

**SUBMITTAL TO THE BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**



FROM: Marion Ashley, Supervisor, Fifth District

SUBMITTAL DATE:
September 19, 2006

SUBJECT: Ordinance No.864, an Ordinance of the County of Riverside Establishing a 90 day Moratorium for Septic Systems in Cherry Valley

Recommended Motion

1. That the Board introduce and set for public hearing the adoption of Ordinance No. 864 Establishing a 90 day Moratorium for Septic Systems in Cherry Valley.
2. That the Board authorize the Clerk to place an advertisement for the Public Hearing in the appropriate local publications.
3. That upon the close of the Public Hearing the Board adopt Riverside County Ordinance No. 856 and direct the Clerk to post Notice of Exemption for Amendment to Ordinance No. 864.

BACKGROUND:

Cherry Valley is an unincorporated area located north of the City of Beaumont and west of the City of Calimesa that is not served by a sewer system. A recent study commissioned by the San Timeteo Watershed Management authority indicates an ongoing degradation of the quality of the groundwater traceable to the septic systems now in use.

Departmental Concurrence

FORM APPROVED
COUNTY COUNSEL

SEP 25 2006
BY *[Signature]*

[Signature: Marion Ashley]
Marion Ashley, Supervisor, Fifth District

MINUTES OF THE BOARD OF SUPERVISORS

On motion of Supervisor Buster, seconded by Supervisor Wilson and duly carried by unanimous vote, IT WAS ORDERED that the above ordinance is approved as introduced with waiver of the reading, and is set for public hearing on Tuesday, October 17, 2006 at 1:30 p.m.

Ayes: Buster, Tavaglione, Stone, Wilson and Ashley
 Nays: None
 Absent: None
 Date: October 3, 2006
 xc: Supv. Ashley, COB(2)

Nancy Romero
 Clerk of the Board
 By: *[Signature]*
 Deputy

Dep't Recomm.: Consent Policy
 Per Exec. Ofc.: Consent Policy

Background continued.

County staff have reviewed the draft report entitled Water Quality Impacts from On-Site Waste Disposal Systems in the Cherry Valley Community of Interest (CVCOI) dated July 12, 2006. The report provides compelling evidence that groundwater in the CVCOI is becoming degraded by elevated nitrates and that local septic systems are a primary contributor to that degradation. There is concern that, if unchecked, this degradation can ultimately impact groundwater quality for the entire Beaumont Basin which currently represents the only available source of drinking water for the City of Beaumont and the surrounding unincorporated areas. Given the above, we believe the County must initiate reasonable and prudent actions to prevent this potential public health emergency from becoming a public health emergency.

The study was presented to the Board of Supervisors as part of a public hearing (item 16.1) on the September 12, 2006 agenda. Based on that presentation, public testimony and discussion by members of the Board, a motion was made and approved to

1. **Direct staff to prepare the appropriate documents to institute a 90 day moratorium on the acceptance of applications for new septic systems** in the Cherry Valley Community of Interest (CVCOI as described in the study performed for the San Timeteo Watershed Management Authority) unless such system is designed to remove no less than 50% of the nitrogen released in the effluent (Advanced Treatment, denitrifying systems).
2. **Direct staff to coordinate the further review of the study and Groundwater issues with the Santa Ana Regional Water Quality Control Board** to ensure a thorough review of the situation and potential long term responses,
3. **Direct staff to investigate the establishment of a Septic Tank Maintenance District for the CVCOI**, administered by the Beaumont Cherry Valley Water District.

The submittal presented here today is the fulfillment of the first directive

1 E. On July 12, 2006, Wildermuth Environmental Inc. published a draft report
2 entitled Water Quality Impacts from On-Site Waste Disposal Systems in the
3 Cherry Valley Community of Interest. The report was prepared for the San
4 Timeteo Watershed Management Authority and provides compelling evidence that
5 groundwater in the CVCOI is becoming degraded by elevated nitrates and that
6 local septic systems are a primary contributor to that degradation; and

7 F. In light of the above findings, a potential health hazard exists in the Cherry
8 Valley area due to the effects of current wastewater treatment systems in the
9 CVCOI; and

10 G. It is appropriate that the County initiate reasonable and prudent actions to
11 prevent this potential public health hazard from becoming a public health
12 emergency.

13 H. Due to the need for further analysis by staff and possible coordination with the
14 Santa Ana Regional Water Quality Control Board for long term solutions the
15 establishment of a ninety day moratorium on new septic systems in the area is an
16 appropriate interim action.

17 **SECTION 2. DEFINITIONS**

18 A. "Department" shall mean the Riverside County Department of Environmental
19 Health.

20 B. "Cherry Valley Community of Interest" shall mean the area generally located
21 north of the City of Beaumont, east of the City of Calimesa, west of Bellflower
22 Ave. and south of the San Bernardino County line, with the exception of the areas

1 south and west of the Beaumont Ave. and Brook side Ave. intersection and the area
2 north of Sylvania Lane and east of Taiga Rd.

3 **SECTION 3. MORATORIUM**

4 A. No application for a new septic system shall be accepted for any lot or parcel
5 within the CVCOI during the period this Ordinance is effective unless that system
6 is designed to remove no less than 50% of the nitrogen released in the effluent
7 (Advanced Treatment, denitrifying systems).

8 B. No existing system in the area shall be expanded or otherwise modified to
9 accommodate new construction and/or additional wastewater generating fixtures or
10 appliances.

11 **SECTION 4. REPLACING OR REPAIRING EXISTING SYSTEM**

12 In the event that an existing system requires replacement or repair, such
13 replacement may be approved and installed, subject to the existing requirements of
14 Riverside County Ordinance No. 650.

15 **SECTION 5. REQUIREMENT FOR COMPLIANCE**

16 Non-compliance with this Ordinance shall be deemed a violation of Riverside
17 County Ordinance No. 650.

18 **SECTION 6. SEVERABILITY**

19 If any clause, provision, sentence, or paragraph of this Ordinance or the
20 application thereof, is deemed to be invalid as to any person, entity,
21 establishment, or circumstance, such invalidity shall not affect the other
22 provisions of the Ordinance which shall remain in effect.

1 **SECTION 7. EFFECTIVE DATE**

2 This Ordinance shall take effect thirty (30) days after the date of its adoption and
3 shall then remain in effect for a period of ninety (90) days.

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FORM APPROVED
COUNTY COUNSEL

SEP 25 2006

BY



COUNTY OF RIVERSIDE
TRANSPORTATION AND LAND MANAGEMENT AGENCY

Tony Carstens · Agency Director

Planning Department

Robert C. Johnson · Planning Director

NOTICE OF EXEMPTION

September 14, 2006

PROJECT CASE NO./TITLE: Ordinance No. 864 (Establishing a Ninety Day Moratorium for the Acceptance of Applications for New Septic Tank Systems for Cherry Valley)

PROJECT SPONSOR: County of Riverside

PROJECT LOCATION: Cherry Valley Community of Interest in the Unincorporated Areas of Riverside County

PROJECT DESCRIPTION: Ordinance No. 864 establishes a ninety day moratorium for the acceptance of applications for new, expanded or otherwise modified septic tank systems for the Cherry Valley Community of Interest (CVCOI) unless the system is designed to remove no less than 50% of the nitrogen released in the effluent. The purpose of the moratorium is to allow time for further analysis and coordination with the Regional Water Quality Control Board to develop long term solutions to address the elevated levels of nitrates in the CVCOI groundwater.

The Planning Department has found that the project is exempt from the provisions of CEQA based on the following: The project is exempt from CEQA if the activity is covered by the general rule that CEQA applies only to projects, which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA.

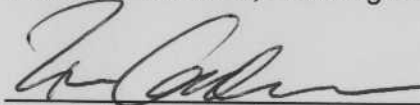
State CEQA Guidelines: Section 15061(3).

Findings:

1. The proposal is located within the unincorporated areas of Riverside County.
2. The proposed will not have adverse effects upon the environment.
3. The proposal will not individually or cumulatively have an adverse effect on wildlife resources.
4. It can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.

RIVERSIDE COUNTY PLANNING DEPARTMENT

Robert C. Johnson, Planning Director



Ron Goldman, Assistant Planning Director

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Room 209, Indio, California 92201
(760) 863-8277· Fax (760) 863-7555

Murrieta Office·39493 Los Alamos Road.
Murrieta, California 92563
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