

**State of California
Office of Administrative Law**

In re:
State Water Resources Control Board

Regulatory Action:

Title 23, California Code of Regulations

Adopt sections:

Amend sections: 3969.1

Repeal sections:

**NOTICE OF APPROVAL OF REGULATORY
ACTION**

Government Code Section 11353

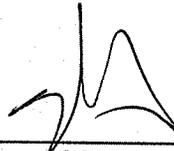
OAL Matter Number: 2016-1215-03

OAL Matter Type: Regular (S)

On March 10, 2016, the Colorado River Basin Regional Water Quality Control Board adopted Resolution No. R7-2016-0001 revising Resolution No. R7-2011-0004 to (1) extend compliance deadlines for Yucca Valley sewage collection system Phases 1-3, (2) revise internal boundaries of the Phases to coincide with construction of the sewage collection system; (3) amend criteria related to deferred parcels; (4) establish monitoring and reporting requirements; and (5) amend unnecessary language. On September 20, 2016, the State Water Resources Control Board (SWRCB) approved these revisions under Resolution No. 2016-0050. Resolution R7-2016-0001.

OAL approves this regulatory action pursuant to section 11353 of the Government Code.

Date: January 30, 2017



**Mark Storm
Senior Attorney**

**For: Debra M. Cornez
Director**

**Original: Thomas Howard
Copy: Maria Davydova**

1353 **REGULAR** (See instructions on reverse)
 STATE OF CALIFORNIA - OFFICE OF ADMINISTRATIVE LAW
 NOTICE PUBLICATION/REGULATIONS SUBMISSION
 STD 400 (REV. 01-2013)

For use by Secretary of State only

ENDORSED - FILED
 in the office of the Secretary of State
 of the State of California

JAN 30 2017
 1:44 P.M.

OAL FILE NUMBERS	NOTICE FILE NUMBER	REGULATORY ACTION NUMBER	EMERGENCY NUMBER
	Z-	2016-1215-03S	
For use by Office of Administrative Law (OAL) only		2016 DEC 15 P 4: 04	
NOTICE		OFFICE OF ADMINISTRATIVE LAW	
AGENCY WITH RULEMAKING AUTHORITY State Water Resources Control Board			AGENCY FILE NUMBER (if any) 2012-0055

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

1. SUBJECT OF NOTICE		TITLE(S)	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		TELEPHONE NUMBER	FAX NUMBER (Optional)
OAL USE ONLY	ACTION ON PROPOSED NOTICE <input type="checkbox"/> Approved as Submitted <input type="checkbox"/> Approved as Modified <input type="checkbox"/> Disapproved/Withdrawn			NOTICE REGISTER NUMBER	PUBLICATION DATE

B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)

1a. SUBJECT OF REGULATION(S) Colorado River Basin BP Revision of Yucca Valley Prohibition	1b. ALL PREVIOUS RELATED OAL REGULATORY ACTION NUMBER(S)
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SECTION(S) AFFECTED (List all section number(s) individually. Attach additional sheet if needed.)	ADOPT
	AMEND 3969.1
	REPEAL
TITLE(S) 23	

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 Gov. Code §§11346.2-11347.3 either before the emergency regulation was adopted or within the time period required by statute.	<input type="checkbox"/> Emergency Readopt (Gov. Code, §11346.1(h))	<input type="checkbox"/> Changes Without Regulatory Effect (Cal. Code Regs., title 1, §100)
<input type="checkbox"/> Resubmittal of disapproved or withdrawn nonemergency filing (Gov. Code §511349.3, 11349.4)	<input type="checkbox"/> Resubmittal of disapproved or withdrawn emergency filing (Gov. Code, §11346.1)	<input type="checkbox"/> File & Print	<input type="checkbox"/> Print Only
<input type="checkbox"/> Emergency (Gov. Code, §11346.1(b))		<input checked="" type="checkbox"/> Other (Specify) <u>Gov't code 11353</u>	

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 Gov. Code §11347.1)

5. EFFECTIVE DATE OF CHANGES (Gov. Code, §§ 11343.4, 11346.1(d); Cal. Code Regs., title 1, §100)

<input type="checkbox"/> Effective January 1, April 1, July 1, or October 1 (Gov. Code §11343.4(a))	<input type="checkbox"/> Effective on filing with Secretary of State	<input type="checkbox"/> §100 Changes Without Regulatory Effect	<input checked="" type="checkbox"/> Effective other (Specify) <u>Upon Approval (Gov. Code 11353(b)(5))</u>
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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 Maria Davydova	TELEPHONE NUMBER (760) 776-8947	FAX NUMBER (Optional) (760) 341-6820	E-MAIL ADDRESS (Optional) maria.davydova@waterboards.ca.gov
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8. 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>Jose L. Angel</i>	DATE 12/10/2016
TYPED NAME AND TITLE OF SIGNATORY José L. Angel, Executive Officer, Regional Water Quality Control Bd., Reg. 7	

For use by Office of Administrative Law (OAL) only

ENDORSED APPROVED

JAN 30 2017

Office of Administrative Law

Concise Summary of Regulatory Provisions

Please revise Section 3969.1 - "Prohibition of Discharges of Wastewater into the Ground from Septic Systems in the Town of Yucca Valley" as follows. All proposed changes are shown in "redline/strikethrough."

Title 23. Waters

Division 4. Regional Water Quality Control Boards

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

Article 7. Colorado River Basin Region

§ Section 3969.1 Prohibition of Discharges of Wastewater into the Ground from Septic Systems in the Town of Yucca Valley

(a) On May 19, 2011, the Regional Water Quality Control Board, Colorado River Basin Region, adopted Resolution No. R7-2011-0004, amending the Water Quality Control Plan for the Colorado River Basin Region. The State Water Resources Control Board approved the amendment under Resolution No. 2011-0054, on November 1, 2011.

(b) Resolution No. R7-2011-0004 prohibits the discharge of wastewater from new or existing individual disposal systems on parcels within Phases 1, 2, and 3 of the Hi-Desert Water District (HDWD) Sewer Master Plan (Final Report, January 2007) no later than May 19, 2016, May 19, 2019, and May 19, 2022, respectively, or when a municipal sewage collection system becomes available, whichever occurs first. The prohibition allows the Colorado River Basin Water Board to consider and grant exemptions on a case-by-case basis, pursuant to exemption applications submitted to the Executive Officer. Exemptions granted must be based upon the weight of evidence demonstrating unique technical, environmental, or economic conditions that would make connection to the collection system or installation of an on-site advanced treatment and disposal system technically impracticable or economically excessively burdensome.

~~HDWD is required to submit a report to the Colorado River Basin Water Board describing an implementation plan to comply with the May 19, 2016, the May 19, 2019, and the May 19, 2022 prohibition dates. Thereafter, HDWD is required to submit biannual reports to the Colorado River Basin Water Board by January 1st and July 1st of each year regarding any actions taken by HDWD or any other person or entity in order to achieve compliance by the above deadlines. The Executive Officer is also directed to provide the Regional Water Board an annual written report, beginning on May 23, 2012, regarding overall progress to achieve compliance with the terms of the prohibition.~~

(c) On March 10, 2016, the Regional Water Quality Control Board, Colorado River Basin Region adopted Resolution No. R7-2016-0001 revising the prohibition adopted in Resolution No. R7-2011-0004. The State Water Resources Control Board approved these revisions under Resolution No. 2016-0050 on September 20, 2016. Resolution No. R7-2016-0001 revises the prohibition as follows:

(1) Extends the Phase 1 compliance deadline from May 19, 2016, to June 30, 2021;

(2) Consolidates and extends the Phase 2 and Phase 3 compliance deadlines of May 19, 2019, and May 19, 2021, respectively, into a single deadline of December 31, 2025;

(3) Revises the internal boundaries for Phases 1, 2, and 3 to coincide with the construction of the HDWD's sewage collection system;

Concise Summary of Regulatory Provisions

(4) Incorporates criteria for addressing “deferred parcels,” which are properties that do not generate sufficient wastewater to ensure proper operation of a sewage collection system;

(5) Establishes monitoring and reporting requirements to collect information on deferred parcels;
and

(6) Eliminates outdated and unnecessary language.