CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL VALLEY REGION

RESOLUTION NO. 95-024

DEFERRAL OF ENFORCEMENT ACTION
REGARDING BOARD ORDER NO. 90-126 (BASIN PLAN AMENDMENT)
FOR
CHICO URBAN AREA
BUTTE COUNTY

WHEREAS, the Board, on 27 April 1990 adopted Order No. 90-126 prohibiting the discharge of waste from individual systems in the Chico Urban Area after 1 July 1995. The purpose of the prohibition was to eliminate the discharge of nitrogen from septic tanks to ground water in the Urban Area. The nitrogen from approximately 12,000 individual disposal systems was determined to be the major source of nitrate in ground water resulting in an exceedance of the maximum contaminant level (MCL) specified for drinking water; and

WHEREAS, the State Water Resources Control, after a public hearing and workshop, approved Board Order No. 90-126 on 19 July 1990; and

WHEREAS, Butte County has formed County Service Area 114 to investigate compliance with the prohibition, including additional investigations to refine knowledge of nitrogen discharges to ground water; and

WHEREAS, Butte County has completed the following: installed and sampled 19 new shallow wells and resampled most of the wells originally sampled for nitrate; performed a historical search for past agricultural practices that may have contributed to nitrate loading; established a pilot test for an on-site nitrogen removal technology, partially funded by State Board cleanup and abatement funds; and formed a redevelopment agency to provide funding for sewering or operation of other nitrogen removal systems; and

WHEREAS, the County is currently in the process of gathering additional information, including: analyzing well samples for Nitrogen 15 concentration (a nonradioactive isotope) to determine possible sources of nitrogen in ground water (the concentration of Nitrogen 15 and Nitrogen 14 varies depending on the source of nitrogen); and placing lysimeters at varying depths in several operating leachfields in the Urban area to determine a site specific value for nitrogen removal in the soil; and

WHEREAS, to date, Butte County has expended substantial funds on its efforts, and is continuing to spend the funds necessary to complete the implementation plan: Therefore, be it

RESOLVED, that the Regional Board will defer enforcement action until 30 December 1996 if a draft implementation plan is submitted to staff by 1 July 1995 and a

final Implementation plan is completed by 30 January 1996. The implementation plan must include the following elements:

1. A detailed report of the results of the technical program, and the conclusion regarding nitrate loading estimates from all sources and the potential nitrate transformations in the vadose zone.

2. A feasibility plan and cost estimate to address sewering. The plan must include areas A, B, and C shown on the attached map. In addition, a cost estimate only shall be prepared for sewering all areas that have caused nitrate to exceed the maximum contaminant level. The Board understands that the feasibility analysis and cost estimates are for the purpose of better defining sewering costs and methods, and does not reflect a final determination of areas to be sewered.

3. A plan delineating the areas where sewering is proposed, and areas where alternatives to sewering or "no action" is appropriate.

4. A plan and implementation schedule for providing sewer service to those areas planned to be sewered.

5. A plan and implementation schedule for the design, installation, and management of on-site alternative nitrogen removal mechanisms. This plan must demonstrate to the satisfaction of the Regional Board that the on-site systems will protect present and future beneficial uses.

6. A plan and implementation schedule for establishment of a public agency to be responsible for the proper design, location, sizing construction and maintenance of such systems in the Chico Urban Area.

7. A plan for the establishment of land use policies and development regulations for the Chico Urban Area which support and are consistent with all other sections of the implementation plan.

8. A program for the training and certification of designers, plan checkers, inspectors, repair and maintenance persons, pumpers and any others involved in the operation of on-site systems in the Chico Urban Area; and be it further

RESOLVED, that the Executive Officer bring this matter before the Board for enforcement action if the above implementation plan is not being diligently pursued.

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CHICO URBAN AREA
BUTTE COUNTY

I, WILLIAM H. CROOKS, Executive Officer, do hereby certify the foregoing is a full, true, and correct copy of a Resolution adopted by the California Regional Water Quality Control Board, Central Valley Region, on 27 January 1995.

WILLIAM H. CROOKS, Executive Officer

RSD:djc

AMENDED 1/27/95