

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



FROM: Marion Ashley, Supervisor, Fifth District

SUBMITTAL DATE:

June 19, 2007

SUBJECT: Ordinance No. 871, an Ordinance of the County of Riverside Prohibiting the Installation of Specified Septic Tank Systems in Cherry Valley

RECOMMENDED MOTION:

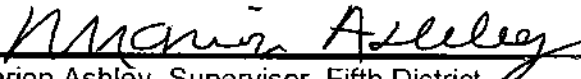
1. That the Board declare Ordinance No. 871, prohibiting the installation of specified septic systems in Cherry Valley, to be an urgency measure that shall take effect immediately upon its adoption.
2. The Board adopt Riverside County Ordinance No. 871

BACKGROUND:

Ordinance No. 864 Establishing a 90 Day Moratorium for Septic Systems in Cherry Valley was adopted by the Board of Supervisors on October 16, 2006, in response to a study prepared by Wildermuth Environmental Inc. titled "Water Quality Impacts from On-Site Waste Disposal Systems in the Cherry Valley Community of Interest (Study) implicating septic systems in the deterioration of local groundwater supplies of the community.

(continued)

MA:DM


Marion Ashley, Supervisor, Fifth District

**REQUIRES
4/5th's VOTE**

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 water quality in the area. That moratorium was extended by the Board for an additional 120 days with the approval of Ordinance No. 864.2 on February 27, 2007.

County staff and the Santa Ana Regional Water Quality Control Board staff have evaluated the Study and found no basis for challenging the conclusions. Under the proposed ordinance property owners requesting a new septic system have the option to either install a system that is designed to remove no less than fifty percent (50%) of the nitrogen released in the effluent (advanced treatment, denitrifying systems) or connect to a sewer system if available. Existing systems requiring repair or replacement will be subject to existing requirements under Riverside County Ordinance No. 650.

The Beaumont Cherry Valley Water District is in the process of providing sewer service to a major portion of this area in order to further protect the groundwater basin.

1 compelling evidence that groundwater in the CVCOI is becoming degraded
2 by elevated nitrates and that local septic systems are a primary contributor
3 to that degradation.

4 f. In light of the above findings, a potential health hazard exists in the Cherry
5 Valley area due to the effects of current wastewater treatment systems in the
6 CVCOI.

7 g. It is appropriate that the County initiate reasonable and prudent actions to
8 prevent this potential public health hazard from becoming a public health
9 emergency.

10 h. The current technology for septic system design includes systems that can
11 effectively reduce the nitrates in the effluent to levels that will not lead to
12 further degradation of the groundwater.

13 i. Ordinance No. 864 was adopted on October 16, 2006 establishing a ninety
14 (90) day moratorium on the installation of septic systems unless designed to
15 remove fifty percent (50%) of the nitrogen in the wastewater. This was
16 established to allow staff time to coordinate review of the relevant
17 documents.

18 j. Ordinance No. 864.1 was adopted on February 27, 2007 extending the
19 moratorium for an additional one hundred twenty (120) days to allow for
20 further review by staff and coordination with the Regional Water Quality
21 Control Board.

22 k. Pursuant to the review of the Report and supporting documentation,
23 discussion with the Regional Board staff and limited field investigations,
24 staff can find no basis for challenging the conclusions of the Report and
25 recommend that the moratorium be revised to a non-expiring prohibition.

26 Section 2. DEFINITIONS. As used in this ordinance, the following terms shall have
27 the following meanings:

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- 1 a. Department. The Riverside County Department of Environmental Health.
- 2 b. Cherry Valley Community of Interest. The area generally located north of
- 3 the City of Beaumont, east of the City of Calimesa, west of Bellflower
- 4 Avenue and south of the San Bernardino County line, with the exception of
- 5 the areas south and west of the Beaumont Avenue and Brookside Avenue
- 6 intersection, and the area north of Sylvania Lane and east of Taiga Road.

7 Section 3. PROHIBITION.

- 8 a. No application for a new septic system shall be accepted for any lot or
- 9 parcel within the CVCOI unless that system is designed to remove no less
- 10 than fifty percent (50%) of the nitrogen released in the effluent (advanced
- 11 treatment, denitrifying systems).
- 12 b. No existing system in the area shall be expanded or otherwise modified to
- 13 accommodate new construction and/or additional wastewater generating
- 14 fixtures or appliances.

15 Section 4. REPLACING OR REPAIRING EXISTING SYSTEM. In the event that an

16 existing system requires replacement or repair, such replacement may be approved and installed, subject

17 to the existing requirements of Riverside County Ordinance No. 650.

18 Section 5. REQUIREMENT OR COMPLIANCE. Non-compliance with this

19 ordinance shall be deemed a violation of Riverside County Ordinance No. 650.

20 Section 6. SEVERABILITY. If any clause, provision, sentence, or paragraph of this

21 ordinance or the application thereof, is deemed to be invalid as to any person, entity, establishment, or

22 circumstance, such invalidity shall not affect the other provisions of the ordinance which shall remain in

23 effect.

24 Section 7. EFFECTIVE DATE. This ordinance is hereby declared to be an urgency

25 measure and shall take effect immediately upon its adoption. In accordance with the requirements of

26 Government Code section 25123, subdivision (d), the Board of Supervisors hereby declares that the

27 provisions contained herein are necessary for the immediate preservation of the public peace, health, or

28 safety for the following reasons: 1) the County's moratorium on installing conventional septic systems

1 designed to remove less than fifty (50) percent of nitrogen in wastewater is only for one hundred twenty
2 (120) days and is set to expire; 2) upon expiration of the moratorium, escalation of nitrate levels in
3 drinking water will continue; and 3) preventing further degradation of the groundwater is necessary to
4 avoid a potential public health emergency in the CVCOI.

5 BOARD OF SUPERVISORS OF THE COUNTY
6 OF RIVERSIDE, STATE OF CALIFORNIA

7 By: _____
8 Chairman

9 ATTEST:
10 CLERK OF THE BOARD:

11 By: _____
12 Deputy

13 (SEAL)
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