

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



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

**SUBMITTAL DATE:**

June 15, 2007

**SUBJECT:** Second Amendment to Ordinance No.864, an Ordinance of the County of Riverside Establishing a Moratorium for Septic Systems in Cherry Valley

**Recommended Motion**

1. That the Board introduce and set for public hearing the adoption of Ordinance No. 864.2 Amending Ordinance No. 864 to eliminate the expiration date, making the Moratorium a Prohibition.
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. 864.2.
4. That the Board request that the City of Beaumont take similar measures to address potential impacts from septic systems within its corporate borders and overlying the affected groundwater Basin.

**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 implicating septic systems in the deterioration of local groundwater supplies the water resources of the community

**Continued**

\_\_\_\_\_  
Marion Ashley, Supervisor, Fifth District

<b>FINANCIAL DATA</b>	Current F.Y. Total Cost:	\$	In Current Year Budget:	N/A
	Current F.Y. Net County Cost:	\$	Budget Adjustment:	N/A
	Annual Net County Cost:	\$	For Fiscal Year:	

<b>SOURCE OF FUNDS:</b>	Positions To Be Deleted Per A-30	<input type="checkbox"/>
	Requires 4/5 Vote	<input type="checkbox"/>

**C.E.O. RECOMMENDATION:**

**County Executive Office Signature**

Dept'  
Recomr.  
Per Exec. Ofc.:

Policy  
 Policy

Consent  
 Consent

Departmental Concurrence

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 of this year.

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.

The Beaumont Cherry Valley Water District is in the process of providing sewer service for to a major portion of this are to provide further protection to the groundwater Basin. Staff will continue to develop 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 to septic tank maintenance for areas that are not expected to be sewerred.



1                    Cherry Valley Community of Interest. (Report) The report was prepared for  
2                    the San Timeteo Watershed Management Authority and provides compelling  
3                    evidence that groundwater in the CVCOI is becoming degraded by elevated  
4                    nitrates and that local septic systems are a primary contributor to that  
5                    degradation; and

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

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

12                    H. The current technology for septic system design includes systems that can  
13                    effectively reduce the nitrates in the effluent to levels that will not lead to  
14                    further degradation of the groundwater, and

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

19                    J. Ordinance No. 864.1 was adopted on February 27, 2007 extending the  
20                    moratorium for an additional 120 days to allow for further review by staff and  
21                    coordination with the regional water quality 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, staff

1 can find no basis for challenging the conclusions of the Report and  
2 recommend that the moratorium be revised to a non expiring prohibition.

3 **SECTION 2. DEFINITIONS**

- 4 A. "Department" shall mean the Riverside County Department of Environmental  
5 Health.  
6 B. "Cherry Valley Community of Interest" shall mean the area generally located  
7 north of the City of Beaumont, east of the City of Calimesa, west of  
8 Bellflower Ave. and south of the San Bernardino County line, with the  
9 exception of the areas south and west of the Beaumont Ave. and Brook side  
10 Ave. intersection and the area north of Sylvania Lane and east of Taiga Rd.

11 **SECTION 3. PROHIBITION**

- 12 A. No application for a new septic system shall be accepted for any lot or parcel  
13 within the CVCOI unless that system is designed to remove no less than 50%  
14 of the nitrogen released in the effluent (Advanced Treatment, denitrifying  
15 systems).  
16 B. No existing system in the area shall be expanded or otherwise modified to  
17 accommodate new construction and/or additional wastewater generating  
18 fixtures or appliances.

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

20 In the event that an existing system requires replacement or repair, such  
21 replacement may be approved and installed, subject to the existing requirements  
22 of Riverside County Ordinance No. 650.  
23

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14

**SECTION 5.      REQUIREMENT FOR COMPLIANCE**

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

**SECTION 6.      SEVERABILITY**

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

**SECTION 7.      EFFECTIVE DATE**

This Ordinance shall take effect thirty (30) days after the date of its adoption.