

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



**FROM:** Marion Ashley, Supervisor, Fifth District

**SUBMITTAL DATE:**  
January 31, 2007

**SUBJECT:** First Amendment to Ordinance No.864.1, 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. 864.1 Amending Ordinance No. 864 to extend the effective date an additional 120 days.
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. 864.1.

**BACKGROUND:**

Ordinance No. 864 establishing a 90 day moratorium for septic systems in Cherry Valley was adopted by the Board of Supervisors on October 17, 2006, in response to a study implicating septic systems in the deterioration of local groundwater supplies. A fixed term moratorium was requested to allow County staff to continue evaluating that study in conjunction with the Santa Ana Regional Water Quality Control Board and to investigate appropriate long term options to protect the water resources of the community. While there has been significant progress in these endeavors, the Environmental Health Staff is requesting this period to be extended to allow further evaluation and consideration of the options.

**Continued**

*Marion Ashley*  
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Marion Ashley, Supervisor, Fifth District

**MINUTES OF THE BOARD OF SUPERVISORS**

On motion of Supervisor Stone, seconded by Supervisor Buster, 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, February 27, 2007, at 9:30 a.m.

Ayes: Buster, Tavaglione, Stone, Wilson and Ashley  
 Nays: None  
 Absent: None  
 Date: February 6, 2007  
 xc: Supv. Ashley, CHA/Envir. Health,  
 Water District, Co. Co., COB(2)

Nancy Romero  
 Clerk of the Board  
 By: *Nancy Romero*  
 Deputy

3000 LEG - 1 6/13/12

COUNTY COUNSEL  
 JAN 30 2007  
 BY *RA*  
 Departmental Concurrence

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

**Prev. Agn. Ref.:** Oct 17, 2006, 16.1 | **District:** 5 | **Agenda Number:**

9.2

Discussions between County staff and the Santa Ana Regional Water Quality Control Board have yielded no basis for challenging the conclusions of the study. Additional information and studies by Wildermuth Environmental Inc., the preparer of the original study, will provide a better understanding of the potential time frames for the increasing levels of contamination, but are not expected to refute the original conclusions of the study.

Staff is still in the process of developing final long term standards for the area, including the level of oversight appropriate for, and available to, the Beaumont Cherry Valley Water District with regard a septic tank maintenance district for areas that are not expected to be sewerred.





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.

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SECTION 7. EFFECTIVE DATE

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

FORM APPROVED  
COUNTY COUNSEL

SEP 25 2006

BY 