

STATE WATER RESOURCES CONTROL BOARD
RESOLUTION NO. 75-85

RESOLUTION REGARDING THE REQUEST OF RUNNING SPRINGS COUNTY WATER DISTRICT, ARROWBEAR PARK COUNTY WATER DISTRICT AND SAN BERNARDINO COUNTY SERVICE AREA NO. 79 FOR GRANT FUNDING OF EXPANSION OF RUNNING SPRINGS COUNTY WATER DISTRICT TREATMENT PLANT

WHEREAS:

1. A request for grant funding of construction of treatment plant capacity in the Running Springs County Water District (Running Springs) treatment plant, dated August 25, 1975, has been received by the State Water Resources Control Board (State Board).
2. A similar request from the same agencies was considered and rejected by the State Board during the process of adoption of the 1975-76 Fiscal Year Priority List, including the accepting of testimony at the priority list hearing on March 25, 1975.
3. A hearing regarding the August 25, 1975, request was held by State Board member Roy Dodson in San Bernardino County on September 11, 1975.
4. Testimony and evidence was taken at the hearing regarding the following issues:
 - a. What geographical area (i.e., Arrowbear and County Service Area No. 79 only or these two areas plus Running Springs County Water District) should be considered in determining the percentage of permanent residents for purposes of application of Section 2107(a)(7) of the State Board's regulations?
 - b. What is the real capacity of the Running Springs treatment plant taking into account present waste discharge requirements (Order No. 75-148 of the California Regional Water Quality Control Board, Santa Ana Region), what population (permanent and non-permanent residents) would this capacity reasonably serve and when will this population level be reached?
 - c. Would a denial of grant funding for the treatment plant expansion result in severe financial hardship for owners of property in Arrowbear Park County Water District and County Service Area No. 79?

5. Even if the entire Running Springs regional area is considered for purposes of calculating the percentage of permanent residents, the area does not meet the permanent residency requirements of Section 2107(a)(7) and (8) of the State Board grants regulations (Subchapter 7, Chapter 3, Title 23, California Administrative Code).
6. The treatment plant involved is not currently violating requirements such that it would qualify for priority class D in accordance with Section 2108(b)(4) of the State Board's regulations or would be eligible for any other fundable priority class.
7. The criteria generally used by the State Board to justify a waiver of the State Board's grant regulations to allow funding of a project are:
 - (a) Serious health hazard and
 - (b) Severe financial hardship.
8. Serious health hazard was demonstrated in this case by the fact that the State Health Department by letter dated January 2, 1973, required that Running Springs discontinue use of Deep Creek as a domestic water supply due to high coliform counts from upstream areas.
9. At the hearing of September 11, evidence was submitted which indicated that there will be financial hardship for the permanent residents of Arrowbear and County Service Area No. 79 which is similar in magnitude to that suffered by other areas which have been granted waivers of the requirements of the State Board's regulations in the past, however, no evidence was presented regarding financial hardship to non-permanent residents.
10. There is some question as to whether legal means can be found to allow the benefit of grant funding to be available only to the permanent residents of the areas in question.

NOW THEREFORE BE IT RESOLVED THAT:

1. A waiver of Sections 2107(a)(7) and (8) and 2108(b)(4) for the Running Springs project be granted only to the extent that a project to treat waste from the existing permanent residents of Arrowbear and County Service Area No. 79 be placed on the 1975-76 Fiscal Year Priority List.

2. No grant contract be given unless the agencies involved can demonstrate to the satisfaction of the Water Quality Division that the benefit of grant funds can and will be given only to permanent residents of Arrowbear and County Service Area No. 79.

CERTIFICATION

The undersigned, Executive Officer of the State Water Resources Control Board, does hereby certify that the foregoing is a full, true and correct copy of a resolution duly and regularly adopted at a meeting of the State Water Resources Control Board held on September 18, 1975.

Bill B. Dendy

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Executive Officer