

**STATE WATER RESOURCES CONTROL BOARD
BOARD MEETING SESSION – SANTA ANA REGIONAL WATER BOARD
APRIL 7, 2020**

ITEM 3

SUBJECT

CONSIDERATION OF A PROPOSED RESOLUTION APPROVING AN AMENDMENT TO THE WATER QUALITY CONTROL PLAN FOR THE SANTA ANA RIVER BASIN TO EXPAND EXEMPTIONS TO THE ONSITE WASTEWATER TREATMENT SYSTEM (SEPTIC SYSTEM) PROHIBITION OF DISCHARGES FROM NEW SEPTIC SYSTEMS IN QUAIL VALLEY, A COMMUNITY IN THE CITY OF MENIFEE

DISCUSSION

On January 16, 2020, the Santa Ana Regional Water Quality Control Board (Santa Ana Water Board) adopted [Resolution No. R8-2020-0004](#), amending the Water Quality Control Plan for the Santa Ana River Basin (Basin Plan) to expand exemptions to the Septic System Prohibition of discharges from new septic systems in Quail Valley. The Basin Plan amendment is the result of an extensive public participation process that included representatives from local agencies and members of the public.

Quail Valley is a community within the City of Menifee located within the San Jacinto River Watershed of Riverside County and in the jurisdiction of the Santa Ana Water Board. The Quail Valley community is organized into nine subareas (Subareas 1 through 9) in the City of Menifee. Wastewater disposal for much of the Quail Valley residential community is provided by individual septic systems.

The Septic System Prohibition on waste discharges from new septic systems in Quail Valley was previously incorporated into the Basin Plan and became effective in 2007 to address widespread failures of septic systems in Quail Valley that occurred during a series of heavy rain events in the winter of 2004-2005. These failures resulted in sewage backing up into residences and sewage at the ground surface level that flowed into Canyon Lake, a recreational and drinking water reservoir.

Pursuant to the Septic System Prohibition (also known as the Quail Valley Prohibition), new discharges of waste from septic systems from all subareas in Quail Valley could only be considered after the local wastewater agency proposed and complied with a schedule to provide sewer service to the areas of high density lots, specifically Subareas 4 and 9 of Quail Valley, within five years from the effective date of the Septic System Prohibition. A complete sanitary sewer design, however, was not completed within the five-year time period by Eastern Municipal Water District (EMWD), the local wastewater agency that provides sewer service for Quail Valley. As a result, no new discharges of waste from septic systems have been permitted in Quail Valley.

Since the Septic System Prohibition came into effect, EMWD was able to secure \$8 million from the State Water Resources Control Board (State Water Board) through the State Revolving Fund Program, \$1.93 million from the Santa Ana Watershed Project Authority, and \$455,814 in Supplemental Environmental Project funds from the State Water Board (as identified by the Santa Ana Water Board's project list). However, these funds only allowed EMWD to construct a sewer line and provide sewer connections to 235 parcels out of 700 parcels in Subarea 9 of Quail Valley. Acquiring enough funding for the sewer projects continues to be a major challenge. Santa Ana Water Board staff, EMWD, the County of Riverside, and the City of Menifee worked to modify the requirements of the Septic System Prohibition, while being able to protect water quality and allow Quail Valley residents to develop their properties. EMWD currently has no plans to sewer the other subareas in Quail Valley, though it is continuing to seek additional funds to complete the sewer connections of the remaining residences in Subarea 9 and to initiate the design of the sewer system to serve Subarea 4.

After the Septic System Prohibition went into effect, the State Water Board adopted in 2012 [Resolution No. 2012-0032](#), Water Quality Control Policy for Siting, Design, Operation, and Maintenance of Onsite Wastewater Treatment Systems (OWTS Policy). The OWTS Policy established minimum operating requirements for the siting and construction of septic systems and the minimum level of performance expected from septic systems. The OWTS Policy consists of a risk-based, tiered approach for the regulation and management of septic systems, with Tier 2 allowing local agencies to implement a Local Agency Management Program (LAMP) to manage the installation of new and replacement septic systems. The County of Riverside opted to develop a LAMP, which was approved in 2016 ([Resolution No. R7-2016-0038](#)) by the Colorado River Regional Water Quality Control Board, the regional water board designated to approve the County of Riverside's LAMP since the County is within the jurisdiction of three regional water boards. The County of Riverside's LAMP states that the City of Menifee has an agreement with the County of Riverside for the County to provide plan check, planning review, and installation oversight for septic systems within the City of Menifee.

With the safeguards of the County of Riverside's LAMP and the OWTS Policy in place, the Basin Plan amendment would modify the Septic System Prohibition with appropriate exemptions in Subareas 1, 2, 3, 5, 6, 7 and 8; the prohibition would continue to remain in place in Subareas 4 and 9. The discharge of waste from septic systems, after the effective date of the Basin Plan amendment, would continue to be prohibited unless the following conditions are met:

- The system is in Subarea 1, 2, 3, 5, 6, 7, or 8;
- There is no available sanitary sewer service to serve the parcel; and
- The system meets the conditions and requirements of (1) an applicable, approved LAMP, or (2) if there is no applicable, approved LAMP at the time the system is to be installed, Tier 1 of the OWTS Policy.

The exemptions would not apply to the highest density subareas, Subareas 4 and 9. The existing prohibition is maintained for these areas because these are the highest density subareas (approximately 85 percent of parcels in Subareas 4 and 9 are less than 0.15 and 0.25 acres, respectively), and also these two subareas were identified to have a significant number of failed septic systems causing potential health concerns for the residents in the area, especially during rain events, before the Septic System Prohibition took effect. The proximity of Subareas 4 and 9 to Canyon Lake is also a concern because discharges from failing septic systems could be released into Canyon Lake, which is used for recreational purposes and is designated as a drinking water source. With the density of the properties in the Subareas 4 and 9 and unsuitable geologic conditions, the continued prohibition in these subareas is necessary to protect water quality and beneficial uses and to prevent nuisance, pollution, contamination, or degradation of water quality. In addition, the Basin Plan amendment would ensure that aggressive progress continues to be made on providing sewer services to these two subareas.

POLICY ISSUE

Should the State Water Board approve the amendment to the Basin Plan to expand exemptions to the Septic System Prohibition of discharges from new septic systems in Quail Valley?

FISCAL IMPACT

Santa Ana Water Board staff work 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 Santa Ana Water Board's Basin Plan.

STAFF RECOMMENDATION

That the State Water Board:

1. Approve the amendment to the Basin Plan adopted under Santa Ana Water Board's Resolution No. R8-2020-0004.
2. Authorize the Executive Director or designee to submit the Basin Plan amendment adopted under Santa Ana Water Board Resolution No. R8-2020-0004 as approved and the administrative record for this action to the Office of Administrative Law for approval.