

**STATE WATER RESOURCES CONTROL BOARD
RESOLUTION NO. 2021-0051**

APPROVAL OF 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:

1. On May 19, 2011, the California Regional Water Quality Control Board, Colorado River Basin Region (Colorado River Basin Water Board) adopted [Resolution R7-2011-0004](#) approving an amendment to the Water Quality Control Plan for the Colorado River Basin Region (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
2. 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.
3. On June 15, 2021, the Colorado River Basin Water Board adopted [Resolution R7-2021-0028](#). The resolution would amend the Basin Plan to revise the Prohibition for a second time by extending and streamlining prohibition deadlines, increasing the number of deferred parcels, incorporating a compliance period, adding compliance date extensions for recently installed septic systems, requiring advanced treatment units for new and replacement septic systems on exempt parcels, modifying reporting requirements, and making other changes to the Prohibition language for clarity, accuracy, and consistency (Amendment).

4. Pursuant to Public Resources Code section 21080.5, the Natural Resources Agency has approved the basin planning process of the State Water Resources Control Board (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).) 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 prior SEDs adequately address the potential environmental impacts of the Prohibition, as revised, and no further environmental review is necessary.
5. The Amendment meets the “necessity” standard of the Administrative Procedure Act in Government Code section 11353, subdivision (b)(2)(C). The Amendment is necessary to change 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.
6. 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 the Amendment address policy, compliance, and economic issues that do not change the underlying scientific basis for the Prohibition. The Amendment therefore does not include scientific elements requiring independent, external scientific peer review.
7. In amending the Basin Plan, the State Water Board and Colorado River Basin Water Board have considered the factors set forth in Water Code sections 13240 through 13242.
8. The State Water Board has notified all known interested persons of its intent to adopt the Amendment and provided them with an opportunity for a public hearing and to submit comments.

9. Even following this approval, the Amendment does not become effective until also approved by the Office of Administrative Law (OAL). Because the Amendment does not involve the adoption of any new water quality standards for surface water, approval by the United States Environmental Protection Agency (U.S. EPA) is not required.

THEREFORE, BE IT RESOLVED THAT:

The State Water Board:

1. Approves the Basin Plan amendment adopted under Colorado River Basin Water Board Resolution R7-2021-0028.
2. Authorizes and directs the Executive Director or her designee to submit the Basin Plan amendment adopted under Colorado River Basin Water Board Resolution R7-2021-0028 and the administrative record for this action to OAL for approval.

CERTIFICATION


The undersigned Clerk to the Board does hereby certify that the foregoing is a full, true, and correct copy of a resolution duly and regularly adopted at a meeting of the State Water Resources Control Board held on December 7, 2021.

AYE: Chair E. Joaquin Esquivel
Vice Chair Dorene D'Adamo
Board Member Sean Maguire
Board Member Laurel Firestone
Board Member Nichole Morgan

NAY: None

ABSENT: None

ABSTAIN: None



Jeanine Townsend
Clerk to the Board