

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
COLORADO RIVER BASIN REGION

RESOLUTION NO. 81-35

ADOPTING GUIDELINES REGARDING GROUPED
OR COMMUNITY SEWERAGE SYSTEMS

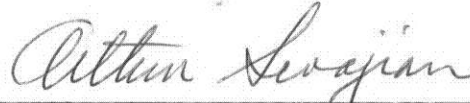
WHEREAS,

1. Article 4, Chapter 4 of Division 7 of the California Water Code contains statutory directives under which any person discharging or proposing to discharge waste shall file a report thereon with the Regional Board, and the Regional Board shall prescribe requirements as to the nature of the discharge with relation to the conditions existing from time to time in the disposal area or receiving waters.
2. Section 13224 of said Division 7 states that each Regional Board may issue policy statements relating to any water quality matter within its jurisdiction.
3. The Regional Board finds it necessary and in the best interests of the State of California and of the residents of this Region that it formulate and adopt guidelines regarding grouped or community sewerage systems.
4. The Regional Board notified interested agencies and persons of its intent to formulate and adopt "Guidelines Regarding Grouped or Community Sewerage Systems".
5. An Initial Study and draft Negative Declaration dated September 4, 1980, was circulated for comment pursuant to California Environmental Quality Act regulations. In a public hearing held on September 24, 1980 in Coachella, the Board heard comments pertaining to the adoption of guidelines regarding grouped or community sewerage systems.
6. The Guidelines were revised subsequent to said public hearing in consideration of comments received at the public hearing. Revised guidelines were again forwarded to interested agencies and persons on November 18, 1980, with provision for submitting additional comments, both by mail and at the January 28, 1981 Board meeting.

7. The Regional Board hereby determines that the proposed action will not have a significant adverse effect on the environment; now therefore be it

RESOLVED, that the California Regional Water Quality Control Board, Colorado River Basin Region, adopts the attached "Guidelines Regarding Grouped or Community Sewerage Systems", to apply within the Colorado River Basin Region, and to become effective when approved by the State Water Resources Control Board.

I, Arthur Swajian, Executive Officer, do hereby certify that 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 January 28, 1981.



Executive Officer

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
COLORADO RIVER BASIN REGION

GUIDELINES REGARDING GROUPED
OR COMMUNITY SEWERAGE SYSTEMS

I. Purpose

These guidelines apply to grouped or community sewerage facilities, such as package plants or evaporation-infiltration ponds which serve dwellings or other units under separate ownerships. They do not apply to common septic tanks with attendant leaching facilities. The guidelines are to assure that facilities such as package plants or evaporation-infiltration ponds are owned and operated by entities which possess the necessary capabilities to operate and maintain them in such a manner as to assure against pollution, nuisance, contamination, and unreasonable degradation of water quality. The guidelines are also designed to assure against violation of Regional Board water quality objectives, and to assure against violations of waste discharge requirements issued by the Regional Board.

II. Statutory Authority

The Regional Board and the State Water Resources Control Board are the State agencies with statutory responsibility to protect the quality of the waters of the State. This statutory authority is set forth in Division 7 of the California Water Code.

III. Application of the Guidelines

- A. These guidelines apply to proposed new grouped or community sewerage facilities serving dwellings or other units under separate ownerships. They also apply to existing sewerage facilities of this nature which are found by the Regional Board to be in violation of issued waste discharge requirements due principally to inadequate maintenance and operation. These guidelines do not apply to either individual or grouped septic tanks and their attendant subsurface leaching facilities.

IV. Findings

The Regional Board finds that:

- A. It is in the public interest for the Regional Board to adopt guidelines for implementation of those provisions of Division 7 of the California Water Code that may be affected by the use of grouped or community sewerage facilities serving dwellings or other units under separate ownerships.

- B. To be capable of preventing pollution or contamination of the waters of the State, or of preventing nuisance, each sewerage facility must be owned and operated by an entity that is capable of providing an adequate funding base for maintenance and operation.
- C. It has been the experience of this Regional Board and of other Regional Water Quality Control Boards throughout the state, that public entities are more capable of providing adequate resources to assure the proper planning, design, construction, operation and maintenance of wastewater systems.
- D. With the establishment of a public entity, legal procedures and remedies are greatly simplified in the event of violation of Board waste discharge requirements.
- E. An inadequate funding base for maintenance and operation of sewerage facilities most usually results from private and/or association ownership of the facilities, causing gross violations of waste discharge requirements for extended periods of time. Final correction most usually is via subsequent formation of or connection to a public sewerage agency. This results in compliance delays and increased costs for residents, due to the need to reorganize and/or purchase the sewerage facilities.
- F. Provision of group or community sewerage facilities is an integral part of any land development which is designed for sale of parcels, and which will not be utilizing individual subsurface sewage disposal facilities. If the developer does not provide the group or community sewerage facilities at his/her expense and if these facilities are not dedicated to public use at the outset, it becomes difficult and expensive to subsequently convert to public agency ownership of the sewerage facilities.
- G. The public agency concept of ownership and operation of community sewerage facilities usually facilitates conservation of water resources through reclamation.
- H. Authority to require developer prepayment, and public use dedication of group or community sewerage facilities is vested in city and county government.

V. Guidelines

- A. Grouped or community sewerage facilities must be designed and constructed, and must have adequate maintenance funding so as to be capable of preventing pollution or contamination of the waters of the State, or creation of nuisance.

B. The Regional Board requests that city and county governments, when considering authorization of a proposed development with proposed grouped or community sewerage facilities as defined above, require annexation to an existing public sewerage entity. Where such annexation is not feasible, it is requested that the developer be required to install grouped or community sewerage facilities at his/her expense, dedicate them to public use at the outset, and assist the city or county government in the formation of a public sewerage entity for ownership and operation of the sewerage facilities. The Regional Board further requests that these requirements upon the developer be established by the city or county government prior to the Board's consideration of issuing waste discharge requirements upon the proposed discharge.

C. Pursuant to California Water Code Section 13260, a Report of Waste Discharge is required by the Regional Board for any proposed discharge. The following requirements must be met and reported before this Board will consider the Report of Waste Discharge to be complete:

1. A public entity must assume legal authority and responsibility for the planning, design, financing, construction, operation, and maintenance of the proposed sewerage collection, treatment, and disposal system.
2. The Report of Waste Discharge must be submitted by the public entity.

D. In the absence of a completed report, the discharge will be prohibited.

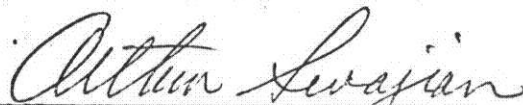
VI. Public Entity Definition

For the purposes of these guidelines, a public entity is defined as the State, a city, a county, or a local agency as defined in the State of California Government Code Section 53090 et. seq., which is empowered to plan, design, finance, construct, operate, maintain, and to abandon, if necessary, any sewerage system or the expansion of any sewerage system. In addition, the entity shall be empowered to provide permits and to have supervision over the location, design, construction, operation, maintenance, and abandonment of sewerage facilities within a land development, and shall be empowered to design, finance, construct, operate, and maintain any facilities necessary for the disposal of wastes pumped from individual sewage disposal systems and to conduct any monitoring or surveillance programs required for water quality control purposes. A homeowners association is not a public entity.

VII. Implementation of the Guidelines

Facilities which are affected by these guidelines and for which a Report of Waste Discharge was received by the Regional Board prior to adoption of these guidelines shall be reviewed on a case-by-case basis regarding applicability of these guidelines. These guidelines shall not be construed as limiting any subsequent action of this Regional Board in fulfilling its duties and responsibilities as contained in said Division 7 of the California Water Code.

I, Arthur Swajian, Executive Officer, do hereby certify that the foregoing is a full, true, and correct copy of "Guidelines Regarding Grouped or Community Sewerage Systems", as adopted by the California Regional Water Quality Control Board, Colorado River Basin Region, via Resolution No. 81-35 on January 28, 1981.



Executive Officer
January 28, 1981