

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SANTA ANA REGION

RESOLUTION R8-2017-0043

APPROVING THE LOCAL AGENCY MANAGEMENT PROGRAM
FOR
CITY OF YUCAIPA

1. WHEREAS, on June 19, 2012, the State Water Resources Control Board (State Water Board) adopted Resolution No. 2012-0032, which in part approves the Water Quality Control Policy for Siting, Design, Operation, and Maintenance of Onsite Wastewater Treatment Systems (OWTS Policy) statewide; and
2. WHEREAS, the OWTS Policy, allows Local Agencies to propose Local Agency Management Programs (hereafter LAMP) for California Regional Water Quality Control Board, Santa Ana Region approval, as conditional waivers of waste discharge requirements; and
3. WHEREAS, City of Yucaipa and the LAMP's area of applicability extends within the boundaries of the Santa Ana Regional Water Quality Control Board; and
4. WHEREAS, on May 12, 2016, the City of Yucaipa submitted an initial draft LAMP for review by the Santa Ana Regional Water Board; and
5. WHEREAS, the Santa Ana Regional Water Board solicited, received, and incorporated comments from the State Water Resources Control Board, Division of Drinking Water into the draft LAMP; and
6. WHEREAS, on, September 17, 2017, the Santa Ana Regional Water Board completed discussions on the draft LAMP and checklist; and
7. WHEREAS, on September 25, 2017, the Santa Ana Regional Water Board provided an opportunity for the public to review and submit comments by posting a notice of public hearing, staff report, draft LAMP; tentative Resolution R8-2017-0043; and
8. WHEREAS, on October 13, 2017, the Santa Ana Regional Water Board notified the City of Yucaipa of a necessary modification to the draft LAMP to incorporate the existing Basin Plan prohibition for discharge of wastes from subsurface leaching-percolation systems within a specified area in the City of Yucaipa; and
9. WHEREAS, the City of Yucaipa and the Santa Ana Regional Water Board staff worked collaboratively in the development of the LAMP and has determined that the LAMP addresses the required elements of the OWTS Policy; and therefore recommends Santa Ana Regional approval by adoption of Resolution R7-2017-0043; and
10. WHEREAS, in compliance with California Environmental Quality Act (CEQA), the City of Yucaipa has determined that approval of the LAMP and adoption of an ordinance implementing the LAMP to regulate Onsite Wastewater Treatment Systems in the City will

be exempt from CEQA pursuant to CEQA Guidelines section 15308: Actions by Regulatory Agencies for Protection of the Environment.

11. WHEREAS, on November 3, 2017, the Santa Ana Regional Basin Water Board, in a public meeting, heard and considered all comments pertaining to this action;

THEREFORE, BE IT RESOLVED:

1. That the California Regional Water Quality Control Board, Santa Ana Region, hereby approves the LAMP submitted by the City of Yucaipa, as modified by the attached Errata; and
2. That the approved LAMP becomes effective upon adoption of the implementing ordinance by the City of Yucaipa; and
3. That the OWTS Policy's Tier 0 (zero), Existing OWTS, extends regulatory coverage to existing systems, which are properly functioning and do not need corrective action, and can otherwise comply with the criteria in the Waiver of Waste Discharge Requirements (Waiver), prescribed as Section 12 in the OWTS Policy, and for the purposes of compliance with the Waiver, City of Yucaipa shares Board authority to designate that an existing system needs corrective action; and
4. The Santa Ana Regional Water Board directs that City of Yucaipa may continue to implement onsite programs within their local jurisdiction; and
5. That the Board further directs its Executive Officer to act on its behalf, to process for review, comment and ultimate approval of future modifications to the LAMP submitted by the City of Yucaipa.

I, Hope A. Smythe, Executive Officer, do hereby certify the foregoing is a full, true, and correct copy of Resolution R8-2017-0043 adopted by the California Regional Water Quality Control Board, Santa Ana Region, on November 3, 2017.



Hope A. Smythe
Executive Officer

ITEM NO. *7

November 3, 2017

ERRATA SHEET

**Local Agency Management Program for Onsite Wastewater Treatment Systems
City of Yucaipa**

(Language deleted is ~~strike-out~~)

(Language added is underlined)

Make the following changes to the September 7, 2017 draft City of Yucaipa LAMP:

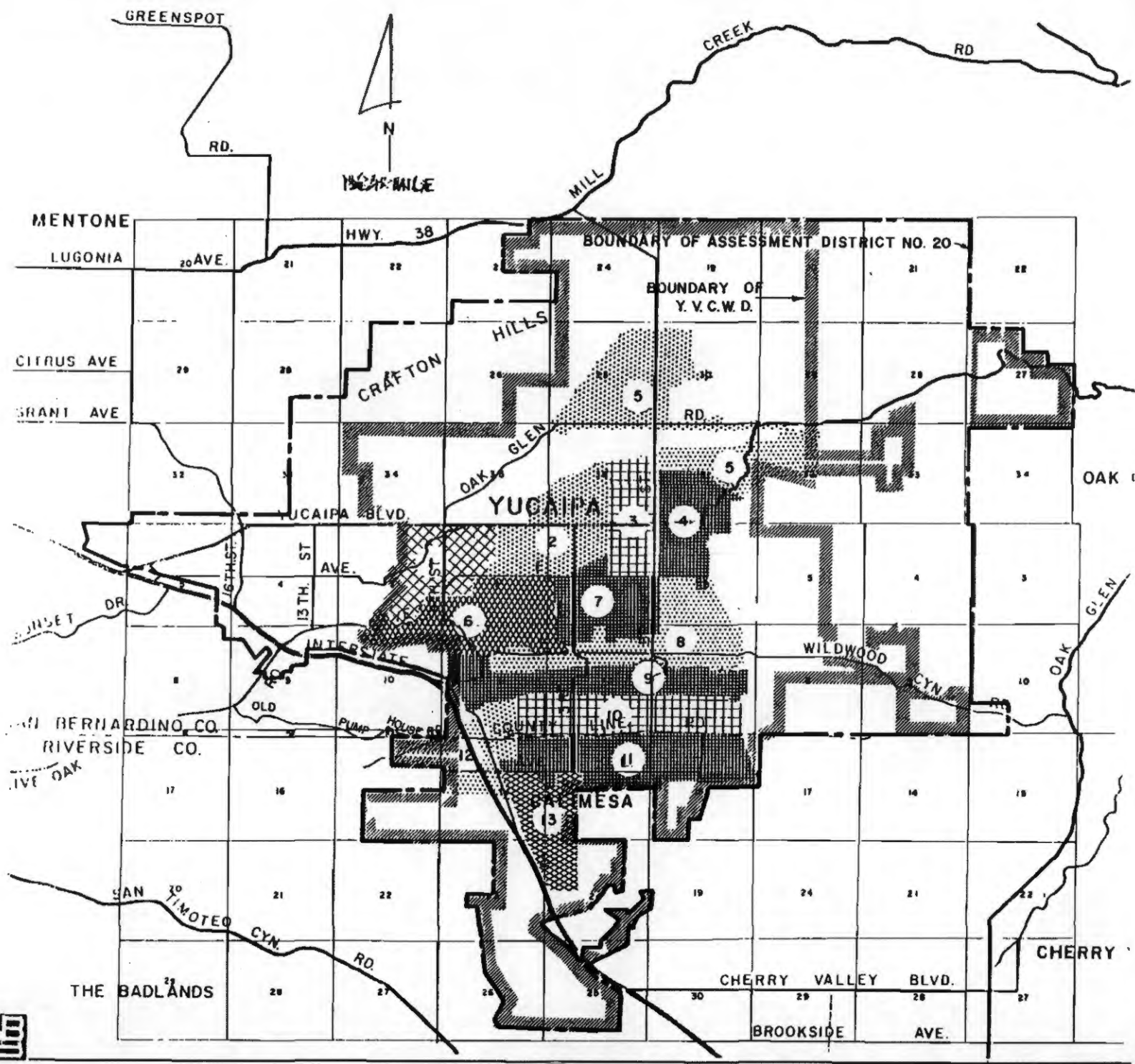
1. Add new chapter: Chapter 9 Special Areas of Concern – Prohibition
2. New Chapter 9 Special Areas of Concern – Prohibition: Add the following paragraphs:

In March 9, 1973, the Regional Board adopted a prohibition of the discharge of wastes from subsurface leaching-percolation systems (OWTS) in the Yucaipa-Calimesa area. The prohibition was adopted based on the determination by Regional Board staff that public health, water quality and nuisances were occurring as the result of individual OWTS usage. A timeline schedule was adopted and revised several times to allow for the development and construction of a sewerage system to serve properties. The deadline for elimination of OWTS and connection to the sanitary sewer system within the prohibition area was February 1, 1988.

The City of Yucaipa recognizes that the prohibition as specified in the Chapter 5, starting on page 5-7 of the Basin Plan is still in effect. New OWTS are prohibited within the prohibition area unless the applicable exemption criteria, specified as Appendix V of the Basin Plan are met. The boundaries of the prohibition area are indicated in the following map. The Basin Plan may be found at: https://www.waterboards.ca.gov/santaana/water_issues/programs/basin_plan/

The City will continue to review those proposals for the proposed use of OWTS within the prohibition area and will refer those projects that meet the exemption criteria to the Santa Ana Waterboard for final consideration.

3. New Chapter 9 Special Areas of Concern – Prohibition: Add the attached map
4. New Chapter 9 Special Areas of Concern – Prohibition: Add the attached Appendix V Exemption Criteria



APPENDIX V

SUBSURFACE DISPOSAL SYSTEMS EXEMPTION CRITERIA

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SANTA ANA REGION



INDIANA AVENUE, SUITE 200
IRVINE, CALIFORNIA 92706-4298
PHONE: (714) 684-9330

DISCHARGE PROHIBITIONS
SUBSURFACE LEACHING-PERCOLATION SYSTEMS
EXEMPTION CRITERIA

On March 9, 1973, following a public hearing, the California Regional Water Quality Control Board, Santa Ana Region, adopted a waste discharge prohibition as an amendment to the Interim Water Quality Control Plan for the Santa Ana River Basin. Portions of this waste discharge prohibition have been subsequently revised, and the following waste discharge prohibition was adopted as part of the Water Quality Control Plan, following a public hearing on May 13, 1983:

CHAPTER 4
WASTE DISCHARGE PROHIBITIONS

"3. Prohibitions Applying to Subsurface Leaching-Percolation Systems

The discharge of waste within the areas listed below from leaching or percolation systems installed after July 1, 1973, is prohibited. An exemption to this prohibition may be granted after presentation by the proposed discharger of geologic and hydrologic evidence that the leaching or percolation disposal of waste will not, individually or collectively, result in a pollution or nuisance.

- a. Grand Terrace - (CSA 70, Improvement Zone H)
- b. Yucaipa-Calimesa - (Yucaipa Valley County Water District)
- c. Lytle Creek above 2,600 feet elevation
- d. Mill Creek above 2,600 feet elevation
- e. Bear Valley - (includes Baldwin Lake drainage area)"

"The discharge of waste within the areas listed below is prohibited according to the time schedule indicated for each area. An exemption to the prohibition may be granted whenever the Regional Board finds that the continued use, operation, or maintenance of septic tanks, cesspools, or other means of subsurface leaching or percolation systems, in the particular area, will not individually or collectively, directly or indirectly, affect water quality.

- a. Grand Terrace - July 1, 1976
- b. Yucaipa-Calimesa - February 1, 1988*
- c. Lytle Creek - July 1, 1978
- d. Mill Creek - July 1, 1978
- e. Bear Valley - July 1, 1980"

*Date revised by Regional Board action and Water Resources Control Board approval February 14, 1986.

In addition, the Regional Board directed the staff to prepare guidelines for the administration of the exemption provisions provided in the discharge prohibitions. The purpose of these guidelines is: (1) to set down procedures to be used by the staff of the Regional Board in processing requests for exemptions; (2) to determine the criteria on which a request for exemption will be evaluated; (3) to establish equitable procedures for those projects that were underway at the time the Board adopted the prohibition, and; (4) to provide the necessary communication and coordination among the various persons and public agencies involved in the areas affected by the discharge prohibition.

1. PROCEDURES FOR PROCESSING REQUESTS FOR EXEMPTIONS

1. All persons requesting an exemption from the waste discharge prohibition should provide the following data to the Regional Board office:
 - a. Name and address of the owner or agent, job location, legal description of property, type of occupancy.
 - b. A copy of a soil report^{1*} should be submitted to the Regional Board and the County Health Department.
 - c. Any other necessary information upon which the request for an exemption may be evaluated.
2. Within 15 days of the receipt of the above information, the applicant will be notified that the application is complete or that additional information is required to make a final determination.
3. The Regional Board will request the County Health Department to review and comment upon the acceptability of the use of subsurface leaching or percolation systems on the property.
4. The Regional Board staff is delegated the authority to grant or deny an exemption from the waste discharge prohibition upon review of the information provided and the comments received by the County Health Department.
5. If the exemption is granted, the applicant will be provided with (2) copies of the attached form (Attachment "A") to be presented to the San Bernardino County Building Department or the Riverside County Department of Public Health for approval of a building permit.
6. If the exemption is denied, the applicant will be provided with a copy of the denial and the reasons for denial (Attachment "A"). The applicant may file a request for review of the exemption denial with the Regional Board within 10 days after receipt of the denial and a hearing will be held at the next convenient Regional Board meeting.

*See notes on Page 9

7. The Executive Officer will report to the Regional Board at its regular meetings the number of exemption approvals and/or denials which have been processed by the staff.

II. DEVELOPMENTS OR PROJECTS UNDERWAY PRIOR TO THE EFFECTIVE DATE OF THE WASTE DISCHARGE PROHIBITION

1. All land development projects or individual dwelling units which have received valid County building permits prior to July 1, 1973, will be issued an exemption from the prohibition provided the construction phase of the project proceeds as required by applicable County statutes.
2. All land development projects which were in process of review by local planning commission staffs prior to the Regional Board hearing on March 9, 1973, will be granted an exemption upon review of the design criteria for subsurface disposal. Additional information may be required to establish the acceptability of subsurface disposal for these projects.
3. All land development projects which made application to the County Planning Commission after March 9, 1973, but have not received approval by July 1, 1973, may be exempted from the prohibition on a case-by-case basis depending upon the relevant factors involved in assessing the project's impact on water quality and public health.
4. Developments or projects which have allowed the prior approval of the planning commission to expire will be required to apply for an exemption according to the criteria hereinafter provided.
5. All projects which receive exemption approval from the July 1, 1973, date will be subject to the termination of discharge contained in the final date of the waste discharge prohibition unless exemption is also obtained from this compliance date.
6. The Regional Board may, at its discretion, establish waste discharge requirements for any development which has received an exemption from the prohibition.
7. The expansion or replacement of an existing disposal system will not be subject to the discharge prohibition unless new development is involved or according to guidelines previously adopted by the County Building Department.

III. PROHIBITION - EXEMPTION CRITERIA

MOUNTAIN AREAS

Big Bear Valley

A. Unsewered U. S. Forest Service Permit Tracts:

SEE SPECIFIC CRITERIA BY TRACT AND LOT

B. Private (Fee) Lands

1. NO EXEMPTION

a. Any dwelling within 200 feet of existing sewer designed to serve the lot.

b. Big Bear Lake Watershed

Areas within existing Sewer Service Areas (City of Big Bear Lake and CSA 53-B), including the following camps:

Camp Cedar Lake (Herriman Lodge)
Camp Moshava
Pine Summit Camp
Presbyterian Conference Grounds
SA-HA-LE
Sacred Heart
Young Nak
Big Bear Youth LDS
Bellows Lodge

c. Baldwin Lake Watershed

Areas within Big Bear City
Com. Service District. (BBCCSD)

2. EXEMPTION FROM JULY 1, 1980 DATE

a. Areas outside existing Sewer Service District Boundaries (City of Big Bear Lake and Big Bear City Community Service District) including the following camps, tracts, subdivisions, etc.

Camp Whittle (YMCA)
Osito Rancho
Camp Oaks
Edgerton Tract
H. S. Wilson Subdivision
Big Bear Land and Water Company - Sec. 16 (T2N, R2E)

These private properties may be granted exemptions from the discharge prohibition upon submittal of an engineering report which assesses the impacts of discharge from individual septic tank systems. Presently improved private properties (existing discharges) must submit such a report prior to June 1, 1982. In order to be granted an exemption, geologic and hydrologic evidence must be presented which shows that the discharge of wastes will not, individually or collectively, directly or indirectly, affect water quality.

b. Lake Williams Area

Exempt: Must meet San Bernardino County Requirements

Lytle Creek Area (above 2,600 feet elevation)

A. NO EXEMPTION:

1. Any dwelling within 200 feet of existing sewer designed to serve the lot.
2. All commercial ^{2*} and industrial properties. (Commercial and industrial properties may be considered for an exemption under the provisions hereinafter described ONLY if the peak waste loads do not exceed the volume of human waste equivalent to that generated from a 3-bedroom, 2-bath dwelling as defined by the Uniform Plumbing Code.)

B. EXEMPTION FROM JULY 1, 1973, DATE

Sewage holding tanks are required for all household waste except:

Household waste ^{3*} other than sanitary wastes ^{4*} can be discharged to subsurface disposal systems only from a single family residence located on a lot of 1/2 acre ^{5*} or more, in which no part of the leach field or disposal system is located within 200 feet ^{6*} of Lytle Creek or 100 feet ^{6*} of any other stream ^{7*} and subject to an approved soil report ^{1*} by the County.

*See notes on Page 9

C. EXEMPTION FROM JULY 1, 1978, DATE

Sewage holding tanks are required for all household waste except:

Household waste ^{3*} other than sanitary wastes ^{4*} can be discharged to subsurface disposal systems only from a single family residence located on a lot of one acre ^{5*} or more, in which no part of the leach field or disposal system is located within 200 feet ^{6*} of Lytle Creek or 100 feet ^{6*} of any other stream ^{7*} and subject to an approved soil report ^{1*} by the County.

Mill Creek Area (above 2,600 feet elevation)

A. NO EXEMPTION

1. Any dwelling within 200 feet of existing sewer designed to serve the lot.
2. All commercial ^{2*} and industrial properties. (Commercial and industrial properties may be considered for an exemption under the provisions hereinafter described ONLY if the peak waste loads do not exceed the volume of human waste equivalent to that generated from a 3-bedroom, 2-bath dwelling as defined by the Uniform Plumbing Code.)

B. EXEMPTION FROM JULY 1, 1973, DATE

Any single family residence located on a lot of 1/2 acre ^{5*} or more, in which no part of the leach field or disposal system is located within 200 feet ^{6*} of Mill Creek or 100 feet ^{6*} of any other stream ^{7*}, and subject to approval of a soil report ^{1*} by the County.

C. EXEMPTION FROM JULY 1, 1978, DATE

Any single family residence located on a lot of one acre ^{5*} or more, in which no part of the leach field or disposal system is located within 200 feet ^{6*} of Mill Creek or 100 feet ^{6*} of any other stream ^{7*}, and subject to approval of a soil report ^{1*} by the County.

VALLEY AREAS

Yucaipa-Calimesa Area (Yucaipa Valley County Water District)

A. NO EXEMPTION:

1. Any dwelling within 200 feet of existing sewer designed to serve the lot.

2. All commercial^{2*} and industrial properties. (Commercial and industrial properties may be considered for an exemption under the provisions hereinafter described ONLY if the peak waste loads do not exceed the volume of human waste equivalent to that generated from a 3-bedroom, 2-bath dwelling as defined by the Uniform Plumbing Code.)

B. EXEMPTION FROM JULY 1, 1973, DATE**

1. A soil report^{1*} approved by the County and a lot size of one-half acre^{8*} minimum.
2. Areas within the four assessment districts (1, 2, 4, 13) that have sewer lines already constructed or subsequent districts where construction is complete. Single family residences, not to exceed a total of 400 dwelling units, which can meet the following conditions. (The subsurface percolation/leaching system can be conventional or temporary.)
 - a. The percolation rates must meet County regulations (see Soil Report, attached).
 - b. There must not be any reported septic tank system premature failures due to soil or ground water problems within a 300-foot radius of the proposed residence.
 - c. A plot plan must be provided showing location of adjacent neighbors' septic tanks and disposal areas.
 - d. There must be a minimum of 20 feet horizontal distance from any part of the proposed disposal system to a neighbor's disposal system.
 - e. There must be adequate area for the disposal system based on County requirements for conventional or temporary systems.
 - f. The proposed units must be serviceable by existing sewer lines.
 - g. Sewer assessment fees must be paid to the District prior to this approval.

The above exemptions are dependent on the YVCHD's maintaining the sewage treatment plant construction schedule for completion on or before June 15, 1986.

C. EXEMPTION FROM FEBRUARY 1, 1986, DATE

- A soil report^{1*} approved by the County and a lot size of one acre^{5*} minimum.

*See notes on Page 9.

**Exemption Criteria revised by Regional Board action and Water Resources Control

Grand Terrace Area (CSA 70, Improvement Zone H)

A. NO EXEMPTION:

1. Any dwelling within 200 feet of existing sewer designed to serve the lot.
2. All commercial^{2*} and industrial properties. (Commercial and industrial properties may be considered for an exemption under the provisions hereinafter described ONLY if the peak waste loads do not exceed the volume of human waste equivalent to that generated from a 3-bedroom, 2-bath dwelling as defined by the Uniform Plumbing Code.)

B. EXEMPTION FROM JULY 1, 1973, DATE

Soil report^{1*} approved by the County and a lot size one-half acre^{5*} minimum.

C. EXEMPTION FROM JULY 1, 1976, DATE

Soil report^{1*} approved by the County and a lot size of one acre^{5*} minimum.

*See notes on Page 9.

DEFINITIONS AND NOTES

- 1 Soil report - see Attachment "B".
- 2 COMMERCIAL: This includes, but is not limited to, wholesale or retail sales activities, multiple family unit developments of two (2) or more units (such as mobilehome parks, condominiums, apartment-house complexes, etc.).
- 3 Wastes from sinks, showers, washing machines.
- 4 Toilet wastes.
- 5 Excluding streets, curbs, and other public improvements.
- 6 As measured from the edge of the channel, map distance.
- 7 Stream shown on U.S.G.S. 7½' Quad. Map.
- 8 Including easements (except where stormwater/floodflow easements are likely to cause disposal problems).

Attachment "B"

SOIL REPORT

In order that all test procedures and reporting be standardized, the following outlines are the basic requirements for acceptance of reports by the Counties of San Bernardino and Riverside and the Water Quality Control Board. Such reports shall be prepared by a Registered Civil Engineer or a California Certified Engineering Geologist.

The San Bernardino County Department of Public Health and the Riverside County Department of Public Health have the responsibility for review of all unsewered lots within the areas of concern of the Water Quality Control Board. In order for your lot to be considered for the installation of an individual sewage disposal system, a Soil Report must be filed with these departments for approval. If the lot is acceptable for a system, the report will be approved. It, then, must be submitted to the Regional Board for consideration for exemption. If the exemption is granted, an Attachment "A" can be submitted to the County department responsible for approval of building permits.

The report shall include the normal routine items such as owner's name, address, job location, legal description of property, lot size, date of test, type of occupancy of property, etc.

Percolation tests are required for each lot parcel. The tests procedure shall be as described by applicable County regulations for leachfield and seepage pit systems.

A descriptive log of the soil shall be furnished for each test. A statement of ground water elevation shall be made. No proposed system can be approved where evidence indicates water quality will be adversely affected.

The engineer or geologist preparing the report shall include in the Soils Report a plot plan, a system design, and other information required by the County Health Department.