YAHOO! MAIL Classic

**Comment Letter - Spalding Complaint**

Tuesday, June 12, 2012 1:03 PM

From: "mc naylor" <mc_naylor95361@yahoo.com>
To: RB6-r6commentletter@waterboards.ca.gov
Cc: "Mitchell Naylor" <mc_naylor95361@yahoo.com>
5 Files (77KB)

LRWQCB R CWQCB Atl CWQCB Atl CWQCB Atl CWQCB Atl

RECEIVED
JUN 13 2012
By PZK

From: Mitchell C. Naylor
Complaint Ref. R6T-2012-0026
Spalding Tract, Lassen Co. APN-401-11-11

To: Harold J. Singer, Executive Officer
California Water Quality Control Board, Lahontan Region
2501 Lake Tahoe Boulevard
South Lake Tahoe, California 96150

Mr. Singer:

Pursuant to the instructions for Submittal of Evidence/Comments to the Water Board in your May 3, 2012 letter referencing the July 11-12 Water Board Hearings considering an Administrative Civil Liability Complaint , I am herewith transmitting to you an electronic copy of my written evidence and response to the complaint LETTER, and four of the electronic evidence attachments that are in the process of being submitted in hard copy.

The Letter consists of three pages. A total of nine evidence documents are included in the document package, consisting of 15 pages.

Herewith are also attached documents I(b), I(c), I(f) and II(C). Documents I(a), I(d), I(e), II(a), and III(a) do not exist in an electronic form in my files that I can transmitt.

Also per the May 3, 2012 submittal directions, I am today sending via overnight mail delivery, one original letter and eleven (11) hard copies of the original (double spaced and three hole spaced) copies of the original letter. These should arrive in your office prior to the June 15, 2012 deadline for receiving this material.

Sincerely,
Mitchell C. Naylor

# Mitchell C. Naylor

12344 26 Mile Road No. 67
Oakdale, California 95361
(209) 346-2330 -- mc_naylor95361@yahoo.com


**June 10, 2012**

Mr. Harold J. Singer, Executive Officer
California Water Quality Control Board, Lahontan Region
2501 Lake Tahoe Boulevard
South Lake Tahoe, California 96150

**REF: RESPONSE: ADMINISTRATIVE CIVIL LIABILITY COMPLAINT NO. R6T-2012-0026, SPALDING TRACT SUBDIVISION, LASSEN CO. APN-401-11-11**

Mr. Singer and CRWQCB Board Members:

The following **RESPONSE TO ALLEGATIONS** is provided for your consideration at the scheduled July 11-12, 2012 Water Board Hearing in South Lake Tahoe. This material should arrive at your office prior to the June 15, 2012 date for submission of written evidence and response to the Complaint, as noted in your letter of May 3, 2012.

This RESPONSE consists of three (3) sections: I. Respondents' Statements of Compliance and supporting documentation: II. Respondents' Declaration Regarding Allegations, with support material; and, III. Respondents' Statements to CRWQ Cease and Desist Hearing in October, 2009.

## RESPONSE TO CIVIL LIABILITY COMPLAINT ALLEGATIONS
## Spalding Tract, Eagle Lake APN-401-11-11

### I. RESPONDENTS' STATEMENT OF COMPLIANCE

By June 15, 2012 Respondents Mitchell Creig and Ginger Naylor will have fully complied with the California Regional Water Quality Control Board, Lahontan Region order to connect the on-site wastewater disposal system at 686-750 Redwood Way, Spalding Tract, to the Spalding Tract Community Services District community sewer system, according to the contractor retained for the project. Please refer to Attachments I(a) through I(f), below:

(a) **Letter to Lisa Scoralle or Scott Ferguson of CRWQCB** regional office, from Eagle Lake Construction dated June 1, 2012 referencing the receipt of a construction permit for connecting the Naylor on-site wastewater system to the SCSD sewer system.

(b) **Electronic correspondence between EL Construction & Naylors** dated May 30, 2012 regarding work progress on connection to SCSD sewer system and expected completion date of no later than June 15, 2012.
(c) **Letter from Mitchell C. Naylor to EL Construction,** dated May 25, 2012 initiating the Eagle Lake connection work.
(d) **SCSD Sewer Connection Permit Application**, May 9, 2012.
(e) **Notarized copy of Application for Building Site Designation** to Lassen County Clerk-Recorder, May 4, 2012, and signed by SCSD General Manager Chris Gallagher.
(f) **Letter to Chris Gallagher at SCSD** requesting cost estimates and application forms for connection to the SCSD system, April 13, 2012, two (2) pages.

## II. RESPONDENTS' DECLARATION RE CIVIL LIABILITY ALLEGATIONS

(a) Respondents' did, upon a de facto basis, abandon use of the wastewater system at 686-750 Redwood Way and did Cease and Desist from use of that system on or about September 20, 2007 at the conclusion of a months-long Maintenance and Repair visit to prepare the home for sale. This was long before the October 24, 2009 issuance of a Cease and Desist Order by the Lahontan Water Board. Furthermore, during this period, the unit was not rented by the area real estate agent. That cessation has continued to date.

**SEE ATTACHMEDNT II(a), CONSISTING OF BEFORE AND AFTER PHOT-DATED COPIES OF THE REPAIR WORK FOR THAT PERIOD, two (2) pages.**

(b) Respondents' did, on or about June 30, 2008 contact Eagle Lake realtor David LeRoy, Heritage Land Co., and authorize the placement of said home on the real estate market, with said sale including all "full disclosure" requirements such as the required hookup of the wastewater system to the SCSD sewer system.

*(c)* Respondents' did, on April 28, 2012 contact Eagle Lake Construction Company, J.D. and Tammy LeRoy, and retained the company to examine the existing septic installation, determine the extent of work needed to make the SCSD connection, and to complete the installation and connection to SCSD. On May 15, 2012 Tammy LeRoy contacted Mitchell Naylor and informed him that while the baffle between the two sections of the septic tank was broken, the tank was full and needed to be pumped before inspection and work could go forward. **That the tank was full would merit a conclusion that there was no leakage from the tank between the date of cessation of use, September 20, 2007, to the date of the actual pumping of sewage from the tank. This is a period of almost two (2) years prior to the issuance of the 2009 Cease and Desist Order and another three (3) years to the present date.** *A Final Notice of Completion will be delivered under separate cover to CRWQCB and Respondents' by either Eagle Lake Construction or the SCSD.*

**SEE ATTACHMENT II(c), ELECTRONIC CORRESPONDENCE DATED MAY 16, 2012, FROM EAGLE LAKE CONSTRUCTION TO NAYLORS'.**

## III. RESPONDENTS' NOTIFICATION OF CEASE & DESIST HARDSHIP SITUATION – OCTOBER, 2009

Respondents' did, on October 8, 2009, after the receipt of a Sept. 22, 2009 letter regarding the anticipated adoption of Cease and Desist Orders by CRWQCB , attempt to contact the CRWQCB Executive Officer Harold Singer by telephone. Respondents' were directed to Taylors Vetner, of whom it was said was handling input for the hearing that was scheduled. Vetner was not available either. The Sept. 22 letter also directed concerned property owners to respond in writing. We did this. A letter was directed to Mr. Singer and Mr. Vetner on October 9, 2009. It was both mailed and faxed to the CRWQCB offices in South Lake Tahoe.

The letter included statements on three topics:

1) **Respondents' had an extensive association** with the Spalding Tract and the history of the wastewater development program in the area. We supported the program and voted for the taxes and loans to initiate the creation of the sewer district;

2) **Respondents' were then facing an Extensive Hardship** situation due to loss of two full-time employment positions that were replaced by only a three-fourths of a position, and medical issues for Mitchell including a broken wrist the winter after M&R work was done at the Eagle Lake home, and a six-way cardiac operation the following summer; and

3) **Respondents' believed that imposition of the Cease and Desist Orders** would, in addition to their own situation, exacerbate hardship conditions at Spalding Eagle Lake due to its reliance on the real estate market.

**SEE ATTACHMENT III(a), consisting of five (5) pages.**

In the above-referenced letter, respondents' indicated that we were developing a plan for implementation of a connection to the SCSD in the 2010 construction season, working with JD LeRoy of Eagle Lake Construction and David LeRoy of Heritage Land Co. Unfortunately, we were optimistic in our projection. It was not until the spring of 2011 that Mitchell was physically rehabilitated adequately to work a full week and to also attain the mental acuity in order to carry out the tasks necessary for fulfilling our stated intention. It was not until the current construction season, 2012, that we were financially able to do so.

Thank you for your review.

Sincerely,

Mitchell C. & Ginger Naylor

Attachments: Nine (9) – 15 Pages

Eagle Lake Construction
687-630 Maple Way
Susanville, Ca. 96130
(530) 825-3351
Lic #891767

June 1, 2012

State of California
California Regional Water Quality Control Board
Lahontan Region
2501 Lake Tahoe Blvd.
South Lake Tahoe, Ca. 96150

This letter is for Lisa Scoralle or Scott Ferguson regarding Mitchell C. Naylor Apn#077-401-11-11. Mr. Naylor contacted our company some time ago and we have been paid a deposit and have received a permit to start the replacement process on his septic tank. The permit number is 000611. The tank has been pumped and we've received a deposit so we will start work on the 6th of June with a completion by June 8th.

You should received a sign off from Virginia by June 15th, if not let me know. I will send a signed off permit along with an invoice to Mitch Naylor by June 11th.

Thank You,

Tammy LeRoy

Tammy LeRoy

CC.. Mitch Naylor

YAHOO! MAIL Classic

**Re: Septic tank** Wednesday, May 30, 2012 3:34 PM

"J D Leroy" <theleroys@frontiernet.net>
"mc naylor" <mc_naylor95361@yahoo.com>

Hello, I received your permit today and your check, so we will finish up either next week or by the 15th of June for sure. I will send you the signed off permit and final invoice once project is completed. Just send $250.00 a month starting July until balance is pd in full, interest free.

I will send a letter to Lahontan tomorrow letting them know what's going on.

Thanks,

Tammy LeRoy
Eagle Lake Construction
687-630 Maple Way
Susanville, Ca. 96130
530-825-3351
Lic#891767

Mitchell C. & Ginger Naylor
CRWQCB CL Complaint-Response
June 10, 2012 - Attachment I(b) (1 of 1)

---- Original Message ----
**From:** mc naylor
**To:** J D Leroy
**Sent:** Tuesday, May 29, 2012 12:03 PM
**Subject:** Septic tank

J D, Tammy,

Hi. I sent you a Cashier's Check on Friday, May 25 for $1,200 per our discussion last week. It should be in your mail today, due to yesterday's Holiday.

I requested a letter from you to send to the Water Board. I hope you can do this soon, as I would like to send documentation to the board of my progress. There is a June 15 deadline for submitting material.

I have not heard anything on the site plan designation or the permit. I know you've been in touch with Virginia at the district -- can you update me?

If you can convert to a PDF, perhaps you can send the letter via email?

Take care - Mitch

Mitchell C. Naylor
12344 26 Mile Road No. 67
Oakdale, California 95361
(209) 346-2330 -- mc_naylor95361 @yahoo.com

May 25, 2012

J.D. and Tammy LeRoy
687-630 Maple Way
Susanville, California 96130

Ref: Naylor Spalding Community Service District Septic Hookup
Address – 686-750 Redwood Way, Spalding Community

J.D. and Tammy,

Pursuant to my telephone conversation with Tammy on Monday, May 21, I am herewith enclosing a Cashier's Check, No. 11656, in the amout of One Thousand Two Hundred Dollars ($1,200.00) as further payment on the work that has begun on the Spalding CSD hookup at mine and Ginger's home in Spalding's.

I understand that the pumping and inspection showed that the original septic tank cannot be used and must be replaced, and that the estimate for the work, including a new tank, is for a total amount of $3,770.00. I also understand that you are in contact with the Spalding CSD and will commence the completion of the work when they have issued the construction permit.

I have one further request, as follows.

The Lahontan Regional Water Quality Control Board has issued a "Notice of Hearing: Consideration Of An Administrative Civil Liability Complaint" to I and other Spalding homeowners who have not as yet completed hookup to the CSD system. I am sure you are aware of this hearing. I am in the process of gathering information to submit to the Board before June 15, 2012. I would like to write my letter to the Board during the week of May 27, just after the Memorial Day holiday.

I am herewith requesting that you provide me a letter outlining my contact with you, our agreement and the work progress. I would also request that you include an expected completion date. If JD remembers our 2007 conversations regarding retaining him for the sewage hookup, I would like that information included in the letter. That June, 2007 visit to our cabin, when I made M&R repairs to the house, was also the approximate time that I began preparing to initiate arrangements for the septic hookup.

Thank you. I can be contacted at the number above or at (209) 847-0871, Sunday through Thursday.

Sincerely,

Mitch Naylor

**Mitchell C. Naylor**
12344 26 Mile Road No. 67
Oakdale, California 95361
(209) 847-0871 -- mc_naylor95361 @yahoo.com

April 13, 2012

Chris Gallagher, General Manager
Spalding Community Services District
502-907 Mahogany Way
Susanville, CA 95361

REF: APN # 077-401-11
686-750 Redwood Way

Mr. Gallagher:

Please find a payment of One Hundred and Seventy-Five Dollars ($175.00) on the above noted account, which is recorded on your April 1, 2012 billing as due for Five Hundred Seventy-Three Dollars and Thirteen Cents ($573.13).

In your June 13, 2011 letter to Spalding property owners, you reported the board of directors would vote on collecting past due (over $300.00) accounts under Government Code 6115(b), through tax assessment. I presume that the payment transfer notation on the current bill dated March 5, 2012 is a payment obtained through this process. If not, please inform me of its source.

In your April 1, 2012 letter you requested property owners who have not hooked their septic tanks up to the system to contact you to assist those of us who fall into that group in doing so. I made an attempt to call you on April 5 at your officer number, and reached a recording. To date, I have not received a return call. – Of course, you would not be out of line in noting that I have not contacted the district office at all since its formation. Perhaps my enclosed "Personal statement of Hardship" will explain the reasons for this.

This letter, in addition to making the enclosed payment on account, is to request assistance in initiating the process for my septic hook-up to the system for the above address. While there has been no use whatsoever of the septic system at this lot since approximately June, 2007 – and very little for several years prior to that – I am well aware of the California regional Water Quality Control Board injunction to do so. It is my intent to obtain the permit from your board during this season and to complete the necessary hook-up.

If you are able to release a permit to a contractor prior to full payment of my past due account (in consideration of my reduced resources), please let me know. I would like to bring this current

through installment payments over six months if possible. I had previously arranged for J.D. LeRoy to do the construction work at my site, but I do not know his present availability. If he is not available, do you have a list of other contractors working in the community.

Also please provide me any information I need to complete the hook-up process. I would also like to know if the district office will inform CRWQCB of my permit application and process, or whether I should inform them directly.

Thank you for your assistance. I look forward to the time when I can again visit my home at Spalding Eagle Lake. Perhaps we will have an opportunity to meet.

Sincerely,

M.C. Naylor

(1)

When Recorded, Return to:

Naylor, Mitchell Craig/Ginger JT
12344 26 Mile Road #67
Oakdale CA 95361

2012-02542
Recorded at the request of:
MITCHELL & GINGER NAYLOR
05/18/2012 11:00 AM
Fee: $8.00 Pgs: 1 of 1 DBS
OFFICIAL RECORDS
Julie M. Bustamante - Clerk-Recorder
Lassen County, CA

Mitchell C. & Ginger Naylor
CRWQCB-CL Complaint-Response
June 10, 2012 - Attachment I(d) (1 of 1)

Community Development Department Use Only

BLOCK No. 91 LOT Nos 28, 29, 30, 31 APNs 027-401-11

Completed by: [illegible] On: 05-16-12

DESIGNATION OF SPALDING TRACT BUILDING SITE

I hereby designate Lots 28, 29, 30, 31 in Block 91 in Spalding Eagle Lake Tract as a separate building site pursuant to Lassen County Ordinance 454.

Mitchell Craig Naylor / Ginger Naylor
Signature(s) of property owner(s) of Record (as they appear on deed)

5/14/12
Date

Mitchell Craig / Ginger Naylor
Please type name(s)

NOTE: Designation of such building sites shall be deemed as the creation of separate parcels pursuant to the Subdivision Map Act. Thereafter, any alteration of the boundaries of a designated building site shall be accomplished only through the lot line adjustment process, or by subdivision pursuant to the Subdivision Map Act.

This certifies that the building site designated above as a combination of lots per Lassen County Ordinance 454, is located within the service area of the Spalding Community Services District waste water treatment facility and will be provided waste water conveyance and treatment service by the District.

Authorized signature on behalf of the Spalding Community Services District by:

Signature

4/25/2012
Date

Chris Callagher
Print Name

General Manager
Title

NOTE: The Lahontan Regional Water Quality Control Board has issued a Cease and Desist Order that prohibits the installation of new onsite sewage disposal systems in the Eagle Lake Basin, Spalding Tract. The Lassen County Health Department can not approve or issue applications to install new onsite sewage disposal systems in the Spalding Tract.

ACKNOWLEDGMENT

State of CALIFORNIA

County of STANISLAUS

On 05/04/2012 before me, MYRNA E Nordstrom, Notary Public

personally appeared Mitchell Craig NAYlor And Ginger Faye NAYlor

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal,

Myrna E Nordstrom
Signature of Notary Public

MYRNA E. NORDSTROM
Commission # 1860392
Notary Public - California
Stanislaus County
My Comm. Expires Aug 7, 2013

2

# SPALDING COMMUNITY SERVICES DISTRICT
# SEWER CONNECTION PERMIT APPLICATION

| APPLICANT COMPLETES | | | | |
|---|---|---|---|---|
| | Inspection Requests: | (530) 825-3258 | | ASSESSMENT NO 17 |
| | OWNER: Naylor Mitchell | Craig/Ginger II | TELEPHONE NO: 209 847 0871 | PERMIT NO: |
| | SERVICE ADDRESS 636-750 Wood Way / Spalding Tract | | | |
| | MAILING ADDRESS 12344 26 Mile Road #67 | | | |
| | CONTRACTOR: | Oakdale CA. 95361 | LICENSE NO: | |
| | MAILING ADDRESS: | | TELEPHONE NO: | FEE: $150.00 |

**Assessor's Parcel # (APN#):** 077-401-11 **Type of Work:** Tank ☒ Lateral ☒ Other ☐

**Existing Improvements:** House ☒ Septic ☒ Well ☒ None ☐

**Type of House:** Site Built ☒ Mobile ☐ Manufactured Home ☐ Bldg Site Designation #

## APPLICANT COMPLETES

EXPIRATION: Every permit issued by the Utility District official under the provisions of the code shall expire by limitation and become null and void if the work authorized by such permit is not commenced within one year from the date of such permit, or at any time said work is suspended or abandoned for a period of one year. Work shall be considered "abandoned" or "not commenced" if the project has not had one of the inspections required in the most current edition of the California Building Code approved within any 12 month period. Before such work can be recommenced, a new permit shall be first obtained to do so, and the fee therefore shall be one half of the amount required for a new permit for such work, provided no changes have been made or will be made in the original plans and specifications for such work; and provided further that such suspension or abandonment has not exceeded one year. In order to renew action on a permit which has expired in excess of one year, the permittee shall pay a new full permit fee.

Any permittee holding an unexpired permit may apply for an extension of the time within which work may commence under that permit when the permittee is unable to commence or continue work within the one year period. The Official may extend the time for action by the permittee for a period not exceeding one year on written request by the applicant made prior to the expiration of the permit. No permit shall be extended more than once.

I hereby certify that I have read and examined this application and know the same to be true and correct. All provisions of laws and ordinances governing this type of work will be complied with, whether specified or not. The granting of permit does not presume to give authority to violate or cancel the provisions of any other State or Local Law regulating construction or the performance of construction.

I/We agree to save, indemnify, and keep harmless the Spalding Community Services District or its agents against liabilities, judgments, costs and expenses which may in any way accrue against said District.

Date 5/8/12

*Signature of Applicant* Mitchell P. Naylor

## OWNER/CONTRACTOR COMPLETES

☐ I am a State Licensed Contractor, Lic. No.:_____ Lic. Class"_____ ☐ I am unlicensed and claim exemption from the Contractors Law for the following reason:

☐ I, as owner of the property, or my employees with wages as their sole compensation, will do the work, and the structure is not intended or offered for sale.

☒ I, as owner of the property, am exclusively contracting with licensed contractors to construct the project.

I am exempt under Section_____, B & P.C. for this reason:

Mitchell P. Naylor 5/8/12 *Owner, Contractor or authorized agent*

IN COMPLIANCE WITH SECTION 3800, LABOR CODE, STATE of CALIFORNIA;

☒ "I certify that in the performance of the work for which this permit is issued, I shall not employ any person in any manner so as to become subject to the Workman's Compensation Laws of the State of California."

☐ "I am herewith filing a Certificate of Workman's Compensation Insurance, issued by an admitted insurer, or a Certificate of Consent to Self-insure, issued by the Director of Public Relations."

*WORKMAN'S COMPENSATION POLICY/SELF-INSURER CERTIFICATE*

Number:_____ Expiration Date:

WORK OF UNDER $100.00 VALUATION IS EXEMPT FROM ABOVE

I hereby make application for permit to execute the work as outlined hereon and described in accompanying plans, drawings and specifications which are made a part thereof. It is understood that this application is also made subject to all provisions of Federal, State and County Ordinances applicable thereto.

*Signature of Owner or Authorized Agent:* Mitchell P. Naylor Date 5/8/12

DATE FAXED: TIME Lassen County to Return to District within 5 days.

*Office Use Only*

**LASSEN COUNTY PLANNING DIVISION**

*"A BUILDING SITE DESIGNATION MUST BE COMPLETED AND RECORDED BEFORE A BUILDING PERMIT WILL BE ISSUED."*

DEED REFERENCE:
BOOK_____ PAGE_____ YEAR _____ DOC.# _____ INITIAL

ZONING_____ BUILDING SITE DESIGNATION #

INCREMENTAL SEPTIC TANK/SEWER AGREEMENT:

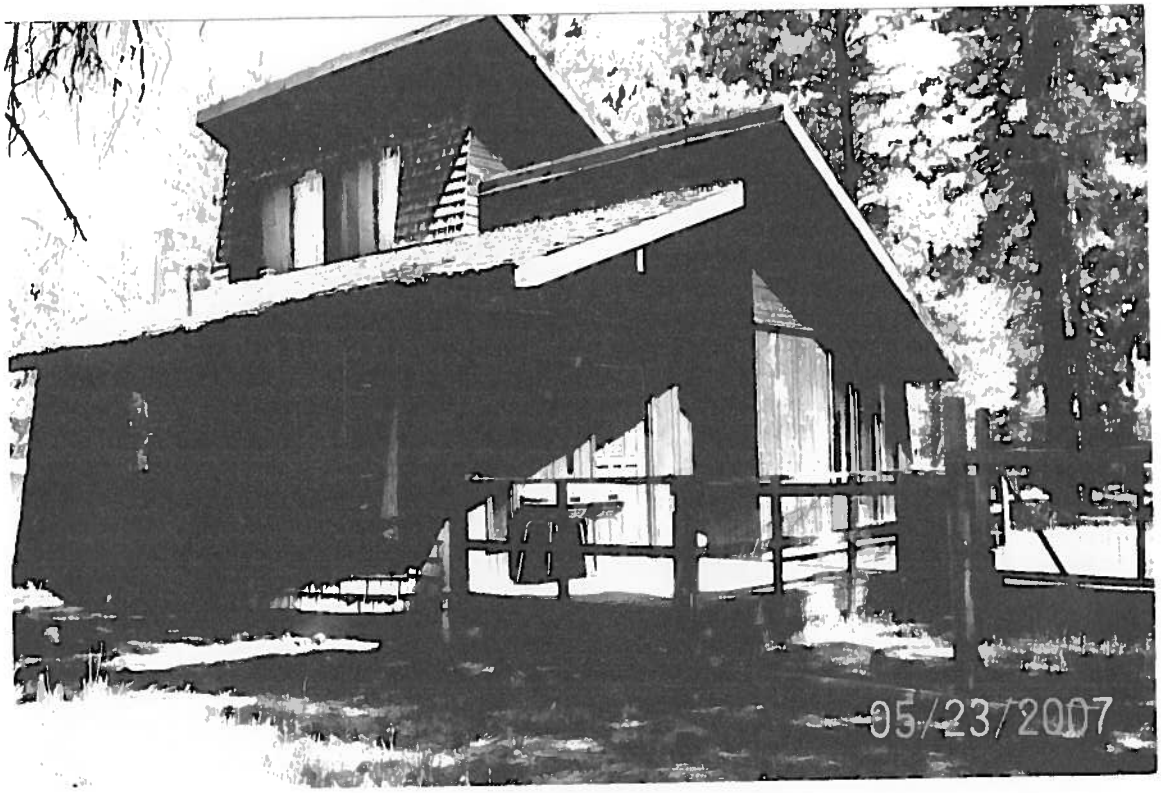
DATE REC'D_____ INITIAL

DATE : _____ SIGNATURE

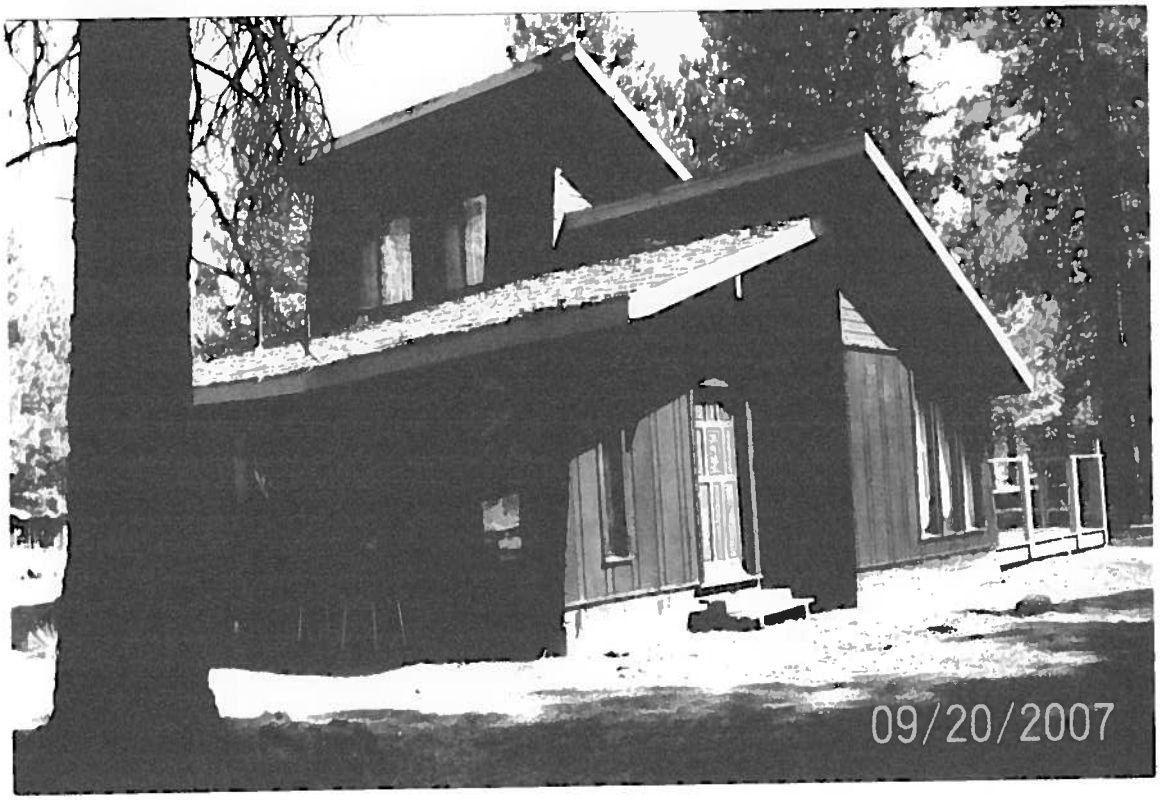
Accepted by Lassen County_____ Date

Date Permit Issued: Authorized District Office

Mitchell C. & Ginger Naylor
CRWQCB CL Complaint-Response
June 10, 2012 - Attachment II(a) (1 of 2)



09/20/2007


09/20/2007

YAHOO! MAIL Classic

Mitchell C. & Ginger Naylor
CRWQCB CL Complaint-Response
June 10, 2012 - Attachment II(c) (1 of 1)

**Septic tank**

Wednesday, May 16, 2012 9:38 AM

"J D Leroy" <theleroys@frontiernet.net>
mc_naylor95361@yahoo.com
mc_naylor95361@yahoo.com

Hello, Sorry I didn't call earlier, didn't know when a good time was. I wanted to let you know that your septic tank was pumped and inspected by J.D. and was found to be a broken baffel, so we will need to replace the septic tank. You can go by the estimate that I sent you E111. You wrote regarding payments and that is fine, I received your $1,000.00 deposit, I will need another 1,500.00 to start the process, then you can make payments. As soon as the BS Number comes back from the county, we'll file for the permit, and then get started. Please call if you have any questions.

Thanks,

Tammy LeRoy

Eagle Lake Construction
530-825-3351
687-630 Maple Way
Susanville, Ca. 96130

# fax

*Subject:* ***Mitchell C. & Ginger Naylor Statement: Oct. 14-15 LRWQCB Meeting***

*Pages:* ***Four (4) including cover***

*Date:* **October 9, 2009**

*To:* ***Harold J. Singer, Staff & Board***
*Phone Number:* ***(530) 542-5400***
*Fax Number:* ***(530) 544-2271***

*From:* ***Mitchell & Ginger Naylor***
*Phone Number:* ***(209)847-0871***
*Fax Number:* ***(209)847-4771***

*Comments:*

Please find a two-page (2) letter that will enter our comments and a one-page (1) **Personal Statement of Hardship** into your records for the Oct. 14-15, 2009, Lahontan Region CRWQCB meeting regarding Cease and Desist Orders for Naylor, Mitchell Creig & Ginger JT, Spalding Tract, Eagle Lake, Lassen County APN # 007-401-11-11.

**Your Cease and Desist Orders, we contend, will exacerbate EXISTING EXTRMEME HARDSHIP conditions at Spalding Tract, Eagle Lake, and add to the conditions of economic recession which are inhibiting Spalding Tract, Eagle Lake, and other communities, from thriving and meeting the challenges of economic recovery.**

Mitchell & Ginger Naylor

M. & Ginger Naylor

**Mitchell C. & Ginger Naylor**
12344 26 Mile Road No. 67
Oakdale, California 95361
(209) 847-0871 -- mc_naylor95361@yahoo.com

October 9, 2009

Harold J. Singer, executive officer
California Regional Water Quality Control Board, Lahontan Region
2501 Lake Tahoe Boulevard
South Lake Tahoe, California 96150
Attention: Taylors Vetner

REF: Cease & Desist Order APN # 077-401-11-11 – STATEMENT OF HARDSHIP
(Mailed and Faxed on this date)

Mr. Singer, Mr. Vetner and CRWQCB Members:

Please accept this letter as a **Statement of Hardship** at your October 14-15, 2009, Lahontan Region WQCB meeting for Mitchell C. and Ginger Naylor in reference to property owned at Spalding, Eagle Lake, in Lassen County at 686-750 Redwood Lane, with the above noted APN number. I attempted to contact both Mr. Singer and Mr. Vetner by telephone on Oct. 8, 2009, per the letter dated Sept. 22, 2009, which stated Mr. Singer (or staff) would be available to affected Spalding residents.

We herewith provide the following information in relation to the Spalding sewage disposal system and the years of litigation that have been carried out in regards to that project:

1) We have, from the initiation of the project, been supporters of appropriate environmental measures to protect the Eagle Lake watershed;
2) In connection with this support, we have given our vote for passage of measures to levy taxes on property owners for the construction of a sewage treatment system at Spalding, Eagle Lake, and we have willingly paid such taxes as they have been implemented;
3) Since the imposition of Cease and Desist Orders at the Spalding, Eagle Lake, sub-division we have actively sought direction from Heritage Land Co. (via David LeRoy, realtor), the lead realtor and developer of Spalding properties, on compliance issues regarding our specific property at 686-750 Redwood Lane;
4) For the past three years, we have maintained a working relationship with J.D. LeRoy, septic system contractor at Spalding, Eagle Lake, for our compliance work;
5) In relation to the statements in Item No.'s 3 and 4, above, please note that beginning in the 2006 calendar year, and continuing through the present, Mitchell C. and Ginger Naylor have experienced unexpected and involuntary **extreme financial hardship** due to the national economic downturn, and specifically in relation to our property located at Spalding, Eagle Lake **(Please see attached Personal Statement of Hardship)**;

6) The septic system at 686-750 Redwood Lane, Spalding, Eagle Lake, has not been in use since July, 2007, and no discharge is presently emitting from that source; and,
7) Also in relation to Items No. 3 and 4, above, we have placed the referenced property at Spalding, Eagle Lake, for sale with realtor David LeRoy, Heritage Land Company; we have also developed a schedule for compliance with the Lahontan Water Quality Control Board orders that includes establishing a Spring, 2010, target date for testing and upgrading the septic system to meet LWQCB compliance measures at 686-750 Redwood Lane, Spalding, Eagle Lake.

For the above noted reasons, we believe: **A) Imposition of the Cease and Desist Orders at this time will further exacerbate EXISTING EXTREME HARDSHIP conditions** for ourselves and other property owners at Spalding, Eagle Lake, who have been caught in the national and local economic crises; and, in our specific case as well as for other property owners desiring to sell their holdings at Spalding, Eagle Lake: **B) Imposition of the Cease and Desist Orders at this time will also add to the difficulty of marketing real property at Spalding's,** and that this will further contribute to the difficulty for the area to thrive and recover from the national recession.

We contend that we have made good faith efforts to comply with the stated Cease and Desist orders, and that national and local economic conditions beyond our control have interceded to prevent the carrying out of those good faith measures. We state here that we have full intention of completing our plans for compliance or transferring these obligations within a legal document of sale to another responsible party. We therefore request that all Cease and Desist Orders continue to be rescinded for ourselves and other property owners in similar situations at Spalding, Eagle Lake.

Thank you.

Sincerely,

Mitchell C. & Ginger Naylor

cc: Heritage Land Co., David LeRoy

Mitchell C. Naylor
Ginger Naylor
12344 26 Mile Rd. No. 67
Oakdale, California 95361

# PERSONAL STATEMENT OF HARDSHIP

The following personal information is intended as a restricted, communication for the purposes of supporting our request to rescind the Lahontan Regional Water Control Board Cease and Desist order, APN # 077-401-11-11, in reference to the above named parties regarding property located at 686-750 Redwood Lane, Spalding, Eagle Lake.

Prior to the onset of the circumstances that have resulted in issuance of this request, Mitchell was employed as managing editor of three newspapers produced in Oakdale, California. He had been employed there for five years, with full expectation of continued employment. The newspapers were part of the California operation of Morris Multimedia Inc. of Savanna, GA, a company with more than 100 daily and weekly newspapers throughout the United States. Ginger was serving as fulltime caregiver to Mitchell's elderly and ill mother through the California In Home Support Services program.

In October, 2005, Mitchell's employer began structural reorganization, and, in February, 2006, his position was eliminated. In April, 2007 Mitchell's mother died. Neither Mitchell nor Ginger relocated fulltime employment. In May, 2008, Mitchell and Ginger began a shared part-time position as co-managers of the mobile home park within which our mobile home is located. Our income has been reduced to less than 50 percent of our previous full-employment level.

Unemployment and health issues were complicated in December of 2007 when Mitchell broke his right forearm and required emergency care and surgery. In June, 2008, he suffered angina attacks and, during an emergency room visit, was hospitalized. He received a six-way cardiac bypass surgery. Neither Mitchell nor Ginger has been able to regain fulltime employment, and Mitchell is presently unable to return to full employment because of his health.

Due to national economic conditions and unforeseen personal circumstances, our savings and retirement have been used up. We have made plans for compliance to the Lahontan septic system orders, and we are in the process of implementing these plans. The system at the property is not now in use. These unforeseen circumstances have created **EXTREME PERSONAL HARDSHIPS** that have constrained our ability to immediately carry out these orders. **The Lahontan Cease and Desist Orders will exacerbate these hardship conditions.**

Sincerely,

Mitchell C. and Ginger Naylor

Mitchell C. Naylor
Oct. 9, 2009

TRANSMISSION VERIFICATION REPORT

TIME : 10/09/2009 10:15
NAME : CASA DE AMIGAS
FAX : 12098474771
TEL : 12098474771
SER.# : 000A8N354259

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