



EDMUND G. BROWN JR.  
GOVERNOR

MATTHEW RODRIGUEZ  
SECRETARY FOR  
ENVIRONMENTAL PROTECTION

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## Lahontan Regional Water Quality Control Board

June 21, 2012

TO ALL INTERESTED PERSONS AND PARTIES:

### **PROPOSED RESCISSION OF MULTIPLE CEASE AND DESIST ORDERS FOR DISCHARGERS WITHIN THE SPALDING TRACT SUBDIVISION, EAGLE LAKE BASIN, LASSEN COUNTY**

Enclosed for your information is a copy of the proposed agenda item No. 9 for your review and a copy of the July 2012 Agenda Announcement. The Regional Board will be considering adoption of the proposed order during its July 11-12, 2012 meeting in South Lake Tahoe, California.

If you need further information regarding this meeting, please contact our office at (530) 542-5400.

A handwritten signature in purple ink that reads "Amber Wike".

Amber Wike  
Office Technician

Enclosures

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

**MEETING OF JULY 11-12, 2012  
SOUTH LAKE TAHOE**

**ITEM:** 9

**SUBJECT:** PUBLIC HEARING – CONSIDERATION OF RESCINDING MULTIPLE CEASE AND DESIST ORDERS FOR DISCHARGERS WITHIN THE SPALDING TRACT SUBDIVISION, EAGLE LAKE BASIN, LASSEN COUNTY

**CHRONOLOGY:**

May 10, 1991	Cease and Desist Orders adopted
October 14, 2009	Cease and Desist Orders adopted
September 14, 2011	Cease and Desist Orders adopted

**ISSUE:** Have the property owners named in the proposed rescission order complied with the requirements of the Cease and Desist Orders, or have the Cease and Desist Orders become obsolete due to either the Discharger no longer owning the property or is deceased?

**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 using individual on-site wastewater 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 wastewater disposal 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 (District) wastewater collection and disposal system (lined evaporation ponds) was operational. Two years later, a large number of property owners had connected to the District system or had properly abandoned their on-site wastewater disposal systems and Cease and Desist Orders issued to these property owners were rescinded. New Cease and Desist Orders were adopted in late 2009 and in late 2011 for those property owners who had not yet complied with the Basin Plan prohibition.

The Water Board has information that 20 of the property owners with outstanding Cease and Desist Orders from 1991, 2009, or 2011 have now either connected to the District system, have properly abandoned their on-site wastewater disposal system, no longer own the property identified in the Cease and Desist Order, or are deceased. The proposed Rescission Order (enclosure 1) would rescind 22 Cease and Desist Orders that have been issued to the 20 property owners. More than 90% of those in the Spalding Tract subject to this Basin Plan prohibition have complied.

As of June 20, 2012, no comments have been received on the Proposed Rescission Order.

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

<b>ENCLOSURE</b>	<b>Item</b>	<b>Bates Number</b>
1	Proposed Rescission Order	<b>9-5</b>

# **ENCLOSURE 1**

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

**BOARD ORDER NO. R6T-2012-(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**

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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 Spalding 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 Spalding 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.

3. The 1991 CDOs issued to the Dischargers, in part, set forth a time schedule for completion of the community wastewater system. Those 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.
4. 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 on-site wastewater disposal system.
5. On June 10, 2009, the Lahontan Water Board rescinded five hundred ninety-seven (597) 1991 CDOs. The 1991 CDOs were rescinded because the Discharger named in the 1991 CDO either (a) connected their on-site wastewater disposal system to the District system, (b) properly abandoned their on-site wastewater disposal system, or (c) 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.
6. On October 14, 2009, the Lahontan 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.
7. On October 14, 2009, the Lahontan 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.
8. On July 13, 2011, the Lahontan Water Board rescinded an additional twenty-five (25) 1991 CDOs and forty (40) 2009 CDOs because the Dischargers named in those CDOs came into compliance with the Basin Plan prohibition.
9. On September 14, 2011, the Water Board adopted 12 additional Cease and Desist Orders (2011 CDOs) (Nos. R6T-2011-0065 through R6T-2011-0076) for property owners who continued to discharge or threaten to discharge waste in violation of the Basin Plan prohibition, and who were

- not previously issued a CDO. The 2011 CDOs were adopted to reflect current property ownership and to establish a compliance schedule for those property owners who had an on-site wastewater disposal system and had yet to receive a CDO.
10. This Order rescinds the 1991, 2009, and 2011 CDOs shown in Attachment A, which is made a part of this Order, because the Dischargers named in those Orders 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 identified in the CDO is no longer identified in County records as the property owner, or is deceased.
  11. It is in the public interest to rescind the 1991, 2009, and 2011 CDOs identified in Attachment A as the Dischargers are either complying with the Basin Plan waste discharge prohibition or the CDOs are obsolete as the Dischargers no longer own the property or are deceased.
  12. The Lahontan Water Board has notified, or attempted to notify, the Dischargers listed in Attachment A and interested persons of its intent to rescind the 1991, 2009, and 2011 CDOs identified in Attachment A.
  13. The Board in a public hearing heard and considered all comments pertaining to this Rescission Order.
  14. 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, Patty Z. Kouyoumdjian, 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 11, 2012.

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PATTY Z. KOUYOUMDJIAN  
EXECUTIVE OFFICER

Attachment A: Spalding Tract Cease and Desist Order Rescission List

PROPOSED

## Attachment A-Spalding Tract Cease and Desist Order Rescission List

Cease and Desist Order No.	Assessor Parcel Number Listed in CDO	Discharger Listed in CDO
<b>1991 Cease and Desist Orders</b>		
6-91-454	077-261-08	GODDARD, PHILIP W. & PAMELA LYNN
6-91-475	077-344-01	HASTY, CLARENCE T. & VIRGINIA J.
6-91-542	077-161-01	LANTIS, MARYANN
6-91-543	077-171-14	LANTIS, MARYANN
6-91-558	077-192-29	LEWIS, RICHARD R.
6-91-593	077-233-55	MIRCETICH, JOHN & JANE
<b>2009 Cease and Desist Orders</b>		
R6T-2009-0074	077-354-24-11	BOBBITT, GALEN L. & MONIQUE L. ETAL
R6T-2009-0075	077-201-09-11	BUSH, JAMES K & DEBRA M JT
R6T-2009-0079	077-232-42-11	CONTRERAS, ROBERT SR & CYNDI L
R6T-2009-0057	077-351-28-11	EVANS, DAVE M
R6T-2009-0083	077-302-16-11	FRACK, LARRY ALAN
R6T-2009-0086	077-343-23-11	HASTY, CLARENCE & VIRGINIA REVOCABLE LIVING TRUST
R6T-2009-0099	077-264-09-11	KOCH, THOMAS CHARLES
R6T-2009-0087	077-322-09-11	LUTZ, JOY L
R6T-2009-0117	077-391-07-11	SCHMIDT, KENNETH & CYNTHIA JT
R6T-2009-0120	077-331-46-11	SHIMP, GLENN R & DIANE M HW ETAL
R6T-2009-0067	077-392-22-11	SPECIALE, GEORGE D.
R6T-2009-0124	077-294-13-11	STEINER LIVING TRUST C/O MICHAEL AND JULIE STEINER

## Attachment A-Spalding Tract Cease and Desist Order Rescission List

Cease and Desist Order No.	Assessor Parcel Number Listed in CDO	Discharger Listed in CDO
<b>2011 Cease and Desist Orders</b>		
R6T-2011-0068	077-191-29-11	JAMISON, DWIGHT M. & CAROL L.
R6T-2011-0073	077-224-22-11	PENSCO INC FBO JUDITH A DAVIS IRA DA211
R6T-2011-0075	077-194-41-11	SOOHODOLSKY FAMILY TRUST
R6T-2011-0076	077-304-65-11	VALINE, ADELIA MICHELLE