

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
COLORADO RIVER BASIN REGION

RESOLUTION NO. 79-80

EXPRESSING THE POSITION OF THE REGIONAL BOARD ON THE
CITY OF PALM SPRINGS DRAFT ORDINANCE RELATING TO THE
USE OF PACKAGE WASTEWATER TREATMENT FACILITIES

WHEREAS:

1. In correspondence dated May 16, 1979, with attachments, the Palm Springs City Council requested the Regional Board's "official position" on the City's proposed ordinance "... Relating to the Use of Package Wastewater Treatment Facilities".
2. The proposed ordinance is directed principally towards individual, group, and community sewerage systems in the City's mountainous area.
3. The City's General Plan titles this mountainous area as "Palm Hills", and anticipates an eventual population of 15,000 to 45,000 within the approximately 27,760 acre area.
4. The anticipated difficulty to dispose of sewage effluent within the subject mountainous area may be noted from the geologic classification that the State Department of Water Resources has listed for this area, as:

Nonwater-bearing materials: which includes all crystalline rocks, some volcanic rocks, and consolidated sedimentary rocks, all of which are of generally low permeability to impermeable.

Ref: DWR, "Location of Hydrologic Boundaries,
Colorado River Basin Drainage Province (X)".

5. The proposed ordinance is designed to allow an exemption from the City's public sewer connection requirements, with conditions, in mountainous areas where it is economically, financially, or physically impractical to connect to the City's central wastewater treatment plant on the valley floor.
6. The proposed conditions of the exemption include the following:
 - (a) The design engineer, who shall be a California Registered Civil Engineer, shall be liable for facility design to meet waste discharge requirements of this Regional Board.

*Cancelled
9/20/89*

- (b) The developer shall be contingently liable for the proper design operation, maintenance and facility performance to meet the waste discharge requirements of this Regional Board and of the Riverside County Health Department for a period of one year from the date the facility commences processing sewage from all of the units for which it was designed and constructed, and shall post a one hundred thousand dollar cash bond for assurance in this regards.
- (c) A homeowners association and mutual benefit corporation shall own the facility, and shall be responsible for operation, maintenance, testing, and monitoring.
- (d) The mutual benefit corporation and/or the homeowners association shall have authority to spread assessments, fees, etc., and to lien or foreclose property.
- (e) The facility shall be operated under the control of a person who possesses the required certificate under Title 23 of the California Administrative Code.
- (f) Design, plans, specifications, operating and monitoring procedures, and administrative and control vehicles for the proposed facility shall be approved by various governmental agencies including this Regional Board.
- (g) A provision in the covenants, conditions, and restrictions for the development shall provide that in the event of failure of the mutual benefit corporation or the homeowners association to provide adequate operation and maintenance and to meet this Regional Board's waste discharge requirements, the entire sewerage system shall be dedicated to the City of Palm Springs without cost to the City, and the City will be authorized to lien benefitted property for the costs of meeting waste discharge requirements.
- (h) As an alternative to 6 (g) above, the City may require connection to the public sewer system, with charges upon the mutual benefit corporation or the homeowners association, and may condemn interim usage of the dwellings to protect the public health.

RESOLVED, that the California Regional Water Quality Control Board, Colorado River Basin Region, hereby submits the following comments to the City

of Palm Springs, as the position of this Board on the City's proposed ordinance "...Relating to the Use of Package Wastewater Treatment Facilities".

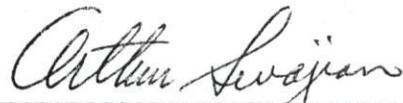
1. The City Council is to be commended for its interest in protecting against pollution, nuisance and public health hazard in the collection, treatment, and disposal of community wastewaters from future developments in the mountainous areas.
2. Section 15.14.015(f) of the City's draft ordinance requires the developer to obtain approval from the Regional Board on design, plans, specifications, and administrative vehicles for a proposed facility. Under Section 13360 of Division 7 of the California Water Code, Regional Boards are prohibited from specifying such criteria.
3. The multiplicity of package treatment plants in the mountainous areas, with the attendant need for Regional Board prescriptions of waste discharge requirements, checking of monitoring results, undertaking sufficient field surveillance, and conducting anticipated enforcement, would place a workload upon the Regional Board's staff which most likely will not be compensated by allowance of sufficient staff positions.
4. The experience of this Regional Board, and of other California Regional Water Quality Control Boards, is that small funding bases most usually result in gross violations of waste discharge requirements for extended periods of time, and that the final correction most usually is via development of an areawide master sewerage district, with attendant "double costs" from combining sewerage facilities. It is questioned whether the liability designations and money assurances contained in the proposed ordinance are sufficient justification for piecemeal use of community sewerage systems, with avoidance of the use of areawide sewerage planning.
5. It should be of special concern that the geologic structure of the Palm Hills area consists of materials of generally low permeability to impermeable, containing very little soil mantle, which could make it very difficult to dispose of sewage effluent without causing pollution, nuisance, and/or public health hazard.
6. It is presumed that Section 15.14.015(d)(1) of the proposed ordinance requires a \$100,000 cash bond for each and every separate sewerage system. This would seem proper; otherwise the \$100,000 cash bond would merely represent the "cost of doing business".

7. Considerable litigation is foreseen, with attendant delays in correcting violations of waste discharge requirements in the proposed method of City takeover contained in Section 15.14.015 (f)(1) and (f)(2). It would seem far more simple and efficient if the City required outright dedication to public use of all community sewerage facilities.
8. It is the Board's understanding that the City is pursuing expansion of its central sewerage system on the valley floor. Accordingly, it is suggested that the City consider requiring that all areas in the mountains where the sewerage system can feasibly be sloped, or pumped and sloped to the valley floor should not be granted exemption from the City's current sewerage ordinance.
9. The use of spray or pond evaporation as a means of merely "getting rid" of low-salt content water ought to be viewed as waste of a limited resource. It is therefore suggested that the City consider an areawide investigation designed towards use of one, or a very limited number of community sewerage systems in the Palm Hills area, where effective wastewater reclamation and reuse would be a precondition for allowance of any development. Thus, the necessary dedications of land, facilities, and easements for sewerage systems could precede developments.
10. It is not the province of the Regional Board to enter into community development matters other than pollution, nuisance, and public health hazard from waste treatment and disposal. While City adoption of the proposed ordinance ought to proceed under the prerogative of the City Council, it is suggested that the above-listed comments alone justify the need for a full Environmental Impact Report under the California Environmental Quality Act for any extensive development in the Palm Hills area, in order to assure orderly development in that area.
11. As a repeat of information contained in the above comments, this Regional Board urges the City Council to ensure that a public agency will own and operate the community sewerage system(s) within the City boundaries.
12. By means of this Resolution, this Regional Board hereby directs its Executive Officer to prepare and process, for future Board consideration of adoption, proposed guidelines prohibiting discharge from new or expanded community sewerage systems unless the system is owned and operated by a governmental entity that is authorized to perform such service, and requiring as a precondition that preference should be given to possible annexation to an existing governmental sewerage entity.

13. Nothing contained herein shall be construed as limiting any subsequent action of this Regional Board in fulfilling its duties and responsibilities as contained in Division 7 of the California Water Code; and

FURTHER RESOLVED: that a certified copy of this resolution shall be forwarded to the City Council of the City of Palm Springs; and certified copies shall be provided to others who may have need thereof and who may request same.

I, Arthur Swajian, Executive Officer, do hereby certify that the foregoing is a full, true, and correct copy of a Resolution adopted by the California Regional Water Quality Control Board, Colorado River Basin Region, on July 11, 1979.



Executive Officer