

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

RESOLUTION NO. R7-2004-0017

**PROHIBITION OF DISCHARGE FROM WASTE DISPOSAL
SYSTEMS ON PARCELS LESS THAN ONE-HALF ACRE OVERLYING THE MISSION CREEK
AQUIFER OR THE DESERT HOT SPRINGS AQUIFER IN RIVERSIDE COUNTY IF A SEWER SYSTEM
IS AVAILABLE**

- WHEREAS, Article 3, Chapter 4 of Division 7 of the California Water Code directs each Regional Board to formulate and develop a Water Quality Control Plan to protect the beneficial uses and prevent the nuisance of waters of the region; and
- WHEREAS, Section 13281 of the California Water Code requires the Regional Board to amend the Water Quality Control Plan for the Colorado River Basin Region (Basin Plan) to prohibit the discharge of waste from existing or new individual disposal systems on parcels of less than one-half acre that overlie the Mission Creek Aquifer or Desert Hot Springs Aquifer in Riverside County, if a sewer system is available after January 1, 2004; and
- WHEREAS, It is the intent of this Regional Board to encourage and support local governmental agencies, and to coordinate state and local efforts to develop water quality control measures in unsewered areas; and
- WHEREAS, The Mission Creek Aquifer and Desert Hot Springs Aquifer are part of the Coachella Valley Ground Water Basin, and the Basin Plan specifies the following beneficial uses for ground water in those basins:
- a. Municipal supply,
 - b. Industrial supply, and
 - c. Agricultural supply; and
- WHEREAS, The Mission Creek Aquifer and Desert Hot Springs Aquifer are vulnerable to ground water pollution from septic tanks (nitrate, pathogens, total dissolved solids and other contaminants) due to their high density in permeable unconsolidated soils that characterize the area; and
- WHEREAS, The California Department of Health Services specifies a maximum contaminant level for nitrate of 45 milligrams per liter for domestic water supply, Section 64435, Article 4, Chapter 15, Title 22 of the California Code of Regulations; and
- WHEREAS, The proposed Basin Plan amendment incorporates the language of the California Water Code Section 13281, as required by that section. In enacting the prohibition on subsurface disposal systems, the Regional Board cannot specify the design, location, type of construction or particular manner in which dischargers must comply with the proposed amendment, California Water Code, Section 13360. The proposed amendment is, therefore, a ministerial project exempt from the California Environmental Quality Act (CEQA) pursuant to Section 21080, subd. (b)(1) of the Public Resources Code; and
- WHEREAS, The proposed Basin Plan amendment will prohibit the discharge of waste from existing or new individual disposal system on parcels of less than one-half acre that overlie the Mission Creek Aquifer or Desert Hot Springs Aquifer in Riverside County, if a sewer system is available as required by California Water Code, Section 13281. The amendment also makes nonsubstantive language changes regarding the status of septic prohibitions within the Region, and requires the Mission Springs Water District, which is

lead agency for construction of the sewer system in the area, to submit annual reports pursuant to Section 13225 of the California Water Code; and

WHEREAS, The Regional Board notified interested agencies and persons of its intent to revise Chapter 4, Implementation, part I, section "H. Septic Systems" of the Basin Plan; and

WHEREAS, The Regional Board in a public meeting heard and considered all comments pertaining to the proposed amendment.

NOW THEREFORE BE IT RESOLVED THAT,

1. The California Regional Water Quality Control Board, Colorado River Basin Region, adopts the attached amendment to section "H. Septic Systems" of the Basin Plan, to prohibit the discharge of wastewater from existing or new individual disposal systems on parcels of less than one-half acre that overlie the Mission Creek Aquifer or Desert Hot Springs Aquifer if a sewer system is available after January 1, 2004; and
2. The Regional Board Executive Officer is directed to submit the amendment to the State Board; and
3. The Regional Board Executive Officer is directed to file a Notice of Exemption with the Office of Planning and Research; and
4. The amendment shall become effective when approved by the Office of Administrative Law; and
5. If during the review or approval process the State Board or Office of Administrative Law determines that minor, non-substantive corrections to the language of the amendment are needed for clarity or consistency, the Executive Officer may make such changes, and shall inform the Board of any such changes.

I, PHIL GRUENBERG, Executive Officer, do hereby certify the foregoing is a full, true, and correct copy of a Resolution adopted by the California Regional Water Quality Control Board, Colorado River Basin Region, on March 30, 2004.

Phil Gruenberg
Executive Officer