

**REGIONAL WATER QUALITY CONTROL BOARD
SAN DIEGO REGION**

**EXECUTIVE OFFICER SUMMARY REPORT
DECEMBER 8, 2021**

ITEM NO. 7

SUBJECT

Consideration of Tentative Order No. R9-2021-0185, *An Order Rescinding Order No. 94-02, Waste Discharge Requirements for Cowboy Country LLC, Mr. Terry Mathis and Mr. Paul Price; Cowboy Country RV and Resort, Riverside County* (Tentative Order No. R9-2021-0185). (Sherrie Komeylyan)

STAFF RECOMMENDATION

Adoption of Tentative Order No. R9-2021-0185 is recommended.

KEY ISSUES

Tentative Order No. R9-2021-0185 (**Supporting Document 1**), if adopted, rescinds Order No. 94-02, *Waste Discharge Requirements for Mr. And Mrs. Jesse Markle Cowboy Country Recreational Vehicle Park, Riverside County* (Order No. 94-02) and Addendum No. 1 to Order No. 94-02, *An Addendum Transferring Responsibility to Cowboy Country LLC, Mr. Terry Mathis and Mr. Paul Price, Cowboy Country RV and Resort, Riverside County* (collectively Order No. 94-02). The onsite wastewater treatment systems (OWTS) at Cowboy Country RV and Resort (Facility), owned and operated by Cowboy Country LLC, Mr. Terry Mathis, and Mr. Paul Price (Discharger), will be regulated by the County of Riverside under the *Local Agency Management Plan for Onsite Wastewater Treatment Systems* (LAMP).¹

PRACTICAL VISION

Tentative Order No. R9-2021-0185 is consistent with the Strategize for Healthy Waters chapter of the *San Diego Water Board Practical Vision*.² Working as partners with county government helps the San Diego Water Board focus staff resources on larger projects and facilities within the region that pose a greater threat to water quality.

DISCUSSION

The Facility is located at 50005 Bradford Road, Aguanga, in Riverside County (**Supporting Document 2**). San Diego Water Board staff conducted an inspection of the Facility OWTS on January 15, 2020, and did not observe any violations of the requirements specified in Order No. 94-02.

¹ County of Riverside LAMP: <https://www.rivcoeh.org/Portals/0/PDF/Land-Use/LAMP.pdf?ver=2018-12-05-133532-290>

² Practical Vision: https://www.waterboards.ca.gov/sandiego/water_issues/programs/practical_vision/

San Diego Water Board staff reviewed the requirements specified in Order No. 94-02 and the Discharger's annual monitoring reports and determined the Facility's OWTS is eligible for oversight by the County of Riverside under the LAMP. The purpose of the LAMP is to allow continued use of OWTS within the jurisdiction of local agencies and expand the local program to permit and regulate alternative OWTS while protecting water quality and public health. Furthermore, Order No. 94-02 is outdated and is not as protective of water quality as the County of Riverside LAMP, which was developed in accordance with the State Water Resources Control Board's *Water Quality Control Policy for Siting, Design, Operation, and Maintenance of Onsite Wastewater Treatment Systems* (OWTS Policy). The OWTS Policy establishes a statewide, risk-based, tiered approach for regulation and management of OWTS installations and replacements, and recognizes the effectiveness of local permitting agencies. The OWTS Policy allows local agencies to approve OWTS, based on a local ordinance, after the Regional Water Quality Control Board approves the LAMP. The San Diego Water Board approved the County of Riverside LAMP on November 17, 2016.

The San Diego Water Board notified the County of Riverside Department of Environmental Health on September 7, 2021, that the Facility's OWTS is eligible for regulation under the authority of the County of Riverside's LAMP. While the Discharger may request to be regulated under individual waste discharge requirements, the Facility's transfer to the County of Riverside allows the San Diego Water Board to effectively and efficiently regulate OWTS that pose a greater threat to water quality, while prioritizing the use of its limited resources.

SIGNIFICANT CHANGES

The significant differences between the County of Riverside LAMP and Order No. 94-02 are:

1. The Facility will no longer need to submit monitoring reports or pay fees to the State Water Resources Control Board.
2. The Facility will be required to submit all proposed OWTS upgrades and septage pumping records, upon request, to the County of Riverside.

COMPLIANCE RECORD

The San Diego Water Board issued two Notices of Violation for the following violations of Order No. 94-02:

- Failure to submit the 2008 annual report.
- Failure to submit annual fees in 2009 and 2010.

Since the issuance of a Notice of Violation in August 2010, no violations of Order No. 94-02 have occurred.

PUBLIC NOTICE

San Diego Water Board staff sent notification of this action to the Discharger and known interested parties on September 17, 2021 (**Supporting Documents 3 and 4**).

Additionally, the San Diego Water Board posted Tentative Order No. R9-2021-0185 on its website on September 17, 2021. The San Diego Water Board received no comments during the public comment period. These actions satisfy the 30-day public notification and comment period requirements of Water Code section 13167.5.

SUPPORTING DOCUMENTS

1. Tentative Order No. R9-2021-0185
2. Vicinity and Facility Map
3. Tentative Order No. R9-2021-0185 Transmittal Letter
4. Notice of Public Hearing and Written Comment Period