

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
LAHONTAN REGION**

**MEETING OF JULY 13, 2011
SOUTH LAKE TAHOE**

- ITEM:** 5
- SUBJECT:** **PUBLIC HEARING – CONSIDERATION OF RESCISSION OF MULTIPLE CEASE AND DESIST ORDERS FOR DISCHARGERS WITHIN THE SPALDING TRACT DISCHARGING OR THREATENING TO DISCHARGE WASTES IN VIOLATION OF WASTE DISCHARGE PROHIBITIONS CONTAINED WITHIN THE WATER QUALITY CONTROL PLAN FOR THE LAHONTAN REGION, LASSEN COUNTY**
- CHRONOLOGY:**
- | | |
|------------------|---------------------------------|
| May 10, 1991 | Cease and Desist Orders adopted |
| July 11, 2991 | Cease and Desist Orders adopted |
| October 14, 2009 | Cease and Desist Orders adopted |
- ISSUE:** Have the 65 property owners named in the proposed order complied with the requirements of the Cease and Desist Orders?
- DISCUSSION:**
- The Spalding Tract subdivision near Eagle Lake in Lassen County was initially developed without a wastewater collection and treatment system. Many owners built homes utilizing individual on-site disposal systems (septic tanks and leach fields or pits) for wastewater disposal.
- In 1984, the Water Board adopted an amendment to its Water Quality Control Plan for the Lahontan Region which effectively prohibited the discharge of waste using on-site systems after 1989. In response to a failure of the community to fund and construct a wastewater collection and treatment system, the Water Board issued numerous Cease and Desist Orders to individual property owners.
- In late 2007 the Spalding Community Services District wastewater collection and disposal system (lined ponds) was operational. Two years later, a large number of property owners had connected to the system and Cease and Desist Orders issued to this property owners were rescinded. New Cease and Desist Orders were adopted in late 2009 to those property owners who had not yet connected to the system.

The Water Board has information that 65 of the property owners with outstanding Cease and Desist Orders from either 1991 or 2009 have now connected to the system and the proposed Order (enclosure 1) would rescind those Cease and Desist Orders. An additional 59 property owners (34 of which are under an existing Cease and Desist Order) have not yet connected to the system and are subject to additional enforcement. More than 90% of those in the Spalding Tract subject to this Basin Plan Prohibition have complied.

As of June 23, 2011, no comments have been received on the Proposed Order.

RECOMMENDATIONS: I will have a recommendation at the conclusion of the public hearing.

| ENCLOSURE | Item | Bates Number |
|------------------|----------------|---------------------|
| 1 | Proposed Order | 05-0003 |

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
LAHONTAN REGION**

BOARD ORDER NO. R6T-2011-(PROPOSED)

RESCISSION OF CEASE AND DESIST ORDERS

FOR

**DISCHARGERS WITHIN SPALDING TRACT
DISCHARGING OR THREATENING TO DISCHARGE WASTES
IN VIOLATION OF WASTE DISCHARGE PROHIBITIONS
CONTAINED WITHIN THE WATER QUALITY CONTROL PLAN FOR THE
LAHONTAN REGION**

_____Lassen County_____

The California Regional Water Quality Control Board, Lahontan Region
(Lahontan Water Board) finds:

1. In September 1984, the Lahontan Water Board amended the *Water Quality Control Plan for the Lahontan Region* (Basin Plan) to incorporate the following waste discharge prohibition.

“The discharge of waste from the Spaulding [sic] Tract or Stones-Bengard subdivisions with other than a zero discharge of nutrients to any surface waters or ground waters in the Eagle Lake basin is prohibited after September 14, 1989.” (Basin Plan, Chapter 4, *Implementation*, Unit/Area-Specific Prohibitions for the Eagle Drainage Hydrologic Area at p. 4.1-4)

This prohibition essentially prohibits the discharge of sewage to individual on-site waste disposal systems in the Spaulding Tract after September 14, 1989.

2. In 1991, the Lahontan Water Board issued 644 Cease and Desist Orders (1991 CDOs) (Nos. 6-91-227 through 6-91-822, Nos. 6-91-825 through 6-91-831, and Nos. 6-91-865 through 6-91-905) to property owners (hereinafter referred to as “Dischargers”) within the Spaulding Tract subdivision for violating or threatening to violate the above-referenced waste discharge prohibition. The Lahontan Water Board postponed additional enforcement actions so that a community wastewater system could be built and thereby provide a ready means of compliance to property owners.

CDOs issued to the Dischargers, in part, set forth a time schedule for completion of the community wastewater system. The CDOs also required the Dischargers to cease and desist from discharging wastes in violation of the waste discharge prohibition once the community wastewater system became operational.

3. On October 22, 2007, the Spalding Community Services District (District) wastewater collection and disposal system (system) became operational. As a result, there is a readily available method for property owners to comply with the waste discharge prohibition contained within the Basin Plan. Many property owners have since complied with the waste discharge prohibition by either connecting to the District's system or by properly abandoning their septic tank/leachfield system.
4. On June 10, 2009, the Lahontan Water Board rescinded five hundred ninety-seven (597) 1991 CDOs. The 1991 CDOs were rescinded because either (a) the property owner listed in the 1991 CDO had connected their on-site wastewater disposal system to the District system, (b) the property owner listed in the 1991 CDO had properly abandoned their on-site wastewater disposal system, or (c) the property owner listed in the 1991 CDO no longer owned the property. Forty-seven (47) 1991 CDOs were not rescinded at this time because the Discharger identified in the 1991 CDO continued to own the subject property and was in violation of the Basin Plan Prohibition.
5. On October 14, 2009, the Water Board adopted 74 Cease and Desist Orders (2009 CDOs) (Nos. R6T-2009-0057 through R6T-2009-0130) for property owners who continued to discharge or threaten to discharge waste in violation of the Basin Plan prohibition. The 2009 CDOs were adopted to reflect current property ownership, provide the Dischargers with an updated compliance schedule, and reflect the availability of the District system.
6. On October 14, 2009, the Water Board rescinded an additional fourteen (14) 1991 CDOs and replaced them with 2009 CDOs. This action provided Dischargers who continued to own the property listed in the 1991 CDOs and who continued to violate the Basin Plan waste discharge prohibition an updated compliance schedule.
7. The 1991 CDOs and 2009 CDOs that are being rescinded as part of this Order are shown in Attachment A, which is made a part of this Order, and include Dischargers that meet one of the following conditions:
 - a. The Discharger has connected their on-site wastewater disposal system to the District's system and is in compliance with the Basin Plan waste discharge prohibition.

- b. The Discharger has properly abandoned their on-site wastewater disposal system and is in compliance with the Basin Plan waste discharge prohibition.
- c. The Discharger has demonstrated that there is not an on-site wastewater disposal system on the subject property and they are therefore in compliance with the Basin Plan waste discharge prohibition.
8. It is in the public interest to rescind the 1991 CDOs and 2009 CDOs identified in Attachment A as the Dischargers are complying with the Basin Plan waste discharge prohibition.
9. The Water Board has notified, or attempted to notify, the Dischargers listed in Attachment A and interested persons of its intent to rescind the CDOs.
10. The Board in a public hearing heard and considered all comments pertaining to this Rescission Order.
11. Issuance of this Order is exempt from the provisions of the California Environmental Quality Act (Public Resources Code, Section 21000, et seq.), in accordance with Title 14, California Code of Regulations, Section 15321.

IT IS HEREBY ORDERED that the Cease and Desist Orders listed in Attachment A be rescinded.

I, Harold J. Singer, Executive Officer, do hereby certify that the foregoing is a full, true, and correct copy of an Order adopted by the California Regional Water Quality Control Board, Lahontan Region, on July 13, 2011.

HAROLD J. SINGER
EXECUTIVE OFFICER

Attachment A – Spalding Tract Cease and Desist Order Rescission List

Attachment A
Spalding Tract Cease and Desist Order Rescission List

| Cease and Desist Order Number | Assessor Parcel Number Listed in CDO | Discharger Listed in CDO |
|--------------------------------------|---|---|
| 1991 Cease and Desist Orders | | |
| 6-91-316 | 077-161-18-11 | CLARK, WILLIAM JACOB |
| 6-91-325 | 077-213-04-11 | COLEMAN, RONALD & STEPHANIE |
| 6-91-496 | 077-383-20-11 | HERITAGE LAND CO. |
| 6-91-373 | 077-311-26-11 | DIETRICH, BONNIE K. |
| 6-91-374 | 077-211-14-11 | DITTMAR, DONALD A. & CAROLYN Y. |
| 6-91-405 | 077-242-12-11 | EHN, CHARLES H. & MAYME A |
| 6-91-420 | 077-324-36-11 | FARRIS, CAROL D. |
| 6-91-448 | 077-293-12-11 | GATES, DONALD F. & CHARLENE J. |
| 6-91-493 | 077-262-08-11 | HERITAGE LAND CO. |
| 6-91-494 | 077-362-28-11 | HERITAGE LAND CO. |
| 6-91-495 | 077-362-29-11 | HERITAGE LAND CO. |
| 6-91-497 | 077-383-31-11 | HERITAGE LAND CO. |
| 6-91-545 | 077-397-23-11 | LARIMORE, HARRY A. & BEATRICE A. |
| 6-91-556 | 077-332-45-11 | LEROY, C. DAVID & DOREENE J. |
| 6-91-565 | 077-272-36-11 | LOY, DAVID N. & REGINA M. |
| 6-91-568 | 077-172-16-11 | MACIAS, RAYMOND & MARJORIE A. |
| 6-91-581 | 077-304-47-11 | MCGREW, WILLIAM & ESTHER |
| 6-91-589 | 077-171-11-11 | MILLER, GAIL H. & OLEN |
| 6-91-688 | 077-293-11-11 | ROUNSAVILLE, JOSEPH W. & ETTA MAE |
| 6-91-707 | 077-331-37-11 | SEATERS, MARION & KATHLEEN |
| 6-91-375 | 077-403-16-11 | DITTMAR, DONALD A. & CAROLYN Y., AND VALERIE SITES |
| 6-91-831 | 077-232-37-11 | STEBBINS, DUANE C. & LORETTA |
| 6-91-899 | 077-251-35-11 | WALKER, RUDOLPH SOYKA & REBECCA |
| 6-91-902 | 077-374-02-11 | WALKER, REBECCA |
| 6-91-822 | 077-152-07-11 | ZUNINO, MICHAEL A. & SHEREE A. |
| 2009 Cease and Desist Orders | | |
| R6T-2009-0070 | 077-234-22-11 | BAILEY TRUST ETAL |
| R6T-2009-0071 | 077-394-20-11 | BARKER, JEFFREY & BARBARA JT |
| R6T-2009-0072 | 077-254-28-11 | BISHOW, RAYMOND L |

Attachment A
Spalding Tract Cease and Desist Order Rescission List

| Cease and Desist Order Number | Assessor Parcel Number Listed in CDO | Discharger Listed in CDO |
|--------------------------------------|---|--|
| R6T-2009-0073 | 077-232-41-11 | BIXBY, WILLIAM D & ANN R CPRS |
| R6T-2009-0076 | 077-371-06-11 | BUSKIRK, JEFFERY O & MARGARET A JT |
| R6T-2009-0077 | 077-303-27-11 | CHANDLER, DIANE & GENTRY, BETTIFAE |
| R6T-2009-0078 | 077-173-35-11 | CLARK, MARK L & REATHA PAULINE JT |
| R6T-2009-0080 | 077-393-14-11 | CRETE, JOSEPH C & TERRI JT |
| R6T-2009-0082 | 077-222-21-11 | FOULK, BENJAMIN L |
| R6T-2009-0084 | 077-223-25-11 | GARDNER, JANE E ETAL |
| R6T-2009-0085 | 077-351-03-11 | HAINES, CIDNE J ETAL |
| R6T-2009-0060 | 077-392-19-11 | HERITAGE LAND CO. |
| R6T-2009-0097 | 077-378-24-11 | JEFFERY, JAMES |
| R6T-2009-0061 | 077-204-15-11 | KISH, LEONORE M |
| R6T-2009-0098 | 077-283-16-11 | KOCH, LINDA C REVOCABLE TRUST % KOCH, LINDA C TRUSTEE |
| R6T-2009-0101 | 077-391-11-11 | MANGER FAMILY TRUST |
| R6T-2009-0103 | 077-363-28-11 | MCCANN, DAVID T & MONTGOMERY, DAVA D HWJT |
| R6T-2009-0104 | 077-334-16-11 | MCMILLEN, TANYA & JERRY CPRS |
| R6T-2009-0062 | 077-394-15-11 | MERRITT, ROBERT L. & JOAN L. |
| R6T-2009-0107 | 077-381-16-11 | MULLER, THOMAS J & ROBERTA L |
| R6T-2009-0110 | 077-411-18-11 | OLIVER, JEFFREY W & LENA D JT |
| R6T-2009-0111 | 077-411-19-11 | OLIVER, JEFFREY W & LENA D JT |
| R6T-2009-0112 | 077-382-15-11 | PARKER, THEODORE & PATRICIA TRUST |
| R6T-2009-0064 | 077-383-40-11 | PARKER, THEODORE & PATRICIA TRUST |
| R6T-2009-0113 | 077-191-27-11 | PEACOCK, BETSY A & TOBIN, LOUIS J HWJT |
| R6T-2009-0114 | 077-311-33-11 | PRATT, WILLIAM H. & MARJORIE L. TC ETAL |
| R6T-2009-0065 | 077-192-38-11 | RAMOS, DANIEL J & KATHRYN S |
| R6T-2009-0094 | 077-201-04-11 | RUDLUFF, CAROLINE M TR |
| R6T-2009-0118 | 077-361-22-11 | SCHUMACHER, ARMIN & BOCK, CHRISTINA JT |
| R6T-2009-0119 | 077-273-36-11 | SEBASTIANI, PIERO REVOCABLE TRUST ETAL |

**Attachment A
Spalding Tract Cease and Desist Order Rescission List**

| Cease and Desist Order Number | Assessor Parcel Number Listed in CDO | Discharger Listed in CDO |
|--------------------------------------|---|--|
| R6T-2009-0066 | 077-2712011 | SIDERS, KATHRYN D. C/O WALL, R. CONSERVATOR |
| R6T-2009-0121 | 077-403-22-11 | SITES, VALERIE V |
| R6T-2009-0122 | 077-271-16-11 | SMITH, BRYAN & TOKE JT |
| R6T-2009-0123 | 077-253-27-11 | SMITH, JOHN & ALICE 1995 LIVING TRUST |
| R6T-2009-0125 | 077-254-27-11 | STEINOCHER, DANIEL G. & LINDA L. JT |
| R6T-2009-0068 | 077-381-14-11 | STIMMELL, JAMES BRADLEY |
| R6T-2009-0127 | 077-351-21-11 | THOMAS, TREVOR P & LAURETTA R |
| R6T-2009-0128 | 077-234-43-11 | WILLIAMS, RICHARD L & PATRICIA C HWJT |
| R6T-2009-0129 | 077-383-36-11 | WILLIFORD, GEORGE CALVIN TRST |
| R6T-2009-0095 | 077-293-10-11 | ZUCCATO, MICHAEL W & LINDA J REVOCABLE TRUST |

PROPOSED