

**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 introduce Ordinance No. 871 prohibiting the installation of specified septic systems in Cherry Valley.
2. That the Board declares this Ordinance to be an urgency measure and shall take effect immediately upon its adoption.
3. 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.

Departmental Concurrence

(continued)

MA:DM

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

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

**County Executive Office Signature**

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

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. The property owner would still have the option to either install a new septic 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.

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 f. In light of the above findings, a potential health hazard exists in the Cherry Valley  
2 area due to the effects of current wastewater treatment systems in the CVCOI.  
3 g. It is appropriate that the County initiate reasonable and prudent actions to prevent  
4 this potential public health hazard from becoming a public health emergency.  
5 h. The current technology for septic system design includes systems that can  
6 effectively reduce the nitrates in the effluent to levels that will not lead to further  
7 degradation of the groundwater.  
8 i. Ordinance No. 864 was adopted on October 16, 2006 establishing a ninety (90) day  
9 moratorium on the installation of septic systems unless designed to remove fifty  
10 percent (50%) of the nitrogen in the wastewater. This was established to allow staff  
11 time to coordinate review of the relevant documents.  
12 j. Ordinance No. 864.1 was adopted on February 27, 2007 extending the moratorium  
13 for an additional one hundred twenty (120) days to allow for further review by staff  
14 and coordination with the Regional Water Quality Control Board.  
15 k. Pursuant to the review of the Report and supporting documentation, discussion with  
16 the Regional Board staff and limited field investigations, staff can find no basis for  
17 challenging the conclusions of the Report and recommend that the moratorium be  
18 revised to a non-expiring prohibition.

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

- 21 a. Department. The Riverside County Department of Environmental Health.  
22 b. Cherry Valley Community of Interest. The area generally located north of the City  
23 of Beaumont, east of the City of Calimesa, west of Bellflower Avenue and south of  
24 the San Bernardino County line, with the exception of the areas south and west of  
25 the Beaumont Avenue and Brookside Avenue intersection, and the area north of  
26 Sylvania Lane and east of Taiga Road.

1 Section 3. PROHIBITION.

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

9 Section 4. REPLACING OR REPAIRING EXISTING SYSTEM. In the event that an existing system  
10 requires replacement or repair, such replacement may be approved and installed, subject to  
11 the existing requirements of Riverside County Ordinance No. 650.

12 Section 5. REQUIREMENT OR COMPLIANCE. Non-compliance with this ordinance shall be  
13 deemed a violation of Riverside County Ordinance No. 650.

14 Section 6. SEVERABILITY. If any clause, provision, sentence, or paragraph of this ordinance or the  
15 application thereof, is deemed to be invalid as to any person, entity, establishment, or  
16 circumstance, such invalidity shall not affect the other provisions of the ordinance which  
17 shall remain in effect.

18 Section 7. EFFECTIVE DATE. This ordinance is hereby declared to be an urgency measure and  
19 shall take effect immediately upon its adoption. In accordance with the requirements of  
20 Government Code section 25123, subdivision (d), the Board of Supervisors hereby  
21 declares that the provisions contained herein are necessary for the immediate preservation  
22 of the public peace, health, or safety for the following reasons: 1) the County's  
23 moratorium on installing conventional septic systems designed to remove less than fifty  
24 (50) percent of nitrogen in wastewater is only for one hundred twenty (120) days and is set  
25 to expire; 2) upon expiration of the moratorium, escalation of nitrate levels in drinking  
26 water will continue; and 3) preventing further degradation of the groundwater is necessary  
27 to avoid a potential public health emergency in the CVCOI.

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

By: \_\_\_\_\_  
Chairman

ATTEST:

CLERK OF THE BOARD:

By: \_\_\_\_\_  
Deputy

(SEAL)

PJW:ay  
06/13/07  
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**ORDINANCE NO. 871  
AN ORDINANCE OF THE COUNTY OF RIVERSIDE  
PROHIBITING THE INSTALLATION OF SPECIFIED  
SEPTIC TANK SYSTEMS IN CHERRY VALLEY**

The Board of Supervisors of the County of Riverside ordains as follows:

**Section 1.** FINDINGS. The Board of Supervisors hereby makes the following findings of fact:

- a. The proper disposal of sewage waste as generated in homes and business is essential to protect the health and welfare of the residents and visitors to the County of Riverside.
- b. High levels of nitrate in drinking water are implicated in a number of illnesses and health disorders. For that reason, both the USEPA and the State of California have established maximum contaminant levels (MCLs) that may not be exceeded in water provided to the public.
- c. Rising nitrate levels have been observed in wells in the Cherry Valley Community of Interest (CVCOI) and recently nitrate concentrations in wells owned by the Beaumont Cherry Valley Water District (BCVWD) have approached the maximum contaminant level (MCL) for nitrates.
- d. Two water companies in the CVCOI, Bonita Vista Mutual Water Company and Cherry Valley Mutual Water Company, have been annexed into BCVWD's service area, due in part to the high nitrate concentrations in their wells.
- e. On July 12, 2006, Wildermuth Environmental Inc. published a draft report entitled Water Quality Impacts from On-Site Waste Disposal Systems in the Cherry Valley Community of Interest (Report). The report was prepared for the San Timeteo Watershed Management Authority and 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.
- f. In light of the above findings, a potential health hazard exists in the Cherry Valley area due to the effects of current wastewater treatment systems in the CVCOI.
- g. It is appropriate that the County initiate reasonable and prudent actions to prevent this potential public health hazard from becoming a public health emergency.
- h. The current technology for septic system design includes systems that can effectively reduce the nitrates in the effluent to levels that will not lead to further degradation of the groundwater.
- i. Ordinance No. 864 was adopted on October 16, 2006 establishing a ninety (90) day moratorium on the installation of septic systems unless designed to remove fifty percent (50%) of the nitrogen in the wastewater. This was established to allow staff time to coordinate review of the relevant documents.
- j. Ordinance No. 864.1 was adopted on February 27, 2007 extending the moratorium for an additional one hundred twenty (120) days to allow

for further review by staff and coordination with the Regional Water Quality Control Board.

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

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

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

**Section 3.** PROHIBITION.

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

**Section 4.** REPLACING OR REPAIRING EXISTING SYSTEM. In the event that an existing system requires replacement or repair, such replacement may be approved and installed, subject to the existing requirements of Riverside County Ordinance No. 650.

**Section 5.** REQUIREMENT OR 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 is hereby declared to be an urgency measure and shall take effect immediately upon its adoption. In accordance with the requirements of Government Code section 25123, subdivision (d), the Board of Supervisors hereby declares that the provisions contained herein are necessary for the immediate preservation of the public peace, health, or safety for the following reasons: 1) the County's moratorium on installing septic systems designed to remove less than fifty (50) percent of nitrogen in wastewater is only for one hundred twenty (120) days and is set to expire; 2) upon expiration of the moratorium, escalation of nitrate levels in drinking water

) will continue; and 3) preventing further degradation of the groundwater is necessary to avoid a potential public health emergency in the CVCOI.

**Adopted: 871 Item 3.3 of 07/31/2007 (Eff: Immediately)**