the State Board, the amendment is submitted to OAL. The Basin Plan amendment will become effective upon approval by OAL. A Notice of Decision will be filed.

28. The Notice of Filing, the staff report, environmental checklist, and the draft amendment were prepared and distributed to interested individuals and public agencies for review and comment, in accordance with state and federal regulations (23 CCR §3775, 40 CFR 25 and 40 CFR 131).

NOW, THEREFORE BE IT RESOLVED THAT:

1. The Board adopts the amendment to the Water Quality Control Plan for the Santa Ana River Basin (Region 8), as set forth below:

   Chapter 5, Waste Discharge Prohibitions, Section D, "Prohibitions Applying to Groundwaters": add the following at the end of Subsection 2.

   <u>Quail Valley On-site Septic Tank-Subsurface Disposal System Prohibition</u>

   <u>On October 3, 2006, the Board adopted a Basin Plan amendment prohibiting the use of septic tank-subsurface disposal systems in the Quail Valley area of Riverside County in accordance with the following:</u>

Effective Date: ***[date of approval by the Office of Administrative Law, pursuant to Government Code Section 11353, to be inserted]:***

(1) The discharge of waste from new or existing on-site septic tank-subsurface disposal systems in the Quail Valley area of Riverside County is prohibited, if a sewer system is available to serve the lot.

(2) 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.

(3) This prohibition applies to all areas within Quail Valley as depicted on a detailed map maintained in the Regional Board office (Quail Valley Septic Tank Prohibition Boundary Map). A copy of the boundary map is attached as Attachment "A".

(4)Upon the effective date of this prohibition, new septic systems in Quail Valley (see Attachment "A") shall not be permitted, except as follows:

(a) For areas in Quail Valley other than areas 4 and 9, new systems may be permitted, provided the Regional Board finds that the sewering agency proposes, and is on schedule, to provide sewer service for areas 4 and 9 within five years of the effective date of this amendment, and if the lot proposed for a septic system meets all of the standards of both the Board and Riverside County.

(b) If the Board finds that the sewering agency cannot meet the schedule identified in 1(4)(a), above, but that design of the project proceeds nonetheless, then, upon completion of the sewer system design, new systems may be permitted in areas other than 4 and 9, if all Board and County requirements are met.

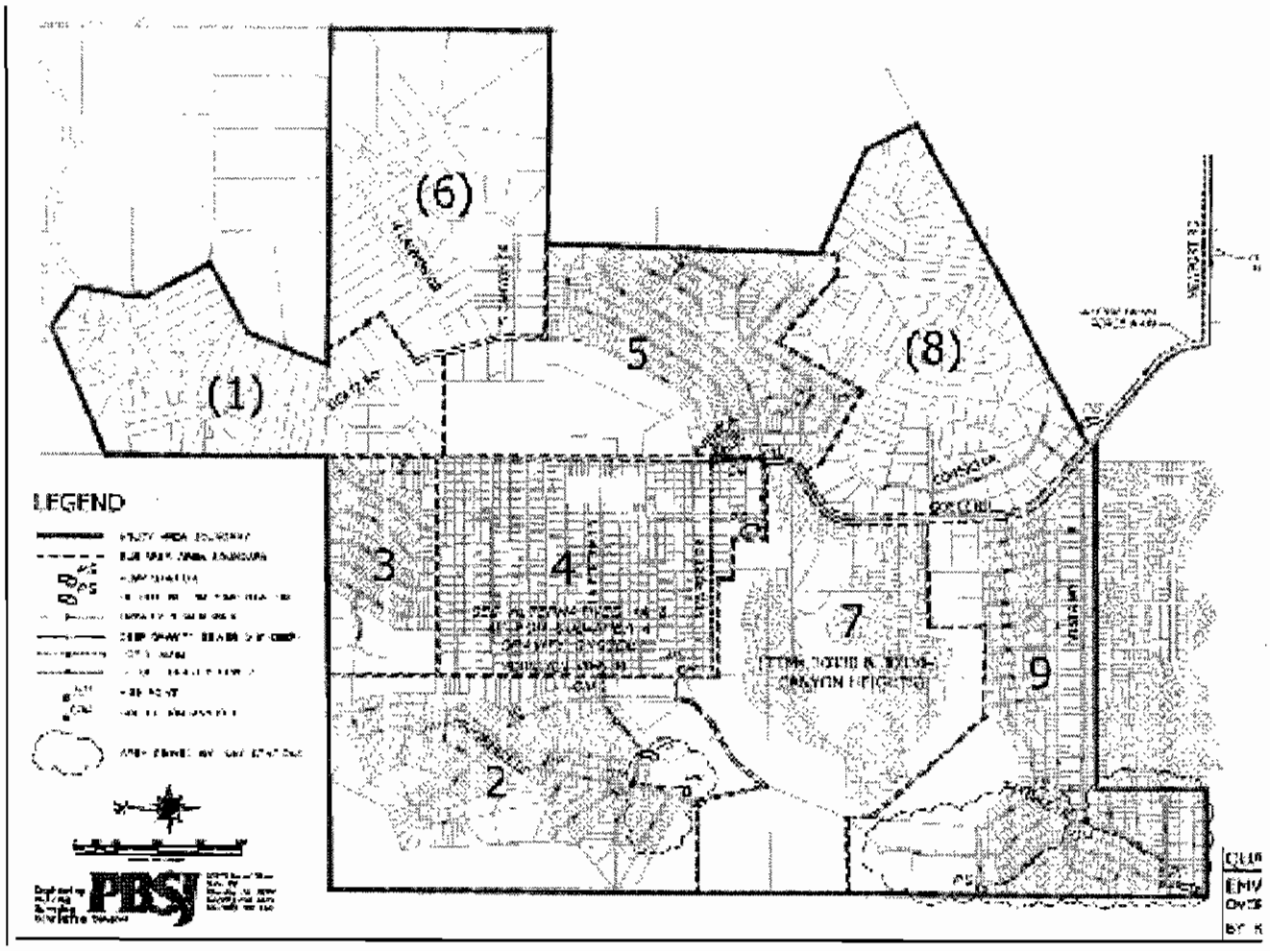
2. The Executive Officer is directed to forward copies of the Basin Plan amendment to the State Board in accordance with the requirements of Section §13245 of the California Water Code.

3. The Board requests that the State Board approve the Basin Plan amendment, in accordance with Sections §13245 and §13246 of the California Water Code, and forward it to the OAL for approval.

4. If, during its approval process, the State Board or OAL determines that minor, non-substantive corrections to the language of the amendment are needed for clarity or consistency, the Executive Officer may make such changes, and shall inform the Board of any such changes.

5. The Executive Officer is authorized to sign a Certificate of Fee Exemption in lieu of payment of the California Department of Fish and Game filing fee.

I, Gerard J. Thibeault, Executive Officer, do hereby certify that the foregoing is a full, true, and correct copy of a resolution adopted by the California Regional Water Quality Control Board, Santa Ana Region, on October 3, 2006.

Gerard J. Thibeault
Executive Officer

ATTACHMENT "A": MAP OF PROHIBITION AREA