

**STATE WATER RESOURCES CONTROL BOARD
BOARD MEETING SESSION – COLORADO RIVER BASIN REGIONAL WATER BOARD
SEPTEMBER 20, 2016**

ITEM 3

SUBJECT

CONSIDERATION OF A PROPOSED RESOLUTION TO AMEND THE WATER QUALITY CONTROL PLAN FOR THE COLORADO RIVER BASIN REGION, CHAPTER 4, SECTION II.H.2.C, (TOWN OF YUCCA VALLEY) TO REVISE THE SEPTIC TANK WASTEWATER DISCHARGE PROHIBITION IN THE TOWN OF YUCCA VALLEY, SAN BERNARDINO COUNTY

DISCUSSION

On March 10, 2016, the Colorado River Basin Regional Water Board (Regional Water Board) adopted [Resolution No. R7-2016-0001](#) amending the Water Quality Control Plan for the Colorado River Basin Region (Basin Plan) to revise Chapter 4, Section II.H.2.C, Town of Yucca Valley. The subject amendment modifies a septic tank wastewater discharge prohibition in the Town of Yucca Valley (Town) and in areas that overlie the Warren Valley Groundwater Subbasin (Warren Subbasin), adopted by the Regional Water Board on May 19, 2011 ([Resolution No. R7-2011-0004](#)), approved by the State Water Board on November 1, 2011 ([Resolution No. 2011-0054](#)), and approved by the Office of Administrative Law (OAL) on April 9, 2012.

To comply with the Prohibition, the Hi-Desert Water District (HDWD) intends to construct a centralized sewage collection system and wastewater treatment and reclamation facility (WRF) in three phases. Phase 1 is to take effect on May 19, 2016, Phase 2 on May 19, 2019, and Phase 3 on May 19, 2022, for all parcels respectively; or when a municipal sewage collection system becomes available, if that date is earlier. A sewage collection system is defined as *available* “once the system is operational, and located within 500 lineal feet of an existing or proposed new disposal system discharge.”

Unfortunately, financial, legal, economic, and technical issues have caused significant delays in construction of the collection system and WRF. Consequently, the system cannot be completed to service Phase 1 in accordance with the Prohibition deadline, which has since passed (i.e., May 19, 2016). In addition, HDWD has proposed additional revisions, specifically:

(a) constructing Phases 2 and 3 simultaneously, (b) revising internal phase boundaries to mitigate costs and improve efficiency, and (c) to “defer” properties at this time that are too costly to connect or would have insufficient wastewater flow. “Deferred properties” will be required to connect to sewer when conditions are suitable; in the interim, responsible parties will address wastewater discharges by alternate means to the satisfaction of the Board (e.g., increased operation and maintenance).

Therefore, at the request of HDWD, the Regional Water Board adopted an amendment to revise the subject Prohibition for properties overlying the Warren Subbasin. The amendment:

1. extends the compliance date for Phase 1 from May 19, 2016, to December 31, 2021;
2. consolidates Phases 2 and 3, and extends the compliance dates from May 19, 2019, and May 19, 2022, respectively, to a single date of December 31, 2025;

3. incorporates proposed revisions to internal phase boundaries;
4. includes provisions to address “deferred” parcels; and
5. eliminates outdated and unnecessary language.

POLICY ISSUE

Should the State Water Board approve the amendment to the Basin Plan to revise the Septic Tank Discharge Prohibition in the Town of Yucca Valley as specified above?

FISCAL IMPACT

Work completed by Colorado River Basin Water Board and State Water Board staff associated with or resulting from this action will be addressed with existing and future budgeted resources.

REGIONAL BOARD IMPACT

Approval of this resolution will amend the Basin Plan for the Colorado River Basin Region in the manner described above.

STAFF RECOMMENDATION

That the State Water Board:

1. Approve the Basin Plan amendment adopted pursuant to Colorado River Basin Water Board Resolution R7-2016-0001.
2. Authorize the Executive Director or designee to submit the amendment adopted under Colorado River Basin Water Board Resolution R7-2016-0001 as approved with the administrative record for this action to the Office of Administrative Law for approval.

State Water Board action on this item will assist the Water Boards in reaching **Goal 2** of the Strategic Plan Update: 2008-2012 to: *Improve and protect groundwater quality in high-use basins by 2030.* In particular, approval of this item will assist in fulfilling **Action 2.1.3.:** *Where a decline in groundwater quality is due to unregulated discharges, the Regional Water Boards will regulate those discharges to protect groundwater quality;* **Objective 2.2:** *Identify strategies to ensure that communities that rely on groundwater contaminated by anthropogenic sources will have a reliable drinking water supply, which may include surface water replacement;* and **Action 2.2.3.:** *Upon identification of sources contributing to the contamination of groundwater relied on by these communities, take appropriate regulatory or enforcement action.*

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STATE WATER RESOURCES CONTROL BOARD RESOLUTION NO. 2016-

APPROVING AMENDMENT TO THE WATER QUALITY CONTROL PLAN FOR THE COLORADO RIVER BASIN REGION (BASIN PLAN), CHAPTER 4, SECTION II.H.2.C, (TOWN OF YUCCA VALLEY) TO REVISE THE SEPTIC TANK DISCHARGE PROHIBITION IN THE TOWN OF YUCCA VALLEY, SAN BERNARDINO COUNTY

WHEREAS:

1. On March 10, 2016, the California Regional Water Quality Control Board, Colorado River Basin Region (Colorado River Basin Water Board) adopted [Resolution No. R7-2016-0001](#) approving a substitute environmental document and amending the Colorado River Basin Water Quality Control Plan (Basin Plan) to revise a septic tank discharge prohibition in the town of Yucca Valley, San Bernardino County.
2. The Colorado River Basin Water Board resolution concluded that this Basin Plan amendment was necessary to ensure: (a) the proposed centralized sewer system is constructed at the earliest practicable date; (b) the discharge from the septic systems is eliminated at the earliest practicable date; and (c) the internal boundaries of the Prohibition accommodate technical and economic constraints associated with the centralized system and are consistent with the Assessment District approved by Yucca Valley property owners affected by the Prohibition. Accordingly, the Colorado River Basin Water Board determined that this regulatory action meets the “necessity” standard of the Administrative Procedures Act, Government Code Section 11353, subdivision (b). The State Water Board concurs with that determination and thus, finds that this regulatory action meets the “necessity” standard of the Administrative Procedures Act, Government Code section 11353, subdivision (b). The necessity of the Basin Plan amendment is further supported in the Staff Report for the amendment.
3. The proposed amendment establishes a monitoring and reporting program, and a series of milestones to ensure the Hi-Desert Water District (HDWD) municipal sewage collection system and wastewater treatment and reclamation facility (WRF) are constructed at the earliest practicable time. The proposed amendment revises the Prohibition for the Town of Yucca Valley as follows:
 - Extends the deadline for Phase 1 from May 19, 2016, to June 30, 2021;
 - Extends the deadline for Phases 2 and 3 from May 19, 2019, and May 19, 2021, respectively, to a single deadline of December 31, 2025;
 - Revises the internal boundaries for Phases 1, 2, and 3 to coincide with the adjusted phase boundaries provided by the HDWD;
 - Incorporates into the Prohibition criteria for addressing “deferred” properties; and
 - Eliminates outdated and unnecessary language.

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4. Pursuant to Public Resources Code section 21080.5, the Resources Agency has approved the Regional Water Boards' basin planning process as a "certified regulatory program" that adequately satisfies the California Environmental Quality Act (CEQA) (Pub. Resources Code, § 21000 et seq.) requirements for preparing environmental documents. (Cal. Code Regs., tit. 14, § 15251, subd. (g); Cal. Code Regs., tit. 23, § 3782.) The Substitute Environmental Documents (SED) include the *Final Staff Report for the Amendment to the Water Quality Control Plan for the Colorado River Region to Revise the Septic Tank Discharge Prohibition in the Town of Yucca Valley*, dated March 2015, the environmental checklist and analyses, the comments and responses to comments, and the Basin Plan amendment language.
5. In accordance with the California Code of Regulations, Title 23, Section 3775 et seq., the Regional Water Board has prepared the required SED. The CEQA environmental checklist and determination includes an identification of any significant or potentially significant adverse environmental impacts of the proposed project; an analysis of reasonable alternatives to the project and mitigation measures to avoid or reduce any significant or potentially significant adverse environmental impacts; and an environmental analysis of the reasonably foreseeable methods of compliance. The environmental analysis includes all of the following: (A) An identification of the reasonably foreseeable methods of compliance with the project; (B) An analysis of any reasonably foreseeable significant adverse environmental impacts associated with those methods of compliance; (C) An analysis of reasonably foreseeable alternative methods of compliance that would have less significant adverse environmental impacts; and (D) An analysis of reasonably foreseeable mitigation measures that would minimize any unavoidable significant adverse environmental impacts of the reasonably foreseeable methods of compliance. The analysis takes into account a reasonable range of environmental, economic, and technical factors.
6. Consistent with Public Resources Code section 21081(b), specific overriding economic, legal, social, technological or other benefits may outweigh the unavoidable adverse environmental impacts. The State Water Board has reviewed the SED for the Basin Plan amendment and concurs with the Colorado River Basin Water Board's findings and determinations, including the CEQA analysis, concluding that the proposed project has less than significant impacts that are individually limited, but cumulatively considerable. The CEQA analysis also concludes that the proposed amendment may have significant or potentially significant effects on the environment, and therefore alternatives and mitigation measures were evaluated.
7. The State Water Board finds that the Basin Plan amendment is in conformance with Water Code section 13240, which specifies that each regional board shall formulate and adopt water quality control plans for all areas within their respective region, and that such plans shall conform to the policies set forth in Chapter 1 (commencing with Water Code Section 13000) and any state policy for water quality control.
8. A Basin Plan amendment does not become effective until approved by the State Water Board and until regulatory provisions are approved by the Office of Administrative Law (OAL).

D R A F T

THEREFORE, BE IT RESOLVED THAT:

1. The State Water Resources Control Board hereby approves the amendment to the Basin Plan, as adopted under Colorado River Basin Water Board Resolution No. R7-2016-0001.
2. Authorizes the Executive Officer or designee to submit the amendment adopted under Colorado River Basin Water Board Resolution No. R7-2016-0001, as approved, and the administrative record for this action to OAL for approval of the regulatory provisions.

CERTIFICATION

The undersigned Clerk to the Board does hereby certify that the foregoing is a full, true, and correct copy of a resolution duly and regularly adopted at a meeting of the State Water Resources Control Board held on September 20, 2016

Jeanine Townsend
Clerk to the Board