

ATTACHMENT A

An Amendment to the Water Quality Control Plan for the Colorado River Basin Region to Prohibit the Discharge of Wastewater Into the Ground From Septic Systems In The Town Of Yucca Valley in San Bernardino County.

AMENDMENT

Chapter 4, Section II.H (Septic Systems), add the following subsection entitled:

Town of Yucca Valley

Pursuant to Section 13280 of the California Water Code, the discharge of wastewater from new or existing individual disposal systems on parcels within Phase 1, Phase 2, and Phase 3 of the Hi-Desert Water District Sewer Master Plan (Final Report, January 2009) is prohibited with certain exceptions noted below. All three phases are shown in Figure 1.

A. Time Schedule for Implementation

The prohibition shall become effective for all parcels within Phase 1 of the Hi-Desert Water District Sewer Master Plan by May 19, 2016, or when a municipal sewage collection system becomes available, whichever occurs first.

The prohibition shall become effective on parcels within Phase 2 of the Hi-Desert Water Districts Sewer Master Plan by May 19, 2019, or when a municipal sewage collection system becomes available, whichever occurs first.

The prohibition shall become effective on parcels within Phase 3 of the Hi-Desert Water Districts Sewer Master Plan by May 19, 2022, or when a municipal sewage collection system becomes available, whichever occurs first.

A municipal sewage collection system is defined as “available” once the system is operational, and is located within 500 lineal feet of an existing or proposed new disposal system discharge.

B. Reporting

Pursuant to Section 13225 of the California Water Code, the Hi-Desert Water District (HDWD) shall submit to the Regional Water Board a report describing an implementation plan to comply with the May 19, 2016, the May 19, 2019, and the May 19, 2022 prohibition dates.

Thereafter, HDWD shall submit bi-annual reports to the Regional 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.

HDWD will be contracting with USGS to study further the impact from septic system discharges in Phases 2 and 3. HDWD will be submitting the results of the study to the Regional Water Board for consideration of modification of the prohibition.

C. Prohibition Exemptions

Exemptions to this prohibition shall be considered and may be granted by the Regional Water Board on a case-by-case basis pursuant to an application submitted to the Executive Officer by any person or entity that is subject to the prohibition (Discharger). Such exemptions shall be based upon the weight of the evidence demonstrating the existence of unique conditions applicable to the Discharger, its discharge, and its property in question. These conditions include, but are not limited to, 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. To be considered for an exemption, the Discharger shall apply to the Executive Officer for relief in writing and document the conditions that would make connection to the collection system or installation of an advanced on-site treatment and disposal system technically impracticable or economically excessively burdensome. The application shall also include:

- a) Written quotes from three State licensed commercial contractors regarding the estimated cost to install, operate, and maintain the advanced on-site treatment and disposal system; and
- b) A financial statement regarding the applicant's average income for the last five years, and the applicant's most recent property value assessment.

The Regional Water Board shall give substantial consideration to applications accompanied by a letter of support for the exemption from HDWD.

The Executive Officer shall have thirty (30) days from receipt of the application to notify the Discharger in writing whether the application is complete. Following receipt of a complete application, the Executive Officer shall make a preliminary determination of whether the Discharger qualifies for an exemption and shall make a recommendation to the Regional Water Board based on that determination whether the exemption should be granted or denied. The Executive Officer shall then notify the Discharger in writing regarding that recommendation and when the matter will be scheduled for the Regional Water Board's consideration at a public hearing.

D. Compliance Assurance and Enforcement

It is the Regional Water Board's objective to work cooperatively with the Dischargers who are subject to this prohibition to help them achieve compliance with the terms of the prohibition. Consistent with this objective, the Executive Officer shall assist the Dischargers to achieve compliance with the terms of this Basin Plan amendment. In this regard, the Executive Officer shall continue to assist the Town of Yucca Valley and HDWD to obtain financial assistance and, within forty-five (45) days following approval of the amendment by the California Office of Administrative Law (OAL), shall notify in writing all Dischargers regarding:

- a) the key deadlines of this prohibition,
- b) options available to comply with the amendment, and
- c) sources of potential financial and technical assistance.

The Regional Water Board recognizes that there may be circumstances where a Discharger is not responsive to staff compliance efforts. In these cases, the State Water Resources Control Board's Water Quality Enforcement Policy provides clear guidance on the options available to the Regional Water Board to bring the Discharger into compliance. In these circumstances, the Regional Water Board enforcement staff shall implement prompt, consistent, predictable, fair, and progressive enforcement to bring the Discharger into compliance at the earliest practicable date with the terms of this prohibition. Towards this end, the Regional Water Board staff may take any combination of the following actions, as the circumstances of the case may warrant:

- Issue Notice of Non-Compliance letters;
- Issue an order pursuant to Section 13267 of the California Water Code to ensure that a Discharger submits, in a prompt and complete manner, a technical report to bring its discharge into compliance with this prohibition;
- Issue a Cleanup and Abatement order pursuant to Section 13304 of the California Water Code against any Discharger who violates the prohibition and/or threatens a condition of nuisance or pollution;
- Prepare for consideration of adoption by the Regional Water Board, a Cease and Desist order pursuant to Section 13301 of the California Water Code against any Discharger who violates the prohibition;
- Issue Administrative Civil Liability Complaints, as provided for by the California Water Code, against any responsible party who fails to comply with Regional Water Board orders and/or the prohibition.

The Executive Officer is hereby directed to provide the Regional Water Board an annual written report regarding overall progress to achieve compliance with the terms of this prohibition. The first annual report shall be due on May 23, 2012.

FIGURE 1

HDWD SEWER MASTER PLAN PHASES

