

**STATE OF CALIFORNIA  
REGIONAL WATER QUALITY CONTROL BOARD  
SANTA ANA REGION  
RESOLUTION NUMBER R8-2020-0004**

**BASIN PLAN AMENDMENT  
AMENDING THE WATER QUALITY CONTROL PLAN FOR THE  
SANTA ANA RIVER BASIN  
TO EXPAND EXEMPTIONS TO A WASTE DISCHARGE PROHIBITION ON THE  
USE OF ONSITE SEPTIC TANK-SUBSURFACE DISPOSAL SYSTEMS IN THE  
QUAIL VALLEY AREA OF THE CITY OF MENIFEE, RIVERSIDE COUNTY**

**WHEREAS, the California Regional Water Quality Control Board, Santa Ana Region (hereinafter Santa Ana Water Board), finds that:**

1. An updated Water Quality Control Plan for the Santa Ana River Basin (Basin Plan) was adopted by the Santa Ana Water Board on March 11, 1994, approved by the State Water Resources Control Board (State Water Board) on July 21, 1994, and approved by the Office of Administrative Law (OAL) on January 24, 1995. Subsequent amendments have been made to the Basin Plan;
2. The Santa Ana Water Board may specify areas for and conditions under which the discharge of waste will not be permitted (California Water Code section 13243);
3. Following a public hearing, a regional water quality control board (regional water board) may amend a water quality control plan to limit types of waste discharge (California Water Code sections 13240, 13243, and 13244);
4. Quail Valley is located within the City of Menifee and is within the San Jacinto River Watershed within the jurisdiction of the Santa Ana Water Board. The City of Menifee is located within the County of Riverside. The Quail Valley community is organized into nine subareas as defined by the Quail Valley Sewer Improvements Alternatives Study, Eastern Municipal Water District (EMWD), prepared by PBS&J (August 2005);
5. Surface drainages from the Quail Valley area are tributary to Canyon Lake. Overflows from Canyon Lake are discharged into Lake Elsinore through the San Jacinto River. Both Lake Elsinore and Canyon Lake are identified as impaired for nutrients on the Clean Water Act (CWA) section 303(d) list of impaired waterbodies;
6. The Santa Ana Water Board adopted Total Maximum Daily Loads (TMDLs) to address nutrients for Lake Elsinore and Canyon Lake on December 20, 2004

WILLIAM RUH, CHAIR | HOPE SMYTHE, EXECUTIVE OFFICER

(Resolution Number R8-2004-0037). The TMDLs were approved by the State Water Board on May 19, 2005 (Resolution Number 2005-0038), OAL on July 26, 2005, and the U.S. Environmental Protection Agency on September 30, 2005;

7. The Basin Plan specifies the following beneficial uses of Canyon Lake: warm freshwater habitat (WARM), water contact recreation (REC1), non-contact water recreation (REC2), commercial and sportfishing (COMM), wildlife habitat (WILD), municipal and domestic water supply (MUN), agricultural supply (AGR), and groundwater recharge (GWR);
8. The Basin Plan specifies the following beneficial uses for Lake Elsinore: warm freshwater habitat (WARM), water contact recreation (REC1), non-contact water recreation (REC2), commercial and sportfishing (COMM), rare, threatened, or endangered species (RARE), and wildlife habitat (WILD);
9. In order to protect recreational and public health, the Basin Plan specifies bacterial and nutrient water quality objectives;
10. In 2005, there were approximately 1,400 residents using septic systems in the Quail Valley area. During heavy storm events in 2004 and 2005, approximately 37 percent of the Quail Valley area households surveyed by Riverside County staff had sewage discharges to the ground surface. These systems were failing mostly because of high groundwater, poor soil conditions, shallow impermeable strata, and poor maintenance of septic systems. These conditions, combined with the high density of septic systems in the area, were causing violations of the Basin Plan water quality objectives, thereby impacting designated beneficial uses and causing or contributing to conditions of pollution, contamination, and nuisance. Subareas 4 and 9 had the highest density of septic systems and the highest septic system failure rates;
11. Amendments to the Basin Plan to incorporate the prohibition of discharges of waste from new septic systems in Quail Valley (Quail Valley Prohibition) were approved by the Santa Ana Water Board on October 3, 2006 (Resolution Number R8-2006-0024), the State Water Board on June 19, 2007 (Resolution Number 2007-0038), and OAL on August 20, 2007. The Quail Valley Prohibition required the owners of parcels with a septic system to connect to sanitary sewer service within 12 months of sewer service becoming available and prohibited new septic systems in Quail Valley. New septic systems could be permitted in areas other than Subareas 4 and 9 if the local wastewater agency proposed and complied with a schedule to provide sanitary sewer in Subareas 4 and 9 within five years from the effective date of the prohibition. The sanitary sewer design has not been completed; as a result, no new discharges of waste from septic systems have been permitted in Quail Valley under the exception to the Quail Valley Prohibition;

12. Since the Quail Valley Prohibition came into effect, various agencies, including staff from the Santa Ana Water Board, EMWD, the County of Riverside, and the City of Menifee, have been working to address the sewer service requirements in the prohibition. EMWD obtained funds through the State Water Board and the Santa Ana Watershed Project Authority to connect parts of Subarea 9 to the sewer system. These funds have allowed EMWD to extend the main sewer line to Quail Valley and provide sewer connections to 235 out of 700 parcels in Subarea 9. Additional projects in Subareas 4 and 9 will be completed as additional funding becomes available;
13. On June 19, 2012, the State Water Board adopted the Water Quality Control Policy for Siting, Design, Operation, and Maintenance of Onsite Wastewater Treatment Systems (OWTS Policy). The OWTS Policy establishes a risk-based, tiered approach for minimum performance and protection requirements for the siting and maintenance of septic systems. This policy was added into the Basin Plan under Resolution Number R8-2014-0005;
14. Pursuant to Tier 2 of the OWTS Policy, local agencies may submit a Local Agency Management Program (LAMP) to the appropriate regional water board for approval. Upon approval of and pursuant to the LAMP, the local agency may manage the installation of new and replacement septic systems. The County of Riverside opted to develop and implement a LAMP. The Colorado River Regional Water Quality Control Board, the regional water board designated to approve the County of Riverside's LAMP, approved the County's LAMP in Resolution Number R7-2016-0038 on November 17, 2016. According to the County of Riverside's LAMP, the City of Menifee has an established agreement with the County of Riverside for the County to provide plan check, planning review, and installation oversight for septic systems within the City;
15. On April 22, 2016, Santa Ana Water Board staff provided the Board with an update on the status of the Quail Valley Prohibition, including efforts by EMWD to provide sewer service to portions of the community. The Board received comments from property owners who expressed their frustration that the prohibition of septic systems in Quail Valley prevented them from building on their properties. Following public comments on April 22, 2016, the Santa Ana Water Board directed staff to consider developing exemption criteria to the prohibition on new septic system discharges;
16. Based on the direction from the Santa Ana Water Board, the OWTS Policy, and the County of Riverside's LAMP, staff prepared a Basin Plan amendment (Attachment 1) to expand exemptions to the prohibition of new discharges from septic systems in Quail Valley. The exemptions to the prohibition allow new septic systems in Subareas 1, 2, 3, 5, 6, 7, and 8 as long as the discharges comply with the OWTS Policy and the applicable LAMP. Discharges of waste from new septic systems in

Subareas 4 and 9 remain prohibited. New and replacement septic systems continue to be prohibited in areas where sewer service is available to serve the parcel, and connection to the sanitary sewer is required within 12 months of sewer service becoming available for a parcel;

17. The bases for adopting the original Quail Valley Prohibition, including the density of septic systems and lots in Subareas 4 and 9 and the risk of failed systems in these subareas, continue to pose a risk to water quality that requires the continued prohibition of new discharges from septic systems in these subareas. These Subareas were identified to have a significant number of failed septic systems causing potential health concerns for the residents in the area, especially during rain events. With the density of the properties in Subareas 4 and 9, and unsuitable geologic conditions, installing new septic systems that will perform correctly and not exacerbate the current conditions is highly unlikely. The Santa Ana Water Board has considered all relevant evidence pertaining to discharges from septic systems in the Quail Valley area, including the factors set forth in Water Code section 13241, information provided pursuant to of the Health and Safety Code section 117435, actual and possible adverse impacts of the discharges and septic system failure rates, and the staff report supporting the adoption of the original Quail Valley Septic System Prohibition (Attachment A to the Staff Report). There is substantial evidence in the record that the discharge of waste from new systems in these subareas will result in a violation of water quality objectives, will impair current and future beneficial uses of water, and/or will contribute to pollution, nuisance, or contamination during major storm events.
18. Permitting new septic systems in Subareas 1, 2, 3, 5, 6, 7, and 8 does not pose the same risks to water quality. New and replacement systems in these subareas of Quail Valley must comply with an applicable LAMP or Tier 1 of the OWTS Policy. The OWTS Policy established minimum operating requirements for the appropriate design, location, sizing, spacing, construction, and maintenance of septic systems and the minimum level of performance expected from septic systems to adequately protect water quality and beneficial uses and prevent nuisance, pollution, and contamination. The Riverside County LAMP likewise includes similar minimum operating requirements for septic systems that are currently applicable to the City of Menifee. Should the City of Menifee decide to propose a LAMP in the future, the LAMP would also need to establish minimum operating requirements for septic systems that would be subject to review and approval by the Santa Ana Water Board. The compliance with minimum operating requirements in these subareas will adequately protect water quality and beneficial uses and prevent nuisance, pollution, and contamination.
19. The updated Quail Valley prohibition provides a mechanism to reduce septic system discharges and protect public health from failing septic systems. The prohibition will

continue to reduce the loadings of nutrients and pathogens to Canyon Lake and Lake Elsinore, thereby protecting both public health and beneficial uses.

20. The Basin Plan amendment will assure the reasonable protection of the beneficial uses of surface waters within the Region and is consistent with the State's antidegradation policy (State Water Board Resolution Number 68-16);
21. The Santa Ana Water Board has considered the costs associated with implementation of this amendment, as well as costs resulting from failure to implement septic system control measures necessary to prevent adverse effects on beneficial uses;
22. As demonstrated by the findings above and the record as a whole, the Basin Plan amendment meets the "necessity" standard of the Administrative Procedure Act, Government Code, section 11353, subdivision (b);
23. The Basin Plan amendment does not contain new scientific elements requiring an independent, external, scientific peer review pursuant to Health and Safety Code section 57004. A separate, scientific review was conducted previously for the OWTS Policy;
24. The Basin Plan amendment (Attachment 1) will result in revisions to the Basin Plan Chapter 5 "Implementation;"
25. The process of basin planning has been certified by the Secretary for Natural Resources as exempt from the requirement of the California Environmental Quality Act (CEQA; Public Resources Code section 21000 et seq.) to prepare an Environmental Impact Report (EIR) or a Negative Declaration (ND). The Basin Plan amendment package includes a staff report and Substitute Environmental Documentation (SED), which includes an Environmental Checklist, an assessment of the potential environmental impacts of the Basin Plan amendment, and a discussion of alternatives. The Basin Plan amendment, SED, staff report, and supporting documentation are functionally equivalent to an EIR or ND;
26. On February 22, 2018, a CEQA Scoping Meeting was held regarding revisions to the Quail Valley Prohibition (Resolution Number R8-2006-0024). Participants provided oral comments on the scope and content of the SED prepared for the Basin Plan amendment. Written comments were also provided after the CEQA Scoping Meeting. The comments received in response to the scoping meeting were considered in preparing the subsequent environmental analysis;
27. California Native American tribes traditionally and culturally affiliated with the Quail Valley area have been notified of the revisions to the Quail Valley Prohibition pursuant to Public Resources Code section 21080.3.1. None of the tribes notified identified cultural resources in Quail Valley;

28. Based on the environmental analyses described in the SED, the Santa Ana Water Board finds that there is no fair argument that the Basin Plan amendment could result in any reasonably foreseeable significant adverse environmental impacts; therefore, no mitigation measures are proposed;
29. The Santa Ana Water Board prepared and distributed a Public Notice, the proposed Basin Plan amendment, and the SED regarding adoption of the Basin Plan amendment in accordance with applicable State environmental regulations (California Code of Regulations, title 23, sections 3775–3782);
30. On January 16, 2020, the Santa Ana Water Board held a public hearing to consider the Basin Plan amendment. Notice of the public hearing was given to all interested persons and published in accordance with Water Code section 13244;
31. The Basin Plan amendment must be submitted for review and approval by the State Water Board and OAL. Once approved by the State Water Board, the amendment is submitted to OAL. The Basin Plan amendment will become effective upon approval by OAL. A Notice of Decision will then be filed; and
32. The Notice of Filing, the staff report, environmental checklist, and the draft amendment were prepared and distributed to interested individuals and public agencies for review and comment in accordance with State and federal regulations (California Code of Regulations, title 23, section 3775).

**Therefore, be it resolved that:**

1. The Santa Ana Water Board has reviewed and considered the record for this matter, including the information contained in the staff report and SED, all written comments, and all oral testimony provided at the public hearing held on January 16, 2020;
2. The Santa Ana Water Board hereby approves and adopts the SED;
3. The Santa Ana Water Board adopts the revised Quail Valley Septic System Prohibition (Attachment 1) as an amendment to the Basin Plan. The revised Quail Valley Septic System Prohibition in Attachment 1 supersedes and replaces the prohibition established under Resolution Number R8-2006-0024 in the Basin Plan, exclusive of the map, as set forth in Attachment 2 to this resolution;
4. The Executive Officer is directed to forward copies of the Basin Plan amendment to the State Water Board in accordance with the requirements of section 13245 of the California Water Code;
5. The Santa Ana Water Board requests that the State Water Board approve the Basin Plan amendment, in accordance with sections 13245 and 13246 of the California Water Code, and forward it to OAL for approval;

6. If, during its approval process, the State Water Board or OAL 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;
7. The Executive Officer is authorized to sign a Certificate of Fee Exemption in lieu of payment of the California Department of Fish and Wildlife filing fee;

I, Hope A. Smythe, 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, Santa Ana Region, on January 16, 2020.

Original signed by Hope Smythe

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Hope A. Smythe  
Executive Officer

## Attachment 1: Quail Valley Onsite Wastewater Treatment System Prohibition Effective Date:

On October 3, 2006, the Santa Ana Water Board adopted a Basin Plan amendment prohibiting the use of on-site septic tank-subsurface disposal systems in the Quail Valley area of Riverside County (Resolution No. R8-2006-0024). The Basin Plan amendment prohibited discharges from new on-site septic tank-subsurface disposal systems (which included onsite wastewater treatment systems); required existing on-site septic tank-subsurface disposal systems to connect to sanitary sewer service, if available; applied to all areas in Quail Valley; and included an exception to the prohibition: if the local sewerage agency had installed or designed a sanitary sewer system for Subarea 4 and Subarea 9 by August 20, 2012, new systems could be permitted in the remaining subareas. The prohibition became effective on August 20, 2007. On [RB Adoption Date], the Santa Ana Water Board revised the Quail Valley On-site Septic Tank-Subsurface Disposal System Prohibition, which is now referred to as the Quail Valley Onsite Wastewater Treatment System Prohibition.

Quail Valley Onsite Wastewater Treatment System Prohibition (Resolution R8-2020-0004):

### **1 Definitions**

#### 1.1 Location

“Quail Valley” is a community located within the City of Menifee in Riverside County and includes nine subareas.

#### 1.2 Onsite Wastewater Treatment System(s) (OWTS)

“Onsite wastewater treatment system(s)” (OWTS) (commonly known as septic systems) means individual disposal systems, community collection and disposal systems, and alternative collection and disposal systems that use subsurface disposal. The short form of the term may be singular or plural. OWTS do not include graywater systems regulated under Health and Safety Code section 17922.12.

#### 1.3 Existing OWTS

“Existing OWTS” means an OWTS that is properly functioning, permitted, and installed before the effective date of this Quail Valley Prohibition Amendment, [EFFECTIVE DATE].



#### 1.4 New OWTS

“New OWTS” means an OWTS that was not approved or installed before the effective date of this Quail Valley Prohibition Amendment [EFFECTIVE DATE]. Replacement systems for existing OWTS are not considered new OWTS.

#### 1.5 OWTS Policy

“OWTS Policy” means the Statewide Water Quality Control Policy for Siting, Design, Operation and Maintenance of Onsite Wastewater Treatment Systems Policy (Resolution 2012-0032). The OWTS Policy established minimum operating requirements for the siting and construction of septic systems and the minimum level of performance expected from septic systems. The goal of the OWTS Policy is to correct and prevent system failures due to poor siting and design and excessive OWTS densities.

#### 1.6 Local Agency Management Program (LAMP)

“Local Agency Management Program” (LAMP) means a program developed by local agencies and approved by a Regional Water Quality Control Board to manage the installation of new and replacement OWTS within the jurisdiction of that program pursuant to Tier 2 of the OWTS Policy.

### **2 OWTS Prohibition**

The discharge of waste from new OWTS in Quail Valley is prohibited, except as provided in section 3 below.

### **3 Exemptions to the OWTS Prohibition**

The discharge of waste from new OWTS is prohibited unless the following conditions are met:

- 3.1 The system is in Subareas 1, 2, 3, 5, 6, 7, or 8, and
- 3.2 There is no available sanitary sewer service to serve the parcel, and
- 3.3 The system meets the conditions and requirements of (1) an applicable, approved LAMP, or (2) if there is no applicable, approved LAMP at the time the system is to be installed, Tier 1 of the OWTS Policy.

#### **4 LAMP Reporting**

By February 1 of each year, local agencies implementing a LAMP and/or the OWTS Policy for Quail Valley must submit to the Santa Ana Water Board the number, location, and description of permits issued for new and replacement OWTS in Quail Valley. This information is to be submitted for the preceding reporting period of January 1<sup>st</sup> to December 31<sup>st</sup>.

#### **5 Requirement to Connect to Sanitary Sewer Service**

The owner of an OWTS in Quail Valley must discontinue use of the OWTS and must connect to the sanitary sewer service within 12 months of sewer availability within 200 feet of the property served by the OWTS.

## Attachment 2: Updates to Chapter 5 of the Basin Plan

The following text shows the proposed updates to the Quail Valley On-site Septic Tank-Subsurface Disposal System Prohibition (added by Resolution Number R8-2006-0024) in Chapter 5 of the Basin Plan. Text in ~~strikeout~~ is proposed to be removed from the Basin Plan. Text in underline is proposed to be added to the Basin Plan.

### ~~Quail Valley On-site Septic Tank-Subsurface Disposal System Prohibition (The following was added under Resolution No. R8-2006-0024)~~

~~On October 3, 2006, the Board adopted a Basin Plan amendment prohibiting the use of septic tank subsurface disposal systems in the Quail Valley area of Riverside County in accordance with the following:~~

~~Effective Date: August 20, 2007~~

- ~~(1) The discharge of waste from new on-site septic tank subsurface disposal systems in the Quail Valley area of Riverside County is prohibited, if a sewer system is available to serve the lot. Except as provided in (2) below, the discharge of waste from existing on-site septic tank subsurface disposal systems in the Quail Valley area of Riverside County is prohibited, if a sewer system is available to serve the lot.~~
- ~~(2) All existing septic tank subsurface disposal systems shall connect to the sewer designed to serve the lot within one year of sewer installation. New septic tank subsurface disposal systems shall not be permitted in Quail Valley if a sewer system is available to serve the lot.~~
- ~~(3) This prohibition applies to all areas within Quail Valley as depicted on a detailed map maintained in the Regional Board office (Quail Valley Septic Tank Prohibition Boundary Map). A copy of the boundary map is attached as Attachment "A".~~
- ~~(4) Upon the effective date of this prohibition, new septic systems in Quail Valley (see Attachment "A") shall not be permitted, except as follows:~~
  - ~~(a) For areas in Quail Valley other than areas 4 and 9, new systems may be permitted, provided the Regional Board finds that the sewerage agency proposes, and is on schedule, to provide sewer service for areas 4 and 9 within five years of the effective date of this amendment, and if the lot proposed for a septic system meets all Board and Riverside County requirements.~~
  - ~~(b) If the Board finds that the sewerage agency cannot meet the schedule identified in 1(4)(a), above, but that design of the project proceeds~~

~~nonetheless, then, upon completion of the sewer system design, new systems may be permitted in areas other than 4 and 9, if all Board and Riverside County requirements are met.~~

**Quail Valley Onsite Wastewater Treatment System Prohibition (The following was added under Resolution Number R8-2020-0004)**

Effective Date:

On October 3, 2006, the Santa Ana Water Board adopted a Basin Plan amendment prohibiting the use of on-site septic tank-subsurface disposal systems in the Quail Valley area of Riverside County (Resolution No. R8-2006-0024). The Basin Plan amendment prohibited discharges from new on-site septic tank-subsurface disposal systems (which included onsite wastewater treatment systems); required existing on-site septic tank-subsurface disposal systems to connect to sanitary sewer service, if available; applied to all areas in Quail Valley; and included an exception to the prohibition: if the local sewerage agency had installed or designed a sanitary sewer system for Subarea 4 and Subarea 9 by August 20, 2012, new systems could be permitted in the remaining subareas. The prohibition became effective on August 20, 2007. On [RB Adoption Date], the Santa Ana Water Board revised the Quail Valley On-site Septic Tank-Subsurface Disposal System Prohibition, which is now referred to as the Quail Valley Onsite Wastewater Treatment System Prohibition.

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- 3.2 There is no available sanitary sewer service to serve the parcel, and
- 3.3 The system meets the conditions and requirements of (1) an applicable, approved LAMP, or (2) if there is no applicable, approved LAMP at the time the system is to be installed, Tier 1 of the OWTS Policy.

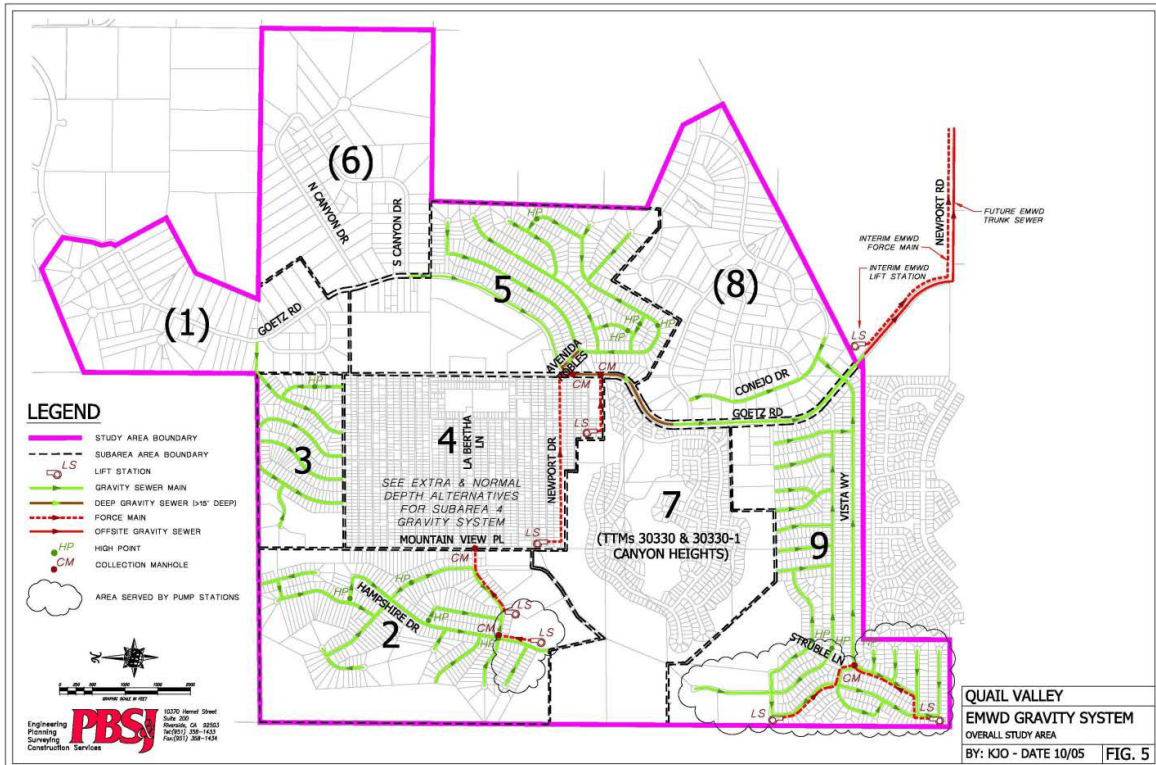
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The owner of an OWTS in Quail Valley must discontinue use of the OWTS and must connect to the sanitary sewer service within 12 months of sewer availability within 200 feet of the property served by the OWTS.

**ATTACHMENT "A": MAP OF QUAIL VALLEY PROHIBITION AREA  
FIGURE 5-1a**



**(End of amendment adopted under Resolution No. R8-2006-0024)**

**(End of amendment adopted under Resolution Number R8-2020-0004)**