

# CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD COLORADO RIVER BASIN REGION

**Office**  
73-720 Fred Waring Dr. #100  
Palm Desert, CA 92260

[Colorado River Water Board Webpage](#)

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## RESOLUTION R7-2021-0028

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I, PAULA RASMUSSEN, Executive Officer, hereby certify that the following is a full, true, and correct copy of the resolution adopted by the California Regional Water Quality Control Board, Colorado River Basin Region, on June 15, 2021.

*Original Signed By*

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PAULA RASMUSSEN  
Executive Officer

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD  
COLORADO RIVER BASIN REGION

**RESOLUTION R7-2021-0028**

ADOPTING AN AMENDMENT TO THE WATER QUALITY CONTROL PLAN  
FOR THE COLORADO RIVER BASIN REGION TO REVISE THE SEPTIC TANK  
PROHIBITION FOR THE TOWN OF YUCCA VALLEY – SAN BERNARDINO  
COUNTY

WHEREAS, the California Regional Water Quality Control Board, Colorado River Basin Region (Colorado River Basin Water Board) finds that:

1. The Water Quality Control Plan for the Colorado River Basin Region (Basin Plan) is the central document outlining the Colorado River Basin Water Board's plan for preserving and enhancing water quality in the region for the protection of beneficial uses for present and future generations. The Basin Plan contains the region's beneficial uses for groundwaters and surface waters, water quality objectives to protect those beneficial uses, and implementation programs to achieve the water quality objectives.
2. The Basin Plan was adopted by the Colorado River Basin Water Board on November 17, 1993 (Resolution 93-145) and last amended on January 8, 2019.
3. On May 19, 2011, the Colorado River Basin Water Board adopted Resolution R7-2011-0004 approving an amendment to the Basin Plan to establish a prohibition of septic tank discharges in the Town of Yucca Valley, San Bernardino County (Prohibition), which went into effect on April 10, 2012. Under this amendment, the Prohibition required phasing out wastewater discharges from septic systems pursuant to the following time schedule:
  - Phase 1 by May 19, 2016
  - Phase 2 by May 19, 2019
  - Phase 3 by May 19, 2022
4. On March 10, 2016, the Colorado River Basin Water Board adopted Resolution R7-2016-0001 approving an amendment to the Basin Plan to revise the Prohibition, which went into effect on March 7, 2017. The amendment revised the Prohibition as follows:
  - Extended the deadline for Phase 1 from May 19, 2016, to June 30, 2021;
  - Extended the deadline for Phases 2 and 3 from May 19, 2019, and May 19, 2021, respectively, to a single deadline of December 31, 2025;
  - Revised the internal boundaries for Phases 1, 2, and 3 to coincide with the adjusted phase boundaries provided by the Hi-Desert Water District (HDWD); and
  - Incorporated criteria for addressing deferred properties.

5. This Resolution approves an amendment to the Basin Plan to revise the Prohibition for a second time (Amendment); specifically, the Amendment modifies Chapter 4 of the Basin Plan, Section II. Point Source Controls, H. Septic Systems, 2. Prohibitions, iii. Town of Yucca Valley, as provided in **Attachment 1**.
6. Colorado River Basin Water Board staff have prepared a detailed Staff Report describing the Amendment, including a description of the necessity of and rationale for this update to the Basin Plan. The Colorado River Basin Water Board reviewed, considered, and accepted the Staff Report before taking action on the Amendment. In summary, the Amendment revises the Prohibition in the following key ways:
  - Combines Phases 2 and 3 into a single Phase 2;
  - Extends the deadline for Phase 1 from June 30, 2021 to December 31, 2023;
  - Extends the deadline for Phase 2 from December 31, 2025 to December 31, 2028 if the western Joshua tree does not get listed as threatened or endangered, or to December 31, 2031 if it does get listed;
  - Adds deferred parcels with a net increase of 625 parcels;
  - Provides a 180-day compliance period after the collection system becomes available when the dischargers need to connect;
  - Adds compliance date extensions for parcels with recently installed Onsite Wastewater Treatment Systems (OWTS);
  - Adds a connection criterion for deferred parcels that will require HDWD to construct a collection system for any deferred parcels that remain 15 years after their phase deadline;
  - Requires Advanced Treatment Units (ATU) for new and replacement OWTS on exempt parcels;
  - Revises reporting requirements to include additional information but less frequent reports;
  - Provides an updated map to show the revised phases and deferred parcels; and
  - Revises the language for clarity, accuracy, and consistency.
7. The Amendment was developed in accordance with Water Code section 13240 et seq. and meets the “necessity” standard of the Administrative Procedure Act in Government Code section 11353, subdivision (b)(2)(C). The Amendment is necessary to amend the deadlines so that compliance with the Prohibition is achieved and the project is constructed at the earliest practicable time without putting property owners subject to the Prohibition potentially in non-compliance. The Amendment is also necessary to ensure that the Basin Plan has the most up-to-date information available to maintain clarity among users.
8. The original Prohibition adopted under Resolution R7-2011-0004 underwent scientific peer review pursuant to Health and Safety Code section 57004. The peer

review panel concluded the Prohibition was needed and scientifically warranted, particularly in parts of the Town of Yucca Valley with a high density of septic tanks. The revisions to the Prohibition from this Amendment address policy, compliance, and economic issues that are within the discretion of the Colorado River Basin Water Board and do not change the scientific basis for the Prohibition. The Amendment therefore does not include scientific elements requiring independent, external scientific peer review.

9. Pursuant to Public Resources Code section 21080.5, the Natural Resources Agency has approved the basin planning process of the State Water Board and Regional Water Quality Control Boards as a “certified regulatory program” that satisfies California Environmental Quality Act (CEQA; Public Resources Code section 21000, et seq.) requirements for preparing environmental documents. (14 Cal. Code Regs. § 15251, subd. (g).)
10. The Colorado River Basin Board adopted Substitute Environmental Documents (SEDs) for the original Prohibition under Resolution R7-2011-0004 and for the revised Prohibition under Resolution R7-2016-0001. None of the revisions to the Prohibition from the Amendment will result in any new significant environmental effects or in a substantial increase in the severity of the prior impacts disclosed in the prior SEDs. Further, there are no changes in circumstances or new information that would otherwise warrant any subsequent or supplemental environmental review under Public Resources Code section 21166 or CEQA Guidelines sections 15162 or 15163. The Colorado River Basin Water Board has therefore determined that the prior SEDs adequately address the potential environmental impacts of the Prohibition, as revised, and no further environmental review is necessary. These findings are documented in the Addendum that is Attachment 4 of the Staff Report.
11. In amending the Basin Plan, the Colorado River Basin Water Board considered Water Code sections 13240 through 13242.
12. The public has had reasonable opportunity to participate in review and adoption of the Amendment. A draft of the Amendment and supporting documents was circulated to interested parties for a 45-day comment period between March 23, 2021 and May 7, 2021. Colorado River Basin Water Board Staff held a public workshop remotely on April 13, 2021. The Colorado River Basin Water Board held a public hearing on June 15, 2020 to consider adoption of the Amendment, and the Colorado River Basin Water Board considered all evidence provided by staff and the public at the hearing.
13. Following adoption by the Colorado River Basin Water Board, the Amendment and associated administrative record will be submitted for review and approval to the State Water Resources Control Board (State Water Board) and to the Office of Administrative Law (OAL). The Amendment shall become effective upon OAL approval.

14. The Amendment does not involve the adoption or revision of any water quality standards for surface water. Approval of the Amendment by the United States Environmental Protection Agency (USEPA) is therefore not required.

THEREFORE, BE IT RESOLVED THAT:

1. Pursuant to Water Code section 13240 et seq., the Colorado River Basin Water Board, after considering the whole of the record, including oral testimony at the hearing, hereby approves the Staff Report and adopts the Amendment to the Basin Plan to revise the septic tank prohibition for the Town of Yucca Valley, San Bernardino County, as set forth in **Attachment 1** of this Resolution.
2. The Colorado River Basin Water Board's Executive Officer (Executive Officer) is directed to submit the Amendment to the State Water Board in accordance with the requirements of Water Code section 13245.
3. The Colorado River Basin Water Board requests that the State Water Board approve the Amendment in accordance with Water Code sections 13245 and 13246.
4. The Executive Officer is authorized to submit the Amendment adopted by this Resolution to OAL for approval and to the USEPA for informational purposes.
5. If during the approval process, Colorado River Basin Water Board Staff, the State Water Board, or OAL determines that minor, non-substantive modifications to the language of the Amendment are needed for clarity or consistency, the Executive Officer may make such changes and shall inform the Colorado River Basin Water Board of any such changes.

**Attachment 1**

Changes to the Basin Plan are detailed below.

**1. Chapter 4**

Revise the text in Chapter 4 of the Basin Plan, Section II. Point Source Controls, H. Septic Systems, 2. Prohibitions, iii. Town of Yucca Valley as follows.

**[Delete the following text:]**

~~iii. **Town of Yucca Valley**~~

**[Insert the following text:]**

**iii. Yucca Valley OWTS Prohibition**

**(a) Definitions**

For the purposes of the Yucca Valley OWTS Prohibition, the following definitions apply:

1. **Onsite Wastewater Treatment Systems (OWTS)** are individual disposal systems, community collection and disposal systems, and alternative collection and disposal systems that use subsurface disposal.
2. **For residential parcels a municipal sewage collection system is considered available** when the public sewer or any building or exterior drainage facility connected thereto is located less than 200 feet from any existing or proposed building or exterior drainage facility on the parcel, and the parcel abuts and is served by such public sewer.
3. **For non-residential parcels a municipal sewage collection system is considered available** when the public sewer or any building or exterior drainage facility connected thereto is located less than 500 feet from any existing or proposed building or exterior drainage facility on the parcel, and the parcel abuts and is served by such public sewer.
4. **The sewer availability date** is the first day when the municipal sewage collection system is available.
5. **The individual prohibition deadline** is the day when the prohibition of OWTS goes into effect for a specific parcel based on the provisions contained in the Yucca Valley OWTS Prohibition.
6. **Deferred parcels** are parcels where the installation of a municipal sewage collection system is not economically or technically advisable, and is not required, until sufficient development occurs, as described in subsection ~~(2)(2)(e)(2)~~.
7. **A deferred area** is a continuous set of deferred parcels that would be serviced by a segment of sewer line that could be readily connected to the available centralized sewer system.
8. **A discharger** is any person or entity that discharges domestic wastewater from OWTS within Phases 1 and 2 defined in Appendix C of the Basin Plan.

9. An **Advanced Treatment Unit (ATU)** is an OWTS component capable of reducing specific constituents in wastewater not normally achieved by other treatment options such as septic tanks.

**[Delete the following text:]**

~~Pursuant to section 13280 of the Water Code, the discharge of wastewater from new or existing individual disposal systems on parcels within Phase 1, Phase 2, and Phase 3 of the Hi-Desert Water District Sewer Master Plan (Final Report, January 2009) is prohibited with certain exceptions noted below.~~

~~(a) Time Schedule for Implementation~~

~~This prohibition shall become effective for all parcels within the boundaries of the prohibition in accordance with the following time schedule:~~

<del>Phase</del>	<del>Deadline<sup>1</sup></del>
<del>Phase 1</del>	<del>June 30, 2021</del>
<del>Phase 2</del>	<del>December 31, 2025</del>
<del>Phase 3</del>	<del>December 31, 2025</del>

~~Construction of the Hi-Desert Water District (HDWD) municipal sewage collection system and wastewater treatment and reclamation facility (WRF) for the Town of Yucca Valley shall proceed in accordance with the following milestones and schedule:~~

<del>Package</del>	<del>Start Construction</del>	<del>Complete Construction</del>
<del>Package A: Collection System East</del>	<del>July 31, 2016</del>	<del>February 28, 2018</del>
<del>Package B: Pumping Stations</del>	<del>September 30, 2016</del>	<del>April 30, 2018</del>
<del>Package C: Collection System Central</del>	<del>October 31, 2017</del>	<del>April 30, 2019</del>
<del>Package D: Collection System West</del>	<del>December 31, 2018</del>	<del>March 31, 2020</del>
<del>WRF</del>	<del>February 28, 2017</del>	<del>July 31, 2019</del>

**[Insert the following text:]**

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~~<sup>1</sup> Or when a municipal sewage collection system becomes available, whichever comes first. A municipal sewage collection system is defined as "available" once the system is operational, and is located within 500 lineal feet of an existing or proposed new disposal system discharge.~~

(b) Implementation

Pursuant to Water Code section 13280, the discharge of wastewater from OWTS within Phases 1 and 2 defined in Appendix C of the Basin Plan, shall be prohibited, in accordance with the following schedule:

1. For Phase 1: by December 31, 2023;
2. For Phase 2:
  - a. by December 31, 2028 if western Joshua tree is not listed as threatened or endangered by the California Fish and Game Commission;
  - b. by December 31, 2031 if western Joshua tree is listed as threatened or endangered by the California Fish and Game Commission;
3. Or when a municipal sewage collection system becomes available, whichever comes first.

Alternative deadlines apply to some dischargers as described in section (e) of the Yucca Valley OWTS Prohibition. Hi-Desert Water District (HDWD) shall complete the construction of the municipal sewage collection system in time to make it available at all parcels within the Prohibition Phases 1 and 2 in accordance with the above schedule. Dischargers shall connect to the municipal sewage collection system and cease discharging from OWTS within 180 days of their individual prohibition deadline.

**[Delete the following text:]**

~~Regarding the availability of and need to connect to the centralized sewer system, the District shall provide property owners in Phase 1 at a minimum the following two notifications:~~

~~**1st Notification:** a 90-day advance notice (by mail), as to when the approximate date the sewage collection system will become “available” for them to connect; and~~

~~**2nd Notification:** another written notification, within 10 days of when the system is actually “available,” that the system is “available,” and they need to connect to it.~~

~~**Within one hundred (100) days following the first round of the 2nd Notification**, and every month thereafter on the 15th day of the month, HDWD shall submit to the Colorado River Basin Water Board a technical report in the form of a letter with the names and address of property owners who have not connected to the sewage collection system as required even though the system is available for them to connect. Further, a detailed progress schedule to connect property owners to the sewage collection system shall be available on the HDWD’s Project webpage ([www.protectgroundwater.org](http://www.protectgroundwater.org)) throughout the Project.~~

**[Insert the following text:]**

(c) Sewer Availability Notifications

Regarding the availability of and need to connect to the municipal sewage collection system, HDWD shall provide each property owner at a minimum the following two notifications:



1. 90 days or more before the projected sewer availability date, announcing when the municipal sewage collection system will become available and advising of the requirement to connect to it within 180 days of that date; and
2. Within 14 days after the sewer availability date, confirming the municipal collection system's availability and advising of the requirement to connect to it within 180 days of the sewer availability date.

A schedule of the projected sewer availability dates shall be made available by HDWD through its website until all properties within Phases 1 and 2 are connected.

(d) Discharge from OWTS

New, replacement or existing OWTS on all parcels where the individual prohibition deadline has not passed may discharge as regulated by the local agency under the *Water Quality Control Policy for Siting, Design, Operation and Maintenance of Onsite Wastewater Treatment Systems (OWTS Policy)*, or by the Regional Water Board under a waste discharge requirements permit, in accordance with any other applicable provisions in the Yucca Valley OWTS Prohibition.

(e) Alternative Deadlines

Phase deadlines shall not apply to certain dischargers and shall be replaced with alternative deadlines as described below.

(1) Recent OWTS Installations

For parcels where new or replacement basic OWTS were installed less than 36 months prior to the sewer availability date, the individual prohibition deadline shall be 36 months after the OWTS installation date. Owners of such OWTS shall provide proof of the installation date to the Regional Water Board.

For parcels where a new or replacement OWTS consisting of an ATU designed to remove at minimum 50% nitrogen was installed less than 60 months prior to the sewer availability date, the individual prohibition deadline shall be 60 months after the OWTS installation date. Owners of such OWTS shall provide proof of the installation date and nitrogen removal rates to the Regional Water Board.

**[Delete the following text:]**

~~(b) Deferred Parcels~~

~~Parcels identified in Appendix A of the March 2016 Staff Report prepared in support of this amendment (hereafter "March 2016 Staff Report") shall connect to the HDWD's centralized sewage collection system and WRF when they meet any of the following criteria:~~

- ~~1. An area of Deferred Parcels has experienced enough development to meet a threshold of 1.7 equivalent dwelling units (EDU) per 100 feet of pipe;~~
- ~~1. A street or area is 80 percent developed; or~~
- ~~2.1. An area has experienced enough development to generate flows resulting in a minimum of 2 feet per second (fps) flushing velocity.~~

**[Insert the following text:]**

(2) Deferred Parcels

The individual prohibition deadlines for all deferred parcels shall be the same as their sewer availability date, unless other alternative deadlines apply. HDWD shall construct the municipal sewage collection system so that the sewer availability date occurs by December 31 of the second year after one of the following criteria is met by the corresponding deferred area<sup>2</sup>:

1. A deferred area has experienced enough development to meet a threshold of 1.7 equivalent dwelling units (EDU) per 100 feet of pipe; or
2. A deferred area is 80 percent developed; or
3. A deferred area has experienced enough development to generate flows resulting in a minimum of 2 feet per second (fps) flushing velocity; or
- 4.4. The phase deadline passed more than 15 years ago.

**[Delete the following text:]**

~~(c) Internal Boundaries for Phases 1 through 3~~

~~The internal boundaries for Phases 1 through 3 shall be realigned and defined as recommended in the March 2016 Staff Report. Parcels in Alternative Area 1, which are identified in Appendix B of the March 2016 Staff Report, shall be moved from Phase 1 into Phase 2; Parcels in Alternative Area 2, which are identified in Appendix B of the March 2016 Staff Report, shall be moved from Phase 1 into Phase 3; and Parcels in Phases 2 and 3, which are identified in Appendix C of the March 2016 Staff Report, shall be moved into Phase 1, as recommended in the March 2016 Staff Report. Thus, the internal boundaries of each Phase of the Prohibition shall be as shown in Figure 7 of the March 2016 Staff Report and are defined as follows:~~

- ~~1. The Phase 1 area shall be bounded by Barron Drive to the north, Highland Trail to the south, La Contenta Road to the east, and Camino Del Cielo Trail to the west;~~
- ~~2. The Phase 2 area shall be bounded by Onaga Trail to the north, Golden Bee Drive to the south, La Contenta Road to the east, and Rockaway Avenue to the west; and~~
- ~~3. The Phase 3 area shall cover the remaining residential customers on the west end of HDWD's service area, along with some low to medium density residential customers located north of the Yucca Wash up to Cobalt Road; and some low to medium density residential customers located south of Golden Bee Drive and north of South Park Road.~~

~~(d) Monitoring and Reporting~~

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<sup>2</sup> With the exception of properties that have received an exemption granted by the Regional Water Board's Executive Officer.

~~Pursuant to section 13225 of the Water Code, by June 2016, and every calendar quarter thereafter on the 15th, HDWD shall submit to the Regional Water Board a report regarding the construction of the centralized sewage collection system and WRF. The report shall describe overall progress to build the centralized system and WRF; number of parcels connected to the system; and overall progress to achieve compliance with the Prohibition. HDWD shall also submit bi-annual reports to the Regional Water Board by January 1st and July 1st of each year regarding the status of Deferred Parcels. Specifically, the report shall address whether any Deferred Parcel and/or areas where Deferred Parcels are located meet any of the criteria specified in paragraph (b), above.~~

**[Insert the following text:]**

(f) Reporting

Pursuant to Water Code section 13225, HDWD shall submit the following reports to the Regional Water Board:

(1) Construction Progress Reports

On an annual basis by the 15th day of February, HDWD shall submit to the Regional Water Board reports regarding the construction of the municipal sewage collection system and the wastewater reclamation plant (WRP) during the reporting period of the preceding calendar year. Reports shall be submitted annually until all construction is complete, including the municipal sewage collection system for deferred parcels. Each report shall include the following information for the reporting period, as applicable: description of progress building the municipal sewage collection system; description of progress building the WRP; the latest available construction schedule; number and percentage of parcels in each phase connected to the municipal sewage collection system; and other activities to achieve compliance with the Yucca Valley OWTS Prohibition.

(2) Deferred Parcels Status Reports

On an annual basis by the 15<sup>th</sup> day of February, HDWD shall submit to the Regional Water Board reports regarding the status of deferred parcels. Each report shall be organized in editable spreadsheet format and shall list all deferred parcels that have met any of the criteria specified in section (e)(a)(1)(e)(2), above prior to December 31 of the previous calendar year. The reports shall contain the following information for each parcel, as applicable: Assessor's Parcel Number (APN), address, which connection criterion was met, calendar year when the connection criterion was met, connection status, expected connection date, and actual connection date.

(3) Connection Compliance Reports

On a biannual basis by the 15th day of January and July, HDWD shall submit to the Regional Water Board reports documenting all properties to date that did not connect to the municipal sewage collection system within 180 days of their individual prohibition deadline. The reports may be submitted on a more frequent basis as requested by the Regional Water Board staff or per HDWD's discretion. The reports shall be organized in editable spreadsheet format and contain the following information, as applicable: APN, property owner name, property owner mailing address, date of the individual prohibition deadline, type of alternative deadline, date of the first report where the noncompliance was listed, current connection status, and the date when the property was connected.

**[Delete the following text:]**

~~(e) Prohibition Exemptions~~

~~Exemptions to this Prohibition shall be considered and may be granted by the Regional Water Board on a case-by-case basis pursuant to an application submitted to the Executive Officer by any person or entity that is subject to the Prohibition (Discharger). Such exemptions shall be based upon the weight of the evidence demonstrating the existence of unique conditions applicable to the Discharger, its discharge, and its property in question. These conditions include, but are not limited to, technical, environmental, or economic conditions that would make connection to the collection system or installation of an on-site advanced treatment and disposal system technically impracticable or economically excessively burdensome. To be considered for an exemption, the Discharger shall apply to the Executive Officer for relief in writing and document the conditions that would make connection to the collection system or installation of an advanced on-site treatment and disposal system technically impracticable or economically excessively burdensome. The application shall also include:~~

- ~~1. Written quotes from three state-licensed commercial contractors regarding the estimated cost to install, operate, and maintain the advanced on-site treatment and disposal system; and~~
- ~~2. A financial statement regarding the applicant's average income for the last five years, and the applicant's most recent property value assessment.~~

~~The Executive Officer shall have thirty (30) days from receipt of the application to notify the Discharger in writing whether the application is complete. Following receipt of a complete application, the Executive Officer shall make a preliminary determination of whether the Discharger qualifies for an exemption and shall make a recommendation to the Regional Water Board based on that determination whether the exemption should be granted or denied. The Executive Officer shall then notify the Discharger in writing regarding that recommendation and when the matter will be scheduled for the Regional Water Board's consideration at a public hearing.~~

**[Insert the following text:]**

(g) Prohibition Exemptions

Exemptions to the Yucca Valley OWTS Prohibition shall be considered and may be granted by the Regional Water Board on a case-by-case basis pursuant to an application submitted to the Regional Water Board's Executive Officer by a discharger or by HDWD. Such exemptions shall be based upon the weight of the evidence demonstrating the existence of unique technical or environmental conditions applicable to the property in question that would make connection to the municipal sewage collection system technically impracticable or economically excessively burdensome. If such circumstances exist, the applicant must also demonstrate that the continued discharge would not pose a significant threat to water quality. To be considered for an exemption, the applicant shall apply to the Regional Water Board's Executive Officer for relief in writing and provide the following information, as applicable:

1. Property address, APN, land use type, and size in acres; and

2. OWTS description: system capacity in gallons per day (gpd), average or anticipated flow in gpd, treatment unit type (such as septic tank, ATU, or other), disposal system type (such as leach field, seepage pit, or other), and disposal system parameters (length, depth)<sup>3</sup>; and
3. Evidence that the connection to the municipal sewage collection system public sewer would be technically impracticable or economically excessively burdensome, such as:
  - a. A map of the planned municipal sewage collection system layout demonstrating that the system will not be made available to the parcel, as defined in subsections (a)(2) and (a)(3); or
  - b. A certification from HDWD that it will not make the municipal sewage collection system available to the parcel, as defined in subsections (a)(2) and (a)(3); or
  - c. Written quotes from three state-licensed commercial contractors regarding the estimated cost to build a lateral connection to the municipal sewage collection system.
4. Any other relevant evidence as requested by Regional Water Board staff.

The Regional Water Board's Executive Officer shall:

1. Within thirty (30) days from receipt of the application notify the discharger in writing whether the application is complete or request additional information as necessary; and
2. Verify the information and decide to approve or deny the exemption based on the provided evidence; and
3. Within (60) days of certifying that the application is complete, notify the discharger, HDWD, and the local agency implementing the OWTS Policy of the decision regarding the exemption status of the property in question.

In the absence of a response from the Regional Water Board's Executive Officer, the exemption shall be considered denied. An exemption would waive the requirement to meet the deadlines that are listed in the Yucca Valley OWTS Prohibition; it would not exempt the discharger from applicable OWTS Policy provisions, the requirement to submit a Report of Waste Discharge (ROWD), other existing requirements pertaining to the discharge of wastewater, or any additional requirements imposed to protect water quality. The exemption will be revoked if conditions that the exemption was based on change or become no longer applicable. New and replacement OWTS on exempted parcels must consist of an ATU with a nitrogen removal rate of 50% or higher; the new or replacement OWTS shall utilize a leach field or equivalent horizontal dispersal system, if there is sufficient area on the property to provide for a 100 percent replacement area that is equivalent and separate, and available for future use.

**[Delete the following text:]**

~~(f) Compliance Assurance and Enforcement~~

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<sup>3</sup> This requirement only applies to applications submitted by the dischargers.

~~It is the Regional Water Board's objective to work cooperatively with the Dischargers who are subject to this Prohibition to help them achieve compliance with the terms of the Prohibition. Consistent with this objective, the Executive Officer shall assist the Dischargers achieve compliance with the terms of this Basin Plan amendment. In this regard, the Executive Officer shall continue to assist the Town of Yucca Valley and HDWD obtain financial assistance and, within forty five (45) days following approval of the amendment by the California Office of Administrative Law (OAL), shall notify in writing all Dischargers regarding:~~

- ~~a) the key deadlines of this Prohibition,~~
- ~~b) options available to comply with the amendment, and~~
- ~~c) sources of potential financial and technical assistance.~~

~~The Regional Water Board recognizes that there may be circumstances where a Discharger is not responsive to staff compliance efforts. In these cases, the State Water Board's Water Quality Enforcement Policy provides clear guidance on the options available to the Regional Water Board to bring the Discharger into compliance. In these circumstances, the Regional Water Board enforcement staff shall implement prompt, consistent, predictable, fair, and progressive enforcement to bring the Discharger into compliance at the earliest practicable date with the terms of this Prohibition. Towards this end, the Regional Water Board staff may take any combination of the following actions, as the circumstances of the case may warrant:~~

- ~~▪ Issue Notice of Non-Compliance letters;~~
- ~~▪ Issue an order pursuant to section 13267 of the Water Code to ensure that a Discharger submits, in a prompt and complete manner, a technical report to bring its discharge into compliance with this Prohibition;~~
- ~~▪ Issue a Cleanup and Abatement order pursuant to section 13304 of the Water Code against any Discharger who violates the Prohibition and/or threatens a condition of nuisance or pollution;~~
- ~~▪ Prepare for consideration of adoption by the Regional Water Board, a Cease and Desist order pursuant to section 13301 of the Water Code against any Discharger who violates the Prohibition;~~
- ~~▪ Issue Administrative Civil Liability Complaints, as provided for by the Water Code, against any responsible party who fails to comply with Regional Water Board orders and/or the Prohibition.~~

~~The Executive Officer is hereby directed to provide the Regional Water Board an annual written report regarding overall progress to achieve compliance with the terms of this prohibition. The first annual report shall be due on May 23, 2012.~~

~~The Executive Officer is hereby further directed to work with the Town and HDWD to revise the existing Memorandum of Agreement between the Town, HDWD, and Regional Water Board as soon as practicable but by no later than June 30, 2016, so that it includes specific outreach and education activities targeting discharges from septic systems within the Prohibition boundaries so that they are operated and maintained properly while the centralized municipal sewage collection system and WRF are being constructed.~~

**[Insert the following text:]**

(h) Enforcement

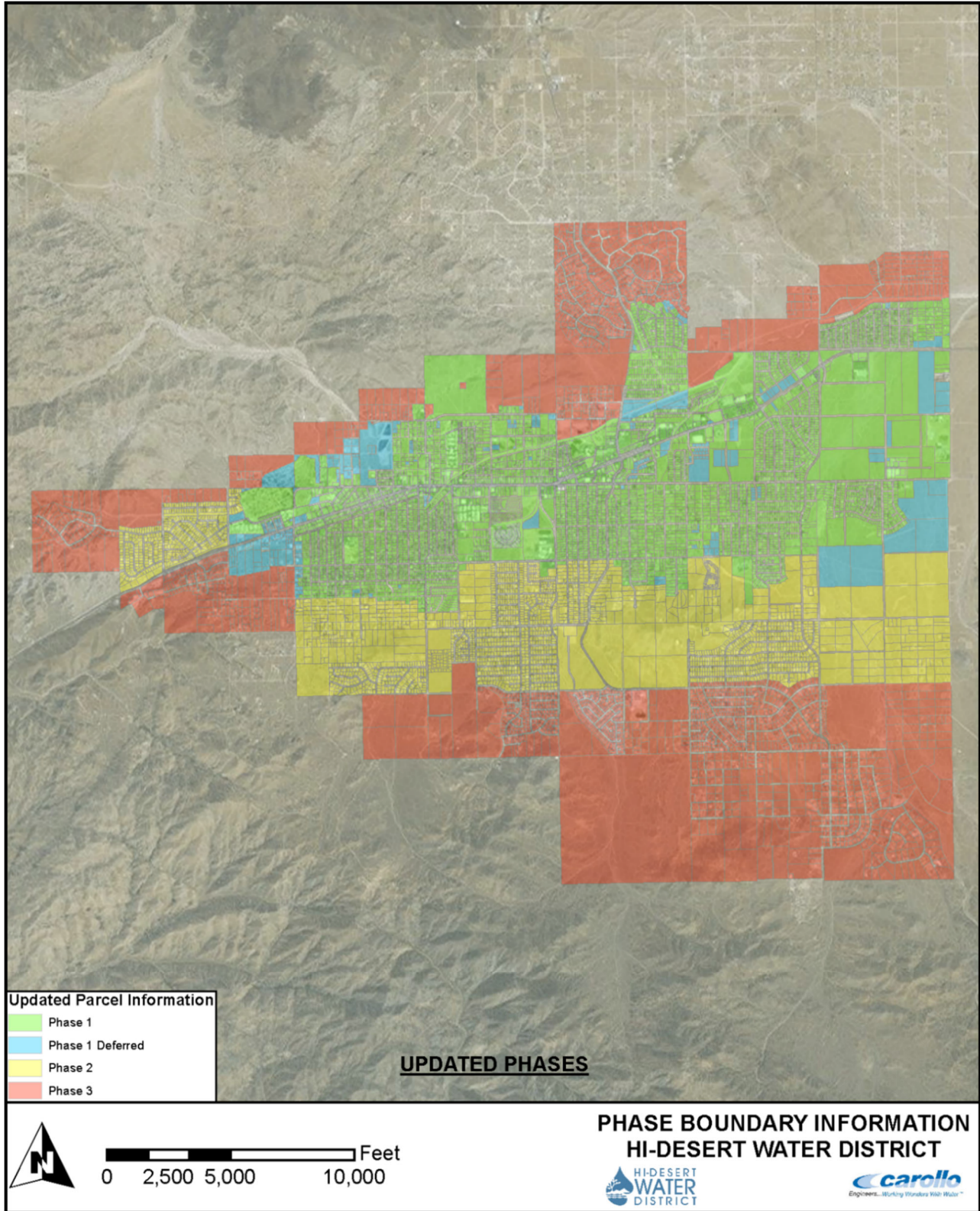
It is the Regional Water Board's objective to work cooperatively with the dischargers who are subject to the Yucca Valley OWTS Prohibition. There may be circumstances where a discharger is not responsive to staff compliance efforts. In these cases, the Regional Water Board enforcement staff will implement progressive enforcement consistent with the State Water Board's *Water Quality*

Enforcement Policy to bring the discharger into compliance at the earliest practicable date with the terms of this Prohibition. Towards this end, the Regional Water Board staff may take a combination of several actions, as the circumstances of the case may warrant, including but not limited to the following:

- Issue Notice of Violation letters;
- Issue an order pursuant to Water Code section 13267 to ensure that a discharger submits, in a prompt and complete manner, a technical report to bring its discharge into compliance with the Yucca Valley OWTS Prohibition;
- Issue a Cleanup and Abatement order pursuant to Water Code section 13304 against any discharger who violates the Yucca Valley OWTS Prohibition and/or threatens a condition of nuisance or pollution;
- Prepare for consideration of adoption by the Regional Water Board, a Cease and Desist order pursuant to Water Code section 13301 against any discharger who violates the Yucca Valley OWTS Prohibition;
- Issue Administrative Civil Liability Complaints, as provided for by the Water Code, against any responsible party who fails to comply with Regional Water Board orders and/or the Yucca Valley OWTS Prohibition.

**[Delete the following text and figure:]**

**~~Figure 4-1: PROHIBITION PHASE BOUNDARIES~~**

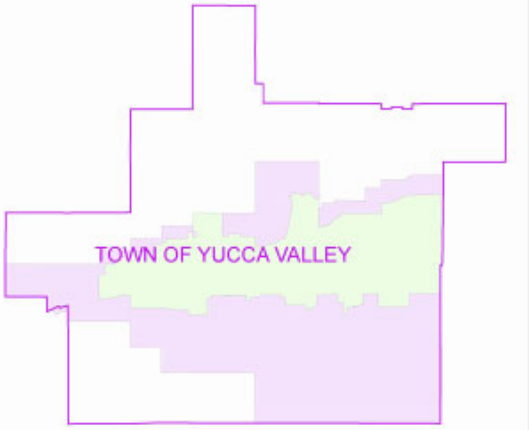
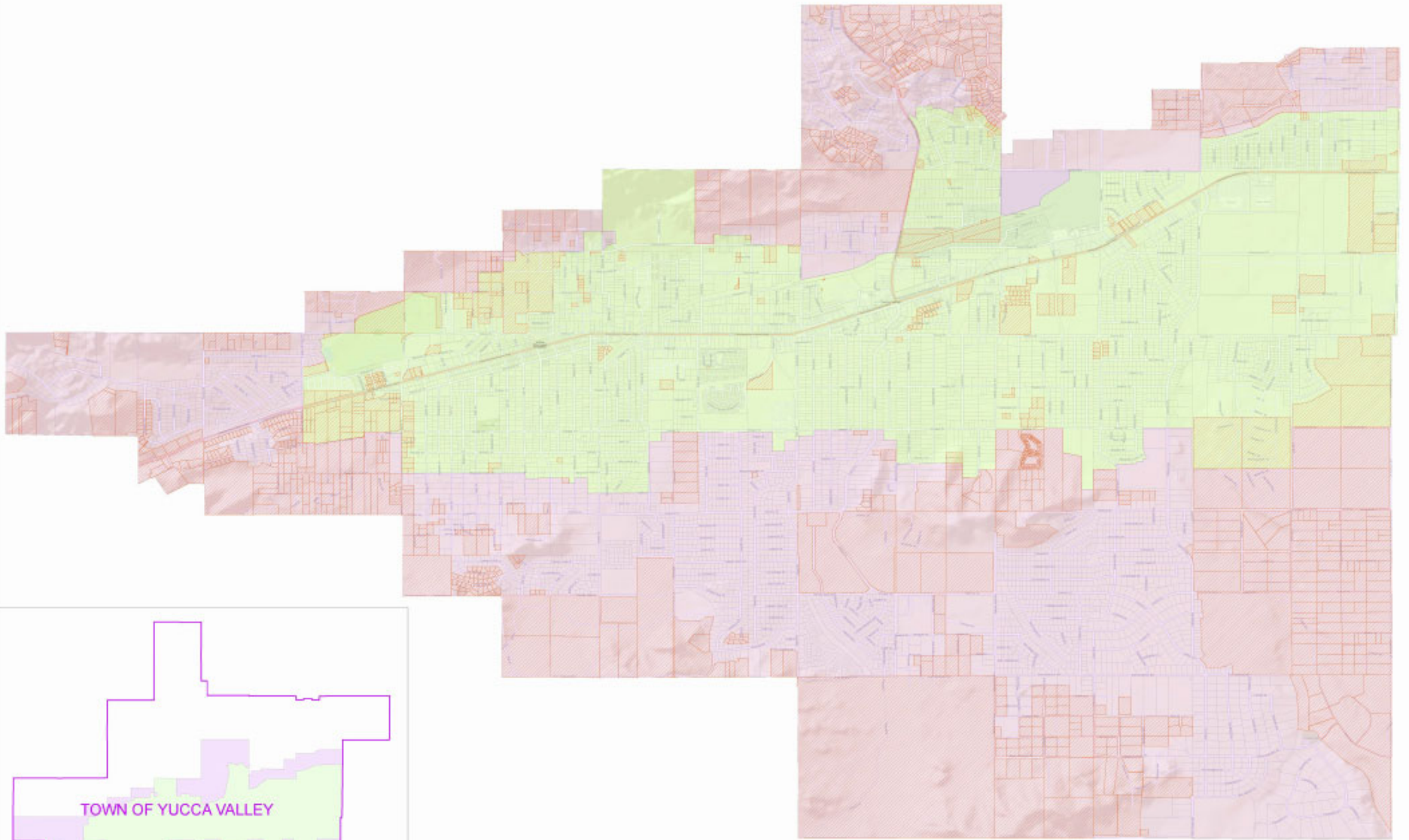




**2. Appendix C**

In Appendices to the Basin Plan, add "Appendix C" containing the map shown on the following page. Note that the map has been re-sized for this attachment for printing purposes. The full-size map measures 48 x 26 inches and can be found in Attachment 1 of the Staff Report in support of this Amendment.

RESOLUTION R7-2021-0028  
YUCCA VALLEY PROHIBITION BASIN PLAN AMENDMENT



- Deferred Parcels
- Prohibition Phases
- Phase 1
- Phase 2

**APPENDIX C: YUCCA VALLEY PROHIBITION OF DISCHARGES FROM ONSITE WASTEWATER TREATMENT SYSTEMS**

Date Sources: Deferred Parcels - Colorado River Basin Regional Water Quality Control Board; Prohibition Phases - HI-Desert Water District, Colorado River Basin Regional Water Quality Control Board; Parcels - LandVision; Basemap - ESRI; Town of Yucca Valley - San Bernardino County  
Coordinate System: GCS\_North\_American\_1983  
Editor: Maria Davydova-Flores, Colorado River Basin Regional Water Quality Control Board  
Revision Date: 12/08/2020

0 0.25 0.5 1 Miles

