

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

**MEETING OF SEPTEMBER 14-15, 2011
South Lake Tahoe**

ITEM: 9

**SUBJECT: PUBLIC HEARING – CONSIDERATION OF THE
ISSUANCE OF CEASE AND DESIST ORDERS (CDO)
FOR MULTIPLE PROPERTY OWNERS FOR THE
DISCHARGE OR THREATENED DISCHARGE OF WASTE
IN VIOLATION OF DISCHARGE PROHIBITIONS
SPECIFIED BY THE WATER QUALITY CONTROL PLAN
FOR THE LAHONTAN REGION AND, WHERE
APPLICABLE, THE RESCISSION OF THE LISTED CEASE
AND DESIST ORDER**

CHRONOLOGY: September 1984 The Water Board amended the *Water Quality Control Plan for the Lahontan Region* establishing a waste discharge prohibition for Spalding Tract development within the Eagle Lake Basin.

1991 The Water Board issued CDOs to most Spalding Tract property owners requiring compliance with the prohibition.

October 14, 2009 The Water Board adopted 74 Cease and Desist Orders for multiple property owners who continued to discharge or threaten to discharge in violation of the Basin Plan prohibition

ISSUE: Should the Water Board adopt cease and desist orders, pursuant to Water Code section 13301, for multiple Spalding Tract property owners?

DISCUSSION: In September 1984, the Water Board amended the *Water Quality Control Plan for the Lahontan Region* (Basin Plan) to prohibit the discharge of waste containing nutrients from the

Spalding Tract to groundwaters and surface waters of the Eagle Lake Basin. All such discharges were to cease after September 14, 1989. In pertinent part, the Basin Plan prohibition states:

“The discharge of waste from the Spaulding [sic] 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 page 4.1-4.)

The Water Board has, in prior orders, taken the position that on-site wastewater disposal systems (e.g., septic tank/leachfield systems, outhouses – unless to a holding tank) discharge waste that contains nutrients to the ground. Additionally, the Water Board has made findings that use of such disposal systems results in the transport of nutrients to the groundwater in violation of the above-referenced Basin Plan prohibition and that the presence of such disposal systems on properties within the Spalding Tract constitutes, at a minimum, a threatened discharge in violation of the discharge prohibition. The Water Board is authorized to address this situation by adopting a cease and desist order pursuant to Water Code section 13301.

In 1991, the Water Board issued cease and desist orders to most Spalding Tract property owners requiring them to comply with the Basin Plan prohibition by ceasing their wastewater discharges to on-site wastewater disposal systems within a specified time period. The compliance schedule was based, in part, on the Eagle Lake Community Services District (District) constructing and operating a community wastewater system. The orders also contained a contingency compliance schedule to address the scenario where the community wastewater system was not completed by the anticipated date.

The District’s community wastewater system became operational in October 2007 (four years later than anticipated). This wastewater system is a readily available method for Spalding Tract property owners to comply with the Basin Plan prohibition.

The Water Board Prosecution Team is requesting that the Water Board adopt cease and desist orders (enclosures 1 thru 23) against the owners of 28 parcels (six parcels are owned by the same persons) that it alleges have facilities that discharge or threaten to discharge waste in violation of the Basin Plan prohibition. These owners have until August 29, 2011 to submit evidence relevant to this matter. As of August 24, 2011, no party has submitted any evidence.

The cease and desist orders proposed by the Water Board Prosecution Team would require the owners of these parcels to either connect to the District's wastewater treatment system or to properly abandon their on-site wastewater disposal system. One of the two actions must take place by November 10, 2011.

RECOMMENDATION: The Water Board Advisory Team will make a recommendation on these proposed cease and desist orders at the close of the hearing.

ENCLOSURES: 1 – 23 Proposed cease and desist orders

Enclosure List – Alphabetical by Parcel Owner

ENCLOSURE NUMBER	APN	PARCEL OWNER	BATES NUMBER
1	077-181-12-11 077-181-15-11 077-182-09-11 077-183-17-11 077-191-30-11 077-192-39-11 August 30, 2011 E-mail	ARNOLD, MICHAEL WAYNE & KATHERINE DIANE REVOCABLE TR	09-6
2	077-401-09-11	BRYANT, VINCENT KEITH & REBECA LYNN	09-60
3	077-171-29-11	COOLEY, DENNIS J & URBAN, JOHN D	09-89
4	077-161-24-11	CUNNINGTON, ROGER	09-118
5	077-261-08-11	GODDARD, PHILIP W	09-147
6	077-344-15-11	HASTY, CLARENCE & VIRGINIA REVOCABLE LIVING TRUST	09-179
7	077-191-29-11	JAMISON, DWIGHT M. & CAROL L.	09-219
8	077-351-27-11	JOHNSON, MARK	09-249
9	077-343-19-11	JONES, RONALD D & CAROL	09-282
10	077-387-20-11	KOSKI, GARNET ARTHUR IRREVOCABLE TRUST	09-316
11	077-192-29-11	LEWIS, WILLIAM JOE & LEWIS, DAVID GENE	09-350
12	077-332-42-11	MINER, SHEILA M.	09-379
13	077-254-20-11	ORMACHEA, GARY L. & JEAN Y.	09-431
14	077-224-22-11	PENSCO INC FBO JUDITH A DAVIS IRA DA211	09-459
15	077-162-11-11	RADFORD, RICHARD R C/O ROBERT BLACKMON	09-483
16	077-221-20-11	SCHMIDT, KEN W. & BRENDA L.	09-512
17	077-313-17-11	SOLIS, JESUS H. & ROSE MARIE	09-546
18	077-194-41-11	SOOHODOLSKY FAMILY TRUST	09-573
19	077-271-15-11	TODD, DENNIS E & ANDREA D	09-613
20	077-304-65-11	VALINE, ADELIA MICHELLE	09-638
21	077-303-07-11	WATKINS, BILLY J	09-674
22	077-264-09-11	WILLIAMSON, LARRY R	09-701

23	077-301-25-11	WILLIAMSON, LARRY R	09-731
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3	077-171-29-11	COOLEY, DENNIS J & URBAN, JOHN D
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7	077-191-29-11	JAMISON, DWIGHT M. & CAROL L.
1	077-191-30-11	ARNOLD, MICHAEL WAYNE & KATHERINE DIANE REVOCABLE TR
11	077-192-29-11	LEWIS, WILLIAM JOE & LEWIS, DAVID GENE
1	077-192-39-11	ARNOLD, MICHAEL WAYNE & KATHERINE DIANE REVOCABLE TR
18	077-194-41-11	SOOHODOLSKY FAMILY TRUST
16	077-221-20-11	SCHMIDT, KEN W. & BRENDA L.
14	077-224-22-11	PENSCO INC FBO JUDITH A DAVIS IRA DA211
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