

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD  
COLORADO RIVER BASIN REGION**

**ENVIRONMENTAL CHECKLIST FORM**

**Amendment to the  
California Regional Water Quality Control Plan for the  
Colorado River Basin Region  
To Revise the Septic Tank Discharge Prohibition  
In the Town of Yucca Valley**

**INTRODUCTION**

The California Regional Water Quality Control Board, Colorado River Basin Region (Colorado River Basin Water Board) is the Lead Agency under the California Environmental Quality Act (CEQA; Pub. Resources Code, § 21000 et seq.) and in this capacity, is responsible for evaluating the potentially significant environmental impacts of a proposed project. This proposed project is an amendment to the Water Quality Control Plan for the Colorado River Basin Region (Basin Plan). Details of the project are described below. The Basin Plan designates beneficial uses of water bodies, establishes water quality objectives (WQOs) for the protection of these beneficial uses, and outlines a plan of implementation for maintaining and enhancing water quality. The existing Basin Plan establishes narrative and numeric WQOs that apply to groundwaters throughout the region. It also establishes waste discharge prohibitions for specific areas in the Colorado River Basin Region.

The Basin Plan establishes a Septic Tank Discharge Prohibition (Prohibition) for specific areas in the Town of Yucca Valley. The Colorado River Basin Water Board established the Prohibition through an amendment to its Basin Plan on May 19, 2011. The Prohibition was approved by the State Water Resources Control Board (State Water Board) on November 1, 2011, and by the Office of Administrative Law on November 13, 2012, at which time it took regulatory effect. The Prohibition applies to three (3) phases, each of which covers a specific geographical area in the Town of Yucca Valley, and it requires that each phase eliminate its discharges of wastes from septic systems in accordance with a prescribed time schedule. The following table shows the projected wastewater flows from each Phase:

Phase	Flow (million gallons per day)
Phase 1	1.02
Phase 2	0.31
Phase 3	0.28

To assist the Town of Yucca Valley with complying with the Prohibition, the Hi-Desert Water District (HDWD) is building a centralized sewage collection and wastewater reclamation facility (WRF) that will enable those using septic tanks within any of the three phases to connect to the HDWD WRF and cease discharging from the tanks. On October 8, 2009, and as required by CEQA, HDWD conducted a project-level analysis of the potentially significant environmental impacts associated with building its proposed sewage infrastructure (collection system and WRF). Based on its environmental analysis, it determined that its project would avoid any impacts or reduce them through implementation of specified mitigation measures to less than significant levels. Accordingly, HDWD adopted a Mitigated Negative Declaration for its project.

## **COMPLIANCE OF CERTIFIED REGULATORY PROGRAMS WITH CEQA**

The State Water Board promulgated regulations to implement CEQA, which are set forth in the California Code of Regulations, Title 23, Division 3, Chapter 27, Section 3720 et seq. In pertinent part, subdivision (b)(2) of Section 3720 provides: “Article 6 of this Chapter [27] contains the exclusive procedural requirements for the implementation of the boards’ regulatory programs that have been certified by the Secretary for Natural Resources as meeting the requirements of section 21080.5 of the Public Resources Code.” The California Secretary for Natural Resources has certified the State Water Board’s and the nine regional water boards’ Basin Planning process as a “certified regulatory program” that adequately satisfies the requirements of CEQA, including preparation of an Initial Study, Negative Declaration, and Environmental Impact Report (Pub. Resources Code, § 21080.5; California Code of Regulations (Cal. Code Regs.), Title 14, § 15251(g)). Accordingly, this proposed Basin Plan amendment is subject to the exclusive procedural requirements of Article 6.

Section 3777 in Article 6 prescribes the “Substitute Environmental Documentation” requirements for adoption or approval of plans or policies. “Plans” include amendments to Basin Plans. In pertinent part, subdivision (a) of Section 3777 states that any standard, rule, regulation, or plan proposed for board approval must include or be accompanied by Substitute Environmental Documentation (SED) and supported by substantial evidence in the administrative record. This regulation also provides that the draft SED shall consist of a written report that contains an environmental analysis of the project, a completed Environmental Checklist (a sample of which is shown in Appendix A to the Article 6 regulations), and other documentation as the Board may include.

In addition, subdivision (b) of Section 3777 requires that at a minimum the draft SED shall include the following information:

- “(1) A brief description of the proposed project;
- (2) An identification of any significant or potentially significant adverse environmental impacts of the proposed project;
- (3) An analysis of reasonable alternatives to the project and mitigation measures to avoid or reduce any significant or potentially significant adverse environmental impacts; and

(4) An environmental analysis of the reasonably foreseeable methods of compliance. The environmental analysis shall include, at a minimum, 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.”

(Cal. Code Regs., tit. 23, § 3777, subd. (b)(1)-(4).)

Consistent with and as required by the above-cited CEQA implementing regulations, when the Colorado River Basin Water Board established the Prohibition in May 2011, it prepared a Staff Report, the Basin Plan amendment, CEQA Environmental Checklist and other supporting documentation. Pursuant to the Secretary’s certification, the Staff Report, amendment, and CEQA Environmental Checklist, and other supporting documentation (e.g., Colorado River Basin Water Board staff’s responses to public comments) comprised the Substitute Environmental Documentation that could be relied on in lieu of an Initial Study, Negative Declaration, and Environmental Impact Report. The SED for the Prohibition established in 2011 is available at:

[http://www.waterboards.ca.gov/coloradoriver/water\\_issues/programs/basin\\_planning/](http://www.waterboards.ca.gov/coloradoriver/water_issues/programs/basin_planning/)

The SED identified the construction of a centralized sewage collection system and wastewater treatment plant as the environmentally superior alternative to comply with the Prohibition. Additionally, the documentation provided a programmatic analysis of the foreseeable environmental impacts associated with construction of the centralized system and wastewater treatment plant.

## **SUBSTITUTE ENVIRONMENTAL DOCUMENTATION FOR PROPOSED PROJECT**

For this proposed Basin Plan amendment, which revises the Prohibition, and also consistent with above-cited CEQA implementing regulations, the Colorado River Basin Water Board has prepared the following Substitute Environmental Documentation: (1) a Board Staff Report dated March 2016; (2) the proposed amendment; and (3) an Environmental Checklist Form. The Environmental Checklist Form assesses the potentially significant environmental impacts that may be caused by four proposed revisions to the Prohibition, which are listed below under “Description of project.”

Further, this certified regulatory program environmental review is conducted at the programmatic level with analyses of alternatives to the proposed amendment, the reasonably foreseeable environmental impacts of the methods of compliance, reasonably foreseeable feasible mitigation measures, and reasonably foreseeable alternative means of

compliance with this revised regulatory action, which would avoid or eliminate the identified impacts. (Cal. Code Regs., tit. 23, § 3777(b)). These programmatic analyses take into account a reasonable range of environmental, economic, and technical factors as well as population and geographic area, and specific sites. (*Id.*) The Environmental Checklist Form and detailed discussion follow.

## **ENVIRONMENTAL CHECKLIST FORM**

### **Project Title:**

Amendment to the California Regional Water Quality Control Plan for the Colorado River Basin Region Septic Tank Discharge Prohibition in the Town of Yucca Valley

### **Lead agency name and address:**

California Regional Water Quality Control Board, Colorado River Basin Region  
73-720 Fred Waring Drive, Suite 100  
Palm Desert, CA 92260

### **Contact person and phone number:**

Theresa Kimsey, Environmental Scientist, (760) 776-8971

### **Project location:**

Colorado River Basin Region (southeastern California), San Bernardino County

### **Description of project:**

The proposed project consists of an amendment to the Basin Plan Prohibition for discharges of wastes from septic systems in the Town of Yucca Valley (Town). The Colorado River Basin Water Board adopted the Prohibition in May 2011 because discharges of wastes from septic tank systems in the Town were polluting the groundwater of the Warren Valley Groundwater Subbasin (Warren Subbasin), which underlies the Town and is part of the Morongo Groundwater Basin. The Prohibition establishes deadlines for three specific areas of the Town, so that discharges of septic tank wastes in the three areas are phased out. Compliance with the current prohibition's deadline for Phase 1 of May 19, 2016, cannot be achieved because implementation of the environmentally superior alternative (i.e., construction of the centralized sewage collection system and WRF) to comply with the Prohibition will not be completed until January 2020, though connections will be made as the system becomes available, it is estimated by HDWD and its consultants that it will take approximately one and one-half (1-1/2) years to connect remaining Phase 1 properties to the centralized system. Thus, the amendment is necessary to accommodate WRF and collection system engineering and design changes made by HDWD and its engineering consultants subsequent to the Board's adoption of the Prohibition in May 2011. Accordingly, the proposed amendment revises the Prohibition as follows:

1. Extends the deadlines for overall compliance with the Prohibition so that the environmentally superior alternative can be implemented at the earliest practicable time;

2. Establishes criteria for deferred parcels to connect to the centralized system (“Deferred Parcels” are parcels in clustered areas that currently do not generate sufficient wastewater to be serviced by the centralized sewage collection system and WRF);
3. Adjusts the internal boundaries of each phase;
4. Eliminates the provision that requests for an exemption to the Prohibition supported by HDWD will be given substantial consideration; and
5. Eliminates the language that states that the District will be contracting with the United States Geological Survey to study further the impacts from septic tank discharges in Phase 2 and 3 and provide the results of the study to the Regional Water Board.

The following Checklist evaluates environmental impacts from these proposed changes to the Prohibition.

## Evaluation of the Environmental Impacts Checklist

<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant with Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
I. AESTHETICS - Would the project:				
a) Have a substantial adverse effect on a scenic vista?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Substantially degrade the existing visual character or quality of the site and its surroundings?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>II. AGRICULTURE AND FOREST RESOURCES :</b> In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment Project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Boards.				
Would the project:				
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant with Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Result in the loss of forest land or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
III. AIR QUALITY - Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:				
a) Conflict with or obstruct implementation of the applicable air quality plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant with Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
d) Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Create objectionable odors affecting a substantial number of people?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
IV. BIOLOGICAL RESOURCES - Would the project:				
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or US Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal, pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant with Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
V. CULTURAL RESOURCES - Would the project:				
a) Cause a substantial adverse change in the significance of a historical resource as defined in § 15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to § 15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Disturb any human remains, including those interred outside of formal cemeteries?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
VI. GEOLOGY AND SOILS - Would the project:				
a) Expose people or structures to potential substantial adverse effects, including	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant with Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
the risk of loss, injury, or death involving: i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
ii) Strong seismic ground shaking?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
iii) Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
iv) Landslides?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
VII. GREENHOUSE GAS EMISSIONS -				

<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant with Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
Would the project:				
a) Generate Greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
VIII. HAZARDS AND HAZARDOUS MATERIALS - Would the project:				
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

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e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
IX. HYDROLOGY AND WATER QUALITY - Would the project:				
a) Violate any water quality standards or waste discharge requirements?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

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b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Otherwise substantially degrade water quality?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant with Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
j) Inundation by seiche, tsunami, or mudflow?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
X. LAND USE AND PLANNING - Would the project:				
a) Physically divide an established community?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Conflict with any applicable habitat conservation plan or natural community conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
XI. MINERAL RESOURCES - Would the project:				
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant with Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
XII. NOISE - Would the project result in:				
a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant with Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
XIII. POPULATION AND HOUSING - Would the project:				
a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
XIV. PUBLIC SERVICES				
a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Fire protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Police protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Parks?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Issues	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Other public facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
XV. RECREATION				
a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
XVI. TRANSPORTATION/TRAFFIC - Would the project:				
a) Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including, but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant with Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Result in inadequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
XVII. UTILITIES AND SERVICE SYSTEMS - Would the project:				
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant with Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Comply with federal, state, and local statutes and regulations related to solid waste?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
XVIII. MANDATORY FINDINGS OF SIGNIFICANCE				
a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant with Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
b) Does the project have impacts that are individually limited, but cumulatively considerable? (“Cumulatively considerable” means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**PRELIMINARY STAFF DETERMINATION**

- The proposed project COULD NOT have a significant effect on the environment, and, therefore, no alternatives or mitigation measures are proposed.
- The proposed project MAY have a significant or potentially significant effect on the environment, and therefore alternatives and mitigation measures have been evaluated.

**ENVIRONMENTAL CHECKLIST DISCUSSION**

**Project Background**

There have been significant delays in HDWD obtaining financing and voter approval of a sewer assessment district to pay for the centralized sewage collection system and WRF to comply with the Prohibition. Voter approval was obtained in May 2015. As a result of construction of the centralized system and WRF now being significantly behind schedule, to deal with operational and engineering constraints of the sewage collection system, and to enable HDWD better manage the cost for its project, HDWD has

requested, in substantive part, that the Colorado River Basin Water Board (Carollo Engineers, 2015a):

1. Extend the Prohibition's overall compliance date for Phase 1 from May 19, 2016, to December 31, 2021;
2. Have a single compliance deadline for Phases 2 and 3 rather than the current dates of May 19, 2019, and May 19, 2021, respectively, and extend the deadline for both to December 31, 2025;
3. Establish criteria for "Deferred Parcels," which are geographically clustered developed and undeveloped parcels that currently do not generate sufficient wastewater to be serviced by the centralized system; and
4. Change the internal boundaries of each Phase.

HDWD is also requesting a change to the Prohibition's current criteria for applying and requesting exemptions to the Prohibition. Specifically, it is requesting that the Colorado River Basin Water Board eliminate the provision that any requests for an exemption to the Prohibition, which are accompanied by a letter of support from the HDWD, will be given significant consideration.

For Phase 1, HDWD proposes to construct its centralized sewage collection and Wastewater Reclamation Facility (WRF) in five (5) packages (Carollo Engineers, 2015b):

1. WRF
2. Collection System Piping: Referred to as Bid Package A (East Yucca Valley)
3. Collection System Pump Stations: Referred to as Bid Package B
4. Collection System Piping: Referred to as Bid Package C (Central Yucca Valley)
5. Collection System Piping: Referred to as Bid Package D (West Yucca Valley)

The proposed WRF is expected to operational by June 2018 with final completion by July 2019. WRF's auxiliary pumping stations are expected to be completed by February 2018. Properties in Phase 1 are expected to start connecting to the centralized system as early as when the construction of each of the sewage collection system packages is completed. The HDWD and its consultants estimate that approximately twenty-five (25) properties per week will be able to be connected.

The District will provide the Colorado River Basin Water Board with certification that all properties within the Prohibition area have been connected to the system through monthly reporting. The District will provide property owners with a checklist that defines a "completed" connection that may include items such as, but not limited to, proof of proper permitting through the Town of Yucca Valley, inspection document(s), photos, etc.

## Proposed Amendment

*Revised Deadlines*—The proposed amendment would revise the deadlines for phasing out the discharges of septic wastes as follows:

Phase	Current Deadline	New Deadline*
Phase 1	May 19, 2016	June 30, 2021
Phase 2	May 19, 2019	December 31, 2025
Phase 3	May 19, 2022	

\* The Prohibition states that it takes effect for each Phase at the earlier of the specified deadline or when a sewage collection system becomes available. The Prohibition further states that 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.

Revised deadlines are needed so that the construction of the system and WRF and connection of Phase 1 properties to the system take place at the earliest practicable time. The proposed Amendment also establishes the following estimated construction milestones for each of the construction packages so that the discharges from septic systems can start to be phased out as early as February 2018 to mitigate environmental impacts from extending the overall compliance deadline:

Package	Start Construction	Complete Construction
Package A: Collection System East	July 31, 2016	February 28, 2018
Package B: Pumping Stations	September 30, 2016	April 30, 2018
Package C: Collection System Central	October 31, 2017	April 30, 2019
Package D: Collection System West	December 31, 2018	March 31, 2020
WRF	February 28, 2017	July 31, 2019

To ensure discharges from septic systems in Phase 1 are eliminated as early as practicable, the District will provide property owners in Phase 1 with a 90-day advance notice (by mail) informing them when the sewage collection system is expected to become "available". Also, the District will provide the property owners with another written notification, within ten (10) days when the system is actually “available,” requiring them to connect to the system. Further, the District will be providing periodic reports to the Colorado River Basin Water Board identifying property owners who have not connected to the sewage collection system as requested. A detailed progress schedule will also be available on the District's Project webpage ([www.protectgroundwater.org](http://www.protectgroundwater.org)) throughout the Project.

*Deferred Parcels Criteria*—HDWD essentially completed the design of the sewage collection system for Phase 1 earlier this year. The design has identified various areas within each Phase of the Prohibition that are characterized by clustered Deferred Parcels. The proposed amendment establishes criteria for when the Deferred Parcels must connect to the centralized sewage collection system. The criteria are discussed in detail in the March 2016 Staff Report and take into account the amount of wastewater generated by clustered Deferred Parcels, the amount of development in the clustered area, and minimum velocity requirements for the system to function properly. Table 1, below, shows the number of Deferred Parcels for each phase:

Description	Number of Developed & Un-deferred Parcels	Number of Developed & Deferred Parcels	Number of Undeveloped & Deferred Parcels	Total Number of Deferred Parcels	Percent of Deferred Parcels (%)
Phase 1	4351	61	248	309	7.10
Phase 2	1719	36	185	221	12.86
Phase 3	1448	19	89	108	7.46
Totals	7518	115	522	637	8.47

As shown by Table 1, above, the total number of Deferred Parcels is approximately eight and one-half percent (8.5%) (638/7518). However, the overwhelming majority of Deferred Parcels is undeveloped parcels (i.e., properties that are not discharging any septic tank wastewater). In terms of percentages, this number is about seven (7%) (522/7518) of the total number of Developed Parcels.

Revising the Prohibition to address Deferred Parcels is necessary so that HDWD can make the project as cost-effective as possible while at the same time proactively eliminating the threat that the current septic tank discharges pose to groundwater quality, particularly the threat from septic tank discharges in Phase 1 where the majority of domestic and commercial septic discharges are occurring. This Deferred Parcel approach also lowers the property tax that property owners will be assessed to pay for the centralized system and WRF. If these properties were not deferred, connecting them at the same time as all other Developed Parcels would require significant additional infrastructure (e.g., development and implementation of a pressurized collection system), which could add as much as approximately \$30,000,000 to the cost of the system (Carollo Engineers, 2015c). But to keep track of which properties are deferred under this engineering approach, a monitoring and reporting program requiring HDWD to track and report the status of the Deferred Parcels will be also incorporated in the revised Prohibition.

*Revised Internal Boundaries*—HDWD has also identified three areas within the original Phase 1 boundaries that stand out as having much higher sewage collection system costs than any other area in Phase 1. Therefore, these areas should be moved to either Phase 2 or Phase 3. Similarly, HDWD has identified areas in Phase 2 that should be part of Phase 1 to maximize the use of the centralized system for Phase 1. Accordingly, this proposed amendment realigns the internal boundaries of each phase so that the revised internal boundaries are consistent with HDWD’s project boundaries and engineering needs. The proposed internal realignment of the phase boundaries results in the following:

1. Two hundred ninety (290) parcels from Phase 1 are shifted to Phase 2;
2. One hundred twenty (120) parcels in Phase 1 are shifted to Phase 3;
3. Two hundred twelve (212) parcels in Phase 2 are shifted to Phase 1; and
4. One hundred sixty-eight (168) parcels in Phase 3 are shifted to Phase 1.

These phase boundary changes do not affect the overall original, external geographical boundaries of the Prohibition. In conjunction with the Phase 1 Deferred Parcels discussed above, the proposed realignment allows HDWD to maximize the number of developed parcels being served while keeping design and construction costs within budget and the project moving forward in a timely manner. This revision to the Prohibition is also necessary to assist the Colorado River Basin Water Board achieve its main Prohibition objective in a practicable manner; i.e., to phase out discharges of wastes from septic systems to protect water quality as soon as practicable.

*Revision to Exemption Criteria*—At the request of HDWD, the proposed amendment removes the following statement from the Prohibition:

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

This revision does not change the essential requirements for consideration of an exemption to the Prohibition and, therefore, is considered a non-substantive, procedural change only. Therefore, it is not a “project” subject to CEQA review.

## **Discussion of Potential Environmental Impacts**

### **I. Aesthetics—Would the project:**

a) Have any substantial adverse effect on a scenic vista?

**No Impact.** Extending the deadlines for septic systems to connect to the centralized system explicitly for all phases and implicitly for deferred parcels does not affect any scenic vista.

b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?

**No impact.** There are no impacts expected in relationship to scenic resources in Yucca Valley, including, but not limited to, trees, rock outcrops, and historic buildings within a state scenic highway.

c) Substantially degrade the existing visual character or quality of the site and its surroundings?

**Less than significant with mitigation incorporated.** Extending the deadlines for compliance with the Prohibition may result in additional onsite wastewater treatment system (i.e., septic tank) failures beyond the failures that may happen through the original Prohibition compliance deadlines. Based on the number of systems that failed from April 2010 through October 2015, it is expected that there may be approximately an additional 200 failures before the centralized system and WRF are completed to accept Phase 1 discharges. Discharges into the centralized system will start as early as 2018. The failures may result in septic tank effluent surfacing, which in turn may result in unsightly and nuisance odor conditions. These are short-term, significant impacts that cannot be avoided because, even if everything proceeds in accordance with the construction schedule for the centralized system and WRF, the final component of the centralized system (Package D), will not be available until January 2020, and thereafter it may take approximately another year and one-half for properties in the west side of Phase 1 to connect to the system. These short-term impacts will be mitigated through proper operation and maintenance of the existing systems, including periodic inspection and pumping of the septic tanks, which is an existing requirement of the Town of Yucca Valley. This mitigation approach should reduce the number of failures to a level of non-significance. Immediate repair and/or replacement of the systems should also mitigate the unsightly conditions to a level of non-significance. Replacement of the systems is also regulated by the Town and requires a Town permit. To the extent that unsightly conditions do emerge, the Town's Municipal Code includes an Ordinance to ensure the unsightly and nuisance conditions are also abated. Further, the proposed amendment directs the Colorado River Basin Water Board Executive Officer to work with the Town, HDWD, and Board so that it includes additional provisions to conduct outreach and education activities targeted to ensure proper operation and maintenance of the septic systems. Based on the foregoing, the impacts are considered less than significant through the incorporation of existing and proposed mitigation measures.

d) Create a new source of substantial light or glare, which would adversely affect day or nighttime views in the area?

**No impact.** The revised Prohibition does not create a new source of substantial light or glare.

## II. Agriculture and Forest Resources—Would the project:

a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?

**No Impact.** The revisions to the Prohibition do not affect any farmland. The amendment affects areas zoned as Residential, Public, and Commercial use.

b) Conflict with existing zoning for agricultural use, or Williamson Act contract?

**No Impact.** Please see response to II.(a), above.

c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?

**No Impact.** Please see response to IIa), above.

d) Result in the loss of forest land or conversion of forest land to non-forest use?

**No Impact.** Please see response to IIa), above.

e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland to non-agricultural use or conversion of forest land to non-forest use?

**No Impact.** Please see response to IIa), above.

### III. Air Quality—Would the project:

a) Conflict with or obstruct implementation of the applicable air quality plan?

**No Impact.** The proposed revisions to the Prohibition (i.e., proposed amendment) do not conflict with or obstruct the implementation of any air quality regulatory action or plan. Construction activities and operation, maintenance, and repair/replacement of septic systems are a normal occurrence in the Town of Yucca Valley.

b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?

**Less than significant.** Particulate emissions (PM<sub>10</sub>) and ozone are the contaminants of most concern in San Bernardino County, exceeding federal and California State Ambient Air Quality Standards (Mojave Air Quality Management District, 2007). PM<sub>10</sub> emissions for the most part are emitted from stationary and mobile sources, including diesel trucks and other motor vehicles, power plants, industrial processing, woodburning stoves and fireplaces, wildfires, dust from roads, construction, landfills, agriculture, and

fugitive windblown dust. The presence of ozone that exceeds federal and state standards is the result of the transport of pollutants from Los Angeles County, Riverside County, and the Valley portions of San Bernardino County (Town of Yucca Valley General Plan Air Quality Element, 1995). The proposed revisions to the Prohibition are not in themselves emission sources of particulate matter or ozone. However, extending the deadlines to phase out the discharges of wastes from septic systems extends the need for maintenance of existing septic systems affected by the Prohibition. Maintenance of the systems may involve pumping the solids out of the septic systems. This is typically accomplished by septage hauler trucks that are sources of gasoline/diesel byproduct emissions and may generate particulate material (dust) by driving on unpaved streets. Similarly, repairs/replacement of failed systems would involve the use of excavation and construction equipment (e.g., tractors, backhoes, etc.) that are sources of gasoline/diesel byproduct emissions and will generate particulate material (dust) from excavating soils. Emissions from diesel/gasoline engines and particulate material (i.e., dust) from these activities are not considered significant by themselves, but may contribute to a violation of particulate standards. These impacts are unavoidable, but the contribution from these sources will be less than significant because the septage hauler trucks and equipment used to repair/replace systems must comply with California emission standards. The amount of dust generated by trucks driving over unpaved streets is also considered not significant because most streets in the Town are paved and management practices are implemented to suppress dust emissions that may result from excavation to repair the systems.

c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions that exceed quantitative thresholds for ozone precursors)?

**Less than significant.** A pollutant is designated non-attainment if there was at least one violation of a state standard for that pollutant in the area. Pursuant to Title 17, Section 70301 of the California Code of Regulations, the..." designations and reviews of designations shall be based on data of record for the three calendar years prior to the year in which the designation is made or the annual review of the designation is conducted." The Mojave Desert Air Basin is currently designated as a non-attainment region with regard to ozone and particulate matter (California Air Resources Board, 2010). The contribution attributable to the maintenance and repair/replacement of septic systems is not considered to be cumulatively considerable, and therefore, is less than significant.

d) Expose sensitive receptors to substantial pollutant concentrations?

**Less than significant.** Sensitive receptors are considered to be children, the elderly, and the sick. The proposed revisions to the Prohibition are not sources that emit pollutants. However, extending the deadline to comply with the Prohibition would require additional maintenance of the existing septic systems and repair/replacement of failed systems until the centralized sewage collection system and WRF are ready and

properties connect to the system. Septage hauler trucks and construction equipment, which are sources of emission of pollutants, are required for the maintenance and effect repairs/replacements. Emissions from diesel/gasoline engines and particulate material (i.e., dust) from these activities are not considered significant by themselves nor are they expected to expose sensitive receptors to substantial pollutant concentrations. These impacts are unavoidable, but the contribution from these sources will be less than significant because the septage hauler trucks and equipment used to repair/replace systems must comply with California emission standards.

e) Create objectionable odors affecting a substantial number of people?

**Less than significant.** The proposed revisions to the Prohibition in themselves are not sources of odors, but make accommodations to extend the deadlines to phase out the septic systems. This in turn will require additional use of the septic systems until they are connected to the centralized sewage collection system, when it is ready, which in turn requires extended operation and maintenance and repair/replacement of failed systems. Objectionable odors naturally arise from septic systems (e.g., when a septic tank is being serviced by a septage hauler for maintenance), but the odors are short-term in duration (< 1 hr.) and typically confined to the area immediately adjacent to the septic tank and maintenance truck. Therefore, they are not considered significant. Similarly, a failed system may emit objectionable odors, but the odors typically do not extend beyond the property where the system is and are also short-term odors. Prompt repair/replacement reduces the odor nuisance threat to less than significant. Additionally, The Town of Yucca Valley has an ordinance in place that it can enforce to abate and/or prevent nuisance odors. Therefore, the impact from objectionable odors is considered less than significant.

#### **IV. Biological Resources—Would the Project:**

a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?

**No Impact.** Extending the deadlines for compliance with the Prohibition, adjusting the internal boundaries of each Phase and establishing criteria for Deferred Parcels do not affect biological resources.

b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?

**No Impact.** Extending the deadlines for compliance with the Prohibition, adjusting the internal boundaries of each Phase, and establishing criteria for Deferred Parcels affect any riparian habitat or other sensitive natural community.

c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?

**No Impact.** The proposed revisions to the Prohibition do not affect any jurisdictional wetlands.

d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?

**No Impact.** The proposed revisions to the Prohibition do not movement of any native resident or migratory fish or wildlife species nor do they interfere with native or migratory corridors or impede the use of native wildlife nursery sites.

e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy ordinance?

**No Impact.** The proposed revisions to the Prohibition do not conflict with the Town of Yucca Valley policies or ordinances protecting biological resources.

f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?

**No impact.** The proposed Amendment does not conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan.

#### **V. Cultural Resources—Would the project:**

a) Cause a substantial adverse change in the significance of a historical resource as defined in California Code of Regulations, Title 14, Section 15064.5?

**No Impacts.** No impacts will occur to any historical resource as defined in the California Code of Regulations, Title 14, Section 15064.5. There are several areas in and around the Yucca Valley area which can be considered significant historical resources from prehistoric and historic periods, and local history. However, a Cultural Resources Study conducted by CRM TECH did not identify any cultural resources within or adjacent to the likely project areas (Appendix 5, HDWD IS/EA, 2009). However, the proposed revisions are not expected to cause adverse changes in these or other significant historical resources.

b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5?

**No Impact.** No impacts will occur that will cause substantial adverse change in the significance of an archaeological resource as defined in Section 15064.5.

c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?

**No Impact.** Please refer to Vb) above.

d) Disturb any human remains, including those interred outside of formal cemeteries?

**No Impact.** Please refer to Vb) above

#### **VI. Geology and Soils—Would the project:**

a) Expose people or structures to potential substantial adverse effects, including the risk of loss injury, or death involving:

i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.

**No Impact.** The Town of Yucca Valley, as with most of southern California, is in a seismically active area and will most likely be subject to substantial ground shaking during the life of the revised Prohibition, regardless of the proposed revisions to the Prohibition. In short, the proposed revisions to the Prohibition do not expose people or structures to potential substantial adverse geotechnical effects, including adverse effects from rupture of a known earthquake fault.

ii) Strong seismic ground shaking?

**No Impact.** Please refer to VIa)i) above

iii) Seismic-related ground failure, including liquefaction?

**No Impact.** Please refer to VIa)i) above

vi) Landslides?

**No impacts.**

b) Result in substantial soil erosion or the loss of topsoil?

**No Impact.** Please refer to VIa)i), above.

c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral

spreading, subsidence, liquefaction or collapse?

**No Impact.** Please refer to VI(a)i), above.

d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?

**No Impact.** The proposed revisions to the Prohibition are regulatory in nature, and they do not create substantial risks to life or property due to expansive soils.

e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?

**No Impact.** The proposed revisions are necessary to phase out discharges of wastes from septic systems and provide for a centralized sewage collection system and wastewater treatment facility for the Town. The Prohibition bans the use of septic systems in accordance with a time schedule.

#### **VII. Greenhouse Gas Emissions—Would the Project:**

a) Generate Greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?

**Less than significant**--Extending the deadlines to phase out the discharges of wastes from septic systems extends the need for maintenance of existing septic systems affected by the Prohibition. Maintenance of the systems may involve pumping the solids out of the septic systems. This is typically accomplished by septage hauler trucks that are sources of gasoline/diesel byproduct emissions, including greenhouse gases, such as carbon dioxide. Similarly, repairs/replacement of failed systems involves the use of excavation and construction equipment (e.g., tractors, backhoes, etc.) that are sources of gasoline/diesel byproduct emissions, including greenhouse gases. Emissions from diesel/gasoline engines from these activities are not considered significant by themselves, but cumulatively may contribute to greenhouse gas emissions. These impacts are unavoidable, but the contribution from these sources will be less than significant because the septage hauler trucks and equipment used to repair/replace systems must comply with California emission standards.

b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?

**No Impact**—The proposed amendment does not conflict with any applicable greenhouse gas emission plan, policy or regulation.

#### **VIII. Hazard and Hazardous Materials—Would the project:**

a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?

**Less than significant.** The proposed revisions to the Prohibition in themselves do not involve handling, transportation, use, or disposal of hazardous materials. However, maintenance and/or replacement of failed septic systems involve trucks and heavy duty construction equipment that carry relatively very low amounts of petroleum products and other hazardous materials (e.g., hydraulic fluids). Accidental spillage of these products from construction and maintenance equipment poses a hazard to both the operators of the equipment and the environment when it occurs. The risk of these types of accidents happening, however, is very low and remains the same in spite of the proposed revisions to the Prohibition. Regardless, the State Office of Emergency (OES) has spill notification requirements to deal with spills in a timely manner and make sure spills are immediately contained and remediated as needed. Further, the Colorado River Basin Water Board can also exercise its regulatory authority to ensure that spills that threaten state waters are properly cleaned up and abated. Therefore, the impacts from potential spills of hazardous products associated with the referenced equipment used for maintenance and repair/replacement of septic systems is less than significant.

b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?

**Less than significant.** See discussion in VIIIa), above.

c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?

**Less than significant.** There are multiple schools in the Town that rely on septic systems for wastewater treatment and disposal. The potential for spills of hazardous materials does not change as a result of the proposed revisions to the Prohibition. Regardless, the potential is very low and the schools' systems are typically operated and maintained very well and are located in areas not accessible to non-maintenance personnel. Please see also previous response to VIIIa), above. Therefore, the potential for hazardous emissions and/or handling hazardous or acutely hazardous materials is less than significant.

d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?

**No Impacts.** The proposed revisions to the Prohibition do not deal with hazardous materials sites.

e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?

**No Impacts.** The proposed revisions to the Prohibition do not have the potential to pose a safety hazard and do not conflict with the local airport use plan.

f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?

**No Impacts.** The project is not within the vicinity of a private airstrip.

g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?

**No Impact.** The proposed revisions to the Prohibition apply to Yucca Valley urban areas, which are characterized by existing roads. They do not interfere with an adopted emergency response or evacuation plan.

h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?

**No Impacts.** The proposed amendment does not involve placing any new population in a wildland fire hazard area, or the construction of new structures that would be threatened by wildland fires.

#### **IX. Hydrology and Water Quality—Would the project:**

a) Violate any water quality standards or waste discharge requirements?

**Less than significant with mitigation**—Impacts are considered significant if they result in violation of water quality standards or Waste Discharge Requirements (WDRs). A water quality standard for a water body is defined as a particular beneficial use of the water body and the Water Quality Objectives (WQOs) necessary to protect the use. WQOs can be numeric or narrative. The Colorado River Basin Water Board has adopted numeric WQOs for specific chemicals in groundwater that has a designated beneficial use as a municipal water supply (California Regional Water Quality Control Board, Colorado River Basin Region, 1994). One of the designated beneficial uses of groundwater in the Warren Subbasin is municipal (MUN). Subsurface wastewater disposal systems in the Town of Yucca Valley are contributing nitrates to ground water at concentrations that have exceeded the maximum contaminant level for drinking water. The majority of the septic systems in the Town (approximately 10,000 systems) operate without WDRs from the Colorado River Basin Water Board. However, the Town has 15 facilities that generate domestic wastewater and 3 facilities that generate commercial wastewater, which are discharged to community septic systems and are regulated by the Colorado River Basin Water Board through WDRs. Also, on September 17, 2015, the Board adopted WDRs for HDWD's proposed WRF.

The proposed revisions to the Prohibition would prolong the overall time that the septic systems will continue to operate and discharge wastes that contain constituents, such

as nitrates and salts, which can have adverse groundwater quality impacts. These are short-term impacts that cannot be avoided because even if construction of the centralized sewage collection system and WRF proceeds as scheduled, the last component of the collection system (Package D) will not be available until January 2020. Thereafter, it will take approximately another one and one-half years to connect all properties in Phase 1 to the centralized system. However, the impacts can be mitigated by revising the Prohibition so that it prescribes a time schedule that requires and ensures the centralized system and WRF are constructed and operational at the earliest practicable time. This means revising the Prohibition so that it requires that the centralized sewage collection system and WRF for Phase 1 be constructed as scheduled so that: (a) existing discharges from septic systems can start to be phased out in February 2018; (b) all discharges from septic systems in Phase 1 can be phased out by June 2021; and (c) the centralized system and expanded WRF be operational for Phases 2 and 3 by May 2025. The adverse impacts can be further mitigated by ensuring that in the interim unregulated and regulated septic systems are properly operated and maintained, including periodic inspection and pumping of the solids in the septic tanks. The Colorado River Basin Water Board will work with the Town and HDWD to conduct outreach and education to ensure unregulated systems are properly operated and maintained. Similarly, the Board will continue to enforce its WDRs on community and commercial septic systems to ensure they are properly operated and maintained. In spite of these mitigation measures, the short-term impacts on water quality cannot be avoided. In the long-term, however, compliance with the revised Prohibition and the WDRs for the HDWD WRF will eliminate the adverse impacts to water quality caused by the Town's septic systems. On the whole, therefore, these impacts are less than significant with mitigation.

b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support the existing land uses or planned uses for which permits have been granted)?

**No Impact.** The proposed revisions to the Prohibition do not deplete groundwater supplies or interfere substantially with groundwater recharge.

c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?

**No Impact.** The proposed revisions to the Prohibition do not alter any drainage pattern.

d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?

**No Impact.** Please see response to IX.c, above.

e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?

**No Impact.** The proposed amendment extends compliance deadlines to phase out discharges of wastes from septic systems and adjusts the internal boundaries of each phase.

f) Otherwise substantially degrade water quality?

**Less than significant with mitigation.** Degradation, for the purposes of this subsection, consists of the lowering of groundwater quality conditions in the Warren Subbasin. Significant degradation is degradation that violates WQOs. In the short-term, the proposed revisions to the Prohibition can potentially result in additional groundwater quality degradation, which is unavoidable. In the long-term, compliance with the revised Prohibition and the WDRs for the HDWD WRF mitigates the degradation to less than significant. Please see previous response to IXa), above.

g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?

**No impact.** Housing developments are neither required by nor expected to result from the proposed revisions to the Prohibition. Therefore, the proposed amendment will not place housing within a 100-year flood hazard area.

h) Place within a 100-year flood hazard area structures, which would impede or redirect flood flows?

**Less than significant.** The proposed revisions to the Prohibition provide for the construction of a WRF as a means to comply with the Prohibition. A portion of the site for the WRF is within a 100-year flood hazard area. According to the Yucca Valley General Plan, the WRF site and pipeline alignment are in zone with a high 100-year flood hazard potential. The WDRs for the WRF require that the WRF be protected from 100-year flood hazards. Therefore, compliance with the WDRs will avoid significant impacts.

i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?

**No Impact.** The proposed revisions to the Prohibition do not have potential to expose either people or structures to substantial loss or injury related to flooding, including failure of a levee or dam.

j) Inundation by seiche, tsunami, or mudflow?

**No impact.** This proposed revisions to the Prohibition will not expose people or structures to any increased risk of inundation by seiches, tsunamis or mudflows.

**X. Land Use and Planning—Would the Project:**

a) Physically divide an established community?

**No Impacts.** The proposed revisions to the Prohibition will not physically divide an established community.

b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?

**No Impact.** The proposed revisions to the Prohibition do not conflict with any applicable land use plan, policy or regulation.

c) Conflict with any applicable habitat conservation plan or natural community conservation plan?

**No impact.** The proposed amendment does not conflict with any habitat conservation plan or natural community conservation plan.

**XI. Mineral Resources—Would the project:**

a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?

**No Impacts.** The proposed revisions to the Prohibition will not result in any loss of availability of known mineral resources.

b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?

**No Impacts.** The proposed revisions to the Prohibition do not affect any mineral resource recovery site.

**XII. Noise—Would the project result in:**

a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan ordinance, or applicable standards of other agencies?

**Less than significant.** The proposed revisions to the Prohibition would trigger relatively short-term additional operation, maintenance, and repair/replacement of septic systems. Septage hauler trucks and equipment used for maintenance and repair/replacement of septic systems generate noise in the area where the maintenance and/or replacement of the septic systems is taking place. It is expected that may generate noise levels up to 95 decibels (dB) at a 50 foot distance. The Town of Yucca Valley's General Plan uses California Department of Health Services noise standards, which specify that peak hour Equivalent Continuous Sound Level (Leq) noise may exceed 70 dB during working hours based upon the type of equipment to be operated. Accordingly, the impacts from the proposed revisions to the Prohibition are considered less than significant.

b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?

**Less than significant.** See discussion above in section XIIa), above.

c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?

**Less than significant.** See discussion in XIIa), above.

d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?

**Less than significant.** See discussion in XIIa), above.

e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?

**No Impact.** The proposed revisions to the Prohibition will not expose people residing or working there to excessive noise levels.

f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?

**No Impact.** See response XIIe), above.

### **XIII. Population and Housing—Would the Project:**

a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?

**No Impact** The proposed revisions to the Prohibition extend the deadlines for compliance with the Prohibition and accommodate Deferred Parcels. They do not induce population growth.

b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?

**No Impact.** The proposed revisions to the Prohibition will not result in the displacement of any housing.

c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?

**No Impact.** The proposed revisions to the Prohibition will not result in the displacement of any people.

#### **XIV. Public Services—Would the Project:**

Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:

Fire protection?

Police protection?

Schools?

Parks?

Other public facilities?

**Less than significant.** The proposed revisions to the Prohibition extend the deadlines to comply with the Prohibition and provide for construction of a municipal wastewater collection and treatment system, which is a public service necessary to eliminate the threat that discharges of wastes from septic systems pose to groundwater. These publicly owned treatment works are expected to create any additional demands for any of the other above-cited public services. See also response to XIIIa), above.

#### **XV. Recreation—Would the Project:**

a) Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?

**No Impact.** The proposed revisions to the Prohibition do not create any additional demand for recreation facilities.

b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?

**No Impact.** The proposed revisions to the Prohibition do not involve and will not cause the construction or expansion of recreational facilities which might have an adverse effect on the environment.

**XVI. Transportation and Traffic—Would the project:**

a) Cause an increase in traffic, which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections)?

**Less than significant.** The proposed revisions to the Prohibition are not expected to increase traffic beyond current levels.

b) Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?

**Less than significant.** The proposed revisions to the Prohibition will not generate individually or cumulatively the level of service for the Town's roads and Highways.

c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?

**No Impact.** The proposed revisions to the Prohibition do not have the potential to affect any air traffic patterns.

d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?

**Less than significant.** The proposed revisions to the Prohibition will not substantially increase road/traffic hazards.

e) Result in inadequate emergency access?

**Less than significant.** The proposed revisions to the Prohibition will not result in inadequate emergency access.

f) Result in inadequate parking capacity?

**No Impact.** The proposed revisions to the Prohibition do not create the need for new parking capacity.

g) Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?

**No Impact.** The proposed revisions to the Prohibition do not conflict with plans policies or programs supporting alternative transportation.

**XVII. Utilities and Service Systems—Would the project:**

a) Exceed wastewater treatment requirements of the applicable Regional Water Board?

**No Impact.** The proposed revisions to the Prohibition do not exceed Colorado River Basin Water Board requirements.

b) Require or result in the construction of a new water or wastewater treatment facility or expansion of existing facilities, the construction of which could cause significant environmental effects?

**Less than significant.** The proposed revisions to the Prohibition simply extend the deadlines for compliance with the Prohibition. They do not require or result in the construction of a new water or wastewater treatment facility. The decision to construct such a facility was made by the Town of Yucca Valley to comply with the existing Prohibition.

c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?

**Less than significant.** See previous response to XVIIb), above.

d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?

**No impact.** The proposed revisions to the Prohibition simply extend the deadlines for compliance with the Prohibition. Water supplies are not involved.

e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?

**No Impact.** The proposed revisions to the Prohibition simply extend the deadlines for compliance with the Prohibition.

f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?

**No impact.** The revisions to the Prohibition simply extend the deadlines for compliance with the Prohibition.

g) Comply with federal, state, and local statutes and regulations related to solid waste?

**No Impact.** Handling and disposal of the above-cited and sludge and solid wastes need to comply with existing WDRs.

**XVIII. Mandatory Findings of Significance—Does the project:**

a) Have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?

**No Impact.** The proposed revisions to the Prohibition are not expected to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory.

b) Have impacts that are individually limited, but cumulatively considerable (“cumulatively considerable” means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.)?

**Less than Significant.** The proposed revisions to the Prohibition provide for prolonging discharges of septic tank wastes, which contain pollutants at concentrations and in quantities that cumulatively are considered considerable and significant, with significant potential to continue to degrade groundwater quality in the short-term. In the long-term, adverse water quality impacts will be eliminated by the Prohibition. Therefore, the overall impacts from the proposed revisions to the Prohibition are considered less than significant.

c) Have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?

**Less than significant with mitigation.** Even though the proposed revisions to the Prohibition extend the overall time to phase out all of the discharges of septic tank wastes (i.e., it allows them to continue discharging for several more years than originally anticipated), and the wastes have pollutants (e.g., nitrates) that are adversely impacting groundwater quality, HDWD has a sufficient number of domestic groundwater supply wells that have not been adversely impacted by the septic systems and are not expected to be impacted by the relatively short extension to phase out the discharges of wastes from septic systems. Also, HDWD has a nitrate removal water Treatment Plant, which is not currently operating, but can be operated in the short-term should monitoring of the supply wells show that the wastes are adversely impacting them. HDWD also

operates its water recharging program to minimize the contact of recharged groundwater from reaching levels that could interact with nitrates in the vadose zone. In the long-term, compliance with the revised Prohibition and the WDRs for the WRF ensure that groundwater quality is protected to protect public health.

## **XIX. Alternatives Discussion**

### **Alternatives to Proposed Revisions**

The Colorado River Basin Water Board staff considered extending the deadline for Phase 1 beyond June 2021, as requested by HDWD and not establishing construction milestones for the collection system and WRF. However, this would unnecessarily prolong the discharge of septic tank wastes from Phase 1, which would result in additional adverse water quality impacts. Board staff also considered extending the deadline for Phase 1, but only by two years to May 2018. However, this time frame is not realistic because the earliest that all of the discharges from septic systems can be phased out is June 2021, since the last component of the centralized system (Package D—the collection systems for properties in the West side of Phase 1) will not be available until January 2020, and it will take approximately another year and one-half to connect the properties in the west part of the Town for Phase 1 to the system. Therefore, Board staff is recommending extending the overall deadline for Phase 1 to June 2021, but it is also recommending deadlines for each of the construction packages (A through D) to ensure discharges from the septic systems start being phased out as early as early as 2018.

The Colorado River Basin Water Board staff also considered not allowing certain properties in Phase 1 to be shifted to the other two Phases, and instead only allowing properties in Phases 2 and 3 to be shifted to Phase 1. Staff determined, upon further review of the HDWD consultant's design and engineering documents, that this would substantially increase the overall cost of the centralized system, pose significant technical engineering and operational problems for HDWD, and cause significant confusion and compliance problems for property owners without any commensurate water quality benefits. Under these circumstances, staff concluded that it was appropriate to recommend to the Colorado River Basin Water Board that it support HDWD's request to adjust the internal boundaries of the Phases and establish criteria to address the Deferred Parcels.

### **No Action Alternative**

Another alternative that must also be considered is the "no action" alternative. Under this alternative, all property owners who are discharging septic tank wastes in Phase 1 would have to eliminate their discharges of wastes by May 2016. This is practically impossible because, as stated above, construction of all of the components of the centralized system and WRF will not be completed until January 2020, and it will take approximately another year and one-half to complete connection of all of the properties in Phase 1. Consequently, the property owners would be in significant violation of the

Prohibition's current deadline for Phase 1. This would expose them to potential Colorado River Basin Water Board enforcement for failure to phase out their discharges of septic tank wastes by the deadline. Enforcement actions can range from informal to formal enforcement, including potential assessment of administrative civil liability assessed directly by the Board. Also, under this alternative, the current Prohibition's internal boundaries would be different from the HDWD's boundaries. Further, the Prohibition would not provide for connecting the so-called Deferred Properties in accordance with technical and regulatory criteria. These two issues would create significant compliance problems for over 1,000 property owners, since they would not have proper due process notice of which compliance deadlines apply, and would unnecessarily increase the overall costs for the centralized system and WRF. It would also undermine the effort to obtain the vote of the property owners in favor of proceeding with the centralized system and WRF.

Board staff also considered leaving the exemption criteria as is to give substantial consideration to applications accompanied by a letter of support for the exemption from HDWD. But the criteria change requested by the HDWD to delete this criterion is non-substantive. More importantly, the change allows HDWD to focus on completing its sewage infrastructure project and connecting properties to the centralized system. Hence, the "No Action" alternative is not an acceptable option.

### **Preferred Alternative**

There have been significant delays in implementing the environmentally superior alternative to comply with the Prohibition, which is the construction of a sewage collection system and WRF. The projected cost for the HDWD's project is nearly \$150,000,000. The Town of Yucca Valley is considered an economically Disadvantaged Community, with 30% of the population having an income of less than \$15,000 per year. The financing for the centralized system and WRF did not materialize until early this year. Similarly, property owners in the Town of Yucca Valley approved the construction of the system and WRF in May 2015 through voter approval of a sewer assessment district. In sum, the proposed amendment is necessary to ensure the centralized sewage collection system and WRF are built at the earliest practicable date. Changes to the internal boundaries and provisions for dealing with Deferred Parcels are also necessary to keep design and construction costs within budget and HDWD's project moving forward in a timely manner. These changes enable the people of the Town of Yucca Valley to comply with the Prohibition in an orderly manner, accommodate substantial economic considerations for an economically disadvantaged community, and enable the environmentally superior alternative to be implemented at the earliest practicable time so that the discharges of wastes from septic systems are eliminated and groundwater for current and future generations in the Town is protected and enhanced. For these reasons, the proposed amendments to the Basin Plan Prohibition are the preferred alternative.

## **XX. Statement of Overriding Considerations and Determination**

(California Code of Regulations, title 23, section 3777(d).)

The Colorado River Basin Water Board staff has balanced the economic, legal, social, technological, and other benefits of the proposed revisions to the Prohibition against their unavoidable environmental short-term impacts, particularly short-term adverse water quality impacts. Upon review of the environmental information generated for this proposed Basin Plan amendment and in view of the entire record supporting the need for revising the Prohibition, Board staff has determined that specific economic, legal, social, technological, environmental, and other benefits of the proposed revisions outweigh the unavoidable, short-term, adverse environmental effects. Consequently, such adverse environmental effects are acceptable under the circumstances and are needed so that HDWD can implement the environmentally superior alternative to phase out the discharges of septic wastes that are degrading and polluting groundwater. This determination is based upon the fact that most of the identified significant adverse impacts are: (1) temporary nuisance impacts associated with the prolonged use of septic systems and/or repair/replacement of the systems; and (2) short-term water quality impacts associated with the prolonged use and discharges of wastes from septic systems. Furthermore, the reasonably foreseeable means of compliance with the revised Prohibition (i.e., construction of the centralized system and WRF for the Town) are expected to result, over the long term, in positive environmental improvements to the environment, including water quality. Therefore, revising the Prohibition as proposed is in the best interest of the people of the state of California.

#### **PRELIMINARY STAFF DETERMINATION**

- The proposed project COULD NOT have a significant effect on the environment, and, therefore, no alternatives or mitigation measures are proposed.
- The proposed project MAY have a significant or potentially significant effect on the environment, and therefore alternatives and mitigation measures have been evaluated.

Dated: November 15, 2015

#### **REFERENCES**

Carollo Engineers, Hi Desert Wastewater Reclamation Project:

- \_ 2015a, Project Memorandum, August 27, 2015.
- \_ 2015b, Project Memorandum, November 24, 2015.
- \_ 2015b, email to Jose L. Angel, November 16, 2015.