

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

**MEETING OF JULY 11-12, 2012  
South Lake Tahoe**

**ITEMS:** 10 - 17

**SUBJECT: PUBLIC HEARING – CONSIDERATION OF ADMINISTRATIVE CIVIL LIABILITY ORDERS FOR MULTIPLE PROPERTY OWNERS (8) FOR VIOLATING CEASE AND DESIST ORDERS, SPALDING TRACT SUBDIVISION, LASSEN COUNTY**

**CHRONOLOGY:**

|                  |   |
|------------------|---|
| September, 1984  | Lahontan Water Board adopts Basin Plan amendment incorporating waste discharge prohibitions for the Eagle Lake basin, which become effective September 14, 1989.  |
| May 10, 1991     | Lahontan Water Board adopts original set of Cease and Desist Orders for Spalding Tract property owners who have on-site wastewater disposal systems.  |
| October 14, 2009 | Lahontan Water Board adopts second set of Cease and Desist Order providing new compliance schedule for 74 Spalding Tract properties that still have on-site wastewater disposal systems.  |
| April 20, 2012   | The Lahontan Water Board Assistant Executive Officer issues Administrative Civil Liability Complaints to multiple Spalding Tract property owners who continue to violate the requirements of their Cease and Desist Orders adopted in 2009. |

**ISSUE:** Should the Lahontan Water Board affirm the administrative civil liabilities in the proposed administrative civil liability orders or some other amount, or decline to adopt some or all of the proposed administrative civil liability orders, or refer the matter to the California Attorney General?

**DISCUSSION:** In September 1984, the Lahontan 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. The Basin Plan prohibition states:

*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.*

The Lahontan Water Board has, in prior orders, taken the position that on-site wastewater disposal systems (e.g., septic tank/leachfield systems, outhouse – unless to a holding tank) discharge waste that contains nutrients to the ground. Additionally, the Lahontan 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 subdivision constitutes, at a minimum, a threatened discharge in violation of the Basin Plan prohibition.

In 1991, the Lahontan Water Board adopted Cease and Desist Orders for 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 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 Spalding Community Services District (District) constructed a community wastewater system that became operational in October 2007. This wastewater system is a readily available method for Spalding Tract property owners to comply with the Basin Plan prohibition.

Many Spalding Tract property owners complied within two years of the District's system becoming operational. On June 10, 2009, the Lahontan Water Board rescinded the majority of the Cease and Desist Orders adopted in 1991, in response to the majority of

Spalding Tract property owners coming into compliance with the above-referenced Basin Plan prohibition. However, a number of Spalding Tract property owners continued to violate the Basin Plan prohibition, and on October 14, 2009, the Lahontan Water Board adopted new Cease and Desist Orders. The new Cease and Desist Orders reflected current ownership and established a new compliance schedule, requiring property owners to comply with the Basin Plan prohibition by December 31, 2009. Property owners could comply with the Basin Plan prohibition by submitting documentation that they had connected their on-site wastewater disposal system to the District's system, or documentation that they had properly abandoned their on-site wastewater disposal system pursuant to Lassen County regulations.

The Lahontan Water Board Prosecution Team alleges that the property owners identified in Agenda Item Nos. 10 – 17 continued to violate their Cease and Desist Orders adopted in 2009, as of April 20, 2012. The Prosecution Team alleges that the property owners identified in the table below failed to either connect their on-site wastewater disposal systems to the District's system or failed to properly abandon their on-site wastewater disposal systems pursuant to Lassen County regulations. If the Lahontan Water Board determines that the property owners identified in the table below violated their Cease and Desist Orders adopted in 2009, and that a civil liability is appropriate, the civil liability amount is determined by using the appropriate provisions of Section VI of the State Water Board Enforcement Policy (See Enclosure beginning on Bates Number 17-35)

Four of the property owners issued Administrative Civil Liability Complaints have since come into compliance with the Basin Plan prohibition by either connecting to the District's system or by properly abandoning their on-site wastewater disposal systems. The Prosecution Team is recommending an administrative civil liability lower than that proposed by the Administrative Civil Liability Complaints issued to the four property owners that have since complied with the Basin Plan prohibition. The table below identifies those property owners identified in Agenda Item Nos. 10 – 17, current compliance status, and current liability recommended by the Prosecution Team.

| <b>Agenda Item</b> | <b>Property Owner/ Discharger</b>              | <b>Lassen County APN(s)</b>   | <b>Compliance Status</b>  | <b>Recommended Liability Amount</b> |
|--------------------|--|---|---------------------------|-------------------------------------|
| 10                 | Estes, Kenneth P. & Mary L. JT                 | 077-233-47-11   | In Compliance (6/1/2012)  | \$1,367                             |
| 11                 | Helmer, Nason James & Gail Ann Revocable Trust | 077-372-16-11   | In Compliance (5/10/2012) | \$1,063                             |
| 12                 | NANCO, Inc.                                    | 077-292-11-11   | Not in Compliance         | \$16,490                            |
| 13                 | Naylor, Mitchell Creig & Ginger JT             | 077-401-11-11   | In Compliance (6/7/2012)  | \$1,370                             |
| 14                 | Neil, Gerald & Janet                           | 077-361-23-11,<br>077-143-10-11,<br>077-163-06-11,<br>077-271-09-11,<br>077-272-43-11,<br>077-133-10-11 | Not in Compliance         | \$98,940                            |
| 15                 | Robinson, Gary L.                              | 077-200-02-11,<br>077-200-03-11   | Not in Compliance         | \$32,980                            |
| 16                 | Sutton, Dennis J. & Etal Deborah L. JT         | 077-271-19-11   | In Compliance (5/31/2012) | \$1,367                             |
| 17                 | Winters, Laurel G.                             | 077-162-03-11   | Not in Compliance         | \$16,490                            |

The written evidentiary material the Lahontan Water Board must consider consists of the evidence submitted by the Lahontan Water Board Prosecution Team dated May 23, 2012, evidence submitted by Gail A. Helmer dated June 11, 2012, evidence submitted by Mitchell C. Naylor dated June 12, 2012, evidence submitted by Laurel G. Winters dated June 15, 2012, and evidence submitted by John and Jaimie Gilly during the time period prior to the June 15, 2012 deadline for submitting evidence. This evidence was transmitted to the Lahontan Water Board members in advance of the hearing.

**RECOMMENDATION:**

The Lahontan Water Board Advisory Team will make a recommendation on these proposed administrative civil liability orders at the close of the hearing.

**ENCLOSURES:**

| <b>Agenda Item(s)</b> | <b>Enclosure Description</b>   | <b>Bates Number</b>                                     |
|-----------------------|--|---|
| 10                    | Proposed ACL for Estes   | <b>10-1</b>   |
| 11                    | Proposed ACL for Helmer  | <b>11-1</b>   |
|                       | Response to ACL Complaint  | <b>11-37</b>  |
| 12                    | Proposed ACL for NANCO   | <b>12-1</b>   |
| 13                    | Proposed ACL for Naylor  | <b>13-1</b>   |
|                       | Response ACL Complaint   | <b>13-36</b>  |
| 14                    | Proposed ACL for Neil  | <b>14-1</b>   |
| 15                    | Proposed ACL for Robinson  | <b>15-1</b>   |
| 16                    | Proposed ACL for Sutton  | <b>16-1</b>   |
|                       | Response to ACL Complaint  | <b>16-36</b>  |
| 17                    | Proposed ACL for Winters   | <b>17-1</b>   |
|                       | Response to ACL Complaint  | <b>17-34</b>  |
| 10-17                 | Prosecution Team Written Material for Consideration (provided to Water Board prior to Hearing, documents are viewable and downloadable at: <a href="http://www.waterboards.ca.gov/lahontan/board_info/agenda/2012/jul/spalding_track_acls.shtml#evid">http://www.waterboards.ca.gov/lahontan/board_info/agenda/2012/jul/spalding_track_acls.shtml#evid</a> ) | <b>Not Included in packet</b> (see weblink to the left) |
| 10-17                 | Water Quality Enforcement Policy, Section VI   | <b>17-35</b>  |
| 10-17                 | Hearing Procedures   | <b>17-49</b>  |

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

**ADMINISTRATIVE CIVIL LIABILITY ORDER NO. R6T-2012-(PROPOSED)**

**IN THE MATTER OF  
ESTES, KENNETH P. & MARY L. JT FOR VIOLATION OF CEASE AND DESIST  
ORDER NO. R6T-2009-0081, SPALDING TRACT SUBDIVISION,  
LASSEN COUNTY APN 077-233-47-11**

\_\_\_\_\_  
Lassen County

The California Regional Water Quality Control Board – Lahontan Region (Lahontan Water Board) hereby finds that Estes, Kenneth P. & Mary L. JT has violated Lahontan Water Board Cease and Desist Order No. R6T-2009-0081. The Lahontan Water Board specifically finds that:

**BACKGROUND**

1. Estes, Kenneth P. & Mary L. JT (Discharger) owns Lassen County Assessor Parcel No. 077-233-47-11 in the Spalding Tract subdivision located on the west shore of Eagle Lake, approximately 20 miles northwest of Susanville, California.
2. Based upon Lassen County records and/or Spalding Community Services District (District) records, the Discharger had owned and/or operated an on-site wastewater disposal system located at the above-referenced parcel prior to June 1, 2012. The Discharger's on-site wastewater disposal system permitted waste containing nutrients to be discharged, and/or threatened a discharge of waste containing nutrients, to waters within the Eagle Lake basin prior to June 1, 2012.

**CHRONOLOGY OF EVENTS**

3. In September 1984, pursuant to Water Code section 13243, the Lahontan Water Board amended the *Water Quality Control Plan for the Lahontan Region* (Basin Plan) to prohibit the discharge of wastes containing nutrients from the Spalding Tract subdivision to surface waters and groundwater of the Eagle Lake basin after September 14, 1989.
4. On October 22, 2007, the District's community sewer system (system) became operational. As a result, there is now an available method for the Spalding Tract subdivision property owners to comply with the above-referenced Basin Plan prohibition.

5. On October 14, 2009, the Lahontan Water Board adopted Cease and Desist Order No. R6T-2009-0081 against the Discharger for its on-site wastewater disposal system located at Lassen County APN No. 077-233-47-11.
6. Cease and Desist Order No. R6T-2009-0081 requires the Discharger, by December 31, 2009, to either (1) connect its on-site wastewater disposal system to the District's community sewer system, or (2) properly abandon its on-site wastewater disposal system in accordance with Lassen County regulations. Upon completing one of the two activities, the Discharger is required to submit to the Lahontan Water Board documentation of compliance with the above-referenced Basin Plan prohibition.
7. The Discharger failed to comply with Cease and Desist Order No. R6T-2009-0081 and on June 28, 2011, the Lahontan Water Board's Prosecution Team issued the Discharger a Notice of Violation citing the ongoing violation.
8. On April 20, 2012, the Assistant Executive Officer issued Complaint No. R6T-2012-0018. The Complaint alleges that the Discharger has violated the requirements of Cease and Desist Order No. R6T-2009-0081. The Complaint proposes administrative civil liability of **\$16,490**. The Complaint and its attachments are attached to this Order and incorporated by reference (Attachment A).
9. On June 1, 2012, Lahontan Water Board staff received information from the District documenting that the Discharger had connected its on-site wastewater disposal system to the District's system on June 1, 2012. An excerpt of the District's June 1, 2012 correspondence with Lahontan Water Board staff is attached to this Order and incorporated by reference (Attachment B).
10. On July 11, 2012, in South Lake Tahoe, California, after notice to the Discharger and all other affected persons and the public, the Lahontan Water Board conducted a public hearing at which evidence was received to consider this Order and the Discharger or its representative(s), had the opportunity to be heard and to contest the allegations in the Complaint.

### REGULATORY CONSIDERATIONS

11. The Lahontan Water Board adopted the *Water Quality Control Plan for the Lahontan Region* (Basin Plan) pursuant to Water Code section 13243. The Basin Plan contains the following 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.)

12. On October 14, 2009, the Lahontan Water Board adopted Cease and Desist Order No. R6T-2009-0081, enforcing the above-referenced Basin Plan prohibition.

### VIOLATIONS

13. The Discharger violated Cease and Desist Order No. R6T-2009-0081 by failing to satisfy the requirement to comply with the above-referenced Basin Plan prohibition by December 31, 2009. A review of District records and Lahontan Water Board records shows the Discharger did not connect its on-site wastewater disposal system to the District's system until June 1, 2012. This violation subjects the Discharger to liability pursuant to Water Code section 13350, subdivision (a).

### CALCULATION OF ADMINISTRATIVE CIVIL LIABILITY

14. Pursuant to Water Code section 13350, subdivision (e)(1), civil liability may be imposed administratively on a daily basis in an amount not to exceed five thousand dollars (\$5,000) for each day in which the violation occurs.
15. Pursuant to Water Code section 13327, in determining the amount of civil liability, the Lahontan Water Board is required to take into account the nature, circumstance, extent, and gravity of the violation or violations, whether the discharge is susceptible to cleanup or abatement, the degree of toxicity of the discharge, and, with respect to the violator, the ability to pay, the effect on ability to continue business, any voluntary cleanup efforts undertaken, any prior history of violations, the degree of culpability, economic benefit or savings, if any, resulting from the violation, and other matters as justice may require.
16. On November 17, 2009, the State Water Resources Control Board (State Water Board) adopted Resolution No. 2009-0083 amending the Water Quality Enforcement Policy (Enforcement Policy). The Enforcement Policy was approved by the Office of Administrative Law and became effective on May 20, 2010. The Enforcement Policy establishes a methodology for assessing administrative civil liability. The use of this methodology addresses the factors that are required to be considered when imposing a civil liability as outlined in Water Code section 13327. The entire Enforcement Policy can be found at:
- [http://www.waterboards.ca.gov/water\\_issues/programs/enforcement/docs/enf\\_policy\\_final111709.pdf](http://www.waterboards.ca.gov/water_issues/programs/enforcement/docs/enf_policy_final111709.pdf)
17. **Maximum Administrative Civil Liability:** Pursuant to Water Code section 13350, subdivision (e)(1), the total maximum administrative civil liability that may be imposed for the violation in this Order is **\$4,160,000**.
18. **Minimum Administrative Civil Liability:** Pursuant to Water Code section 13350, subdivision (e)(1)(B), the minimum administrative civil liability that must be imposed

for the violation in this Order is **\$83,200**, unless the Lahontan Water Board makes express findings pursuant to Water Code section 13350, subdivision (f).

19. Water Code section 13350, subdivision (f) states that:

“A regional board shall not administratively impose civil liability in accordance with paragraph (1) of subdivision (e) in an amount less than the minimum amount specified, unless the regional board makes express findings setting forth the reasons for its action based upon the specific factors required to be considered pursuant to Section 13327.”

Water Code section 13327 allows for “other factors as justice may require.” The Lahontan Water Board hereby finds that the specific factors discussed in Attachment C, Step 7 of the Complaint (i.e., property values, use of November 9, 2011 as an alternative compliance date, consistency with similar Lahontan Water Board enforcement actions in the Eagle Lake basin), in combination with the Discharger complying with the Basin Plan prohibition as of June 1, 2012, justifies imposing a liability less than the minimum amount cited in Finding No. 19, above.

20. The Enforcement Policy requires that:

“The adjusted Total Base Liability shall be at least 10 percent higher than the Economic Benefit Amount so that liabilities are not construed as the cost of doing business and that the assessed liability provides a meaningful deterrent to future violations.”

The Complaint cites the economic benefit of violating Cease and Desist Order No. R6T-2009-0081 as \$4,210 (average cost of connecting to the District’s system). The Discharger has come into compliance with the Basin Plan prohibition by connecting to the District’s system, since the Complaint was issued. Therefore, it is appropriate to base the Discharger’s economic benefit upon a delayed cost, rather than an avoided cost. The Discharger’s economic benefit based upon a delayed cost analysis is \$343. The economic benefit plus ten percent is \$377.30. The Lahontan Water Board hereby finds that the revised minimum administrative civil liability for this Order is **\$373.30**, based upon consideration of the specific factors discussed in Attachment C, Step 7 of the Complaint, the Discharger complying with the Basin Plan prohibition as of June 1, 2012, and the Enforcement Policy.

21. **Administrative Civil Liability Determination:** Complaint No. R6T-2012-0018 recommends an administrative civil liability of **\$16,490**, based upon the Lahontan Water Board Prosecution Team’s application of the Enforcement Policy’s administrative civil liability methodology. The Discharger has come into compliance with the Basin Plan prohibition since the Complaint was issued. The Lahontan Water Board hereby finds that complying with the Basin Plan prohibition justifies reducing, but not eliminating, the liability amount from that recommended by the Complaint. The reduced liability reflects

the Lahontan Water Boards primary objective of achieving compliance with the Basin Plan prohibition, while creating an incentive to comply for other Spalding Tract property owners who continue to violate the Basin Plan prohibition and Cease and Desist Orders that have been issued to them.

22. The Lahontan Water Board has applied the Enforcement Policy's administrative civil liability methodology and considered each of the Water Code 13327 factors based upon information in the record, including testimonies at the public hearing, information described in greater detail in the Complaint and its attachments, and the Discharger complying with the Basin Plan prohibition beginning June 1, 2012. The Lahontan Water Board hereby finds that civil liability should be imposed administratively on the Discharger in the amount of **\$1,367**, which falls within the allowable range. This amount is based upon the economic benefit realized by the Discharger (\$343), plus ten percent of the economic benefit (\$34.30), plus Lahontan Water Board staff cost of preparing the Complaint (\$990).

#### GENERAL

23. This Order only resolves liability that the Discharger incurred for violations specifically alleged in the Complaint. This Order does not relieve the Discharger of liability for any violations not alleged in the Complaint. The Lahontan Water Board retains the authority to assess additional civil liabilities for violations of applicable laws or orders for which civil liabilities have not yet been assessed, or for violations that may subsequently occur.
24. Issuance of this Order is an enforcement action and is, therefore, exempt from the California Environmental Quality Act (Pub. Resources Code § 21000 et seq.), pursuant to California Code of Regulations, title 14, section 15321, subdivision (a)(2).
25. Any person aggrieved by this action of the Lahontan Water Board may petition the State Water Board to review the action in accordance with Water Code section 13320 and California Code of Regulations, title 23, section 2050 and following. The State Water Board must receive the petition by 5:00 p.m., 30 days after the date of this Order, except that if the thirtieth day following the date of this Order falls on a Saturday, Sunday or State holiday, the petition must be received by the State Water Board by 5:00 p.m. on the next business day. Copies of the law and regulations applicable to filing will be provided upon request, and may be found on the Internet at:

[http://www.waterboards.ca.gov/public\\_notices/petitions/water\\_quality](http://www.waterboards.ca.gov/public_notices/petitions/water_quality)

#### IT IS HEREBY ORDERED THAT:

1. Administrative civil liability is imposed upon the Discharger in the amount of **\$1,367**.

2. The Discharger shall submit payment with a cashier's check or money order in the full amount of **\$1,367** payable to the State Water Resources Control Board's Waste Discharge Permit Fund within 30 days of the date this Order is adopted.
3. Should the Discharger fail to make the specified payment to the State Water Resources Control Board's Waste Discharge Permit Fund within the time limit specified in this Order, the Lahontan Water Board may enforce this Order by applying for a judgment pursuant to Water Code section 13328. The Lahontan Water Board's Executive Officer is hereby authorized to pursue a judgment pursuant to Water Code section 13328 if the criterion specified in this paragraph is satisfied.

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

Attachments:

- A. ACL Complaint No. R6T-2012-0018 (and attachments)
- B. Excerpt from June 1, 2012 Spalding Tract Community Services District's electronic mail and attachment to Lahontan Water Board staff

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**Lahontan Regional Water Quality Control Board**

April 20, 2012

HELMER, NASON JAMES &  
GAIL ANN REVOCABLE TRUST  
708-776 SUNNYSIDE  
JANESVILLE, CA 96114

**CERTIFIED MAIL: 7099 3220 0007 3471 2985**

**ADMINISTRATIVE CIVIL LIABILITY COMPLAINT NO. R6T-2012-0020 FOR  
HELMER, NASON JAMES & GAIL ANN REVOCABLE TRUST, SPALDING TRACT  
SUBDIVISION, LASSEN COUNTY APN 077-372-16-11**

Enclosed please find Administrative Civil Liability Complaint No. R6T-2012-0020 issued pursuant to California Water code section 13323, alleging violations by Helmer, Nason James & Gail Ann Revocable Trust (Discharger) of Cease and Desist Order No. R6T-2009-0096. The Complaint alleges that the Discharger failed to either (1) connect its on-site wastewater disposal system to the Spalding Community Services District's community sewer system, or (2) properly abandon its on-site wastewater disposal system in accordance with Lassen County regulations by December 31, 2009. The Complaint proposes that the Regional Water Quality Control Board, Lahontan Region (Lahontan Water Board) assess an administrative civil liability against the Discharger in the amount of \$16,490 pursuant to California Water Code section 13350. Also enclosed is a Waiver of Hearing form for this matter.

Unless waived, a hearing before the Lahontan Water Board or a Lahontan Water Board Hearing Panel (Hearing Panel) will be held on **July 11-12, 2012** on this Complaint pursuant to Water Code section 13323. At the hearing, the Lahontan Water Board will consider whether to impose administrative civil liability (as proposed in the Complaint or for a different amount, either higher or lower than proposed, but not to exceed the maximum liability provided for by law), decline the administrative civil liability, or refer the matter to the Attorney General for judicial enforcement.

The Discharger may contest the proposed administrative civil liability at the hearing or, in the alternative, may waive its right to the hearing. Should the Discharger choose to waive its right to a hearing, an authorized agent must sign the enclosed Waiver of Hearing form and return it to the Lahontan Water Board's South Lake Tahoe office by **5:00 p.m. on May 21, 2012**. If the Lahontan Water Board does not receive the waiver and full payment of the liability by this date and time, the matter will be heard before the Lahontan Water Board or a Hearing Panel within 90 days of the Complaint's issuance date. Public hearing procedures will be mailed to the Discharger shortly and an agenda containing the date, time, and location of the hearing will be mailed to the Discharger at least 10 days prior to the hearing date.

If you have any questions regarding this matter, please contact Lisa Scorable (530) 542-5452, or Scott C. Ferguson at (530) 542-5432.



Lauri Kemper, P.E.  
Assistant Executive Officer

- Enclosures: 1. Administrative Civil Liability Complaint No. R6T-2012-0018
- 2. Waiver of Hearing Form

cc (w/enc): Regional Board Members  
 Harold J. Singer, Executive Officer/Lahontan Regional Water Quality Control Board  
 Kim Niemeyer, Staff Counsel/State Water Resources Control Board/Office of Chief Counsel  
 David Boyers, Staff Counsel/State Water Resources Control Board/Office of Enforcement  
 Ann Carroll, Staff Counsel/State Water Resources Control Board/ Office of Enforcement

Cc (w/o enc): Chris Gallagher, General Manager/Spalding Community Services District  
 Virginia Bruce/Spalding Community Services District  
 Alan Jones, Director/Lassen County Environmental Health Department  
 Kenneth Bunch/Lassen County Assessor  
 Maurice Anderson/Lassen County Building Department

SCF/adw/T: Agenda Items/2012/July/Spalding ACLs/R6T-2012-0018-Estes/\_Cover Letter\_R6T-2012-0018-Estes\_Spalding Tract  
 ACL-Complaint Cover Letter (4-6-2012)SCF  
 File Under: Spalding Tract\_Estes, APN No. 077-233-47-11

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

|   |   |                                       |
|---|---|---------------------------------------|
| <b>In the Matter of</b>                 | ) |                                       |
| <b>Estes, Kenneth P &amp; Mary L JT</b> | ) | <b>COMPLAINT NO. R6T-2012-0018</b>    |
| <b>Spalding Tract Subdivision,</b>      | ) | <b>FOR</b>                            |
| <b>Lassen County APN 077-233-47-11</b>  | ) | <b>ADMINISTRATIVE CIVIL LIABILITY</b> |

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**ESTES, KENNETH P & MARY L JT IS HEREBY GIVEN NOTICE THAT:**

1. As a result of failing to either (1) connect the on-site wastewater disposal system to the Spalding Tract Community Services District's (District) community sewer system, or (2) properly abandon the on-site wastewater disposal system in accordance with Lassen County regulations, Estes, Kenneth P & Mary L JT (Discharger) is alleged to have violated Cease and Desist Order No. R6T-2009-0081, for which the California Regional Water Quality Control Board, Lahontan Region (Lahontan Water Board) may impose administrative civil liabilities pursuant to Water Code section 13350. This Administrative Civil Liability Complaint (Complaint) is issued under authority of Water Code section 13323.
2. Unless waived, a hearing on this Complaint will be held before the Lahontan Water Board on July 11-12, 2012, at 971 Silver Dollar Avenue, South Lake Tahoe, California. At the hearing, the Lahontan Water Board will consider whether to affirm, reject, or modify (either increase or decrease) the proposed civil liability up to the maximum penalty provided for by law, or refer the matter to the Attorney General's Office for recovery of judicial liability. The Discharger or its representative will have an opportunity to be heard and to contest the allegations in this Complaint and the imposition of civil liability. An agenda for the meeting will be available at [http://www.waterboards.ca.gov/lahontan/board\\_info/agenda/](http://www.waterboards.ca.gov/lahontan/board_info/agenda/) not less than 10 days before the hearing date.
3. The Discharger can waive its right to a hearing to contest the allegations contained in this Complaint by submitting a signed waiver and paying the civil liability in full or by taking other actions as described in the attached waiver form. If this matter proceeds to hearing, the Lahontan Water Board's Prosecution Team reserves the right to seek an increase in the civil liability amount to cover the costs of enforcement incurred subsequent to the issuance of this Complaint through the hearing.

### ALLEGATIONS

4. The Discharger owns Assessor Parcel No. 077-233-47-11 in the Spalding Tract subdivision located on the west shore of Eagle Lake, approximately 20 miles northwest of Susanville, California. See Attachment A – Vicinity Map.
5. Based upon a review of Lassen County records, the Discharger owns and/or operate(s) an on-site wastewater disposal system located at the above-referenced parcel. The existence of an on-site wastewater disposal system that has not been properly abandoned at this location permits waste containing nutrients to be discharged, and/or threatens a discharge of waste containing nutrients, to waters within the Eagle Lake Basin.
6. In September 1984, pursuant to Water Code section 13243, the Water Board amended the *Water Quality Control Plan for the Lahontan Region* (Basin Plan) to prohibit the discharge of sewage to on-site wastewater disposal systems in the Spalding Tract 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 p. 4.1-4.)
7. On October 22, 2007, the District's community sewer system (system) became operational. As a result, there is now an available method for the Spalding Tract subdivision property owners to comply with the Basin Plan prohibition cited above.
8. On October 14, 2009, the Lahontan Water Board adopted Cease and Desist Order No. R6T-2009-0081 for Lassen County APN No. 077-233-47-11 to establish a time schedule for the Discharger to comply with the Basin Plan prohibition cited in Finding 6 above.
9. Cease and Desist Order No. R6T-2009-0081 required the Discharger, by December 31, 2009, to either (1) connect its on-site wastewater disposal system to the District's community sewer system, or (2) properly abandon its on-site wastewater disposal system in accordance with Lassen County regulations. Upon completing one of the two activities, the Discharger was required to submit documentation of compliance with the Basin Plan prohibition cited in Finding 6 above to the Lahontan Water Board.
10. The Discharger failed to comply with Cease and Desist Order No. R6T-2009-0081 and on June 28, 2011, the Lahontan Water Board's Prosecution Team issued the Discharger a Notice of Violation citing the ongoing violation.

11. The June 28, 2011 Notice of Violation notified the Discharger of the Prosecution Team's intent to issue an Administrative Civil Liability Complaint to be considered by the Lahontan Water Board at its November 9-10, 2011 meeting.
12. The June 28, 2011 Notice of Violation informed the Discharger that the Prosecution Team would consider withdrawing the Administrative Civil Liability Complaint if the Discharger complied with its Cease and Desist Order prior to the November 9-10, 2011 meeting.
13. Based upon a review of the District's records (Attachment B to this Complaint), the Discharger has not connected its on-site wastewater disposal system to the District's community sewer system as of April 11, 2012, and the Lahontan Water Board has not received documentation from the Discharger and/or from Lassen County that the Discharger properly abandoned its on-site wastewater disposal system as of April 11, 2012. Therefore, the Discharger is in violation of Cease and Desist Order No. R6T-2009-0081.
14. As of the date of drafting of this Complaint, April 11, 2012, the Discharger has been in violation of Cease and Desist Order No. R6T-2009-0081 for 832 days.

**WATER CODE SECTION UPON WHICH ADMINISTRATIVE CIVIL LIABILITY IS  
BEING ASSESSED FOR THE ALLEGED VIOLATIONS**

15. Pursuant to Water Code section 13350, subdivision (a), any person who violates any cease and desist order issued by a regional board, is subject to administrative civil liability.
16. Pursuant to Water Code section 13350, subdivision (e), civil liability may be imposed administratively on a daily basis in an amount not to exceed five thousand dollars (\$5,000) for each day in which the violation occurs.

**FACTORS CONSIDERED IN DETERMINING ADMINISTRATIVE CIVIL LIABILITY**

17. Pursuant to Water Code section 13327, in determining the amount of civil liability, the Lahontan Water Board is required to take into account the nature, circumstance, extent, and gravity of the violation or violations, whether the discharge is susceptible to cleanup or abatement, the degree of toxicity of the discharge, and, with respect to the violator, the ability to pay, the effect on ability to continue business, any voluntary cleanup efforts undertaken, any prior history of violations, the degree of culpability, economic benefit or savings, if any, resulting from the violation, and other matters as justice may require.
18. On November 17, 2009, the State Water Resources Control Board (State Water Board) adopted Resolution No. 2009-0083 amending the Water Quality Enforcement Policy (Enforcement Policy). The Enforcement Policy was approved by the Office of Administrative Law and became effective on May 20, 2010. The Enforcement Policy

establishes a methodology for assessing administrative civil liability. The use of this methodology addresses the factors that are required to be considered when imposing a civil liability as outlined in Water Code section 13327. The entire Enforcement Policy can be found at:

[http://www.waterboards.ca.gov/water\\_issues/programs/enforcement/docs/enf\\_policy\\_final111709.pdf](http://www.waterboards.ca.gov/water_issues/programs/enforcement/docs/enf_policy_final111709.pdf)

19. The required factors have been considered for the violations alleged herein using the methodology in the Enforcement Policy, as explained in detail in Attachment C, which is attached hereto and incorporated herein by this reference.

#### **MAXIMUM ADMINISTRATIVE CIVIL LIABILITY**

20. Pursuant to Water Code section 13350, subdivision (e), the total maximum administrative civil liability that may be imposed for the violations alleged in this Complaint is **\$4,160,000**, as described in Attachments C and D, which are attached hereto and incorporated herein by this reference.

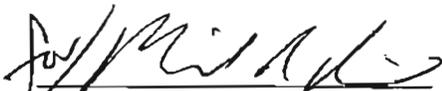
#### **PROPOSED ADMINISTRATIVE CIVIL LIABILITY**

21. Based on consideration of the above facts, the applicable law, and after applying the administrative civil liability methodology as described in Attachments C and D, the Assistant Executive Officer of the Lahontan Water Board proposes that civil liability be imposed administratively on the Discharger in the amount of **\$16,490.00**.

#### **CALIFORNIA ENVIRONMENTAL QUALITY ACT**

22. Issuance of this Complaint is an enforcement action and is, therefore, exempt from the California Environmental Quality Act (Pub. Resources Code § 21000 et seq.), pursuant to California Code of Regulations, title 14, section 15321, subdivision (a)(2).

23. Notwithstanding the issuance of this Complaint, the Lahontan Water Board retains the authority to assess additional civil liability for violations of the requirements of Cease and Desist Order No. R6T-2009-0081 for which liability has not yet been assessed or for violations that may occur subsequent to the issuance of this Complaint.



Lauri Kemper  
Assistant Executive Officer

4-26-12

Date

#### Attachments:

- A. Vicinity Map
- B. Property Owners Connected to District Community Sewer System
- C. Administrative Civil Liability Methodology
- D. Administrative Civil Liability Methodology Spreadsheet

# ATTACHMENT A - VICINITY MAP



**Attachment B**  
**Property Owners Connected to District Community Sewer System**

| <b>Date of Connection</b> | <b>Spalding Residents Connected to the District Disposal System: APPLICANT NAME</b> | <b>Service Address</b>            | <b>APN#</b>      | <b>Notes</b> |
|---------------------------|---|-----------------------------------|------------------|--------------|
| 09/10/09                  | Abrams, Shirley H 1992 Rev TR   | 687-725 Spruce Way                | 077-193-32       |              |
| 04/03/08                  | Adams Family Trust  | Laurel Way                        | 077-343-17       |              |
| 08/01/08                  | Adams Family Trust Agreement  | 687-285 Juniper                   | 077-354-25       |              |
| 06/09/08                  | Aguiano, Jose R ETAL  | Magnolia Way                      | 077-334-13       |              |
| 06/04/08                  | Allen, Glen & Ida Rev. Trust  | 686-730 Catalpa Way               | 077-374-19       |              |
| 07/31/08                  | Alvarez Charles R.  | 688-100 Ivy Way                   | 077-221-16       |              |
| 08/06/08                  | Aman, Lisa Marie  | 503-555 Mahogany Way              | 077-301-23       |              |
| 05/21/09                  | American Legion Eagle Lake Post 162   | 687-935 Spruce Way                | 077-193-34       |              |
| 11/02/07                  | Anderson, Christopher J./J.A  | 687-815 Cedar Way                 | 077-283-24       |              |
| 04/14/08                  | Anderson, Dale A& Virginia A Revoc. Trust   | 687-590 Hazel Way                 | 077-331-30       |              |
| 03/18/08                  | Anderson, James L/Sherri A CP   | Hazel/Maple                       | 077-211-19       |              |
| 05/30/08                  | Anderson, Lee A Faye Z. JT.   | 686-855 Acorn Way                 | 077-392-14       |              |
| 05/08/08                  | Armstrong Family Trust  | 687-450 Magnolia Way              | 077-334-21       |              |
| 09/24/08                  | Armstrong Living Trust  | 687-384 Sycamore                  | 077-311-45       |              |
| 04/22/08                  | Armstrong, Dale A.& Myrna A.  | 688-050 Sycamore                  | 077-241-20       |              |
| 06/11/08                  | Armstrong, Robert T/Mabel E   | 688-035 Laurel Way                | 077-223-21       |              |
| 05/16/08                  | Arnold, Michael Wayne/Katherine Diane Rev TR  | RV Park-The Strand/ <b>Tank 1</b> | 077-182-09       |              |
| 11/16/11                  | Arnold, Michael Wayne/Katherine Diane Rev TR  | RV Park-The Strand/ <b>Tank 2</b> | 077-182-09       |              |
| 04/30/09                  | Arnold, Michael Wayne/Katherine Diane Rev TR  | RV Park-The Strand/ <b>Tank 4</b> | 077-181-12       |              |
| 11/02/07                  | Arons, Gerald J/Louise C  | 502-630 Mahogany Way              | 077-234-36       |              |
| 09/03/09                  | Artinian, Perry Exemption TR  | 502-475 The Strand                | 077-151-23       |              |
| 10/24/07                  | Atteberry David Ned & Vera Louse Jt.  | 686-930 Cherry Way                | 077-371-19       |              |
| 04/17/08                  | Atteberry, Harley/Lawanda   | 686-765 Fir Way                   | 077-383-39       |              |
| 07/29/09                  | Aubrey, Randall D/Valerie JDVA  | 686-795 Bamboo Way                | 077-393-23       |              |
| 10/06/08                  | Baer, Ronald L & Scott-Baer, Daleen E   | Juniper Way                       | 077-231-26       |              |
| 11/13/09                  | Bailey Trust ETAL   | Laurel Way                        | 077-234-10,22,07 |              |
| 12/08/08                  | Bailey, Irene   | 687-725 Hazel Way                 | 077-234-41       |              |
| 09/05/08                  | Baker, Joseph A. & Donna G.   | 686-905 Sycamore Way              | 077-402-14       |              |
| 02/12/08                  | Baker, Joseph A. & Donna G. JT.   | 686-905 Sycamore Way              | 077-402-23       |              |
| 05/09/08                  | Baker, Victor O./ Marguerite J.   | 687-010 Hollywod Way              | 077-363-18       |              |
| 03/31/08                  | Ballard, Richard H & Bobbie L   | 687-760 Laurel Way                | 077-233-56       |              |
| 02/19/10                  | Barker, Jeffrey   | Bamboo Way                        | 077-394-20       |              |
| 12/02/08                  | Barnes Family Trust Agreement   | 687-870 Juniper Way               | 077-232-33       |              |
| 06/02/08                  | Barnett Stephen R. & Joann W.   | 687-100 Bamboo Way                | 077-397-31       |              |
| 04/08/08                  | Barris, Patrick H/Gloria J.T.   | Walnut Way                        | 077-171-35       |              |
| 10/07/08                  | Barrows, Donald A/Barrows, Linda K TC   | 687-115 Cherry Way                | 077-388-23       |              |
| 08/12/08                  | Bateson, Clarence Owen/Susan Elizabeth  | 687-560 Fir Way                   | 077-292-09       |              |
| 08/05/08                  | Bechhold Family Trust   | The Strand/Hollywood Way          | 077-241-11       |              |
| 04/15/08                  | Beck Ronald N. & Gwen M JT.   | 686-840 Redwood Way               | 077-401-20       |              |
| 05/19/08                  | Beckett Family Living Trust   | 686-755 Catalpa Way               | 077-373-18       |              |
| 09/16/08                  | Beckett Family Living Trust   | 686-775 Catalpa Way               | 077-373-21       |              |
| 09/25/08                  | Beckett Family Living Trust   | 686-830 Catalpa Way               | 077-374-27       |              |
| 07/10/08                  | Beckman, Ronald G/Natalie J JT  | 687-100 Delwood Way               | 077-386-12       |              |
| 10/09/08                  | Belingeri Dennis D. & Stacy & Ziegler Paul M. JT.                                   | 688-090 Linden Way                | 077-223-24       |              |
| 06/12/09                  | Bell, Max K/Lynn D JT   | 686-755 Chestnut Way              | 077-371-08       |              |
| 06/18/08                  | Bemus Joseph M.& Susan C. CP.   | 686-855 Catalpa Way               | 077-373-20       |              |
| 10/14/08                  | Bennett, Thomas Lee/Bennett, Robin Rae  | 686-825 Sycamore Way              | 077-402-20       |              |
| 07/09/08                  | Bergthhold, Robert D/Terri HW   | 687-840 Almond Way                | 077-174-27       |              |
| 08/12/08                  | Betts, F Gregory/Doris B Family Trust   | Walnut Way                        | 077-161-22       |              |
| 08/27/09                  | Bilsborough, Craig/Linda JT   | 686-885 Fir Way                   | 077-383-35       |              |
| 07/17/09                  | Birkes Charles W. Marilyn   | 687-475 Juniper Way               | 077-322-04       |              |
| 05/18/09                  | Birlem, Richard/Salena JT   | 688-125 Juniper Way               | 077-221-17       |              |
| 12/22/09                  | Bishow, Raymond L.  | Hickory Way                       | 077-254-28       |              |
| 12/04/09                  | Bixby, William D/Ann R CPRS   | 687-825 Linden Way                | 077-232-41       |              |
| 03/27/08                  | Blackwell, Glenn R/Jeanette JR  | 687-130 Linden Way                | 077-342-16       |              |

**Attachment B**  
**Property Owners Connected to District Community Sewer System**

| <b>Date of Connection</b> | <b>Spalding Residents Connected to the District Disposal System: APPLICANT NAME</b> | <b>Service Address</b> | <b>APN#</b> | <b>Notes</b>   |
|---------------------------|---|------------------------|-------------|----------------|
| 10/29/08                  | Bloom, Kenneth D/Janis ETAL   | 687-285 Hickory        | 077-352-17  |                |
|                           | Bobbitt, Galen/Monique ETAL *   | 687-354 Juniper Way    | 077-354-24  | * Disconnected |
| 04/30/09                  | Boggs, Michael L/Christie Ann JT  | Laurel Way             | 077-224-26  |                |
| 06/11/08                  | Bollmann Richard M & Jacque A. JT.  | 686-835 Delwood Way    | 077-381-17  |                |
| 07/06/08                  | Boucher Family Trust  | 687-745 Tulip Way      | 077-194-42  |                |
| 07/21/08                  | Bowman, Joe E ETAL  | 687-740 Lakeview Dr.   | 077-274-31  |                |
| 09/18/08                  | Boyles, Valton  | 688-040 Manzanita Way  | 077-141-15  |                |
| 10/06/08                  | Brazil, Joseph Souza/Velma Lee Living Trust   | 687-675 Orchard Way    | 077-214-28  |                |
| 06/06/08                  | Brazil, Larry E   | 387-920 Hollywood Way  | 077-312-06  |                |
| 07/21/08                  | Bresin Family Revocable Living Trust  | Chinquepin Way         | 077-204-06  |                |
| 06/03/09                  | Brewster, George & Cheryl Family Trust  | Pinon/Sycamore         | 077-362-32  |                |
| 07/03/08                  | Bricker Living Trust  | 687-005 Catalpa Way    | 077-377-16  |                |
| 08/13/08                  | Bricker Living Trust  | 687-015 Catalpa Way    | 077-377-15  |                |
| 07/10/08                  | Briggs Living Trust   | 687-465 Hazel Way      | 077-324-32  |                |
| 05/13/08                  | Brines Family Trust   | 687-990 Almond Way     | 077-151-15  |                |
| 06/27/08                  | Brochon Martial Henry & Deillia Ann JT.   | Redwood Way            | 077-273-33  |                |
| 11/06/07                  | Brown, Robert G.  | 503-155 Mahogany Way   | 077-304-56  |                |
| 06/06/08                  | Bruce Family Trust  | 687-015 Ivy Way        | 077-353-28  |                |
| 06/26/09                  | Buechler, Vigil D Revocable Trust   | 68-805 Magnolia Way    | 077-216-04  |                |
| 07/28/08                  | Bullock, Arnold E/Bullock Viola J TR  | 687-995 Hemlock Way    | 077-242-24  |                |
| 12/01/09                  | Burkirk, Jeffery O/Margaret A JT  | Chestnut Way           | 077-371-06  |                |
| 03/04/08                  | Burleson, Vicki L   | 687-150 Hickory Way    | 077-353-23  |                |
| 04/08/08                  | Bush, Angelina L  | 687-020 Cedar Way      | 077-377-08  |                |
| 09/05/08                  | Bush, James, K/Debra M JT   | 688-120 Hemlock Way    | 077-243-09  |                |
| 06/05/09                  | Butler, Pamela Lynn   | Chestnut Way           | 077-376-17  |                |
| 04/12/10                  | Cady, Douglas & Lisa JT   | 687-630 Hazel Way      | 077-331-41  |                |
| 09/18/09                  | Cal, Family Living Trust  | Lakeview Dr.           | 077-362-36  |                |
| 02/15/08                  | Callison Living Trust   | Cedar Way              | 077-283-15  |                |
| 04/24/08                  | Campbell, Stuart B & Paula S  | 530-225 The Strand     | 077-241-26  |                |
| 07/10/09                  | Caron, Jean A. & Yvonne N. HWCP   | 687-590 Sycamore Way   | 077-311-40  |                |
| 06/25/08                  | Carrell, Robert G & Melcena Family Trust Etal                                       | 687-305 Spalding RD.   | 077-303-37  |                |
| 11/13/09                  | Carver, Kenneth/Strongman, Linda  | 687-205 Hazel Way      | 077-324-50  |                |
| 08/22/09                  | Castaneda, David & Donna JT   | 686-720 Delwood Way    | 077-382-09  |                |
| 08/21/09                  | Chan Family Trust   | 684-745 Orchard Way    | 077-214-18  |                |
| 01/15/10                  | Chandler, Diane   | 687-600 Redwood Way    | 077-303-27  |                |
| 10/25/07                  | Chappel, Sherry   | 687-875 Linden Way     | 077-232-31  |                |
| 05/01/08                  | Chatterley, Robert E & Bertha A. JT   | 687-320 Hazel Way      | 077-331-52  |                |
| 09/23/09                  | Cheng, Rovina Y   | 687-290 Juniper Way    | 077-322-12  |                |
| 07/06/11                  | Chuck, Mitchell/EKT Properties  | 687-995 Redwood Way    | 077-262-13  |                |
| 05/28/08                  | Clark, Donald L/Gina M JT   | 687-805 Sycamore Way   | 077-274-30  |                |
| 02/17/10                  | Clark, Mark L & Reatha Pauline JT   | Tamarack Way           | 077-173-35  |                |
| 08/20/09                  | Clark, William Jacob  | Tulip Way              | 077-161-18  |                |
| 04/10/08                  | Clayton, Robert James   | 687-015 Redwood Way    | 077-378-22  |                |
| 09/08/08                  | Claytor, Ronald/Kathryn TC  | 688-000 Lakeview Dr.   | 077-264-19  |                |
| 08/25/08                  | Clough Family Tr.   | 682-920 Juniper Way    | 077-232-44  |                |
| 01/29/09                  | Clowers, Herbert F ETAL   | Larch Way/The Strand   | 077-132-18  |                |
| 08/31/09                  | Coffey, Kenneth W/Dorothy J   | 686-850 Delwood Way    | 077-382-13  |                |
| 03/26/08                  | Coleman, Stephanie M ETAL   | 687-795 Chinquepin Way | 077-213-05  |                |
| 09/22/08                  | Colgan Family Trust   | Sycamore Way           | 077-363-19  |                |
| 07/11/11                  | Contreras, Robert SR. & Cyndi L. JT.  | Juniper Way            | 077-232-42  |                |
| 12/12/07                  | Cook Family Trust   | 688-085 Hickory Way    | 077-243-23  |                |
| 12/09/08                  | Cook, Richard W JR/Donna J CPS  | Hickory Way            | 077-244-23  |                |
| 12/31/07                  | Corey, Clifford & Jeanne CPRS   | 687-440 Hemlock Way    | 077-313-18  |                |
| 09/11/08                  | Councilman Family Trust   | Hollywood Way          | 077-252-25  |                |
| 06/25/10                  | Crete, Joseph C & Terri JT  | Acorn Way              | 077-393-14  |                |
| 08/16/08                  | Crowe, Paul L. & Arlene M. TR   | 687-890 Ivy way        | 077-231-32  |                |

**Attachment B**  
**Property Owners Connected to District Community Sewer System**

| <b>Date of Connection</b> | <b>Spalding Residents Connected to the District Disposal System: APPLICANT NAME</b> | <b>Service Address</b> | <b>APN#</b> | <b>Notes</b> |
|---------------------------|---|------------------------|-------------|--------------|
| 08/26/08                  | Culjis, Lana S  | 686-975 Chestnut Way   | 077-375-19  |              |
| 09/21/09                  | Cunnington, Roger   | Walnut Way             | 077-171-36  |              |
| 08/17/09                  | Cunnington, Roger ETAL  | Hazel Way              | 077-331-40  |              |
| 03/24/08                  | Cunnington, Ronald & Lloy CP  | 688-085 Tulip Way      | 077-184-19  |              |
| 06/11/08                  | Curley, Richard D/Judith A CP   | 686-785 Cypress Way    | 077-394-11  |              |
| 06/18/08                  | Curran, David M. & Carol L. JT  | 688-060 Hemlock Way    | 077-243-22  |              |
| 04/20/09                  | Curry, Richard A/Michelle J   | 503-400 Madrone Way    | 077-374-23  |              |
| 04/20/09                  | Curry, Richard A/Michelle J   | Fir Way                | 077-383-37  |              |
| 12/06/07                  | Dallimore, Rosaline & Richard P. WHCP   | 688-025 Mimosa Way     | 077-142-19  |              |
| 04/18/08                  | Davey Roland A & Rose Marie   | 689-110 Spalding Rd.   | 077-362-38  |              |
| 07/16/09                  | Davis, G L or J A   | 688/145 Laurel Way     | 077-223-27  |              |
| 08/03/09                  | Davis, G L/J A Rev Liv TR   | Tulip Way              | 077-171-27  |              |
| 10/07/09                  | Davis, Patricia Candis  | Laurel Way             | 077-223-23  |              |
| 06/30/11                  | Davis, Robert & Annitta JT  | 687-770 Hollywood Way  | 077-252-04  |              |
| 05/15/09                  | Dawson, Gray/Julie CPRS   | 688-000 Tulip Way      | 077-161-03  |              |
| 02/28/08                  | Deaver, Howard R/Brown Carol S JT   | 687-280 Magnolia Way   | 077-334-01  |              |
| 07/01/08                  | Degli-Esposti, Robert F & Deanna J Fam Rev Liv                                      | 687-800 Hickory Way    | 077-254-26  |              |
| 04/20/09                  | Dempsey, Tom  | 387-760 Walnut Way     | 077-172-23  |              |
| 12/13/07                  | Denny Leland J & Santos, Linda Ann JT   | 687-710 hemlock Way    | 077-253-34  |              |
| 04/15/09                  | Denny, Lowell G & Denny, Christian P. JT  | 687-635 Hazel Way      | 077-324-46  |              |
| 05/21/08                  | Dettloff, Susan E & Michael D CP  | 687-010 Cedar Way      | 077-377-11  |              |
| 05/14/08                  | Devine, Robert William/Doreen Anne HWJT   | Hollywood/Madrone      | 077-411-20  |              |
| 04/18/08                  | Diefenderfer Family Trust   | Lilac Way              | 077-153-21  |              |
| 06/11/09                  | Dietrich, Bonnie K  | 520-687 Sycamore Way   | 077-311-06  |              |
| 06/19/08                  | Dingess, Terry L/Ernestine S JT   | 687-0145 Hickory Way   | 077-352-30  |              |
| 04/14/08                  | DiPonti, Robert & Dolores M PMB 166 Suite 7   | 687-580 Maple Way      | 077-332-56  |              |
| 05/20/09                  | Dittmar, Donald D/Carolyn Y   | 687-775 Maple Way      | 077-211-17  |              |
| 10/09/08                  | Doll Revocable Inter Vivos TR   | Spalding/Pinion        | 077-362-33  |              |
| 08/27/08                  | Donnell, Avis C Living Trust  | 687-560 Ivy Way        | 077-231-35  |              |
| 05/01/08                  | Doss, L.A./Linda JT   | 688-000 Hickory Way    | 077-244-32  |              |
| 09/19/08                  | Doty, Dennis W & Flynn-Doty, Diana HW   | 687-155 Hickory Way    | 077-353-24  |              |
| 11/02/07                  | Dowdy, Russell  | Cedar Way              | 077-271-18  |              |
| 09/15/08                  | Dreiss Family Trust   | 687-105 Fir Way        | 077-387-10  |              |
| 06/02/08                  | Drew, James E/Henderson, Karen  | 688-090 Oak Way        | 077-132-20  |              |
| 08/03/08                  | Driggs Family Trust   | Acorn Way              | 077-395-26  |              |
| 07/02/08                  | Duchi, Angelo A. & S. Ronda   | Hazel Way/The Strand   | 077-224-27  |              |
| 08/13/08                  | Dunlap Angela K & Walsmith George JA  | 687-880 Hazel Way      | 077-215-11  |              |
| 11/19/07                  | Eagle Lake Community Church   | 687-905 Lakeview Dr.   | 077-273-41  |              |
| 07/01/09                  | Eakin, Janice L   | 686-730 Hickory Way    | 077-413-15  |              |
| 06/12/09                  | Ehn, Charles M & Mayme A.   | 688-085 Hemlock way    | 077-242-12  |              |
| 09/12/08                  | Eldred Family Trust   | 686-925 Acacia Way     | 077-391-19  |              |
| 08/01/08                  | Ellasces, Frank K Sr/Michell D Vaughn JT ETAL                                       | Cedar Way              | 077-373-23  |              |
| 06/04/08                  | Elvin, Henry J/Mary M TR  | Bamboo Way             | 077-394-17  |              |
| 07/16/08                  | Erlewine, Edward F & Mary I 1992 Rev Family   | 688-090 Redwood Way    | 077-263-14  |              |
| 10/16/08                  | Estes, Kenneth P/Mary L JT  | Magnolia Way           | 077-216-10  |              |
| 10/24/07                  | Evans, Ronald R & Janet L. JT   | 687-750 Hickory Way    | 077-254-32  |              |
| 03/14/08                  | Fagundes, John P/Laurie M   | 503-555 Madrone        | 077-381-13  |              |
| 11/27/07                  | Fahringer, Pearline   | 687-945 Tulip Way      | 077-194-44  |              |
| 07/03/09                  | Farley, Fred E  | 687-010 Delwood Way    | 077-386-19  |              |
| 09/11/08                  | Farmer, Jerrel H. & Farmer, Maude M Rev.  | 686-125 Delwood Way    | 077-381-07  |              |
| 10/14/08                  | Farris Family Trust 1998 Rev. TR  | Bamboo Way             | 077-397-28  |              |
| 10/27/08                  | Farris, Gloria C.   | Cherry Way             | 077-282-09  |              |
| 07/01/08                  | Fauvelle, Mark D.   | 686-850 Cedar Way      | 077-373-19  |              |
| 07/13/09                  | Feist, Robert J   | Hickory Way            | 077-253-36  |              |
| 08/07/09                  | Feist, Robert J   | 687-915 Laurel Way     | 077-233-38  |              |

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**Property Owners Connected to District Community Sewer System**

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|---------------------------|---|------------------------|-------------|--------------|
| 06/11/09                  | Fenner, Theodore R/Anita B JT   | Sycamore               | 077-264-17  |              |
| 07/18/08                  | Ferrier, William T/Laurette K JT  | 687-990 Ivy Way        | 077-221-18  |              |
| 12/19/07                  | Field, Shirley L Family Trust   | Acorn Way              | 077-396-18  |              |
| 04/09/08                  | Field, Shirley L Family Trust   | Acorn Way              | 077-396-17  |              |
| 03/05/08                  | Fies, William J JR. Trust Agreement   | Hickory Way            | 077-244-30  |              |
| 03/24/08                  | Fischer, Charles B. & Janet A. Trust  | Tulip Way              | 077-194-29  |              |
| 04/23/09                  | Fiske, Willard A/Deanna M   | Catalpa Way/The Strand | 077-262-07  |              |
| 05/02/08                  | Flandreau, Claude-Anne 2005 TR  | 687-245 Sycamore Way   | 077-362-35  |              |
| 06/06/08                  | Flannagan, James S. TR  | 686-925 Madrone Way    | 077-351-23  |              |
| 11/14/07                  | Fortier, Gerald & Tracy JT  | 687-900 Tamarack Way   | 077-174-18  |              |
| 04/07/10                  | Foulk, Benjamin L   | Linden Way             | 077-222-21  |              |
| 10/03/08                  | Fredenburg, Kenneth D   | 687-800 Hazel Way      | 077-211-15  |              |
| 10/26/07                  | Frey, Heinz Robert & Lieselotte JT  | 688-040 Lakeview Dr    | 077-264-07  |              |
| 08/28/09                  | Gaines, Theodore 1996 Trust   | The Strand             | 077-221-06  |              |
| 11/26/07                  | Gallagher Family TR   | 687-980 Linden Way     | 077-223-28  |              |
| 10/25/07                  | Garcia Family Trust   | 686-995 Chestnut       | 077-375-10  |              |
| 05/26/09                  | Garcia, Larry Michael Sherre A HWJT   | 688-035 Hollywood Way  | 077-241-23  |              |
| 05/26/09                  | Garcia, Larry Michael/Sherre A  | Hollywood Way          | 077-241-24  |              |
| 10/02/09                  | Gardner, Jane E   | 688-100 Linden Way     | 077-223-25  |              |
| 12/11/07                  | Garland, John M.& Regina K. JT  | 687-820 Ivy Way        | 077-231-27  |              |
| 08/05/09                  | Gates, Donald F/Charlene  | Chestnut/Cherry        | 077-293-12  |              |
| 11/13/09                  | Geer, Glen  | Laurel Way             | 077-233-53  |              |
| 05/27/09                  | George, Byron W/Beverly A   | Sycamore Way           | 077-251-46  |              |
| 11/02/07                  | Glenden, Jack Terrence/Helen Lathe Family Trust                                     | 687-600 Cedar Way      | 077-301-19  |              |
| 04/24/08                  | Glenn, James H. Irrevocable Trust   | 687-960 Sycamore       | 077-241-22  |              |
| 05/07/08                  | Glenn, Leon H.  | 688-030 Sycamore Way   | 077-241-25  |              |
| 09/09/11                  | Goddard, Philip W   | 687-950 Cedar Way      | 077-261-08  |              |
| 04/07/08                  | Godde, Lawrence A. & Godde, Geraldine D   | Lakeview Dr.           | 077-273-39  |              |
| 09/12/08                  | Golden Gary/Erma E Trust  | 686-125 Almond Way     | 077-164-20  |              |
| 04/21/08                  | Gomez, Joe I & Olivia ETAL  | 687-315 Hazel Way      | 077-324-47  |              |
| 05/08/09                  | Goodenow, Rev Robert/Susan Mae CPRS   | Juniper Way            | 077-221-24  |              |
| 05/01/09                  | Goodwin, Stephen D/Susan E JT   | 686-975 Spalding Rd    | 077-361-27  |              |
| 04/21/08                  | Goyette,Vern & Porrasi, Cecilia TC  | 077-232-23 Linden Way  | 077-232-23  |              |
| 05/14/08                  | Grajczyk, Gary R. & E. Louise   | 687-320 Hollywood Way  | 077-312-26  |              |
| 04/27/09                  | Graton, Diane Alan/Kari Michelle  | 687-305 Laurel Way     | 077-323-33  |              |
| 06/09/08                  | Gregorius, Benedict & Sheila Francine JT  | 687-985 Chinquepin Way | 077-217-10  |              |
| 05/09/08                  | Grout, George/Zona JT   | 688-105 Hazel Way      | 077-224-11  |              |
| 05/28/08                  | Haddox, Caroline ETAL   | 687-740 Walnut Way     | 077-172-25  |              |
| 06/03/08                  | Hague Donald & Edith E HW/Hague, Montana May  | 686-810 Acorn Way      | 077-393-25  |              |
| 11/12/09                  | Haines, Cidne J. ETAL   | Hemlock Way            | 077-351-03  |              |
| 09/05/08                  | Hallas, Charles/Rosalie Living Trust  | 688-125 Hickory Way    | 077-243-24  |              |
| 07/16/08                  | Harper Family Trust   | Chestnut Way           | 077-371-10  |              |
| 11/21/07                  | Harrison, Richard K/Julie A   | Linden Way             | 077-233-46  |              |
| 08/26/08                  | Harvey Family Trust   | 687-930 Hazel Way      | 077-215-12  |              |
| 04/25/09                  | Hasty, Clarence/Virginia Revoc Liv Tr   | 687-775 Orchard Way    | 077-214-29  |              |
| 08/23/11                  | Hasty, Clarence/Virginia Revoc Liv Tr   | Laurel/Palm            | 077-344-15  |              |
| 04/29/08                  | Healy,Thomas &Delores Etal %Robert, OB  | 687-640 Linden Way     | 077-323-36  |              |
| 06/18/08                  | Helmer, Nason James/Gail Ann Rev TR   | 686-800 Chestnut Way   | 077-372-20  |              |
| 03/18/08                  | Hembree , Stephanie L   | Maple Way              | 077-212-15  |              |
| 08/28/08                  | Henrickson, Joseph G III/Marilyn HWJT   | 687-025 Spalding Rd.   | 077-361-19  |              |
| 08/20/08                  | Henrickson, Joseph G III/Marilyn JT   | 503-475 Madrone Way    | 077-373-13  |              |
| 05/02/08                  | Henson John E & Evelyn A Trust  | 503-150 Pinion Way     | 077-304-52  |              |
| 10/25/07                  | Herfi, David Lee & Cynthia Louise JT  | Lakeview Dr.           | 077-274-20  |              |
| 04/20/09                  | Heritage Land Co  | Redwood Way            | 077-262-18  |              |

**Attachment B**  
**Property Owners Connected to District Community Sewer System**

| <b>Date of Connection</b> | <b>Spalding Residents Connected to the District Disposal System: APPLICANT NAME</b> | <b>Service Address</b>     | <b>APN#</b>      | <b>Notes</b> |
|---------------------------|---|----------------------------|------------------|--------------|
| 07/22/09                  | Heritage Land Co  | Elm Way                    | 077-383-20       |              |
| 07/23/09                  | Heritage Land Co  | Elm Way                    | 077-383-31       |              |
| 08/12/09                  | Heritage Land Co  | 686-920 Spalding Rd.       | 077-362-28       |              |
| 04/21/10                  | Heritage Land Co  | Acacia Way                 | 077-392-19       |              |
| 04/22/08                  | Herrbach, Clarence E/Herrbach, Rae B  | 686-760 Sycamore Way       | 077-403-20       |              |
| 08/21/09                  | Herrick Family Trust  | 687-595 Hazel Way          | 077-324-45       |              |
| 04/09/08                  | Hiehle, Dustin L & Georgia JT   | 687-005 Cedar Way          | 077-376-24       |              |
| 05/27/09                  | Hindbaugh, Ronald P.Earline M JT  | 687-945 Sycamore Way       | 077-274-18       |              |
| 05/28/09                  | Hindbaugh, Ronald P.Earline M JT  | 687-900 Sycamore Way       | 077-251-34       |              |
| 06/01/09                  | Hindbaugh, Ronald P.Earline M JT  | 687-490 Sycamore Way       | 077-311-41       |              |
| 09/26/08                  | Hindersheid, Dave/Cecelia   | 687-755 Juniper Way        | 077-231-23       |              |
| 07/28/08                  | Holland, Paul Reginald/Flor Rev Liv Trust   | Strand/Willow/Walnut       | 077-162-05,06,07 |              |
| 04/02/08                  | Hopwood, Kenneth/Jayne H ETAL All AS JT   | 686-950 Sycamore Way       | 077-363-15       |              |
| 04/07/08                  | Hosking Robert R/Margaret   | 687-040 Cedar Way          | 077-377-09       |              |
| 05/15/08                  | House, David J/Chrisandra M CPS   | 687-765 Orchard Way        | 077-214-17       |              |
| 10/01/08                  | House, James/Diana JT(Vista Reverse 8 LLC)  | 688-045 Redwood Way        | 077-262-14       |              |
| 06/04/09                  | House, Jesse P/Dolores M House TR   | Hollywood/Madrone/Sycamore | 077-363-29       |              |
| 08/21/08                  | Howes James W. & Elizabeth  | 687-670 Catalpa Way        | 077-272-01       |              |
| 06/03/08                  | Hunter, John L & Dorothy A JT   | 687-505 Hollywood Way      | 077-311-37       |              |
| 04/09/08                  | Illia Family Trust  | 687-300 Sycamore           | 077-311-23       |              |
| 06/25/08                  | Ito, Douglas Y ETAL   | Hickory Way                | 077-353-27       |              |
| 04/14/08                  | Jackson Family Trust  | 686-920 Redwood Way        | 007-401-05       |              |
| 09/23/08                  | James Timothy & Louise JT.  | 687-065 Acorn Way          | 077-395-16       |              |
| 03/31/08                  | James, Daniel L. & Diane L. JT  | 687-350 Hazel Way          | 077-331-43       |              |
| 10/19/11                  | Jamison, Dwight M & Carol L   | 687-780 Orchard Way        | 077-191-29       |              |
| 09/29/08                  | Jarvis Family Trust   | 686-760 Chestnut Way       | 077-372-19       |              |
| 10/22/09                  | Jeffrey, James  | 686-990 Catalpa Way        | 077-378-24       |              |
| 05/28/09                  | Jennings, Robert H/Pamela A   | Hazel Way                  | 077-224-23       |              |
| 06/09/08                  | Jessop, Merl & Sondra L. Etal   | Chinquepin Way             | 077-214-23       |              |
| 06/09/08                  | Jessop, Merl & Sondra L. Etal   | Chinquepin Way             | 077-214-26       |              |
| 06/09/08                  | Jessop, Merl K & Sondra L. JT.  | Chinquepin Way             | 077-214-15       |              |
| 06/02/08                  | Johnson, John E. & Darlene M.   | 687-815 Hazel Way          | 077-234-40       |              |
| 09/18/09                  | Johnston Family Trust ETAL  | 687-045 Hickory Way        | 077-352-19       |              |
| 06/18/08                  | Jones, James E.   | 876-715 Hollywood Way      | 077-251-20       |              |
| 04/24/08                  | Jones, Jerry Lee/Marsha S Fam TR  | 687-995 Sycamore Way       | 077-264-18       |              |
| 11/06/07                  | Jordon Norbert & Ruth E JT  | 687-705 Spruce Way         | 077-193-19       |              |
| 05/01/09                  | K C Investments   | 686-945 Cedar Way          | 077-376-22       |              |
| 08/25/08                  | Kaiser , Bruce & Voorheis , Thelma JT   | Hollywood Way              | 077-242-18       |              |
| 05/09/08                  | Keehn, Thomas J (Monroe new owner)  | 687-110 Tulip Way          | 077-184-20       |              |
| 06/19/08                  | Keller, Nelda Ray Revocable Living Trust  | 687-585 Hollywood Way      | 007-311-44       |              |
| 06/06/08                  | Kelly , Paul D. & Deborah K. JT.  | Laurel Way                 | 007-234-39       |              |
| 08/21/09                  | Kelly Family Trust  | Ridge Way                  | 077-151-24       |              |
| 06/02/08                  | Kerr Living Trust   | 686-800 Bamboo Way         | 077-394-16       |              |
| 06/26/09                  | Killingsworth, Gregory J/Lynn M JT  | 688-005 Lilac Way          | 077-152-19       |              |
| 02/26/08                  | Kimbal ,Dana S & Quilici, Janet K. JT   | 687-000 Acorn Way          | 077-396-08       |              |
| 11/02/07                  | Kimura, Roy Michio & Kimura, Anne Tr.   | 687-608 Ivy Way            | 077-231-31       |              |
| 04/15/08                  | Kinder, Stanley K   | Linden Way                 | 077-222-20       |              |
| 06/23/08                  | King, Douglas G/Taura D   | Willow Way                 | 077-162-14       |              |
| 09/05/08                  | King, Douglas G/Taura D   | Hollywood Way              | 077-251-42       |              |
| 08/15/08                  | King, Robert  | 686-835 Hollywood Way      | 077-403-18       |              |
| 12/03/09                  | Kish, Leonore M.  | Chinquepin Way             | 077-204-15       |              |
| 06/18/08                  | Kneeland, Paul J  | 686-990 Hickory Way        | 077-353-11       |              |
| 07/03/09                  | Knifong Lester D. & Lodellee Revocable Living Trust                                 | 687-155 Hickory Way        | 077-352-31       |              |
| 09/17/08                  | Koch Living Trust   | 687-280 Hickory Way        | 077-353-20       |              |
| 10/21/09                  | Koch, Linda C Revo Live TR  | Chestnut Way               | 077-283-16       |              |

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|---------------------------|---|------------------------|-------------|--------------|
| 06/02/08                  | Koehly, Joseph & Mercedes   | 687-240 Laurel Way     | 077-344-14  |              |
| 04/24/08                  | Kolbet, Richard N/Knapp Lucille   | 687-855 Catalpa Way    | 077-271-23  |              |
| 09/12/08                  | Kottke Family Trust   | 687-950 Catalpa Way    | 077-272-42  |              |
| 05/01/08                  | Krupp Family Revocable Trust  | 687-710 Sycamore       | 077-251-39  |              |
| 10/23/07                  | Kvidera, Michael C. & Marilyn Living Trust  | 686-985 Redwood Way    | 077-378-23  |              |
| 12/17/09                  | Larimore, Harry A/Beatrice A JT   | 686-915 Cypress Way    | 077-397-33  |              |
| 04/04/08                  | Larson Larry Lee/Hazel M CP   | 687-975 Sycamore Way   | 077-362-30  |              |
| 07/28/09                  | Lashmet, Harry T  | 688-040 Laurel Way     | 077-224-25  |              |
| 07/29/09                  | Lashmet, Harry T  | Laurel Way             | 077-224-24  |              |
| 11/01/07                  | Lavarias , Jim B. & Vera A. CP  | 688-020 Juniper Way    | 077-222-17  |              |
| 05/01/09                  | Lawrence, John Paul/Lee Davis McGlenn   | Elm Way                | 077-387-18  |              |
| 09/09/08                  | Lawson Family 1997 Trust  | Linden Way             | 077-323-40  |              |
| 11/29/07                  | Lay Gene W. & Merle A. CRPS   | Acorn Way              | 077-393-17  |              |
| 06/03/08                  | Lay Gene W. & Merle A. JT   | 686-875 Acacia Way     | 077-391-17  |              |
| 11/05/10                  | Lee, Irwin/Riva   | 687-875 Willow Way     | 077-172-24  |              |
| 08/08/08                  | Lemon , Earl L. & Evelyn L. Trust   | 688-040 Hollywood Way  | 077-242-25  |              |
| 08/04/08                  | Lemon Grant L. & Kenny, Lenore M HW   | 687-960 Hemlock Way    | 077-243-26  |              |
| 04/22/09                  | Leonard, William R Jr/Cynthia A HWJT  | 688-160 Juniper Way    | 077-222-13  |              |
| 07/04/08                  | Leonard, William R/Cynthia A JT   | 686-955 Spalding Rd.   | 077-361-24  |              |
| 08/07/09                  | Leonard, William R/Cynthia A JT   | 687-245 Linden Way     | 077-342-11  |              |
| 06/23/08                  | Leonhardt, Larry/Priscilla CPRS   | 68-730 Chestnut Way    | 077-372-18  |              |
| 04/16/09                  | LeRoy, Doreene  | 687-630 Maple Way      | 077-332-45  |              |
| 04/20/09                  | LeRoy, John David   | 686-925 Spalding Rd.   | 077-401-04  |              |
| 09/08/11                  | Lewis, William Joe & Lewis, David Gene  | Poplar/Palmetto        | 077-192-29  |              |
| 05/28/08                  | Liggett, Raymond E  | 686-885 Bamboo Way     | 077-393-21  |              |
| 12/28/11                  | Lindenberg Living Trust   | 687-710 Linden Way     | 077-233-54  |              |
| 04/09/08                  | Long Lloyd E. & Inez M & David & Susan JT   | Hollywood Way          | 077-241-19  |              |
| 05/28/08                  | Longe Gary, Alan & Virginia Jt  | 687-740 Catalpa Way    | 077-272-25  |              |
| 06/26/09                  | Loy, Regina M-Original Dt of hook-up - 9/08   | 687-730 Catalpa Way    | 077-272-41  |              |
| 09/18/08                  | Luchetti 2002 Family Trust  | 686-825 Catalpa Way    | 077-373-11  |              |
| 09/09/08                  | Lunardi, Joseph I/Doris R Rev Int Sur TR  | 686-950 Fir Way        | 077-388-15  |              |
| 07/16/08                  | Machado Manual R. Rose M JT   | 688-050 Redwood Way    | 077-263-09  |              |
| 10/08/09                  | Macias, Raymond/Marjorie A  | 687-910 Walnut Way     | 077-172-16  |              |
| 06/18/08                  | MacKay, William E/Terry E   | Hemlock Way            | 077-252-26  |              |
| 11/11/08                  | Madden, Roy P/Dannette A JT   | 686-725 Elm Way        | 077-382-07  |              |
| 06/06/08                  | Magioncalda Frank Etal  | 687-665 Hemlock Way    | 077-252-29  |              |
| 04/29/09                  | Marcillac, George E 2005 TR   | Tulip Way              | 077-194-12  |              |
| 12/11/07                  | Marlatt Daniel & Mardel JT.   | Hazel Way              | 077-234-13  |              |
| 07/06/08                  | Marquis, Trina J/Sheldon, Brian K JT  | 687-905 Catalpa Way    | 077-271-22  |              |
| 08/20/10                  | Martinelli, Mike/Paula & Schmitt Family Trust                                       | Tamarack Way           | 077-173-16  |              |
| 06/26/09                  | Martinus, Paul W Family Trust ETAL  | Hemlock Way            | 077-253-24  |              |
| 11/29/07                  | Marzorini Ray E. Tanya L  | 687-805 Maple Way      | 077-215-09  |              |
| 08/12/08                  | Marzorini Ray E. Tanya L  | 687-788 Ivy Way        | 077-231-34  |              |
| 06/25/08                  | Marzorini, Ray E & Tanya CP   | 687-840 Spruce Way     | 077-194-28  |              |
| 06/13/11                  | Masterson Family Trust ETAL   | 687-740 Tamarack Way   | 077-173-30  |              |
| 08/17/09                  | Matassa Family Trust  | Cherry Way             | 077-371-12  |              |
| 09/16/09                  | Matthias, Paul L/Donna JT   | Walnut Way             | 277-161-20  |              |
| 04/07/08                  | McCabe William H. Danny TC  | Sycamore Way           | 077-362-11  |              |
| 08/27/08                  | McDaniel, Harvey & Gloria Family Trust  | 687-810 Juniper Way    | 077-232-27  |              |
| 10/09/08                  | McEachern, James A/Carol M  | Bamboo Way             | 077-396-11  |              |
| 05/21/09                  | McGrew, William/Esther  | Lakeview Dr.           | 077-304-63  |              |
| 08/14/09                  | McKean, Robert E  | 686-880 Cypress Way    | 077-381-20  |              |
| 05/21/08                  | Mckenzie, Ralph & Laura B JT  | Acacia Way             | 077-392-17  |              |
| 09/22/09                  | McMillen, Tanya L/Jerry L   | 687-785 Ivy Way        | 077-254-29  |              |
| 07/20/09                  | McNamara, Kenneth J Sr/Diane M JT   | 687-270 Ivy Way        | 077-321-11  |              |
| 08/06/09                  | Medlyn, Robert/Julie  | 687-655 Chestnut Ave   | 077-293-13  |              |

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|---------------------------|---|------------------------|-------------|--------------|
| 07/11/08                  | Mellor, Brian S/Linda K JT  | 687-695 Orchard Way    | 077-214-27  |              |
| 05/10/10                  | Menard, Carole  | 687-635 Hollywood Way  | 077-311-12  |              |
| 12/12/07                  | Mendes Jonnie. Jr. & Birtie   | 687-660 Hemlock Way    | 077-253-20  |              |
| 06/06/08                  | Menzies Richard L & Charlene J.   | 686-835 Sycamore Way   | 077-402-17  |              |
| 04/17/08                  | Merkel Family Trust   | 687-615 Maple Way      | 077-331-49  |              |
| 10/08/08                  | Merrill Family Bypass Trust   | Linden Way             | 077-233-31  |              |
| 04/10/10                  | Merritt, Robert L & Joan L (Travis)   | Cypress Way            | 077-394-15  |              |
| 09/05/08                  | Michel Robert H.  | 686-895 Acorn Way      | 077-392-16  |              |
| 04/24/08                  | Middendorf, Thomas M/Mary E   | 687-829 Catalpa Way    | 077-271-24  |              |
| 11/19/08                  | Miller 2001 Revocable Trust   | 687-910 Tulip Way      | 077-171-32  |              |
| 11/19/08                  | Miller Family 2001 Rev Trust  | 687-890 Tulip Way      | 077-171-33  |              |
| 11/08/07                  | Miller, Arnold D. & Geraldine   | 687-500 Spalding Rd.   | 077-304-60  |              |
| 05/07/08                  | Miller, Michael H/Sue JT (New Owner Ruden)  | 687-070 Hollywood Way  | 077-363-23  |              |
| 08/08/08                  | Milliken, Ronald J/Zelma Mae Family Trust   | 688-110 Hollywood Way  | 077-242-10  |              |
| 10/23/07                  | Mingham Brain & Jane Family Trust   | 687-840 Tamarack Way   | 077-174-06  |              |
| 05/01/08                  | Mingham Family Trust  | 687-850 Willow Way     | 077-173-36  |              |
| 05/07/08                  | Mingham Family Trust  | 687-800 Willow Way     | 077-173-25  |              |
| 08/06/09                  | Mircetich, John/Jane JT   | 687-865 Laurel Way     | 077-233-55  |              |
| 07/30/08                  | Monahan, Daniel D   | 687-100 Hemlock Way    | 077-352-22  |              |
| 02/28/08                  | Montgomery Chester G & Lawanda J Jt   | 688-040 Hemlock Way    | 077-243-25  |              |
| 05/07/08                  | Montgomery David Mary R JT  | 687-120 Hollywood Way  | 077-351-24  |              |
| 10/23/07                  | Monticelli John F. Jeannie Mar  | 687-105 Acacia Way     | 077-391-04  |              |
| 08/28/08                  | Moore, Robert E. Flossie F.   | 687-800 Juniper Way    | 077-232-29  |              |
| 10/25/07                  | Morales, Lloyd  | 686-735 Acacia Way     | 077-391-13  |              |
| 06/09/08                  | Moreno, Ruben L   | 687-605 Magnolia way   | 077-332-48  |              |
| 05/13/08                  | Morgan Frances Pearl & Robert L Jt.   | 687-950 Spruce Way     | 077-194-43  |              |
| 07/23/08                  | Morris, Norman R. & Verna J CP.   | 687-915 Hazel Hay      | 077-234-42  |              |
| 06/27/08                  | Morrow, John C/S Delphine   | 686-860 Catalpa Way    | 077-374-22  |              |
| 03/17/08                  | Muller France F. & Nellie JT  | 687-400 Sycamore Way   | 077-311-30  |              |
| 05/07/10                  | Muller, Thomas J & Roberta L  | Cypress Way            | 077-381-16  |              |
| 10/30/09                  | Muse, Frank/Kathie  | The Strand/Spruce      | 077-184-25  |              |
| 07/28/08                  | Narramore, Gregory W/Joanne A JT  | 686-975 Hollywood Way  | 077-363-27  |              |
| 09/30/09                  | Neely, Tom Becky/Neely, Darin/Yvette  | Sycamore Way           | 077-304-57  |              |
| 05/09/08                  | Neil Gerald L. & Janet JT   | 687-675 Chinquapin Way | 077-213-14  |              |
| 07/08/09                  | Neil, Gerald E/Janet E JT   | Olive Way              | 077-134-02  |              |
| 05/05/10                  | Neil, Gerald E/Janet E JT   | The Strand/Oak Way     | 077-132-21  |              |
| 08/07/09                  | Neil, Gerald E/Janet E JT (New Owner Keehn)   | Maple Way              | 077-212-16  |              |
| 10/07/08                  | Neil, Gerald E/Janet E JT (New Owner Schmidt)                                       | Catalpa Way            | 077-261-11  |              |
| 07/10/09                  | Nelson, John A/ Nancy L Revoc & Nelson Family 2002                                  | Hollywood Way          | 077-251-27  |              |
| 11/26/07                  | Nelson, Kenneth A/Rhonda L J.T.   | 687-835 Cedar Way      | 077-283-18  |              |
| 06/18/09                  | Neville Donald O. & Jeanette C. 1994 Trust  | 688-065 Laurel Way     | 077-223-26  |              |
| 11/26/07                  | Newman, James Edgar/Newman, James Bruce   | 687-480 Spalding Rd.   | 077-304-61  |              |
| 11/30/07                  | Niles Family Trust %Niles, Ralph & Rita   | Tamarack Way           | 077-164-16  |              |
| 08/12/08                  | Norris Family Trust % Norris Betty E. Trust   | Hemlock Way            | 077-253-25  |              |
| 04/21/08                  | Novey, Joanne M/Lisa Marie JT   | 688-100 Oak Way        | 077-131-16  |              |
| 07/02/08                  | Noxon, Timothy E/Maribeth   | 687-835 Redwood Way    | 077-272-22  |              |
| 05/14/08                  | Nunes Family Trust  | Hollywood Way          | 077-312-22  |              |
| 10/15/07                  | Odle, Curtis I/Denise C   | 687-550 Hollywood Way  | 077-312-33  |              |
| 06/24/08                  | Oliver Jerald A   | Sycamore Way           | 077-403-15  |              |
| 05/10/10                  | Oliver, Jeffery W/Lena  | Hemlock Way            | 077-411-18  |              |
| 06/01/10                  | Oliver, Jeffrey W & Lena D JT   | Hemlock Way            | 077-411-19  |              |
| 08/21/08                  | Oliver, Phillip H & Ilean C. & James R. & Col.                                      | Redwood Way            | 077-303-29  |              |
| 08/25/08                  | Olson Family Trust  | 687-905 Redwood Way    | 077-272-38  |              |
| 10/31/07                  | Osborn, Daniel D/Suzanne M  | 503-220 Mahogany Way   | 077-273-22  |              |
| 07/28/08                  | Panart, Augustine D Z/Panart Paula F TR   | Juniper Way            | 077-321-12  |              |

**Attachment B**  
**Property Owners Connected to District Community Sewer System**

| <b>Date of Connection</b> | <b>Spalding Residents Connected to the District Disposal System: APPLICANT NAME</b> | <b>Service Address</b> | <b>APN#</b> | <b>Notes</b> |
|---------------------------|---|------------------------|-------------|--------------|
| 11/02/07                  | Parker 1995 Family Trust  | Delwood Way            | 077-381-11  |              |
| 09/28/08                  | Parker, Rex A/Denise A JT   | 686-830 Delwood Way    | 077-382-17  |              |
| 09/04/08                  | Parker, Rex a/Katherine Trust   | 686-830 Elm Way        | 077-383-38  |              |
| 10/23/09                  | Parker, Theodore/Patricia   | 686-725 Fir Way        | 077-383-40  |              |
| 10/23/09                  | Parker, Theodore/Patricia   | 686-835 Elm Way        | 077-382-15  |              |
| 09/11/08                  | Pastorino, Norman F./House, Monica J.T.   | 686-735 Lakeview Dr    | 077-401-07  |              |
| 09/03/08                  | Patrick Fam TR  | 688-105 Linden Way     | 077-222-22  |              |
| 10/09/08                  | Patrick, Michael B  | 687-980 Mimosa Way     | 077-143-08  |              |
| 07/10/08                  | Pavese Family Trust   | 687-020 Delwood Way    | 077-386-21  |              |
| 03/27/08                  | Pearson, James C/Sandra L   | Cherry/Mahogany        | 077-281-01  |              |
| 03/27/08                  | Pearson, James S/Sandra L Fmly TR   | Chestnut/Strand        | 077-283-13  |              |
| 05/28/08                  | Peay Family Trust   | 688-085 Ivy Way        | 077-244-33  |              |
| 09/08/08                  | Pennington, David/Suzanne JT  | 687-940 Willow Way     | 077-173-17  |              |
| 11/23/07                  | Pindar, Lynn/Pindar, Lynnette   | Lilac Way              | 077-153-14  |              |
| 07/04/08                  | Popperwell, W Trust   | Madrone/Catalpa        | 077-377-19  |              |
| 04/29/08                  | Portz Family Revocable Trust  | 687-675 Hazel Way      | 077-234-37  |              |
| 03/03/08                  | Potter Caroleen C   | 503-025 Madrone Way    | 077-413-14  |              |
| 08/06/08                  | Potter, R. Craig/Jessie A   | 687-890 Hollywood      | 077-252-22  |              |
| 02/20/08                  | Potter, Timothy J/Lorene L  | Redwood Way            | 077-272-46  |              |
| 11/18/09                  | Pratt, William H/Marjorie L TC ETAL   | 687-305 Hollywood Way  | 077-311-33  |              |
| 04/09/08                  | Purcell, A.W./Norma E   | 687-105 Acorn Way      | 077-395-17  |              |
| 04/29/08                  | Rabo, Ronald R/Shirley E J.T.   | 687-607 Maple Way      | 077-331-48  |              |
| 10/28/09                  | Ramos, Daniel J/Kathryn S   | 687-740 Palmetto       | 077-192-38  |              |
| 09/27/08                  | Rasnic, John L  | 687-285 Linden Way     | 077-322-10  |              |
| 08/11/08                  | Ray Family Trust  | 686-790 Hollywood Way  | 077-411-17  |              |
| 09/08/08                  | Rebideaux, Randy L/Laurene J JT   | 686-925 Cherry Way     | 077-384-11  |              |
| 04/10/08                  | Rodas, Joseph m/H. Leota J.T.   | 687-785 Juniper Way    | 077-231-24  |              |
| 07/28/09                  | Rogers, Michael W.  | 687-120 Linden Way     | 077-343-20  |              |
| 08/18/08                  | Rohner, Alvin Thomas/Kay Louise Trust   | 687-000 Elm Way        | 077-387-17  |              |
| 09/05/08                  | Rohner, Alvin Thomas/Kay Louise Trust   | 686-950 Delwood Way    | 077-386-18  |              |
| 05/12/09                  | Rohner, Kay L Revocable Trust   | 686-925 Elm Way        | 077-382-19  |              |
| 05/18/09                  | Rohner, Kay L Revocable Trust   | 687-005 Delwood Way    | 077-385-17  |              |
| 04/07/10                  | Roloff, Scott & Lilibeth  | 686-990 Chestnut Way   | 077-376-14  |              |
| 06/11/08                  | Rose, Ernest W/Nancy L J.T.   | 686-880 Bamboo Way     | 077-394-13  |              |
| 04/14/08                  | Rose, William N./Carol Leah   | 687-550 Lakeview Dr.   | 077-304-62  |              |
| 07/09/08                  | Rosselott Living Trust  | 687-805 Linden Way     | 077-232-38  |              |
| 10/01/09                  | Rounsaville, Joseph W/Etta Mae Trust  | 687-580 Cherry Way     | 077-293-11  |              |
| 06/09/10                  | Rudluff, Caroline M Trust c/o Patricia Rudluff-Jennings                             | Maple Way              | 077-201-04  |              |
| 06/09/10                  | Rudluff, Caroline M Trust c/o Patricia Rudluff-Jennings                             | Almond Way             | 077-174-17  |              |
| 06/15/09                  | Rynerson, Roger Clinton   | 687-785 Ivy Way        | 077-334-16  |              |
| 11/16/07                  | Sain, David P   | 687-200 Hickory Way    | 077-353-26  |              |
| 07/18/08                  | Saulisberry TTEE Fam TR/Saulisberry 1992 Fam  | 687-770 Maple Way      | 077-212-20  |              |
| 04/12/12                  | Schmidt, Kenneth  | 687-015 Acacia Way     | 077-391-07  |              |
| 10/24/07                  | Schmidt, Marlene  | 687-785 Hickory Way    | 077-253-30  |              |
| 07/12/08                  | Schofield, Robert E/Schofield, Ryan E JT  | 687-765 Chinquepin Way | 077-213-16  |              |
| 07/27/10                  | Schumacher, Armin/Bock Christina JT   | 687-185 Spalding Rd.   | 077-361-22  |              |
| 12/12/07                  | Scott, Vicky I (New Owner Pensco Trust)   | 680-470 Hollywood Way  | 077-312-31  |              |
| 05/19/09                  | Seaters, Marion Kathleen  | 687-365 Maple Way      | 077-331-50  |              |
| 10/28/09                  | Sebastiani, Piero ETAL Revocable Trust  | Redwood Way            | 077-273-36  |              |
| 10/28/09                  | Sebastiani, Piero ETAL Revocable Trust  | Lakeview Dr.           | 077-273-37  |              |
| 10/06/08                  | Seifert, Kenneth J/Frances B CP   | 686-865 Redwood Way    | 077-374-25  |              |
| 04/21/09                  | Shafer, Paul W/Virginia S.  | 687-630 Sycamore Way   | 077-311-19  |              |
| 08/22/08                  | Shaffer, Datha/Shaffer/Sandra J JT  | 687-900 Linden Way     | 077-233-39  |              |

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|---------------------------|---|---------------------------|-------------|----------------|
| 09/22/08                  | Shanks, Clarence M/C Lillian Living Trust   | 687-850 Hollywood Way     | 077-252-33  |                |
| 08/08/08                  | Shult, Edward H/Margaret F  | 688-030 Willow Way        | 077-163-15  |                |
| 06/02/08                  | Sibley William Robert & Joan Frances JT   | Madrone/Bamboo            | 077-397-27  |                |
| 03/01/08                  | Sickles, Myron A/Elaine C   | 687-295 Maple Way         | 077-331-26  |                |
| 03/16/10                  | Siders, Kathryn D   | 687-670 Cedar Way         | 077-271-20  |                |
| 09/05/09                  | Sievers, William/Jeanette   | 687-155 Ivy Way           | 077-353-25  |                |
| 03/09/09                  | Silva, Eugene D   | 687-530 Hollywood Way     | 077-312-14  |                |
| 05/15/08                  | Simon, Paul R/Morene L TR   | 687-780 Tamarack Way      | 077-174-31  |                |
| 04/01/08                  | Simon, Robert M/Rita M  | 687-020 Juniper Way       | 077-341-07  |                |
| 09/09/08                  | Smalley, Robert J Jr/Smalley Marla J. Trust   | 687-015 Elm Way           | 077-386-17  |                |
| 04/17/08                  | Smith Living Trust %Smith, Lowell & Joyce   | 687-595 Maple Way         | 077-331-47  |                |
| 10/06/08                  | Smith Stanley B & Martin, Sally   | 686-995 Elm Way           | 077-386-16  |                |
| 07/29/08                  | Smith, Brenda Jean/Janus, Mary Kathleen   | 687-095 Delwood Way       | 077-385-10  |                |
| 09/03/09                  | Smith, Darlene N ETAL   | Willow Way                | 077-172-01  |                |
| 08/05/08                  | Smith, Daryl E/Margie J/Smith, Robert J JT  | 687-020 Cypress Way       | 077-385-16  |                |
| 06/09/08                  | Smith, Gregg S/Ordile, Tara Leisa TC  | Bamboo Way                | 077-396-10  |                |
| 12/03/09                  | Smith, John/Alice 1995 Liv Tr   | Hickory Way               | 077-253-27  |                |
| 09/12/08                  | Smith, Robert J   | 688-995 Bamboo            | 077-396-12  |                |
| 07/28/08                  | Smith, Thomas Lee/Paula Kay Joint Living Trust                                      | 686-985 Cypress Way       | 077-397-17  |                |
| 09/02/08                  | Smith, Vicky L/Smith, Robert J JT   | 687-090 Cypress Way       | 077-385-11  |                |
| 06/13/08                  | Sneary, Bonnie J  | 687-980 Cedar Way         | 077-271-12  |                |
| 04/28/08                  | Snyder, James V/Loretta C   | 686-955 Cherry Way        | 077-388-20  |                |
| 02/15/08                  | Snyder, Norman E/Fleckenstein Trudy   | 687-815 Chestnut Way      | 077-282-06  |                |
| 06/24/08                  | Soderlund, William T/Joann A JR   | 686-990 Cherry Way        | 077-375-06  |                |
| 03/05/08                  | Solis, Jesus H/Rose Marie *   | 387-320 Hemlock Way       | 077-313-17  | * Disconnected |
| 11/05/07                  | Solis, Raymond R/Kristy P CP  | 680-970 Cherry Way        | 077-375-12  |                |
| 10/05/11                  | Soohodolsky Family Trust  | 687-710 Spruce Way        | 077-194-41  |                |
| 11/19/07                  | Sorensen, Lynn Richard/Janice Rae HWJT  | Hemlock Way               | 077-313-10  |                |
| 09/05/08                  | Sorensen, Keld/Jeanne Trust   | 501-955 The Strand        | 077-143-12  |                |
| 03/01/08                  | Spalding CSD  | 502-907 Mahogany Way      | 077-320-05  |                |
| 10/23/07                  | Spalding Marina   | The Strand                | 077-030-04  |                |
| 09/05/08                  | Spediacci, Clifford K/Shirley A JT  | 687-690 Juniper Way       | 077-232-48  |                |
| 09/25/08                  | Spencer, Reubennette 1987 TR  | 687-540 Linden Way        | 077-323-44  |                |
| 05/21/08                  | Stanley, Vernon F/Theda TR  | Magnolia Way/Division Way | 077-217-03  |                |
| 05/21/08                  | Stanley, Vernon F/Theda TR  | Magnolia Way              | 077-217-05  |                |
| 05/21/08                  | Stanley, Vernon F/Theda TR  | 687-885 Chinquepin Way    | 077-217-06  |                |
| 09/21/09                  | Stebbins, Loretta   | 687-925 Linden Way        | 077-232-43  |                |
| 12/03/07                  | Steffens, John R/Barbara/Fogal, Russell E/Th  | 687-300 Laurel Way        | 077-324-34  |                |
| 10/29/08                  | Steinocher, Daniel G/Linda L JT   | 687-830 Cedar Way         | 077-271-14  |                |
| 12/15/09                  | Steinocher, Daniel G/Linda L JT   | 687-920 Hickory Way       | 077-254-27  |                |
| 12/19/07                  | Stelzriede, Michael/Cathryn C JT  | Ridge Way                 | 077-151-22  |                |
| 11/08/07                  | Stent, Bob/Sandra JR/Weddell, Jeanette R.   | Spalding Rd.              | 077-303-33  |                |
| 05/28/08                  | Stephens Family Trust   | Tamarack Way              | 077-163-16  |                |
| 03/18/10                  | Stimmell, James B.  | 686-770 Cypress Way       | 007-381-14  |                |
| 09/15/08                  | Stout, Clarence&Audrey  | Maple Way                 | 077-282-14  |                |
| 12/12/07                  | Strickland, Robert & David JT   | 688-030 Tulip Way         | 077-161-14  |                |
| 04/18/08                  | Suchan, Alex/Lois   | 686-820 Fir Way           | 077-384-14  |                |
| 06/02/08                  | Sullivan Family Revoc Trust   | 687-990 Walnut Way        | 077-162-17  |                |
| 04/29/08                  | Sullivan, William A/Joanne M J.T.   | 387-290 Maple Way         | 077-332--49 |                |
| 08/25/09                  | Swager, William A & Patricia A CPRS   | 387-150 Hemlock Way       | 077-352-24  |                |
| 10/20/08                  | Taylor, James R/Shirley L JT  | Delwood Way               | 077-386-20  |                |
| 10/16/09                  | Taylor, Robert S. Rev Living TR   | 687-025 Catalpa Way       | 077-377-17  |                |
| 09/04/08                  | Tetrault Family 2000 Trust  | Juniper/Linden            | 077-322-14  |                |
| 05/21/08                  | Thomas, Theodore J/Diana M CPRS   | 688-085 Larch Way         | 077-132-15  |                |
| 10/29/09                  | Thomas, Trevor P.Lauretta R   | 687-075 Hemlock           | 077-351-21  |                |
| 07/14/08                  | Thompson Family Trust ETAL  | 688-030 Tupelo Way        | 077-142-16  |                |

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|---------------------------|---|------------------------|-------------|--------------|
| 05/10/10                  | Tobin, Louis J/Peacock, Betsy A HWJT  | 687-700 Orchard Way    | 077-191-27  |              |
| 05/01/08                  | Todd, Clifford E Jr   | Maple Way              | 077-331-51  |              |
| 11/02/07                  | Todd, Dennis/Andrea   | Cedar Way              | 077-271-15  |              |
| 04/22/08                  | Togni, Arnold/Dolly TR  | 698-105 Ivy Way        | 077-221-15  |              |
| 07/23/08                  | Togni, Arnold/Dolly TR  | 688-105 Ivy Way        | 077-244-29  |              |
| 06/11/08                  | Tomasini Family Trust   | 687-895 Hollywood Way  | 077-251-33  |              |
| 03/15/08                  | Torchin, Ali Chan B & Reinelde M  | 687-430 Hollywood Way  | 077-312-32  |              |
| 05/14/09                  | Tracy, Richard T/Sheri L JT   | Hollywood/Hemlock      | 077-351-04  |              |
| 07/18/08                  | Traver, Jess S III/Frances D JT   | Laurel Way             | 077-323-46  |              |
| 04/03/08                  | Turek, Raymond W/Lois M JT  | 687-040 Cherry Way     | 077-375-14  |              |
| 03/06/08                  | Turner, Lucy D  | 686-835 Cherry Way     | 077-384-17  |              |
| 09/21/11                  | Valine, Adelia Michelle   | 367-370 Spalding Road  | 077-304-65  |              |
| 04/02/08                  | Van Tassel Fam Trust  | 687-130 Spalding Rd.   | 077-362-37  |              |
| 05/15/08                  | Vaughn, Lee/Leni A HW/Calilan, James D JT   | 687-625 Spalding Rd.   | 077-303-30  |              |
| 07/13/09                  | Velez, S., Sanchez, A. C./I. Garat JR ETAL  | Hollywood Way          | 077-403-27  |              |
| 07/21/08                  | Verrengia Family Trust  | 687-585 Cherry Way     | 077-292-07  |              |
| 06/12/09                  | Vineyard Living Trust   | 687-745 Lakeview Dr.   | 077-273-27  |              |
| 07/31/09                  | Walker, Evan J/Walker Jerry K TC  | Juniper/Ivy/Pinon      | 077-354-26  |              |
| 07/16/09                  | Walker, Rebecca   | 686-760 Catalpa Way    | 077-374-02  |              |
| 08/27/09                  | Walker, Rudolph Soyka/Rebecca JT  | 686-760 Catalpa Way    | 077-274-26  |              |
| 09/29/09                  | Walker, Rudolph Soyka/Rebecca JT  | 503-150 Mahogany Way   | 077-274-25  |              |
| 10/09/09                  | Walsh, Paul C/Janice A JT   | Almond Way             | 077-151-21  |              |
| 09/12/09                  | Walsh, Paul Clark ETAL  | 688-025 Almond Way     | 077-151-18  |              |
| 10/23/07                  | Walton Family Trust   | 688-010 Tamarack Way   | 077-164-22  |              |
| 11/07/07                  | Ward, Carlos V/Grace G 1996 Revoc Living Trust Agree                                | 687-635 Sycamore Way   | 077-304-54  |              |
| 07/01/08                  | Ward, Carlos V/Grace G Rev Liv TR   | Madrone Way            | 077-378-28  |              |
| 07/03/08                  | Ward, Carlos V/Grace G Revocable Living Trust                                       | 686-955 Redwood Way    | 077-378-27  |              |
| 04/15/08                  | Ward, Kenneth V/Lorna JT  | Sycamore Way           | 077-304-55  |              |
| 12/03/07                  | Watson, William J Jr./Sonjo M CP  | 687-055 Cedar Way      | 077-376-23  |              |
| 12/06/07                  | Watts, James C/Lorene J JT  | 503-155 Madrone Way    | 077-411-16  |              |
| 05/09/08                  | Watts, James C/Lorene T JT  | 688-125 Spruce Way     | 077-183-16  |              |
| 11/14/07                  | Weaver Family Trust   | 687-915 Ivy Way        | 077-254-24  |              |
| 04/18/09                  | Webb Living Tr  | Chestnut Way           | 077-294-14  |              |
| 04/22/09                  | Webb Living Trust   | 687-745 Maple Way      | 077-211-16  |              |
| 08/27/09                  | Weisinger, Brian J/Patricia L JT  | 687-295 Magnolia       | 077-332-36  |              |
| 10/20/08                  | Wells Trust   | 689-905 Hemlock Way    | 077-252-34  |              |
| 07/30/09                  | Wells Trust   | 687-170 Linden Way     | 077-343-21  |              |
| 06/18/09                  | Westfall Living Trust ETAL  | Cedar/Madrone          | 077-373-14  |              |
| 05/28/08                  | Westlake, Gary R ETAL   | Cedar Way              | 077-283-22  |              |
| 11/19/07                  | White, C.W./Joyce M JT  | 687-760 Lakeview Dr.   | 077-274-28  |              |
| 08/15/08                  | White, Earl Richard Jr/Karron S JT  | 686-840 Sycamore Way   | 077-403-19  |              |
| 05/19/08                  | White, Frank R 1991 Trust   | 501-275 The Strand     | 077-133-07  |              |
| 11/02/07                  | Whitmer, Rudy/Louise  | 687-775 Cedar Way      | 077-283-23  |              |
| 05/28/08                  | Wilder, Arvenna   | 687-700 Ivy Way        | 077-231-03  |              |
| 11/14/07                  | Williams Family Trust   | 686-950 Spalding Rd.   | 077-362-14  |              |
| 04/28/08                  | Williams, Cal R/Catherine S   | 687-020 Fir Way        | 077-388-12  |              |
| 06/11/09                  | Williams, Cal R/Catherine S   | 687-060 Acacia Way     | 077-395-20  |              |
| 10/01/09                  | Williams, Richard L & Patricia C. HWJT  | 687-700 Laurel Way     | 077-234-43  |              |
| 08/31/09                  | Williams, Robert N  | Delwood Way            | 077-381-19  |              |
| 12/13/07                  | Williams, Robert V/Viola Mae  | 687-445 Hemlock Way    | 077-312-28  |              |
| 08/31/09                  | Williams, Robert V/Viola Mae  | 686-770 Delwood Way    | 077-382-16  |              |
| 08/17/09                  | Williams, Robert/Blackwell, Viola Mae   | Hazel Way              | 077-324-43  |              |
| 08/17/09                  | Williams, Robert/Blackwell, Viola Mae   | Chestnut/Madrone       | 077-376-20  |              |
| 09/22/08                  | Williams, Robert/Blackwell, Viola(new owners)                                       | Hemlock Way            | 077-313-08  |              |
| 09/18/09                  | Williamson Larry R  | 687-565 Catalpa Way    | 077-301-25  |              |

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|---------------------------|---|------------------------|-------------|--------------|
| 10/28/09                  | Williford, George Calvin Trust  | 686-785 Fir Way        | 077-383-36  |              |
| 05/06/09                  | Wilms, Dale/Linda CP  | 687-920 Lakeview Dr.   | 077-274-16  |              |
| 07/22/09                  | Wilson, Donald Dean Liv TR  | Redwood Way            | 077-272-27  |              |
| 08/20/08                  | Wilson, Jack Trust  | 687-625 Catalpa Way    | 077-302-19  |              |
| 09/22/09                  | Wilson, Kenneth/Valeri E  | 686-830 Hemlock Way    | 077-412-17  |              |
| 08/20/08                  | Wilson, Rollans B   | 503-435 Mahogany Way   | 077-302-18  |              |
| 06/11/08                  | Winingar Family 1983 Trust  | 686-830 Elm Way        | 077-383-34  |              |
| 06/01/09                  | Witt, Richard E/Nola A JT   | 687-740 Orchard Way    | 077-191-24  |              |
| 05/14/08                  | Wong, Fay/Bonnie E/Taber, Edward/Judy   | Lakeview Dr.           | 077-273-35  |              |
| 08/22/08                  | Woodward, Robert/Maria 1989 Trust   | 687-700 Hickory Way    | 077-254-21  |              |
| 06/23/08                  | Yee, Gary R/Michael G   | 686-785 Hemlock Way    | 077-412-22  |              |
| 06/24/08                  | Yee, Michael Gregg  | 686-785 Hickory Way    | 077-412-21  |              |
| 11/06/07                  | Yolo, Duke/Terri JT ETAL C/O Cristine, Barry R.                                     | Acorn Way              | 077-393-16  |              |
| 07/24/09                  | Young Family Trust  | 688-010 Hickory Way    | 077-244-22  |              |
| 07/23/08                  | Young, Vera L   | 688-055 Lakeview Rd.   | 077-263-10  |              |
| 10/27/08                  | Younie, Leslie I Jr/Sheri M ETAL TC   | 687-045 Redwood Way    | 077-378-20  |              |
| 08/07/08                  | Yuill, Edward G/Deborah L HW  | Tupelo Way             | 077-141-14  |              |
| 08/07/09                  | Yuill, Edward G/Deborah L HW  | Tupelo Way             | 077-142-13  |              |
| 05/18/10                  | Zuccato, Michael W/Linda J Rev Trust  | 687-650 Cherry Way     | 077-293-10  |              |
| 12/02/08                  | Zunino, Michael A/Sheree A Family Trust   | Lilac Way              | 077-152-23  |              |

## ATTACHMENT C

### ADMINISTRATIVE CIVIL LIABILITY METHODOLOGY

The Complaint alleges that the Discharger failed to comply with a cease and desist order issued by the Lahontan Water Board, which required the Discharger by December 31, 2009, to either connect the Discharger's on-site wastewater disposal system to the Spalding Community Services District's (District) community sewer system or to properly abandon the Discharger's on-site wastewater disposal system, in accordance with Lassen County regulations. For the purpose of applying the Enforcement Policy's administrative civil liability methodology, the alleged violation is a non-discharge violation. Because the Complaint only alleges a non-discharge violation, Step Nos. 1 and 2 of the Enforcement Policy's administrative civil liability methodology are not addressed.

#### **Step 3: Initial Liability Determination**

The per-day factor for the violation is **0.55**. This factor is determined by a matrix analysis based upon the Potential for Harm and the Deviation from Applicable Requirements.

- a. The Potential for Harm for the violation is determined to be **moderate**. The Discharger's failure to connect its on-site wastewater disposal system to the District's sewer system or to properly abandon it allows waste containing nutrients to be discharged to the groundwater of the Eagle Lake basin. Such discharges, should they occur, can introduce nutrients, such as nitrogen and phosphorus, to the groundwater, which flows into Eagle Lake. Nitrogen and phosphorus can increase algal growth and the rate of eutrophication in Eagle Lake, a closed-basin lake. Increased eutrophication can adversely affect the habitat for the Eagle Lake trout, and other aquatic and terrestrial organisms supported by Eagle Lake. Increased algal growth also has the potential to adversely affect the public's water contact recreation (e.g., wading, swimming, water skiing) and non-contact water recreation (e.g., aesthetic enjoyment) of Eagle Lake.

To prevent these types of adverse impacts to Eagle Lake's beneficial uses, the Lahontan Water Board amended its *Water Quality Control Plan for the Lahontan Region* (Basin Plan) in September 1984, to prohibit the discharge of waste containing nutrients to the surface waters and groundwater of the Eagle Lake basin beginning September 14, 1989. The Lahontan Water Board's cease and desist order issued to the Discharger enforces that Basin Plan prohibition. At a minimum, the Discharger's on-site wastewater disposal system presents a threatened discharge of waste containing nutrients that can reasonably be expected to adversely affect Eagle Lake's cold freshwater habitat (COLD), water contact recreation (REC-1), non-contact water recreation (REC-2, and sport fishing (COMM) beneficial uses. It is also reasonable to expect that such impacts are reversible upon ceasing such waste discharges.

Waste discharges from on-site wastewater disposal systems in the Spalding Tract subdivision can also introduce bacteria into the groundwater, which is the local water supply. Many Spalding Tract subdivision property owners have private wells, and past studies have shown that bacteria levels increase in those private wells when nearby on-site wastewater disposal systems are being used. Bacteria contained in domestic wastewater can adversely affect human health when consumed. Such conditions represent an adverse impact to the Eagle Lake groundwater basin's municipal and domestic supply (MUN) beneficial use. This impact can reasonably be expected to occur when waste discharges from on-site wastewater disposal systems occur. Fortunately, past studies have also shown that this impact is relatively short term in nature when the waste discharge ceases. Therefore, violating the cease and desist order presents a **moderate** threat to beneficial uses that will likely attenuate without acute or chronic effects, once the Discharger has complied with the cease and desist order.

- b. The Deviation from Applicable Requirements to abandon or connect the septic system is **major**. The reason for the **major** designation is that Water Board staff notified the Discharger of its failure to comply with the cease and desist order's December 31, 2009 compliance date in a June 28, 2011 Notice of Violation (NOV). The NOV was issued after the Discharger had had approximately 1.5 construction seasons to comply with the cease and desist order's requirement to either connect the Discharger's on-site wastewater disposal system to the District's community sewer system or to properly abandon the Discharger's on-site wastewater disposal system, if appropriate. The remainder of the 2011 construction season has past, and to date, the Discharger has still failed to comply.

There has been ample time to satisfy the requirements of the cease and desist order since its adoption. The District's community sewer system has been available to connect to since October 2007; however, the Discharger failed to connect or properly abandon the Discharger's on-site wastewater disposal system and subsequently was issued a cease and desist order in October 2009. The Discharger has now had an additional two full construction seasons since the cease and desist order was issued to comply with its requirements, but has not.

- c. There are 832 days of violation for the period beginning January 1, 2010 and ending April 11, 2012, the date of drafting Administrative Civil Liability Complaint No. R6T-2012-0018. The statutory maximum amount per day per violation is \$5,000. Therefore, 832 days of violation at the statutory maximum per day of \$5,000, yields a maximum initial liability of **\$4,160,000** (832 days x \$5,000/day). Applying the Potential for Harm per-day factor of 0.55, and the statutory maximum liability amount for each day of violation, yields an initial liability of **\$2,288,000** (0.55 x 832 days of violation x \$5,000 per day).

#### **Step 4: Adjustment Factors**

The Enforcement Policy allows for multi-day violations to be consolidated provided specific criteria are satisfied. The Enforcement Policy also describes three factors related to the violator's conduct that should be considered for modification of the initial

liability amount: the violator's culpability; the violator's efforts to clean up or cooperate with regulatory authorities after the violation; and the violator's compliance history. After each of these factors is considered for the violations alleged, the applicable factor should be multiplied by the proposed amount for each violation to determine the revised amount for that violation.

a. Multiple Day Violations

The Enforcement Policy provides that, for violations lasting more than 30 days, the Water Board may adjust the per-day basis for civil liability if certain findings are made and provided that the adjusted per-day basis is no less than the per-day economic benefit, if any, resulting from the violation.

The Discharger has failed to comply with its cease and desist order for 832 days. The continuance of these violations does not result in an economic benefit that can be measured on a daily basis. The economic benefit is the one-time cost of having the on-site wastewater disposal system either connected to the District's community sewer system or properly abandoned, if appropriate. Therefore, an adjustment can be made.

The Water Board Prosecution Team recommends applying the alternative approach to civil liability calculation provided by the Enforcement Policy. Using this approach, the calculation of days of violation will include the first day of violation, plus one additional day of violation for each five-day period up to the 30th day of violation, and thereafter, plus one additional day of violation for each 30-day period. Using this approach, the total number of days is revised to 33 days of violation.

This results in a Revised Initial Liability Amount as follows:

Revised Initial Liability =  $(0.55) \times (33 \text{ days of violation}) \times (\$5,000) = \mathbf{\$90,750}$

b. Adjustment for Culpability

For culpability, the Enforcement Policy suggests an adjustment resulting in a multiplier between 0.5 to 1.5, with the lower multiplier for accidental incidents, and the higher multiplier for intentional or negligent behavior. In this case, a Culpability multiplier of **1.3** has been selected for the reasons described below:

The Water Board's Prosecution Team has exercised significant discretion in deciding whether to pursue administrative civil liability for violating the cease and desist order. Doing so is consistent with the Prosecution Team's message to the Water Board and to the community in 2009 that its primary interest was compliance, and that the Prosecution Team understood some were facing various hardships and would work with property owners towards meeting its compliance objective. After providing approximately 1.5 construction seasons to comply, the Prosecution Team issued a June 28, 2011 Notice of Violation to property owners that had yet to comply with their 2009 cease and desist orders, notifying them that time to comply with the cease and desist orders' requirements without additional enforcement action was running out. In spite of the Prosecution Team's efforts to allow ample time to comply

## Administrative Civil Liability Methodology

and to notify the Discharger of a pending administrative civil liability complaint, the Discharger has not provided the Prosecution Team with any information indicating a reason for the continuing violations, nor shown any intent to comply.

The Prosecution Team does not have any evidence of willful or intentional negligence in this matter. Therefore, the Prosecution Team does not recommend assigning a value of 1.4 or greater for Culpability, as these values have been reserved for situations where there is evidence of willful or intentional negligence. However, given the lack of response by the Discharger in spite of the amount of time given to comply and notification of the Prosecution Team's intent to pursue administrative civil liability, a value of 1.3 for Culpability is appropriate.

c. Adjustment for Cleanup and Cooperation

For cleanup and cooperation, the Enforcement Policy suggests an adjustment should result in a multiplier between 0.75 and 1.5. A lower multiplier is appropriate for situations where there is a high degree of cleanup and/or cooperation and a higher multiplier is appropriate for situations where cleanup and/or cooperation is minimal or absent. In this case, a Cleanup and Cooperation multiplier of **1.5** has been selected for the reasons described below:

The Discharger has not cooperated with the Water Board on this issue. Even after Water Board staff issued the June 28, 2011 NOV, the Prosecution Team did not observe any attempt by the Discharger to comply. The lack of effort to comply with the cease and desist order, or even to communicate with the Prosecution Team regarding the reason why compliance has not occurred, warrants a value of 1.5.

d. Adjustment for History of Violations

The Enforcement Policy suggests that where there is a history of repeat violations, a **minimum** multiplier of 1.1 should be used for this factor. In this case, a multiplier of **1.0** has been selected based upon the absence of prior violations of Cease and Desist Order No. R6T-2009-0081. A review of the California Integrated Water Quality System (CIWQS) and Water Board files shows that the Violation represents the first violation of Cease and Desist Order No. R6T-2009-0081. Therefore a multiplier of 1.0 is appropriate, and no adjustment to the above liability amount should be made in response to this factor.

**Step 5: Determination of Total Base Liability Amount**

The Total Base Liability for the violation is **\$176,962.50**. The Total Base Liability for the violation is determined by multiplying the Revised Initial Liability by the multipliers associated with each of the Adjustment Factors discussed above.

Total Base Liability = (Revised Initial Liability) X (Culpability) X (Cleanup/Cooperation) X (History of Violations) = (\$90,750) X (1.3) X (1.5) X (1.0) = **\$176,962.50**.

**Step 6: Ability to Pay and Ability to Continue Business**

The Enforcement Policy provides that if the Water Board has sufficient financial information to assess the violator's ability to pay the Total Base Liability, or to assess the effect of the Total Base Liability on the violator's ability to continue in business, then the Total Base Liability amount may be adjusted downward.

In this case, the Lahontan Water Board Prosecution Team has sufficient information to suggest the Discharger has the ability to pay the proposed liability. The Discharger owns the parcel(s) of land, listed below:

| Assessor's Parcel Number | County | Property Address        | Assessed Total Value | Assessment Year |
|--------------------------|--------|-------------------------|----------------------|-----------------|
| 077-233-47-11            | Lassen | 687-810 Linden Way      | \$115,000            | 2011            |
| 077-216-10-11            | Lassen | 687 Magnolia Way        | \$185,879            | 2011            |
| 103-100-05-11            | Lassen | 1045 Paiute Lane        | \$169,137            | 2011            |
| 105-122-26-11            | Lassen | 345 North Spring Street | \$76,865             | 2011            |
| 089-090-25-11            | Lassen | 491 Eagle Lake Road     | \$226,087            | 2011            |
| 089-090-26-11            | Lassen | N/A                     | \$56,519             | 2011            |
|                          |        | <b>TOTAL</b>            | <b>\$829,487.00</b>  |                 |

Given the above assets, it appears the Discharger has the ability to pay the proposed liability.

**Step 7: Other Factors as Justice May Require**

The Enforcement Policy provides that if the Water Board believes that the amount determined using the above factors is inappropriate, the liability amount may be adjusted under the provision for "other factors as justice may require," if express findings are made. Additionally, the staff costs for investigating the violation and preparing the Complaint should be added to the liability amount.

**a. Adjustments for Other Factors as Justice May Require**

The statutory minimum liability amount for violations under Water Code section 13350 is \$100 per day of violation, unless the regional water board makes express findings setting forth the reasons for its action based upon its consideration of the factors set forth in Water Code section 13327. Based on the date of compliance in the cease and desist order, days of violations began accruing on January 1, 2010. At the statutory minimum liability of \$100 per day, and a total of 832 days of violation, the result is a minimum liability of **\$83,200**. The Prosecution Team has determined that, in this case, even the minimum liability amount is inappropriate. Staff finds this amount to be an excessive liability for the violations alleged herein, and inappropriate for the following reasons.

## Administrative Civil Liability Methodology

Water Board staff reviewed Lassen County Assessor's Office records for the properties whose owners are subject to the administrative civil liability for the failure to either connect their on-site wastewater disposal system to the District's sewer system or to properly abandon it. County records for the year 2012 show that the properties range in value from \$17,119 to \$618,391. Two of these properties with the highest values are commercial properties, with values consistent with commercial uses and related improvements (i.e., hotel, restaurant). The remaining properties have an average value of \$73,574. Based on these data alone, the Prosecution Team determined that the minimum statutory liability of \$83,200 is excessive relative to the value of most of the properties whose owners continue to violate their 2009 Cease and Desist Orders. Without any further assessment, the minimum liability appears inappropriate and excessive for its intended purpose.

Additionally, the Prosecution Team's June 28, 2011 Notice of Violation notified the Discharger of the Prosecution Team's intent to issue administrative civil liability complaints and bring them before the Lahontan Water Board at its November 9-10, 2011 Board Meeting. In a continuing effort to encourage compliance, the Prosecution Team stated in the Notice of Violation that it would consider withdrawing the complaint if the Discharger complied with the cease and desist order prior to the November 9-10, 2011 Board meeting date. The Prosecution Team has consistently stated that compliance has been its primary goal, and the Notice of Violation was providing one last chance to comply with the cease and desist order without facing additional enforcement action in the form of civil liability.

The Prosecution Team recommends using November 9, 2011 as the basis for developing a more appropriate liability amount, as it is the date the Prosecution Team informed the Discharger that compliance was to be achieved, or imposing administrative civil liability would be pursued. Attachment D provides a methodology spreadsheet based upon November 9, 2011 as the deadline for compliance. The resulting number of days of violations totals 155 days (November 9, 2011 – April 11, 2012). 155 days of violation would result in a minimum liability of **\$15,500**, based upon the statutory minimum liability of \$100 per day of violation.

Administrative civil liability complaints were issued to property owners of the nearby Stones-Bengard subdivision in 1997 for failing to either connect their on-site wastewater disposal systems to the Stones-Bengard community sewer system or to properly abandon them. In the Stones-Bengard cases, the Water Board issued administrative civil liability complaints proposing that the owners be assessed liability in the amount of **\$6,500**. This was the minimum liability that could be imposed for violating cleanup and abatement orders that had been issued 65 days prior to issuing the administrative civil liability complaints. The cleanup and abatement orders had been issued after the Stones-Bengard property owners had been violating their cease and desist orders issued in 1991 for several years.

The liability amount of \$15,500 represents a more appropriate amount that is consistent with past and similar enforcement efforts by the Lahontan Water Board in the Eagle Lake basin. The liability amount of \$15,500 provides adequate justice or consequence for the violation as well as a meaningful deterrent to future violations.

b. Adjustment for Staff Costs

The Water Board Prosecution Team staff time incurred to prepare administrative civil liability complaints and supporting information for 25 Spalding Tract subdivision properties is estimated to be 165 hours. Based on an average cost to the State of \$150 per hour, the total staff cost is estimated to be \$24,750. Staff finds it appropriate to spread these costs equitably by dividing the total staff cost equally for each of the 25 properties. On this basis, a staff cost of \$990 must be assessed for each property. As a result, the Adjusted Total Base Liability is recommended to be adjusted upward by **\$990**, bringing the total proposed liability to **\$16,490**.

**Step 8: Economic Benefit**

The Enforcement Policy directs the Water Board to determine any Economic Benefit Amount of the violation based upon the best available information. The Enforcement Policy suggests that the Water Board compare the Economic Benefit Amount to the Adjusted Total Base Liability and ensure that the Adjusted Total Base Liability is at a minimum, 10 percent greater than the Economic Benefit Amount. Doing so should create a deterrent effect and will prevent administrative civil liabilities from simply becoming the cost of doing business.

Septic tank abandonment is only an option for properties that do not have structures with plumbing fixtures installed. For properties that have one or more structures with plumbing fixtures installed, connecting the Discharger's on-site wastewater disposal system to the District's community sewer system is required.

The Discharger has realized an economic benefit by failing to connect or abandon the Discharger's on-site wastewater disposal system as required by Cease and Desist Order No. R6T-2009-0081. In order to estimate the economic benefit, Water Board staff subpoenaed records from contractors who have connected and/or properly abandoned on-site wastewater disposal systems in the Spalding Tract subdivision. Based upon a review of the contractor records, the average cost for a property owner to connect an on-site wastewater disposal system to the District's community sewer system is \$4,210, and the average cost to properly abandon an on-site wastewater disposal system is \$836. Therefore, the economic benefit amount realized by Dischargers that have existing structures with plumbing fixtures installed on the property and that must connect to the District's community sewer system is estimated to be **\$4,210**. The economic benefit amount realized by Dischargers with the option of abandonment is estimated to be **\$836**. The Adjusted Total Base Liability Amount is greater than 110 percent of either of these estimated economic benefit amounts, and therefore no adjustment is necessary based on the economic benefit analysis.

**Step 9: Maximum and Minimum Liability Amounts**

The maximum liability amount the Water Board may assess for the above-referenced violations pursuant to Water Code section 13350, subdivision (e)(1), is \$5,000 per day of violation. Therefore, the maximum liability the Water Board may assess for 832 days of violation (elapsed time since the date of compliance in the cease and desist order) is **\$4,160,000**.

The minimum liability amount provided in Water Code section 13350, subdivision (e)(1)(B) is \$100 per day. However, subdivision (f) states that:

“A regional board shall not administratively impose civil liability in accordance with paragraph (1) of subdivision (e) in an amount less than the minimum amount specified, unless the regional board makes express findings setting forth the reasons for its action based upon the specific factors required to be considered pursuant to Section 13327.”

Water Code section 13327 allows for “*other factors as justice may require*”. The specific factors discussed in Step 7 above (i.e., property values, use of November 9, 2011 as an alternative compliance date, consistency with similar Lahontan Water Board enforcement actions in the Eagle Lake basin) yields 155 days of violation at \$100 per day minimum, for an alternative minimum liability amount of **\$15,500**.

The Enforcement Policy also requires that:

*The adjusted Total Base Liability shall be at least 10 percent higher than the Economic Benefit Amount so that liabilities are not construed as the cost of doing business and that the assessed liability provides a meaningful deterrent to future violations.*

The larger of the two economic benefit amounts (\$4,210) plus ten percent is **\$4,631**, which is less than the alternative statutory minimum cited above and the Total Proposed Liability Amount.

#### **Step 10: Final Liability Amount**

The Total Proposed Liability Amount is **\$16,490** based upon the considerations discussed in detail, above.

## Attachment D Administrative Civil Liability Methodology Spreadsheet

### Instructions

1. Select Potential Harm for Discharge Violations
2. Select Characteristics of the Discharge
3. Select Susceptibility to Cleanup or Abatement
4. Select Deviation from Standard
5. Click "Determine Harm & per Gallon/Day..."
6. Enter Values into the Yellow highlighted fields

|             |   |
|-------------|---|
| Select Item | Potential Harm for Discharge Violations |
| Select Item | Characteristics of the Discharge        |
| Select Item | Susceptibility of Cleanup or Abatement  |
| Select Item | Deviation from Requirement              |

Discharger Name/ID: Spalding Tract Property Owners, Various APNs

|                                       |   | Violation 1                                   |                |      |
|---------------------------------------|---|---|----------------|------|
| Discharge Violations                  | <b>Step 1</b>                             | Potential Harm Factor (Generated from Button) |                |      |
|                                       | <b>Step 2</b>                             | Per Gallon Factor (Generated from Button)     |                |      |
|                                       |   | Gallons                                       |                |      |
|                                       |   | Statutory / Adjusted Max per Gallon (\$)      |                |      |
|                                       | <b>Total</b>                              |   | \$ -           |      |
|                                       | Non-Discharge Violations                  | <b>Step 3</b>                                 | Per Day Factor | 0.55 |
| Days                                  |   |   | 33             |      |
| Statutory Max per Day                 |   |   | \$ 5,000       |      |
| <b>Total</b>                          |   |   | \$ 90,750.00   |      |
| <b>Initial Amount of the ACL</b>      |   |   | \$ 90,750.00   |      |
| Add'l Factors                         |   | <b>Step 4</b>                                 | Culpability    | 1.3  |
|                                       | Cleanup and Cooperation                   |   | 1.5            |      |
|                                       | History of Violations                     |   | 1              |      |
|                                       | <b>Step 5 Total Base Liability Amount</b> |   | \$ 176,962.50  |      |
| <b>Step 6</b>                         | Ability to Pay & to Continue in Business  | 1   | \$ 176,962.50  |      |
| <b>Step 7</b>                         | Other Factors as Justice May Require      | 15,500  | \$ 15,500.00   |      |
|                                       | Staff Costs                               | \$ 990  | \$ 16,490.00   |      |
| <b>Step 8</b>                         | Economic Benefit                          | \$ 4,210                                      | \$ 16,490.00   |      |
| <b>Step 9</b>                         | Minimum Liability Amount                  | 15,500  |                |      |
|                                       | Maximum Liability Amount                  | \$ 4,160,000                                  |                |      |
| <b>Step 10 Final Liability Amount</b> |   |   | \$ 16,490.00   |      |

### Penalty Day Range Generator

Start Date of Violation= 1/1/10  
End Date of Violation= 4/11/12

Maximum Days Fined (Steps 2 & 3) = 832 Days  
Minimum Days Fined (Steps 2 & 3) = 33 Days

**WAIVER FORM  
FOR ADMINISTRATIVE CIVIL LIABILITY COMPLAINT**

By signing this waiver, I affirm and acknowledge the following:

I am duly authorized to represent Estes, Kenneth P. & Mary L. JT (hereinafter "Discharger") in connection with Administrative Civil Liability Complaint No. R6T-2012-0018 (hereinafter the "Complaint"). I am informed that California Water Code section 13323, subdivision (b), states that, "a hearing before the regional board shall be conducted within 90 days after the party has been served [with the complaint]. The person who has been issued a complaint may waive the right to a hearing."

- (Check here if the Discharger waives the hearing requirement and will pay the liability.)**
- a. I hereby waive any right the Discharger may have to a hearing before the Regional Water Board.
  - b. I certify that the Discharger will remit payment for the civil liability imposed in the total amount of **sixteen thousand four hundred ninety dollars (\$16,490)** by check that references "ACL Complaint No. R6T-2012-0018" made payable in the amount of **\$16,490** to the "Waste Discharge Permit Fund." Payment must be received by the Regional Water Board by **5:00 p.m. on May 21, 2012** or the Regional Water Board may adopt an Administrative Civil Liability Order requiring payment.
  - c. I understand the payment of the above amount constitutes a proposed settlement of the Complaint, and that any settlement will not become final until after the 30-day public notice and comment period mandated by the State Water Resources Control Board's Water Quality Enforcement Policy expires. Should the Regional Water Board receive significant new information or comments from any source (excluding the Water Board's Prosecution Team) during this comment period, the Regional Water Board's Assistant Executive Officer may withdraw the complaint, return payment, and issue a new complaint. I understand that this proposed settlement is subject to approval by the Regional Water Board, and that the Regional Water Board may consider this proposed settlement in a public meeting or hearing. I also understand that approval of the settlement will result in the Discharger having waived the right to contest the allegations in the Complaint and the imposition of civil liability.
  - d. I understand that payment of the above amount is not a substitute for compliance with applicable laws and that continuing violations of the type alleged in the Complaint may subject the Dischargers to further enforcement, including additional civil liability.

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(Print Name and Title)

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(Signature)

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(Date)

|     | A        | B  | C                           | D          | E    | F | G                                  |
|-----|----------|--|-----------------------------|------------|------|---|------------------------------------|
| 611 |          | <b>Spalding Sewer Hookups - January 2011</b>   |                             |            |      |   |                                    |
| 612 |          | NONE   |                             |            |      |   |                                    |
| 613 |          | <b>Spalding Sewer Hookups - February 2011</b>  |                             |            |      |   |                                    |
| 614 |          | NONE   |                             |            |      |   |                                    |
| 615 |          | <b>Spalding Sewer Hookups - March 2011</b>     |                             |            |      |   |                                    |
| 616 |          | NONE   |                             |            |      |   |                                    |
| 617 |          | <b>Spalding Sewer Hookups - April 2011</b>     |                             |            |      |   |                                    |
| 618 |          | NONE   |                             |            |      |   |                                    |
| 619 |          | <b>Spalding Sewer Hookups - May 2011</b>       |                             |            |      |   |                                    |
| 620 |          | NONE   |                             |            |      |   |                                    |
| 621 |          | <b>Spalding Sewer Hookups - June 2011</b>      |                             |            |      |   |                                    |
| 622 | 06/13/11 | Masterson Family Trust ETAL                    | 687-740 Tamarack Way        | 077-173-30 | 100  |   |                                    |
| 623 | 06/30/11 | Davis, Robert & Annitta JT                     | 687-770 Hollywood Way       | 077-252-04 | 381  |   |                                    |
| 624 |          | <b>Spalding Sewer Hookups - July 2011</b>      |                             |            |      |   |                                    |
| 625 | 07/06/11 | Chuck, Mitchell/EKT Properties                 | 687-995 Redwood Way         | 077-262-13 | 440  |   |                                    |
| 626 | 07/11/11 | Contreras, Robert SR.& Cyndi L.JT.             | Juniper Way                 | 077-232-42 | 289  |   |                                    |
| 627 |          | <b>Spalding Sewer Hookups - August 2011</b>    |                             |            |      |   |                                    |
| 628 | 08/23/11 | Hasty, Clarence/Virginia Revoc Liv Tr          | Laurel/Palm                 | 077-344-15 | 576  |   |                                    |
| 629 | 08/30/11 | Evans, Dave M.                                 | 530-135 Pinon Way           | 077-351-30 | 739  |   |                                    |
| 630 |          | <b>Spalding Sewer Hookups - September 2011</b> |                             |            |      |   |                                    |
| 631 | 09/08/11 | Lewis, William Joe & Lewis, David Gene         | Poplar/Palmetto             | 077-192-29 | 169  |   |                                    |
| 632 | 09/09/11 | Goddard, Philip W                              | 687-950 Cedar Way           | 077-261-08 | 475  |   |                                    |
| 633 | 09/21/11 | Valine, Adelia Michelle                        | 367-370 Spalding Road       | 077-304-65 | 686  |   |                                    |
| 634 |          | <b>Spalding Sewer Hookups - October 2011</b>   |                             |            |      |   |                                    |
| 635 | 10/05/11 | Soochodolsky Family Trust                      | 687-710 Spruce Way          | 077-194-41 | 149  |   |                                    |
| 636 | 10/19/11 | Jamison, Dwight M & Carol L                    | 687-780 Orchard Way         | 077-191-29 | 176  |   |                                    |
| 637 |          | <b>Spalding Sewer Hookups - November 2011</b>  |                             |            |      |   |                                    |
| 638 | 11/16/11 | Arnold, Michael Wayne/Katherine Diane Rev TR   | RV Park - The Strand/Tank 2 | 077-182-09 | 167  |   |                                    |
| 639 |          | <b>Spalding Sewer Hookups - December 2011</b>  |                             |            |      |   |                                    |
| 640 | 12/28/11 | Lindenberg Living Trust                        | 687-710 Linden Way          | 077-233-54 | 277  |   |                                    |
| 641 |          | <b>Spalding Sewer Hookups - January 2012</b>   |                             |            |      |   |                                    |
| 642 |          | NONE   |                             |            |      |   |                                    |
| 643 |          | <b>Spalding Sewer Hookups - February 2012</b>  |                             |            |      |   |                                    |
| 644 |          | NONE   |                             |            |      |   |                                    |
| 645 |          | <b>Spalding Sewer Hookups - March 2012</b>     |                             |            |      |   |                                    |
| 646 |          | NONE   |                             |            |      |   |                                    |
| 647 |          | <b>Spalding Sewer Hookups - April 2012</b>     |                             |            |      |   |                                    |
| 648 | 04/12/12 | Schmidt, Kenneth                               | 687-015 Acacia Way          | 077-391-07 | 1014 |   |                                    |
| 649 | 04/23/12 | Bobbitt, Galen/Monique ETAL                    | 687-354 Juniper Way         | 077-354-24 | 621  |   | Officially Connected to the system |
| 650 |          | <b>Spalding Sewer Hookups - May 2012</b>       |                             |            |      |   |                                    |
| 651 | 05/31/12 | Sutton, Dennis J/ETAL Deborah L JT             | 687-675 Catalpa Way         | 077-271-19 | 470  |   |                                    |
| 652 |          | <b>Spalding Sewer Hookups - June 2012</b>      |                             |            |      |   |                                    |
| 653 | 06/01/12 | Estes, Kenneth P/Mary L. JT                    | 687-810 Linden Way          | 077-233-47 | 1028 |   |                                    |
| 654 |          |  |                             |            |      |   |                                    |

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

**ADMINISTRATIVE CIVIL LIABILITY ORDER NO. R6T-2012-(PROPOSED)**

**IN THE MATTER OF  
HELMER, NASON JAMES & GAIL ANN REVOCABLE TRUST FOR VIOLATION OF  
CEASE AND DESIST ORDER NO. R6T-2009-0096, SPALDING TRACT  
SUBDIVISION, LASSEN COUNTY APN 077-372-16-11**

\_\_\_\_\_  
Lassen County\_\_\_\_\_

The California Regional Water Quality Control Board – Lahontan Region (Lahontan Water Board) hereby finds that Helmer, Nason James & Gail Ann Revocable Trust has violated Lahontan Water Board Cease and Desist Order No. R6T-2009-0096. The Lahontan Water Board specifically finds that:

**BACKGROUND**

1. Helmer, Nason James & Gail Ann Revocable Trust (Discharger) owns Lassen County Assessor Parcel No. 077-372-16-11 in the Spalding Tract subdivision located on the west shore of Eagle Lake, approximately 20 miles northwest of Susanville, California.
2. Based upon Lassen County records and/or Spalding Community Services District (District) records, the Discharger had owned and/or operated an on-site wastewater disposal system located at the above-referenced parcel prior to May 10, 2012. The Discharger's on-site wastewater disposal system permitted waste containing nutrients to be discharged, and/or threatened a discharge of waste containing nutrients, to waters within the Eagle Lake basin prior to May 10, 2012.

**CHRONOLOGY OF EVENTS**

3. In September 1984, pursuant to Water Code section 13243, the Lahontan Water Board amended the *Water Quality Control Plan for the Lahontan Region* (Basin Plan) to prohibit the discharge of wastes containing nutrients from the Spalding Tract subdivision to surface waters and groundwater of the Eagle Lake basin after September 14, 1989.
4. On October 22, 2007, the District's community sewer system (system) became operational. As a result, there is now an available method for the Spalding Tract subdivision property owners to comply with the above-referenced Basin Plan prohibition.

5. On October 14, 2009, the Lahontan Water Board adopted Cease and Desist Order No. R6T-2009-0096 against the Discharger for its on-site wastewater disposal system located at Lassen County APN No. 077-372-16-11.
6. Cease and Desist Order No. R6T-2009-0096 requires the Discharger, by December 31, 2009, to either (1) connect its on-site wastewater disposal system to the District's community sewer system, or (2) properly abandon its on-site wastewater disposal system in accordance with Lassen County regulations. Upon completing one of the two activities, the Discharger is required to submit to the Lahontan Water Board documentation of compliance with the above-referenced Basin Plan prohibition.
7. The Discharger failed to comply with Cease and Desist Order No. R6T-2009-0096 and on June 28, 2011, the Lahontan Water Board's Prosecution Team issued the Discharger a Notice of Violation citing the ongoing violation.
8. On April 20, 2012, the Assistant Executive Officer issued Complaint No. R6T-2012-0020. The Complaint alleges that the Discharger has violated the requirements of Cease and Desist Order No. R6T-2009-0096. The Complaint proposes administrative civil liability of **\$16,490**. The Complaint and its attachments are attached to this Order and incorporated by reference (Attachment A).
9. On May 10, 2012, Lahontan Water Board staff received information from Lassen County Environmental Health Department documenting that the Discharger had properly abandoned its on-site wastewater disposal system on May 10, 2012. A copy of Lassen County Environmental Health Department's May 10, 2012 correspondence with Lahontan Water Board staff is attached to this Order and incorporated by reference (Attachment B).
10. On July 11, 2012, in South Lake Tahoe, California, after notice to the Discharger and all other affected persons and the public, the Lahontan Water Board conducted a public hearing at which evidence was received to consider this Order and the Discharger or its representative(s), had the opportunity to be heard and to contest the allegations in the Complaint.

### REGULATORY CONSIDERATIONS

11. The Lahontan Water Board adopted the *Water Quality Control Plan for the Lahontan Region* (Basin Plan) pursuant to Water Code section 13243. The Basin Plan contains the following 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.)

12. On October 14, 2009, the Lahontan Water Board adopted Cease and Desist Order No. R6T-2009-0096, enforcing the above-referenced Basin Plan prohibition.

### VIOLATIONS

13. The Discharger violated Cease and Desist Order No. R6T-2009-0096 by failing to satisfy the requirement to comply with the above-referenced Basin Plan prohibition by December 31, 2009. A review of District records and Lahontan Water Board records shows the Discharger did not properly abandon its on-site wastewater disposal system until May 10, 2012. This violation subjects the Discharger to liability pursuant to Water Code section 13350, subdivision (a).

### CALCULATION OF ADMINISTRATIVE CIVIL LIABILITY

14. Pursuant to Water Code section 13350, subdivision (e)(1), civil liability may be imposed administratively on a daily basis in an amount not to exceed five thousand dollars (\$5,000) for each day in which the violation occurs.
15. Pursuant to Water Code section 13327, in determining the amount of civil liability, the Lahontan Water Board is required to take into account the nature, circumstance, extent, and gravity of the violation or violations, whether the discharge is susceptible to cleanup or abatement, the degree of toxicity of the discharge, and, with respect to the violator, the ability to pay, the effect on ability to continue business, any voluntary cleanup efforts undertaken, any prior history of violations, the degree of culpability, economic benefit or savings, if any, resulting from the violation, and other matters as justice may require.
16. On November 17, 2009, the State Water Resources Control Board (State Water Board) adopted Resolution No. 2009-0083 amending the Water Quality Enforcement Policy (Enforcement Policy). The Enforcement Policy was approved by the Office of Administrative Law and became effective on May 20, 2010. The Enforcement Policy establishes a methodology for assessing administrative civil liability. The use of this methodology addresses the factors that are required to be considered when imposing a civil liability as outlined in Water Code section 13327. The entire Enforcement Policy can be found at:  
[http://www.waterboards.ca.gov/water\\_issues/programs/enforcement/docs/enf\\_policy\\_final111709.pdf](http://www.waterboards.ca.gov/water_issues/programs/enforcement/docs/enf_policy_final111709.pdf)
17. **Maximum Administrative Civil Liability:** Pursuant to Water Code section 13350, subdivision (e)(1), the total maximum administrative civil liability that may be imposed for the violation in this Order is **\$4,160,000**.

18. **Minimum Administrative Civil Liability:** Pursuant to Water Code section 13350, subdivision (e)(1)(B), the minimum administrative civil liability that must be imposed for the violation in this Order is **\$83,200**, unless the Lahontan Water Board makes express findings pursuant to Water Code section 13350, subdivision (f).

19. Water Code section 13350, subdivision (f) states that:

“A regional board shall not administratively impose civil liability in accordance with paragraph (1) of subdivision (e) in an amount less than the minimum amount specified, unless the regional board makes express findings setting forth the reasons for its action based upon the specific factors required to be considered pursuant to Section 13327.”

Water Code section 13327 allows for “other factors as justice may require.” The Lahontan Water Board hereby finds that the specific factors discussed in Attachment C, Step 7 of the Complaint (i.e., property values, use of November 9, 2011 as an alternative compliance date, consistency with similar Lahontan Water Board enforcement actions in the Eagle Lake basin), in combination with the Discharger complying with the Basin Plan prohibition as of May 10, 2012, justifies imposing a liability less than the minimum amount cited in Finding No. 19, above.

20. The Enforcement Policy requires that:

“The adjusted Total Base Liability shall be at least 10 percent higher than the Economic Benefit Amount so that liabilities are not construed as the cost of doing business and that the assessed liability provides a meaningful deterrent to future violations.”

The Complaint cites the economic benefit of violating Cease and Desist Order No. R6T-2009-0096 as \$4,210 (average cost of connecting to the District’s system). The Discharger has come into compliance with the Basin Plan prohibition by properly abandoning its on-site wastewater disposal system, since the Complaint was issued. Therefore, it is appropriate to base the Discharger’s economic benefit upon a delayed cost, rather than an avoided cost. The Discharger’s economic benefit based upon a delayed cost analysis for abandoning an on-site wastewater disposal system is \$67. The economic benefit plus ten percent is \$73.70. The Lahontan Water Board hereby finds that the revised minimum administrative civil liability for this Order is **\$73.70**, based upon consideration of the specific factors discussed in Attachment C, Step 7 of the Complaint, the Discharger complying with the Basin Plan prohibition as of May 10, 2012, and the Enforcement Policy.

21. **Administrative Civil Liability Determination:** Complaint No. R6T-2012-0020 recommends an administrative civil liability of **\$16,490**, based upon the Lahontan Water Board Prosecution Team’s application of the Enforcement Policy’s administrative civil liability methodology. The Discharger has come into compliance with the Basin Plan

prohibition since the Complaint was issued. The Lahontan Water Board hereby finds that complying with the Basin Plan prohibition justifies reducing, but not eliminating, the liability amount from that recommended by the Complaint. The reduced liability reflects the Lahontan Water Boards primary objective of achieving compliance with the Basin Plan prohibition, while creating an incentive to comply for other Spalding Tract property owners who continue to violate the Basin Plan prohibition and Cease and Desist Orders that have been issued to them.

22. The Lahontan Water Board has applied the Enforcement Policy's administrative civil liability methodology and considered each of the Water Code 13327 factors based upon information in the record, including testimonies at the public hearing, information described in greater detail in the Complaint and its attachments, and the Discharger complying with the Basin Plan prohibition beginning May 10, 2012. The Lahontan Water Board hereby finds that civil liability should be imposed administratively on the Discharger in the amount of **\$1,063**, which falls within the allowable range. This amount is based upon the economic benefit realized by the Discharger (\$67), plus ten percent of the economic benefit (\$6.70), plus Lahontan Water Board staff cost of preparing the Complaint (\$990).

#### GENERAL

23. This Order only resolves liability that the Discharger incurred for violations specifically alleged in the Complaint. This Order does not relieve the Discharger of liability for any violations not alleged in the Complaint. The Lahontan Water Board retains the authority to assess additional civil liabilities for violations of applicable laws or orders for which civil liabilities have not yet been assessed, or for violations that may subsequently occur.
24. Issuance of this Order is an enforcement action and is, therefore, exempt from the California Environmental Quality Act (Pub. Resources Code § 21000 et seq.), pursuant to California Code of Regulations, title 14, section 15321, subdivision (a)(2).
25. Any person aggrieved by this action of the Lahontan Water Board may petition the State Water Board to review the action in accordance with Water Code section 13320 and California Code of Regulations, title 23, section 2050 and following. The State Water Board must receive the petition by 5:00 p.m., 30 days after the date of this Order, except that if the thirtieth day following the date of this Order falls on a Saturday, Sunday or State holiday, the petition must be received by the State Water Board by 5:00 p.m. on the next business day. Copies of the law and regulations applicable to filing will be provided upon request, and may be found on the Internet at:

[http://www.waterboards.ca.gov/public\\_notices/petitions/water\\_quality](http://www.waterboards.ca.gov/public_notices/petitions/water_quality)

**IT IS HEREBY ORDERED THAT:**

1. Administrative civil liability is imposed upon the Discharger in the amount of **\$1,063**.
2. The Discharger shall submit payment with a cashier's check or money order in the full amount of **\$1,063** payable to the State Water Resources Control Board's Waste Discharge Permit Fund within 30 days of the date this Order is adopted.
3. Should the Discharger fail to make the specified payment to the State Water Resources Control Board's Waste Discharge Permit Fund within the time limit specified in this Order, the Lahontan Water Board may enforce this Order by applying for a judgment pursuant to Water Code section 13328. The Lahontan Water Board's Executive Officer is hereby authorized to pursue a judgment pursuant to Water Code section 13328 if the criterion specified in this paragraph is satisfied.

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.

\_\_\_\_\_  
Patty Z. Kouyoumdjian  
Executive Officer

**Attachments:**

- A. ACL Complaint No. R6T-2012-0020 (and attachments)
- B. Lassen County Environmental Health Department's May 10, 2012 letter to Lahontan Water Board staff

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**Lahontan Regional Water Quality Control Board**

April 20, 2012

HELMER, NASON JAMES &  
GAIL ANN REVOCABLE TRUST  
708-776 SUNNYSIDE  
JANESVILLE, CA 96114

**CERTIFIED MAIL: 7099 3220 0007 3471 2985**

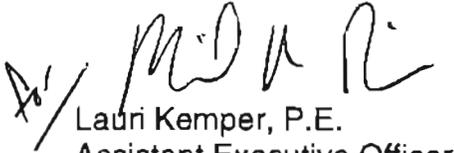
**ADMINISTRATIVE CIVIL LIABILITY COMPLAINT NO. R6T-2012-0020 FOR  
HELMER, NASON JAMES & GAIL ANN REVOCABLE TRUST, SPALDING TRACT  
SUBDIVISION, LASSEN COUNTY APN 077-372-16-11**

Enclosed please find Administrative Civil Liability Complaint No. R6T-2012-0020 issued pursuant to California Water code section 13323, alleging violations by Helmer, Nason James & Gail Ann Revocable Trust (Discharger) of Cease and Desist Order No. R6T-2009-0096. The Complaint alleges that the Discharger failed to either (1) connect its on-site wastewater disposal system to the Spalding Community Services District's community sewer system, or (2) properly abandon its on-site wastewater disposal system in accordance with Lassen County regulations by December 31, 2009. The Complaint proposes that the Regional Water Quality Control Board, Lahontan Region (Lahontan Water Board) assess an administrative civil liability against the Discharger in the amount of \$16,490 pursuant to California Water Code section 13350. Also enclosed is a Waiver of Hearing form for this matter.

Unless waived, a hearing before the Lahontan Water Board or a Lahontan Water Board Hearing Panel (Hearing Panel) will be held on **July 11-12, 2012** on this Complaint pursuant to Water Code section 13323. At the hearing, the Lahontan Water Board will consider whether to impose administrative civil liability (as proposed in the Complaint or for a different amount, either higher or lower than proposed, but not to exceed the maximum liability provided for by law), decline the administrative civil liability, or refer the matter to the Attorney General for judicial enforcement.

The Discharger may contest the proposed administrative civil liability at the hearing or, in the alternative, may waive its right to the hearing. Should the Discharger choose to waive its right to a hearing, an authorized agent must sign the enclosed Waiver of Hearing form and return it to the Lahontan Water Board's South Lake Tahoe office by **5:00 p.m. on May 21, 2012**. If the Lahontan Water Board does not receive the waiver and full payment of the liability by this date and time, the matter will be heard before the Lahontan Water Board or a Hearing Panel within 90 days of the Complaint's issuance date. Public hearing procedures will be mailed to the Discharger shortly and an agenda containing the date, time, and location of the hearing will be mailed to the Discharger at least 10 days prior to the hearing date.

If you have any questions regarding this matter, please contact Lisa Scorable (530) 542-5452, or Scott C. Ferguson at (530) 542-5432.

  
Lauri Kemper, P.E.  
Assistant Executive Officer

Enclosures: 1. Administrative Civil Liability Complaint No. R6T-2012-0020  
2. Waiver of Hearing Form

cc (w/enc): Regional Board Members  
Harold J. Singer, Executive Officer/Lahontan Regional Water Quality Control Board  
Kim Niemeyer, Staff Counsel/State Water Resources Control Board/Office of Chief Counsel  
David Boyers, Staff Counsel/State Water Resources Control Board/Office of Enforcement  
Ann Carroll, Staff Counsel/State Water Resources Control Board/ Office of Enforcement

Cc (w/o enc): Chris Gallagher, General Manager/Spalding Community Services District  
Virginia Bruce/Spalding Community Services District  
Alan Jones, Director/Lassen County Environmental Health Department  
Kenneth Bunch/Lassen County Assessor  
Maurice Anderson/Lassen County Building Department

SCF/adw/T: Agenda Items/2012/July/Spalding ACL/R6T-2012-0020/\_Cover Letter\_R6T-2012-0020-Helmer\_Spalding Tract ACL-Complaint Cover Letter (4-6-2012)SCF  
File Under: Spalding Tract\_Helmer, APN No. 077-372-16-11

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

|   |   |                                       |
|---|---|---------------------------------------|
| <b>In the Matter of</b>                   | ) |                                       |
| <b>Helmer, Nason James &amp; Gail Ann</b> | ) | <b>COMPLAINT NO. R6T-2012-0020</b>    |
| <b>Revocable Trust</b>                    | ) | <b>FOR</b>                            |
| <b>Spalding Tract Subdivision,</b>        | ) | <b>ADMINISTRATIVE CIVIL LIABILITY</b> |
| <b>Lassen County APN 077-372-16-11</b>    | ) |                                       |

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**HELMER, NASON JAMES & GAIL ANN REVOCABLE TRUST IS HEREBY GIVEN NOTICE THAT:**

1. As a result of failing to either (1) connect the on-site wastewater disposal system to the Spalding Tract Community Services District's (District) community sewer system, or (2) properly abandon the on-site wastewater disposal system in accordance with Lassen County regulations, Helmer, Nason James & Gail Ann Revocable Trust (Discharger) is alleged to have violated Cease and Desist Order No. R6T-2009-0096, for which the California Regional Water Quality Control Board, Lahontan Region (Lahontan Water Board) may impose administrative civil liabilities pursuant to Water Code section 13350. This Administrative Civil Liability Complaint (Complaint) is issued under authority of Water Code section 13323.
2. Unless waived, a hearing on this Complaint will be held before the Lahontan Water Board on July 11-12, 2012, at 971 Silver Dollar Avenue, South Lake Tahoe, California. At the hearing, the Lahontan Water Board will consider whether to affirm, reject, or modify (either increase or decrease) the proposed civil liability up to the maximum penalty provided for by law, or refer the matter to the Attorney General's Office for recovery of judicial liability. The Discharger or its representative will have an opportunity to be heard and to contest the allegations in this Complaint and the imposition of civil liability. An agenda for the meeting will be available at [http://www.waterboards.ca.gov/lahontan/board\\_info/agenda/](http://www.waterboards.ca.gov/lahontan/board_info/agenda/) not less than 10 days before the hearing date.
3. The Discharger can waive its right to a hearing to contest the allegations contained in this Complaint by submitting a signed waiver and paying the civil liability in full or by taking other actions as described in the attached waiver form. If this matter proceeds to hearing, the Lahontan Water Board's Prosecution Team reserves the right to seek an increase in the civil liability amount to cover the costs of enforcement incurred subsequent to the issuance of this Complaint through the hearing.

## ALLEGATIONS

4. The Discharger owns Assessor Parcel No. 077-372-16-11 in the Spalding Tract subdivision located on the west shore of Eagle Lake, approximately 20 miles northwest of Susanville, California. See Attachment A – Vicinity Map.
5. Based upon a review of Lassen County records, the Discharger owns and/or operate(s) an on-site wastewater disposal system located at the above-referenced parcel. The existence of an on-site wastewater disposal system that has not been properly abandoned at this location permits waste containing nutrients to be discharged, and/or threatens a discharge of waste containing nutrients, to waters within the Eagle Lake Basin.
6. In September 1984, pursuant to Water Code section 13243, the Water Board amended the *Water Quality Control Plan for the Lahontan Region* (Basin Plan) to prohibit the discharge of sewage to on-site wastewater disposal systems in the Spalding Tract 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 p. 4.1-4.)
7. On October 22, 2007, the District's community sewer system (system) became operational. As a result, there is now an available method for the Spalding Tract subdivision property owners to comply with the Basin Plan prohibition cited above.
8. On October 14, 2009, the Lahontan Water Board adopted Cease and Desist Order No. R6T-2009-0096 for Lassen County APN No. 077-372-16-11 to establish a time schedule for the Discharger to comply with the Basin Plan prohibition cited in Finding 6 above.
9. Cease and Desist Order No. R6T-2009-0096 required the Discharger, by December 31, 2009, to either (1) connect its on-site wastewater disposal system to the District's community sewer system, or (2) properly abandon its on-site wastewater disposal system in accordance with Lassen County regulations. Upon completing one of the two activities, the Discharger was required to submit documentation of compliance with the Basin Plan prohibition cited in Finding 6 above to the Lahontan Water Board.
10. The Discharger failed to comply with Cease and Desist Order No. R6T-2009-0096 and on June 28, 2011, the Lahontan Water Board's Prosecution Team issued the Discharger a Notice of Violation citing the ongoing violation.

11. The June 28, 2011 Notice of Violation notified the Discharger of the Prosecution Team's intent to issue an Administrative Civil Liability Complaint to be considered by the Lahontan Water Board at its November 9-10, 2011 meeting.
12. The June 28, 2011 Notice of Violation informed the Discharger that the Prosecution Team would consider withdrawing the Administrative Civil Liability Complaint if the Discharger complied with its Cease and Desist Order prior to the November 9-10, 2011 meeting.
13. Based upon a review of the District's records (Attachment B to this Complaint), the Discharger has not connected its on-site wastewater disposal system to the District's community sewer system as of April 11, 2012, and the Lahontan Water Board has not received documentation from the Discharger and/or from Lassen County that the Discharger properly abandoned its on-site wastewater disposal system as of April 11, 2012. Therefore, the Discharger is in violation of Cease and Desist Order No. R6T-2009-0096.
14. As of the date of drafting of this Complaint, April 11, 2012, the Discharger has been in violation of Cease and Desist Order No. R6T-2009-0096 for 832 days.

**WATER CODE SECTION UPON WHICH ADMINISTRATIVE CIVIL LIABILITY IS  
BEING ASSESSED FOR THE ALLEGED VIOLATIONS**

15. Pursuant to Water Code section 13350, subdivision (a), any person who violates any cease and desist order issued by a regional board, is subject to administrative civil liability.
16. Pursuant to Water Code section 13350, subdivision (e), civil liability may be imposed administratively on a daily basis in an amount not to exceed five thousand dollars (\$5,000) for each day in which the violation occurs.

**FACTORS CONSIDERED IN DETERMINING ADMINISTRATIVE CIVIL LIABILITY**

17. Pursuant to Water Code section 13327, in determining the amount of civil liability, the Lahontan Water Board is required to take into account the nature, circumstance, extent, and gravity of the violation or violations, whether the discharge is susceptible to cleanup or abatement, the degree of toxicity of the discharge, and, with respect to the violator, the ability to pay, the effect on ability to continue business, any voluntary cleanup efforts undertaken, any prior history of violations, the degree of culpability, economic benefit or savings, if any, resulting from the violation, and other matters as justice may require.
18. On November 17, 2009, the State Water Resources Control Board (State Water Board) adopted Resolution No. 2009-0083 amending the Water Quality Enforcement Policy (Enforcement Policy). The Enforcement Policy was approved by the Office of Administrative Law and became effective on May 20, 2010. The Enforcement Policy

establishes a methodology for assessing administrative civil liability. The use of this methodology addresses the factors that are required to be considered when imposing a civil liability as outlined in Water Code section 13327. The entire Enforcement Policy can be found at:

[http://www.waterboards.ca.gov/water\\_issues/programs/enforcement/docs/enf\\_policy\\_final111709.pdf](http://www.waterboards.ca.gov/water_issues/programs/enforcement/docs/enf_policy_final111709.pdf)

19. The required factors have been considered for the violations alleged herein using the methodology in the Enforcement Policy, as explained in detail in Attachment C, which is attached hereto and incorporated herein by this reference.

**MAXIMUM ADMINISTRATIVE CIVIL LIABILITY**

20. Pursuant to Water Code section 13350, subdivision (e), the total maximum administrative civil liability that may be imposed for the violations alleged in this Complaint is **\$4,160,000**, as described in Attachments C and D, which are attached hereto and incorporated herein by this reference.

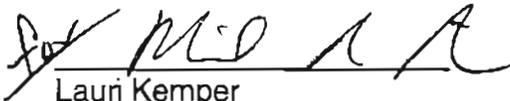
**PROPOSED ADMINISTRATIVE CIVIL LIABILITY**

21. Based on consideration of the above facts, the applicable law, and after applying the administrative civil liability methodology as described in Attachments C and D, the Assistant Executive Officer of the Lahontan Water Board proposes that civil liability be imposed administratively on the Discharger in the amount of **\$16,490.00**.

**CALIFORNIA ENVIRONMENTAL QUALITY ACT**

22. Issuance of this Complaint is an enforcement action and is, therefore, exempt from the California Environmental Quality Act (Pub. Resources Code § 21000 et seq.), pursuant to California Code of Regulations, title 14, section 15321, subdivision (a)(2).

23. Notwithstanding the issuance of this Complaint, the Lahontan Water Board retains the authority to assess additional civil liability for violations of the requirements of Cease and Desist Order No. R6T-2009-0096 for which liability has not yet been assessed or for violations that may occur subsequent to the issuance of this Complaint.



Lauri Kemper  
Assistant Executive Officer

4-20-12

Date

Attachments:

- A. Vicinity Map
- B. Property Owners Connected to District Community Sewer System
- C. Administrative Civil Liability Methodology
- D. Administrative Civil Liability Methodology Spreadsheet

# ATTACHMENT A - VICINITY MAP



**Attachment B**  
**Property Owners Connected to District Community Sewer System**

| <b>Date of Connection</b> | <b>Spalding Residents Connected to the District Disposal System: APPLICANT NAME</b> | <b>Service Address</b>            | <b>APN#</b>      | <b>Notes</b> |
|---------------------------|---|-----------------------------------|------------------|--------------|
| 09/10/09                  | Abrams, Shirley H 1992 Rev TR   | 687-725 Spruce Way                | 077-193-32       |              |
| 04/03/08                  | Adams Family Trust  | Laurel Way                        | 077-343-17       |              |
| 08/01/08                  | Adams Family Trust Agreement  | 687-285 Juniper                   | 077-354-25       |              |
| 06/09/08                  | Aguiano, Jose R ETAL  | Magnolia Way                      | 077-334-13       |              |
| 06/04/08                  | Allen, Glen & Ida Rev. Trust  | 686-730 Catalpa Way               | 077-374-19       |              |
| 07/31/08                  | Alvarez Charles R.  | 688-100 Ivy Way                   | 077-221-16       |              |
| 08/06/08                  | Aman, Lisa Marie  | 503-555 Mahogany Way              | 077-301-23       |              |
| 05/21/09                  | American Legion Eagle Lake Post 162   | 687-935 Spruce Way                | 077-193-34       |              |
| 11/02/07                  | Anderson, Christopher J./J.A  | 687-815 Cedar Way                 | 077-283-24       |              |
| 04/14/08                  | Anderson, Dale A& Virginia A Revoc. Trust   | 687-590 Hazel Way                 | 077-331-30       |              |
| 03/18/08                  | Anderson, James L/Sherri A CP   | Hazel/Maple                       | 077-211-19       |              |
| 05/30/08                  | Anderson, Lee A Faye Z. JT.   | 686-855 Acorn Way                 | 077-392-14       |              |
| 05/08/08                  | Armstrong Family Trust  | 687-450 Magnolia Way              | 077-334-21       |              |
| 09/24/08                  | Armstrong Living Trust  | 687-384 Sycamore                  | 077-311-45       |              |
| 04/22/08                  | Armstrong, Dale A.& Myrna A.  | 688-050 Sycamore                  | 077-241-20       |              |
| 06/11/08                  | Armstrong, Robert T/Mabel E   | 688-035 Laurel Way                | 077-223-21       |              |
| 05/16/08                  | Arnold, Michael Wayne/Katherine Diane Rev TR  | RV Park-The Strand/ <b>Tank 1</b> | 077-182-09       |              |
| 11/16/11                  | Arnold, Michael Wayne/Katherine Diane Rev TR  | RV Park-The Strand/ <b>Tank 2</b> | 077-182-09       |              |
| 04/30/09                  | Arnold, Michael Wayne/Katherine Diane Rev TR  | RV Park-The Strand/ <b>Tank 4</b> | 077-181-12       |              |
| 11/02/07                  | Arons, Gerald J/Louise C  | 502-630 Mahogany Way              | 077-234-36       |              |
| 09/03/09                  | Artinian, Perry Exemption TR  | 502-475 The Strand                | 077-151-23       |              |
| 10/24/07                  | Atteberry David Ned & Vera Louse Jt.  | 686-930 Cherry Way                | 077-371-19       |              |
| 04/17/08                  | Atteberry, Harley/Lawanda   | 686-765 Fir Way                   | 077-383-39       |              |
| 07/29/09                  | Aubrey, Randall D/Valerie JDVA  | 686-795 Bamboo Way                | 077-393-23       |              |
| 10/06/08                  | Baer, Ronald L & Scott-Baer, Daleen E   | Juniper Way                       | 077-231-26       |              |
| 11/13/09                  | Bailey Trust ETAL   | Laurel Way                        | 077-234-10,22,07 |              |
| 12/08/08                  | Bailey, Irene   | 687-725 Hazel Way                 | 077-234-41       |              |
| 09/05/08                  | Baker, Joseph A. & Donna G.   | 686-905 Sycamore Way              | 077-402-14       |              |
| 02/12/08                  | Baker, Joseph A. & Donna G. JT.   | 686-905 Sycamore Way              | 077-402-23       |              |
| 05/09/08                  | Baker, Victor O./ Marguerite J.   | 687-010 Hollywod Way              | 077-363-18       |              |
| 03/31/08                  | Ballard, Richard H & Bobbie L   | 687-760 Laurel Way                | 077-233-56       |              |
| 02/19/10                  | Barker, Jeffrey   | Bamboo Way                        | 077-394-20       |              |
| 12/02/08                  | Barnes Family Trust Agreement   | 687-870 Juniper Way               | 077-232-33       |              |
| 06/02/08                  | Barnett Stephen R. & Joann W.   | 687-100 Bamboo Way                | 077-397-31       |              |
| 04/08/08                  | Barris, Patrick H/Gloria J.T.   | Walnut Way                        | 077-171-35       |              |
| 10/07/08                  | Barrows, Donald A/Barrows, Linda K TC   | 687-115 Cherry Way                | 077-388-23       |              |
| 08/12/08                  | Bateson, Clarence Owen/Susan Elizabeth  | 687-560 Fir Way                   | 077-292-09       |              |
| 08/05/08                  | Bechhold Family Trust   | The Strand/Hollywood Way          | 077-241-11       |              |
| 04/15/08                  | Beck Ronald N. & Gwen M JT.   | 686-840 Redwood Way               | 077-401-20       |              |
| 05/19/08                  | Beckett Family Living Trust   | 686-755 Catalpa Way               | 077-373-18       |              |
| 09/16/08                  | Beckett Family Living Trust   | 686-775 Catalpa Way               | 077-373-21       |              |
| 09/25/08                  | Beckett Family Living Trust   | 686-830 Catalpa Way               | 077-374-27       |              |
| 07/10/08                  | Beckman, Ronald G/Natalie J JT  | 687-100 Delwood Way               | 077-386-12       |              |
| 10/09/08                  | Belingeri Dennis D. & Stacy & Ziegler Paul M. JT.                                   | 688-090 Linden Way                | 077-223-24       |              |
| 06/12/09                  | Bell, Max K/Lynn D JT   | 686-755 Chestnut Way              | 077-371-08       |              |
| 06/18/08                  | Bemus Joseph M.& Susan C. CP.   | 686-855 Catalpa Way               | 077-373-20       |              |
| 10/14/08                  | Bennett, Thomas Lee/Bennett, Robin Rae  | 686-825 Sycamore Way              | 077-402-20       |              |
| 07/09/08                  | Bergthhold, Robert D/Terri HW   | 687-840 Almond Way                | 077-174-27       |              |
| 08/12/08                  | Betts, F Gregory/Doris B Family Trust   | Walnut Way                        | 077-161-22       |              |
| 08/27/09                  | Bilsborough, Craig/Linda JT   | 686-885 Fir Way                   | 077-383-35       |              |
| 07/17/09                  | Birkes Charles W. Marilyn   | 687-475 Juniper Way               | 077-322-04       |              |
| 05/18/09                  | Birlem, Richard/Salena JT   | 688-125 Juniper Way               | 077-221-17       |              |
| 12/22/09                  | Bishow, Raymond L.  | Hickory Way                       | 077-254-28       |              |
| 12/04/09                  | Bixby, William D/Ann R CPRS   | 687-825 Linden Way                | 077-232-41       |              |
| 03/27/08                  | Blackwell, Glenn R/Jeanette JR  | 687-130 Linden Way                | 077-342-16       |              |

**Attachment B**  
**Property Owners Connected to District Community Sewer System**

| <b>Date of Connection</b> | <b>Spalding Residents Connected to the District Disposal System: APPLICANT NAME</b> | <b>Service Address</b> | <b>APN#</b> | <b>Notes</b>   |
|---------------------------|---|------------------------|-------------|----------------|
| 10/29/08                  | Bloom, Kenneth D/Janis ETAL   | 687-285 Hickory        | 077-352-17  |                |
|                           | Bobbitt, Galen/Monique ETAL *   | 687-354 Juniper Way    | 077-354-24  | * Disconnected |
| 04/30/09                  | Boggs, Michael L/Christie Ann JT  | Laurel Way             | 077-224-26  |                |
| 06/11/08                  | Bollmann Richard M & Jacque A. JT.  | 686-835 Delwood Way    | 077-381-17  |                |
| 07/06/08                  | Boucher Family Trust  | 687-745 Tulip Way      | 077-194-42  |                |
| 07/21/08                  | Bowman, Joe E ETAL  | 687-740 Lakeview Dr.   | 077-274-31  |                |
| 09/18/08                  | Boyles, Valton  | 688-040 Manzanita Way  | 077-141-15  |                |
| 10/06/08                  | Brazil, Joseph Souza/Velma Lee Living Trust   | 687-675 Orchard Way    | 077-214-28  |                |
| 06/06/08                  | Brazil, Larry E   | 387-920 Hollywood Way  | 077-312-06  |                |
| 07/21/08                  | Bresin Family Revocable Living Trust  | Chinquepin Way         | 077-204-06  |                |
| 06/03/09                  | Brewster, George & Cheryl Family Trust  | Pinon/Sycamore         | 077-362-32  |                |
| 07/03/08                  | Bricker Living Trust  | 687-005 Catalpa Way    | 077-377-16  |                |
| 08/13/08                  | Bricker Living Trust  | 687-015 Catalpa Way    | 077-377-15  |                |
| 07/10/08                  | Briggs Living Trust   | 687-465 Hazel Way      | 077-324-32  |                |
| 05/13/08                  | Brines Family Trust   | 687-990 Almond Way     | 077-151-15  |                |
| 06/27/08                  | Brochon Martial Henry & Deillia Ann JT.   | Redwood Way            | 077-273-33  |                |
| 11/06/07                  | Brown, Robert G.  | 503-155 Mahogany Way   | 077-304-56  |                |
| 06/06/08                  | Bruce Family Trust  | 687-015 Ivy Way        | 077-353-28  |                |
| 06/26/09                  | Buechler, Vigil D Revocable Trust   | 68-805 Magnolia Way    | 077-216-04  |                |
| 07/28/08                  | Bullock, Arnold E/Bullock Viola J TR  | 687-995 Hemlock Way    | 077-242-24  |                |
| 12/01/09                  | Burkirk, Jeffery O/Margaret A JT  | Chestnut Way           | 077-371-06  |                |
| 03/04/08                  | Burleson, Vicki L   | 687-150 Hickory Way    | 077-353-23  |                |
| 04/08/08                  | Bush, Angelina L  | 687-020 Cedar Way      | 077-377-08  |                |
| 09/05/08                  | Bush, James, K/Debra M JT   | 688-120 Hemlock Way    | 077-243-09  |                |
| 06/05/09                  | Butler, Pamela Lynn   | Chestnut Way           | 077-376-17  |                |
| 04/12/10                  | Cady, Douglas & Lisa JT   | 687-630 Hazel Way      | 077-331-41  |                |
| 09/18/09                  | Cal, Family Living Trust  | Lakeview Dr.           | 077-362-36  |                |
| 02/15/08                  | Callison Living Trust   | Cedar Way              | 077-283-15  |                |
| 04/24/08                  | Campbell, Stuart B & Paula S  | 530-225 The Strand     | 077-241-26  |                |
| 07/10/09                  | Caron, Jean A. & Yvonne N. HWCP   | 687-590 Sycamore Way   | 077-311-40  |                |
| 06/25/08                  | Carrell, Robert G & Melcena Family Trust Etal                                       | 687-305 Spalding RD.   | 077-303-37  |                |
| 11/13/09                  | Carver, Kenneth/Strongman, Linda  | 687-205 Hazel Way      | 077-324-50  |                |
| 08/22/09                  | Castaneda, David & Donna JT   | 686-720 Delwood Way    | 077-382-09  |                |
| 08/21/09                  | Chan Family Trust   | 684-745 Orchard Way    | 077-214-18  |                |
| 01/15/10                  | Chandler, Diane   | 687-600 Redwood Way    | 077-303-27  |                |
| 10/25/07                  | Chappel, Sherry   | 687-875 Linden Way     | 077-232-31  |                |
| 05/01/08                  | Chatterley, Robert E & Bertha A. JT   | 687-320 Hazel Way      | 077-331-52  |                |
| 09/23/09                  | Cheng, Rovina Y   | 687-290 Juniper Way    | 077-322-12  |                |
| 07/06/11                  | Chuck, Mitchell/EKT Properties  | 687-995 Redwood Way    | 077-262-13  |                |
| 05/28/08                  | Clark, Donald L/Gina M JT   | 687-805 Sycamore Way   | 077-274-30  |                |
| 02/17/10                  | Clark, Mark L & Reatha Pauline JT   | Tamarack Way           | 077-173-35  |                |
| 08/20/09                  | Clark, William Jacob  | Tulip Way              | 077-161-18  |                |
| 04/10/08                  | Clayton, Robert James   | 687-015 Redwood Way    | 077-378-22  |                |
| 09/08/08                  | Claytor, Ronald/Kathryn TC  | 688-000 Lakeview Dr.   | 077-264-19  |                |
| 08/25/08                  | Clough Family Tr.   | 682-920 Juniper Way    | 077-232-44  |                |
| 01/29/09                  | Clowers, Herbert F ETAL   | Larch Way/The Strand   | 077-132-18  |                |
| 08/31/09                  | Coffey, Kenneth W/Dorothy J   | 686-850 Delwood Way    | 077-382-13  |                |
| 03/26/08                  | Coleman, Stephanie M ETAL   | 687-795 Chinquepin Way | 077-213-05  |                |
| 09/22/08                  | Colgan Family Trust   | Sycamore Way           | 077-363-19  |                |
| 07/11/11                  | Contreras, Robert SR. & Cyndi L. JT.  | Juniper Way            | 077-232-42  |                |
| 12/12/07                  | Cook Family Trust   | 688-085 Hickory Way    | 077-243-23  |                |
| 12/09/08                  | Cook, Richard W JR/Donna J CPS  | Hickory Way            | 077-244-23  |                |
| 12/31/07                  | Corey, Clifford & Jeanne CPRS   | 687-440 Hemlock Way    | 077-313-18  |                |
| 09/11/08                  | Councilman Family Trust   | Hollywood Way          | 077-252-25  |                |
| 06/25/10                  | Crete, Joseph C & Terri JT  | Acorn Way              | 077-393-14  |                |
| 08/16/08                  | Crowe, Paul L. & Arlene M. TR   | 687-890 Ivy way        | 077-231-32  |                |

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|---------------------------|---|------------------------|-------------|--------------|
| 08/26/08                  | Culjis, Lana S  | 686-975 Chestnut Way   | 077-375-19  |              |
| 09/21/09                  | Cunnington, Roger   | Walnut Way             | 077-171-36  |              |
| 08/17/09                  | Cunnington, Roger ETAL  | Hazel Way              | 077-331-40  |              |
| 03/24/08                  | Cunnington, Ronald & Lloy CP  | 688-085 Tulip Way      | 077-184-19  |              |
| 06/11/08                  | Curley, Richard D/Judith A CP   | 686-785 Cypress Way    | 077-394-11  |              |
| 06/18/08                  | Curran, David M. & Carol L. JT  | 688-060 Hemlock Way    | 077-243-22  |              |
| 04/20/09                  | Curry, Richard A/Michelle J   | 503-400 Madrone Way    | 077-374-23  |              |
| 04/20/09                  | Curry, Richard A/Michelle J   | Fir Way                | 077-383-37  |              |
| 12/06/07                  | Dallimore, Rosaline & Richard P. WHCP   | 688-025 Mimosa Way     | 077-142-19  |              |
| 04/18/08                  | Davey Roland A & Rose Marie   | 689-110 Spalding Rd.   | 077-362-38  |              |
| 07/16/09                  | Davis, G L or J A   | 688/145 Laurel Way     | 077-223-27  |              |
| 08/03/09                  | Davis, G L/J A Rev Liv TR   | Tulip Way              | 077-171-27  |              |
| 10/07/09                  | Davis, Patricia Candis  | Laurel Way             | 077-223-23  |              |
| 06/30/11                  | Davis, Robert & Annitta JT  | 687-770 Hollywood Way  | 077-252-04  |              |
| 05/15/09                  | Dawson, Gray/Julie CPRS   | 688-000 Tulip Way      | 077-161-03  |              |
| 02/28/08                  | Deaver, Howard R/Brown Carol S JT   | 687-280 Magnolia Way   | 077-334-01  |              |
| 07/01/08                  | Degli-Esposti, Robert F & Deanna J Fam Rev Liv                                      | 687-800 Hickory Way    | 077-254-26  |              |
| 04/20/09                  | Dempsey, Tom  | 387-760 Walnut Way     | 077-172-23  |              |
| 12/13/07                  | Denny Leland J & Santos, Linda Ann JT   | 687-710 hemlock Way    | 077-253-34  |              |
| 04/15/09                  | Denny, Lowell G & Denny, Christian P. JT  | 687-635 Hazel Way      | 077-324-46  |              |
| 05/21/08                  | Dettloff, Susan E & Michael D CP  | 687-010 Cedar Way      | 077-377-11  |              |
| 05/14/08                  | Devine, Robert William/Doreen Anne HWJT   | Hollywood/Madrone      | 077-411-20  |              |
| 04/18/08                  | Diefenderfer Family Trust   | Lilac Way              | 077-153-21  |              |
| 06/11/09                  | Dietrich, Bonnie K  | 520-687 Sycamore Way   | 077-311-06  |              |
| 06/19/08                  | Dingess, Terry L/Ernestine S JT   | 687-0145 Hickory Way   | 077-352-30  |              |
| 04/14/08                  | DiPonti, Robert & Dolores M PMB 166 Suite 7   | 687-580 Maple Way      | 077-332-56  |              |
| 05/20/09                  | Dittmar, Donald D/Carolyn Y   | 687-775 Maple Way      | 077-211-17  |              |
| 10/09/08                  | Doll Revocable Inter Vivos TR   | Spalding/Pinion        | 077-362-33  |              |
| 08/27/08                  | Donnell, Avis C Living Trust  | 687-560 Ivy Way        | 077-231-35  |              |
| 05/01/08                  | Doss, L.A./Linda JT   | 688-000 Hickory Way    | 077-244-32  |              |
| 09/19/08                  | Doty, Dennis W & Flynn-Doty, Diana HW   | 687-155 Hickory Way    | 077-353-24  |              |
| 11/02/07                  | Dowdy, Russell  | Cedar Way              | 077-271-18  |              |
| 09/15/08                  | Dreiss Family Trust   | 687-105 Fir Way        | 077-387-10  |              |
| 06/02/08                  | Drew, James E/Henderson, Karen  | 688-090 Oak Way        | 077-132-20  |              |
| 08/03/08                  | Driggs Family Trust   | Acorn Way              | 077-395-26  |              |
| 07/02/08                  | Duchi, Angelo A. & S. Ronda   | Hazel Way/The Strand   | 077-224-27  |              |
| 08/13/08                  | Dunlap Angela K & Walsmith George JA  | 687-880 Hazel Way      | 077-215-11  |              |
| 11/19/07                  | Eagle Lake Community Church   | 687-905 Lakeview Dr.   | 077-273-41  |              |
| 07/01/09                  | Eakin, Janice L   | 686-730 Hickory Way    | 077-413-15  |              |
| 06/12/09                  | Ehn, Charles M & Mayme A.   | 688-085 Hemlock way    | 077-242-12  |              |
| 09/12/08                  | Eldred Family Trust   | 686-925 Acacia Way     | 077-391-19  |              |
| 08/01/08                  | Ellasces, Frank K Sr/Michell D Vaughn JT ETAL                                       | Cedar Way              | 077-373-23  |              |
| 06/04/08                  | Elvin, Henry J/Mary M TR  | Bamboo Way             | 077-394-17  |              |
| 07/16/08                  | Erlewine, Edward F & Mary I 1992 Rev Family   | 688-090 Redwood Way    | 077-263-14  |              |
| 10/16/08                  | Estes, Kenneth P/Mary L JT  | Magnolia Way           | 077-216-10  |              |
| 10/24/07                  | Evans, Ronald R & Janet L. JT   | 687-750 Hickory Way    | 077-254-32  |              |
| 03/14/08                  | Fagundes, John P/Laurie M   | 503-555 Madrone        | 077-381-13  |              |
| 11/27/07                  | Fahringer, Pearline   | 687-945 Tulip Way      | 077-194-44  |              |
| 07/03/09                  | Farley, Fred E  | 687-010 Delwood Way    | 077-386-19  |              |
| 09/11/08                  | Farmer, Jerrel H. & Farmer, Maude M Rev.  | 686-125 Delwood Way    | 077-381-07  |              |
| 10/14/08                  | Farris Family Trust 1998 Rev. TR  | Bamboo Way             | 077-397-28  |              |
| 10/27/08                  | Farris, Gloria C.   | Cherry Way             | 077-282-09  |              |
| 07/01/08                  | Fauvelle, Mark D.   | 686-850 Cedar Way      | 077-373-19  |              |
| 07/13/09                  | Feist, Robert J   | Hickory Way            | 077-253-36  |              |
| 08/07/09                  | Feist, Robert J   | 687-915 Laurel Way     | 077-233-38  |              |

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|---------------------------|---|------------------------|-------------|--------------|
| 06/11/09                  | Fenner, Theodore R/Anita B JT   | Sycamore               | 077-264-17  |              |
| 07/18/08                  | Ferrier, William T/Laurette K JT  | 687-990 Ivy Way        | 077-221-18  |              |
| 12/19/07                  | Field, Shirley L Family Trust   | Acorn Way              | 077-396-18  |              |
| 04/09/08                  | Field, Shirley L Family Trust   | Acorn Way              | 077-396-17  |              |
| 03/05/08                  | Fies, William J JR. Trust Agreement   | Hickory Way            | 077-244-30  |              |
| 03/24/08                  | Fischer, Charles B. & Janet A. Trust  | Tulip Way              | 077-194-29  |              |
| 04/23/09                  | Fiske, Willard A/Deanna M   | Catalpa Way/The Strand | 077-262-07  |              |
| 05/02/08                  | Flandreau, Claude-Anne 2005 TR  | 687-245 Sycamore Way   | 077-362-35  |              |
| 06/06/08                  | Flannagan, James S. TR  | 686-925 Madrone Way    | 077-351-23  |              |
| 11/14/07                  | Fortier, Gerald & Tracy JT  | 687-900 Tamarack Way   | 077-174-18  |              |
| 04/07/10                  | Foulk, Benjamin L   | Linden Way             | 077-222-21  |              |
| 10/03/08                  | Fredenburg, Kenneth D   | 687-800 Hazel Way      | 077-211-15  |              |
| 10/26/07                  | Frey, Heinz Robert & Lieselotte JT  | 688-040 Lakeview Dr    | 077-264-07  |              |
| 08/28/09                  | Gaines, Theodore 1996 Trust   | The Strand             | 077-221-06  |              |
| 11/26/07                  | Gallagher Family TR   | 687-980 Linden Way     | 077-223-28  |              |
| 10/25/07                  | Garcia Family Trust   | 686-995 Chestnut       | 077-375-10  |              |
| 05/26/09                  | Garcia, Larry Michael Sherre A HWJT   | 688-035 Hollywood Way  | 077-241-23  |              |
| 05/26/09                  | Garcia, Larry Michael/Sherre A  | Hollywood Way          | 077-241-24  |              |
| 10/02/09                  | Gardner, Jane E   | 688-100 Linden Way     | 077-223-25  |              |
| 12/11/07                  | Garland, John M.& Regina K. JT  | 687-820 Ivy Way        | 077-231-27  |              |
| 08/05/09                  | Gates, Donald F/Charlene  | Chestnut/Cherry        | 077-293-12  |              |
| 11/13/09                  | Geer, Glen  | Laurel Way             | 077-233-53  |              |
| 05/27/09                  | George, Byron W/Beverly A   | Sycamore Way           | 077-251-46  |              |
| 11/02/07                  | Glenden, Jack Terrence/Helen Lathe Family Trust                                     | 687-600 Cedar Way      | 077-301-19  |              |
| 04/24/08                  | Glenn, James H. Irrevocable Trust   | 687-960 Sycamore       | 077-241-22  |              |
| 05/07/08                  | Glenn, Leon H.  | 688-030 Sycamore Way   | 077-241-25  |              |
| 09/09/11                  | Goddard, Philip W   | 687-950 Cedar Way      | 077-261-08  |              |
| 04/07/08                  | Godde, Lawrence A. & Godde, Geraldine D   | Lakeview Dr.           | 077-273-39  |              |
| 09/12/08                  | Golden Gary/Erma E Trust  | 686-125 Almond Way     | 077-164-20  |              |
| 04/21/08                  | Gomez, Joe I & Olivia ETAL  | 687-315 Hazel Way      | 077-324-47  |              |
| 05/08/09                  | Goodenow, Rev Robert/Susan Mae CPRS   | Juniper Way            | 077-221-24  |              |
| 05/01/09                  | Goodwin, Stephen D/Susan E JT   | 686-975 Spalding Rd    | 077-361-27  |              |
| 04/21/08                  | Goyette,Vern & Porrasi, Cecilia TC  | 077-232-23 Linden Way  | 077-232-23  |              |
| 05/14/08                  | Grajczyk, Gary R. & E. Louise   | 687-320 Hollywood Way  | 077-312-26  |              |
| 04/27/09                  | Graton, Diane Alan/Kari Michelle  | 687-305 Laurel Way     | 077-323-33  |              |
| 06/09/08                  | Gregorius, Benedict & Sheila Francine JT  | 687-985 Chinquepin Way | 077-217-10  |              |
| 05/09/08                  | Grout, George/Zona JT   | 688-105 Hazel Way      | 077-224-11  |              |
| 05/28/08                  | Haddox, Caroline ETAL   | 687-740 Walnut Way     | 077-172-25  |              |
| 06/03/08                  | Hague Donald & Edith E HW/Hague, Montana May  | 686-810 Acorn Way      | 077-393-25  |              |
| 11/12/09                  | Haines, Cidne J. ETAL   | Hemlock Way            | 077-351-03  |              |
| 09/05/08                  | Hallas, Charles/Rosalie Living Trust  | 688-125 Hickory Way    | 077-243-24  |              |
| 07/16/08                  | Harper Family Trust   | Chestnut Way           | 077-371-10  |              |
| 11/21/07                  | Harrison, Richard K/Julie A   | Linden Way             | 077-233-46  |              |
| 08/26/08                  | Harvey Family Trust   | 687-930 Hazel Way      | 077-215-12  |              |
| 04/25/09                  | Hasty, Clarence/Virginia Revoc Liv Tr   | 687-775 Orchard Way    | 077-214-29  |              |
| 08/23/11                  | Hasty, Clarence/Virginia Revoc Liv Tr   | Laurel/Palm            | 077-344-15  |              |
| 04/29/08                  | Healy,Thomas &Delores Etal %Robert, OB  | 687-640 Linden Way     | 077-323-36  |              |
| 06/18/08                  | Helmer, Nason James/Gail Ann Rev TR   | 686-800 Chestnut Way   | 077-372-20  |              |
| 03/18/08                  | Hembree , Stephanie L   | Maple Way              | 077-212-15  |              |
| 08/28/08                  | Henrickson, Joseph G III/Marilyn HWJT   | 687-025 Spalding Rd.   | 077-361-19  |              |
| 08/20/08                  | Henrickson, Joseph G III/Marilyn JT   | 503-475 Madrone Way    | 077-373-13  |              |
| 05/02/08                  | Henson John E & Evelyn A Trust  | 503-150 Pinion Way     | 077-304-52  |              |
| 10/25/07                  | Herfi, David Lee & Cynthia Louise JT  | Lakeview Dr.           | 077-274-20  |              |
| 04/20/09                  | Heritage Land Co  | Redwood Way            | 077-262-18  |              |

**Attachment B**  
**Property Owners Connected to District Community Sewer System**

| <b>Date of Connection</b> | <b>Spalding Residents Connected to the District Disposal System: APPLICANT NAME</b> | <b>Service Address</b>     | <b>APN#</b>      | <b>Notes</b> |
|---------------------------|---|----------------------------|------------------|--------------|
| 07/22/09                  | Heritage Land Co  | Elm Way                    | 077-383-20       |              |
| 07/23/09                  | Heritage Land Co  | Elm Way                    | 077-383-31       |              |
| 08/12/09                  | Heritage Land Co  | 686-920 Spalding Rd.       | 077-362-28       |              |
| 04/21/10                  | Heritage Land Co  | Acacia Way                 | 077-392-19       |              |
| 04/22/08                  | Herrbach, Clarence E/Herrbach, Rae B  | 686-760 Sycamore Way       | 077-403-20       |              |
| 08/21/09                  | Herrick Family Trust  | 687-595 Hazel Way          | 077-324-45       |              |
| 04/09/08                  | Hiehle, Dustin L & Georgia JT   | 687-005 Cedar Way          | 077-376-24       |              |
| 05/27/09                  | Hindbaugh, Ronald P.Earline M JT  | 687-945 Sycamore Way       | 077-274-18       |              |
| 05/28/09                  | Hindbaugh, Ronald P.Earline M JT  | 687-900 Sycamore Way       | 077-251-34       |              |
| 06/01/09                  | Hindbaugh, Ronald P.Earline M JT  | 687-490 Sycamore Way       | 077-311-41       |              |
| 09/26/08                  | Hindersheid, Dave/Cecelia   | 687-755 Juniper Way        | 077-231-23       |              |
| 07/28/08                  | Holland, Paul Reginald/Flor Rev Liv Trust   | Strand/Willow/Walnut       | 077-162-05,06,07 |              |
| 04/02/08                  | Hopwood, Kenneth/Jayne H ETAL All AS JT   | 686-950 Sycamore Way       | 077-363-15       |              |
| 04/07/08                  | Hosking Robert R/Margaret   | 687-040 Cedar Way          | 077-377-09       |              |
| 05/15/08                  | House, David J/Chrisandra M CPS   | 687-765 Orchard Way        | 077-214-17       |              |
| 10/01/08                  | House, James/Diana JT(Vista Reverse 8 LLC)  | 688-045 Redwood Way        | 077-262-14       |              |
| 06/04/09                  | House, Jesse P/Dolores M House TR   | Hollywood/Madrone/Sycamore | 077-363-29       |              |
| 08/21/08                  | Howes James W. & Elizabeth  | 687-670 Catalpa Way        | 077-272-01       |              |
| 06/03/08                  | Hunter, John L & Dorothy A JT   | 687-505 Hollywood Way      | 077-311-37       |              |
| 04/09/08                  | Illia Family Trust  | 687-300 Sycamore           | 077-311-23       |              |
| 06/25/08                  | Ito, Douglas Y ETAL   | Hickory Way                | 077-353-27       |              |
| 04/14/08                  | Jackson Family Trust  | 686-920 Redwood Way        | 007-401-05       |              |
| 09/23/08                  | James Timothy & Louise JT.  | 687-065 Acorn Way          | 077-395-16       |              |
| 03/31/08                  | James, Daniel L. & Diane L. JT  | 687-350 Hazel Way          | 077-331-43       |              |
| 10/19/11                  | Jamison, Dwight M & Carol L   | 687-780 Orchard Way        | 077-191-29       |              |
| 09/29/08                  | Jarvis Family Trust   | 686-760 Chestnut Way       | 077-372-19       |              |
| 10/22/09                  | Jeffrey, James  | 686-990 Catalpa Way        | 077-378-24       |              |
| 05/28/09                  | Jennings, Robert H/Pamela A   | Hazel Way                  | 077-224-23       |              |
| 06/09/08                  | Jessop, Merl & Sondra L. Etal   | Chinquepin Way             | 077-214-23       |              |
| 06/09/08                  | Jessop, Merl & Sondra L. Etal   | Chinquepin Way             | 077-214-26       |              |
| 06/09/08                  | Jessop, Merl K & Sondra L. JT.  | Chinquepin Way             | 077-214-15       |              |
| 06/02/08                  | Johnson, John E. & Darlene M.   | 687-815 Hazel Way          | 077-234-40       |              |
| 09/18/09                  | Johnston Family Trust ETAL  | 687-045 Hickory Way        | 077-352-19       |              |
| 06/18/08                  | Jones, James E.   | 876-715 Hollywood Way      | 077-251-20       |              |
| 04/24/08                  | Jones, Jerry Lee/Marsha S Fam TR  | 687-995 Sycamore Way       | 077-264-18       |              |
| 11/06/07                  | Jordon Norbert & Ruth E JT  | 687-705 Spruce Way         | 077-193-19       |              |
| 05/01/09                  | K C Investments   | 686-945 Cedar Way          | 077-376-22       |              |
| 08/25/08                  | Kaiser , Bruce & Voorheis , Thelma JT   | Hollywood Way              | 077-242-18       |              |
| 05/09/08                  | Keehn, Thomas J (Monroe new owner)  | 687-110 Tulip Way          | 077-184-20       |              |
| 06/19/08                  | Keller, Nelda Ray Revocable Living Trust  | 687-585 Hollywood Way      | 007-311-44       |              |
| 06/06/08                  | Kelly , Paul D. & Deborah K. JT.  | Laurel Way                 | 007-234-39       |              |
| 08/21/09                  | Kelly Family Trust  | Ridge Way                  | 077-151-24       |              |
| 06/02/08                  | Kerr Living Trust   | 686-800 Bamboo Way         | 077-394-16       |              |
| 06/26/09                  | Killingsworth, Gregory J/Lynn M JT  | 688-005 Lilac Way          | 077-152-19       |              |
| 02/26/08                  | Kimbal ,Dana S & Quilici, Janet K. JT   | 687-000 Acorn Way          | 077-396-08       |              |
| 11/02/07                  | Kimura, Roy Michio & Kimura, Anne Tr.   | 687-608 Ivy Way            | 077-231-31       |              |
| 04/15/08                  | Kinder, Stanley K   | Linden Way                 | 077-222-20       |              |
| 06/23/08                  | King, Douglas G/Taura D   | Willow Way                 | 077-162-14       |              |
| 09/05/08                  | King, Douglas G/Taura D   | Hollywood Way              | 077-251-42       |              |
| 08/15/08                  | King, Robert  | 686-835 Hollywood Way      | 077-403-18       |              |
| 12/03/09                  | Kish, Leonore M.  | Chinquepin Way             | 077-204-15       |              |
| 06/18/08                  | Kneeland, Paul J  | 686-990 Hickory Way        | 077-353-11       |              |
| 07/03/09                  | Knifong Lester D. & Lodellee Revocable Living Trust                                 | 687-155 Hickory Way        | 077-352-31       |              |
| 09/17/08                  | Koch Living Trust   | 687-280 Hickory Way        | 077-353-20       |              |
| 10/21/09                  | Koch, Linda C Revo Live TR  | Chestnut Way               | 077-283-16       |              |

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**Property Owners Connected to District Community Sewer System**

| <b>Date of Connection</b> | <b>Spalding Residents Connected to the District Disposal System: APPLICANT NAME</b> | <b>Service Address</b> | <b>APN#</b> | <b>Notes</b> |
|---------------------------|---|------------------------|-------------|--------------|
| 06/02/08                  | Koehly, Joseph & Mercedes   | 687-240 Laurel Way     | 077-344-14  |              |
| 04/24/08                  | Kolbet, Richard N/Knapp Lucille   | 687-855 Catalpa Way    | 077-271-23  |              |
| 09/12/08                  | Kottke Family Trust   | 687-950 Catalpa Way    | 077-272-42  |              |
| 05/01/08                  | Krupp Family Revocable Trust  | 687-710 Sycamore       | 077-251-39  |              |
| 10/23/07                  | Kvidera, Michael C. & Marilyn Living Trust  | 686-985 Redwood Way    | 077-378-23  |              |
| 12/17/09                  | Larimore, Harry A/Beatrice A JT   | 686-915 Cypress Way    | 077-397-33  |              |
| 04/04/08                  | Larson Larry Lee/Hazel M CP   | 687-975 Sycamore Way   | 077-362-30  |              |
| 07/28/09                  | Lashmet, Harry T  | 688-040 Laurel Way     | 077-224-25  |              |
| 07/29/09                  | Lashmet, Harry T  | Laurel Way             | 077-224-24  |              |
| 11/01/07                  | Lavarias , Jim B. & Vera A. CP  | 688-020 Juniper Way    | 077-222-17  |              |
| 05/01/09                  | Lawrence, John Paul/Lee Davis McGlenn   | Elm Way                | 077-387-18  |              |
| 09/09/08                  | Lawson Family 1997 Trust  | Linden Way             | 077-323-40  |              |
| 11/29/07                  | Lay Gene W. & Merle A. CRPS   | Acorn Way              | 077-393-17  |              |
| 06/03/08                  | Lay Gene W. & Merle A. JT   | 686-875 Acacia Way     | 077-391-17  |              |
| 11/05/10                  | Lee, Irwin/Riva   | 687-875 Willow Way     | 077-172-24  |              |
| 08/08/08                  | Lemon , Earl L. & Evelyn L. Trust   | 688-040 Hollywood Way  | 077-242-25  |              |
| 08/04/08                  | Lemon Grant L. & Kenny, Lenore M HW   | 687-960 Hemlock Way    | 077-243-26  |              |
| 04/22/09                  | Leonard, William R Jr/Cynthia A HWJT  | 688-160 Juniper Way    | 077-222-13  |              |
| 07/04/08                  | Leonard, William R/Cynthia A JT   | 686-955 Spalding Rd.   | 077-361-24  |              |
| 08/07/09                  | Leonard, William R/Cynthia A JT   | 687-245 Linden Way     | 077-342-11  |              |
| 06/23/08                  | Leonhardt, Larry/Priscilla CPRS   | 68-730 Chestnut Way    | 077-372-18  |              |
| 04/16/09                  | LeRoy, Doreene  | 687-630 Maple Way      | 077-332-45  |              |
| 04/20/09                  | LeRoy, John David   | 686-925 Spalding Rd.   | 077-401-04  |              |
| 09/08/11                  | Lewis, William Joe & Lewis, David Gene  | Poplar/Palmetto        | 077-192-29  |              |
| 05/28/08                  | Liggett, Raymond E  | 686-885 Bamboo Way     | 077-393-21  |              |
| 12/28/11                  | Lindenberg Living Trust   | 687-710 Linden Way     | 077-233-54  |              |
| 04/09/08                  | Long Lloyd E. & Inez M & David & Susan JT   | Hollywood Way          | 077-241-19  |              |
| 05/28/08                  | Longe Gary, Alan & Virginia Jt  | 687-740 Catalpa Way    | 077-272-25  |              |
| 06/26/09                  | Loy, Regina M-Original Dt of hook-up - 9/08   | 687-730 Catalpa Way    | 077-272-41  |              |
| 09/18/08                  | Luchetti 2002 Family Trust  | 686-825 Catalpa Way    | 077-373-11  |              |
| 09/09/08                  | Lunardi, Joseph I/Doris R Rev Int Sur TR  | 686-950 Fir Way        | 077-388-15  |              |
| 07/16/08                  | Machado Manual R. Rose M JT   | 688-050 Redwood Way    | 077-263-09  |              |
| 10/08/09                  | Macias, Raymond/Marjorie A  | 687-910 Walnut Way     | 077-172-16  |              |
| 06/18/08                  | MacKay, William E/Terry E   | Hemlock Way            | 077-252-26  |              |
| 11/11/08                  | Madden, Roy P/Dannette A JT   | 686-725 Elm Way        | 077-382-07  |              |
| 06/06/08                  | Magioncalda Frank Etal  | 687-665 Hemlock Way    | 077-252-29  |              |
| 04/29/09                  | Marcillac, George E 2005 TR   | Tulip Way              | 077-194-12  |              |
| 12/11/07                  | Marlatt Daniel & Mardel JT.   | Hazel Way              | 077-234-13  |              |
| 07/06/08                  | Marquis, Trina J/Sheldon, Brian K JT  | 687-905 Catalpa Way    | 077-271-22  |              |
| 08/20/10                  | Martinelli, Mike/Paula & Schmitt Family Trust                                       | Tamarack Way           | 077-173-16  |              |
| 06/26/09                  | Martinus, Paul W Family Trust ETAL  | Hemlock Way            | 077-253-24  |              |
| 11/29/07                  | Marzorini Ray E. Tanya L  | 687-805 Maple Way      | 077-215-09  |              |
| 08/12/08                  | Marzorini Ray E. Tanya L  | 687-788 Ivy Way        | 077-231-34  |              |
| 06/25/08                  | Marzorini, Ray E & Tanya CP   | 687-840 Spruce Way     | 077-194-28  |              |
| 06/13/11                  | Masterson Family Trust ETAL   | 687-740 Tamarack Way   | 077-173-30  |              |
| 08/17/09                  | Matassa Family Trust  | Cherry Way             | 077-371-12  |              |
| 09/16/09                  | Matthias, Paul L/Donna JT   | Walnut Way             | 277-161-20  |              |
| 04/07/08                  | McCabe William H. Danny TC  | Sycamore Way           | 077-362-11  |              |
| 08/27/08                  | McDaniel, Harvey & Gloria Family Trust  | 687-810 Juniper Way    | 077-232-27  |              |
| 10/09/08                  | McEachern, James A/Carol M  | Bamboo Way             | 077-396-11  |              |
| 05/21/09                  | McGrew, William/Esther  | Lakeview Dr.           | 077-304-63  |              |
| 08/14/09                  | McKean, Robert E  | 686-880 Cypress Way    | 077-381-20  |              |
| 05/21/08                  | Mckenzie, Ralph & Laura B JT  | Acacia Way             | 077-392-17  |              |
| 09/22/09                  | McMillen, Tanya L/Jerry L   | 687-785 Ivy Way        | 077-254-29  |              |
| 07/20/09                  | McNamara, Kenneth J Sr/Diane M JT   | 687-270 Ivy Way        | 077-321-11  |              |
| 08/06/09                  | Medlyn, Robert/Julie  | 687-655 Chestnut Ave   | 077-293-13  |              |

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| Date of Connection | Spalding Residents Connected to the District Disposal System: APPLICANT NAME | Service Address        | APN#       | Notes |
|--------------------|--|------------------------|------------|-------|
| 07/11/08           | Mellor, Brian S/Linda K JT   | 687-695 Orchard Way    | 077-214-27 |       |
| 05/10/10           | Menard, Carole   | 687-635 Hollywood Way  | 077-311-12 |       |
| 12/12/07           | Mendes Jonnie. Jr. & Birtie  | 687-660 Hemlock Way    | 077-253-20 |       |
| 06/06/08           | Menzies Richard L & Charlene J.  | 686-835 Sycamore Way   | 077-402-17 |       |
| 04/17/08           | Merkel Family Trust  | 687-615 Maple Way      | 077-331-49 |       |
| 10/08/08           | Merrill Family Bypass Trust  | Linden Way             | 077-233-31 |       |
| 04/10/10           | Merritt, Robert L & Joan L (Travis)  | Cypress Way            | 077-394-15 |       |
| 09/05/08           | Michel Robert H.   | 686-895 Acorn Way      | 077-392-16 |       |
| 04/24/08           | Middendorf, Thomas M/Mary E  | 687-829 Catalpa Way    | 077-271-24 |       |
| 11/19/08           | Miller 2001 Revocable Trust  | 687-910 Tulip Way      | 077-171-32 |       |
| 11/19/08           | Miller Family 2001 Rev Trust   | 687-890 Tulip Way      | 077-171-33 |       |
| 11/08/07           | Miller, Arnold D. & Geraldine  | 687-500 Spalding Rd.   | 077-304-60 |       |
| 05/07/08           | Miller, Michael H/Sue JT (New Owner Ruden)                                   | 687-070 Hollywood Way  | 077-363-23 |       |
| 08/08/08           | Milliken, Ronald J/Zelma Mae Family Trust                                    | 688-110 Hollywood Way  | 077-242-10 |       |
| 10/23/07           | Mingham Brain & Jane Family Trust  | 687-840 Tamarack Way   | 077-174-06 |       |
| 05/01/08           | Mingham Family Trust   | 687-850 Willow Way     | 077-173-36 |       |
| 05/07/08           | Mingham Family Trust   | 687-800 Willow Way     | 077-173-25 |       |
| 08/06/09           | Mircetich, John/Jane JT  | 687-865 Laurel Way     | 077-233-55 |       |
| 07/30/08           | Monahan, Daniel D  | 687-100 Hemlock Way    | 077-352-22 |       |
| 02/28/08           | Montgomery Chester G & Lawanda J Jt  | 688-040 Hemlock Way    | 077-243-25 |       |
| 05/07/08           | Montgomery David Mary R JT   | 687-120 Hollywood Way  | 077-351-24 |       |
| 10/23/07           | Monticelli John F. Jeannie Mar   | 687-105 Acacia Way     | 077-391-04 |       |
| 08/28/08           | Moore, Robert E. Flossie F.  | 687-800 Juniper Way    | 077-232-29 |       |
| 10/25/07           | Morales, Lloyd   | 686-735 Acacia Way     | 077-391-13 |       |
| 06/09/08           | Moreno, Ruben L  | 687-605 Magnolia way   | 077-332-48 |       |
| 05/13/08           | Morgan Frances Pearl & Robert L Jt.  | 687-950 Spruce Way     | 077-194-43 |       |
| 07/23/08           | Morris, Norman R. & Verna J CP.  | 687-915 Hazel Hay      | 077-234-42 |       |
| 06/27/08           | Morrow, John C/S Delphine  | 686-860 Catalpa Way    | 077-374-22 |       |
| 03/17/08           | Muller France F. & Nellie JT   | 687-400 Sycamore Way   | 077-311-30 |       |
| 05/07/10           | Muller, Thomas J & Roberta L   | Cypress Way            | 077-381-16 |       |
| 10/30/09           | Muse, Frank/Kathie   | The Strand/Spruce      | 077-184-25 |       |
| 07/28/08           | Narramore, Gregory W/Joanne A JT   | 686-975 Hollywood Way  | 077-363-27 |       |
| 09/30/09           | Neely, Tom Becky/Neely, Darin/Yvette   | Sycamore Way           | 077-304-57 |       |
| 05/09/08           | Neil Gerald L. & Janet JT  | 687-675 Chinquapin Way | 077-213-14 |       |
| 07/08/09           | Neil, Gerald E/Janet E JT  | Olive Way              | 077-134-02 |       |
| 05/05/10           | Neil, Gerald E/Janet E JT  | The Strand/Oak Way     | 077-132-21 |       |
| 08/07/09           | Neil, Gerald E/Janet E JT (New Owner Keehn)                                  | Maple Way              | 077-212-16 |       |
| 10/07/08           | Neil, Gerald E/Janet E JT (New Owner Schmidt)                                | Catalpa Way            | 077-261-11 |       |
| 07/10/09           | Nelson, John A/ Nancy L Revoc & Nelson Family 2002                           | Hollywood Way          | 077-251-27 |       |
| 11/26/07           | Nelson, Kenneth A/Rhonda L J.T.  | 687-835 Cedar Way      | 077-283-18 |       |
| 06/18/09           | Neville Donald O. & Jeanette C. 1994 Trust                                   | 688-065 Laurel Way     | 077-223-26 |       |
| 11/26/07           | Newman, James Edgar/Newman, James Bruce                                      | 687-480 Spalding Rd.   | 077-304-61 |       |
| 11/30/07           | Niles Family Trust %Niles, Ralph & Rita                                      | Tamarack Way           | 077-164-16 |       |
| 08/12/08           | Norris Family Trust % Norris Betty E. Trust                                  | Hemlock Way            | 077-253-25 |       |
| 04/21/08           | Novey, Joanne M/Lisa Marie JT  | 688-100 Oak Way        | 077-131-16 |       |
| 07/02/08           | Noxon, Timothy E/Maribeth  | 687-835 Redwood Way    | 077-272-22 |       |
| 05/14/08           | Nunes Family Trust   | Hollywood Way          | 077-312-22 |       |
| 10/15/07           | Odle, Curtis I/Denise C  | 687-550 Hollywood Way  | 077-312-33 |       |
| 06/24/08           | Oliver Jerald A  | Sycamore Way           | 077-403-15 |       |
| 05/10/10           | Oliver, Jeffery W/Lena   | Hemlock Way            | 077-411-18 |       |
| 06/01/10           | Oliver, Jeffrey W & Lena D JT  | Hemlock Way            | 077-411-19 |       |
| 08/21/08           | Oliver, Phillip H & Ilean C. & James R. & Col.                               | Redwood Way            | 077-303-29 |       |
| 08/25/08           | Olson Family Trust   | 687-905 Redwood Way    | 077-272-38 |       |
| 10/31/07           | Osborn, Daniel D/Suzanne M   | 503-220 Mahogany Way   | 077-273-22 |       |
| 07/28/08           | Panart, Augustine D Z/Panart Paula F TR                                      | Juniper Way            | 077-321-12 |       |

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|---------------------------|---|------------------------|-------------|--------------|
| 11/02/07                  | Parker 1995 Family Trust  | Delwood Way            | 077-381-11  |              |
| 09/28/08                  | Parker, Rex A/Denise A JT   | 686-830 Delwood Way    | 077-382-17  |              |
| 09/04/08                  | Parker, Rex a/Katherine Trust   | 686-830 Elm Way        | 077-383-38  |              |
| 10/23/09                  | Parker, Theodore/Patricia   | 686-725 Fir Way        | 077-383-40  |              |
| 10/23/09                  | Parker, Theodore/Patricia   | 686-835 Elm Way        | 077-382-15  |              |
| 09/11/08                  | Pastorino, Norman F./House, Monica J.T.   | 686-735 Lakeview Dr    | 077-401-07  |              |
| 09/03/08                  | Patrick Fam TR  | 688-105 Linden Way     | 077-222-22  |              |
| 10/09/08                  | Patrick, Michael B  | 687-980 Mimosa Way     | 077-143-08  |              |
| 07/10/08                  | Pavese Family Trust   | 687-020 Delwood Way    | 077-386-21  |              |
| 03/27/08                  | Pearson, James C/Sandra L   | Cherry/Mahogany        | 077-281-01  |              |
| 03/27/08                  | Pearson, James S/Sandra L Fmly TR   | Chestnut/Strand        | 077-283-13  |              |
| 05/28/08                  | Peay Family Trust   | 688-085 Ivy Way        | 077-244-33  |              |
| 09/08/08                  | Pennington, David/Suzanne JT  | 687-940 Willow Way     | 077-173-17  |              |
| 11/23/07                  | Pindar, Lynn/Pindar, Lynnette   | Lilac Way              | 077-153-14  |              |
| 07/04/08                  | Popperwell, W Trust   | Madrone/Catalpa        | 077-377-19  |              |
| 04/29/08                  | Portz Family Revocable Trust  | 687-675 Hazel Way      | 077-234-37  |              |
| 03/03/08                  | Potter Caroleen C   | 503-025 Madrone Way    | 077-413-14  |              |
| 08/06/08                  | Potter, R. Craig/Jessie A   | 687-890 Hollywood      | 077-252-22  |              |
| 02/20/08                  | Potter, Timothy J/Lorene L  | Redwood Way            | 077-272-46  |              |
| 11/18/09                  | Pratt, William H/Marjorie L TC ETAL   | 687-305 Hollywood Way  | 077-311-33  |              |
| 04/09/08                  | Purcell, A.W./Norma E   | 687-105 Acorn Way      | 077-395-17  |              |
| 04/29/08                  | Rabo, Ronald R/Shirley E J.T.   | 687-607 Maple Way      | 077-331-48  |              |
| 10/28/09                  | Ramos, Daniel J/Kathryn S   | 687-740 Palmetto       | 077-192-38  |              |
| 09/27/08                  | Rasnic, John L  | 687-285 Linden Way     | 077-322-10  |              |
| 08/11/08                  | Ray Family Trust  | 686-790 Hollywood Way  | 077-411-17  |              |
| 09/08/08                  | Rebideaux, Randy L/Laurene J JT   | 686-925 Cherry Way     | 077-384-11  |              |
| 04/10/08                  | Rodas, Joseph m/H. Leota J.T.   | 687-785 Juniper Way    | 077-231-24  |              |
| 07/28/09                  | Rogers, Michael W.  | 687-120 Linden Way     | 077-343-20  |              |
| 08/18/08                  | Rohner, Alvin Thomas/Kay Louise Trust   | 687-000 Elm Way        | 077-387-17  |              |
| 09/05/08                  | Rohner, Alvin Thomas/Kay Louise Trust   | 686-950 Delwood Way    | 077-386-18  |              |
| 05/12/09                  | Rohner, Kay L Revocable Trust   | 686-925 Elm Way        | 077-382-19  |              |
| 05/18/09                  | Rohner, Kay L Revocable Trust   | 687-005 Delwood Way    | 077-385-17  |              |
| 04/07/10                  | Roloff, Scott & Lilibeth  | 686-990 Chestnut Way   | 077-376-14  |              |
| 06/11/08                  | Rose, Ernest W/Nancy L J.T.   | 686-880 Bamboo Way     | 077-394-13  |              |
| 04/14/08                  | Rose, William N./Carol Leah   | 687-550 Lakeview Dr.   | 077-304-62  |              |
| 07/09/08                  | Rosselott Living Trust  | 687-805 Linden Way     | 077-232-38  |              |
| 10/01/09                  | Rounsaville, Joseph W/Etta Mae Trust  | 687-580 Cherry Way     | 077-293-11  |              |
| 06/09/10                  | Rudluff, Caroline M Trust c/o Patricia Rudluff-Jennings                             | Maple Way              | 077-201-04  |              |
| 06/09/10                  | Rudluff, Caroline M Trust c/o Patricia Rudluff-Jennings                             | Almond Way             | 077-174-17  |              |
| 06/15/09                  | Rynerson, Roger Clinton   | 687-785 Ivy Way        | 077-334-16  |              |
| 11/16/07                  | Sain, David P   | 687-200 Hickory Way    | 077-353-26  |              |
| 07/18/08                  | Saulisberry TTEE Fam TR/Saulisberry 1992 Fam  | 687-770 Maple Way      | 077-212-20  |              |
| 04/12/12                  | Schmidt, Kenneth  | 687-015 Acacia Way     | 077-391-07  |              |
| 10/24/07                  | Schmidt, Marlene  | 687-785 Hickory Way    | 077-253-30  |              |
| 07/12/08                  | Schofield, Robert E/Schofield, Ryan E JT  | 687-765 Chinquepin Way | 077-213-16  |              |
| 07/27/10                  | Schumacher, Armin/Bock Christina JT   | 687-185 Spalding Rd.   | 077-361-22  |              |
| 12/12/07                  | Scott, Vicky I (New Owner Pensco Trust)   | 680-470 Hollywood Way  | 077-312-31  |              |
| 05/19/09                  | Seaters, Marion Kathleen  | 687-365 Maple Way      | 077-331-50  |              |
| 10/28/09                  | Sebastiani, Piero ETAL Revocable Trust  | Redwood Way            | 077-273-36  |              |
| 10/28/09                  | Sebastiani, Piero ETAL Revocable Trust  | Lakeview Dr.           | 077-273-37  |              |
| 10/06/08                  | Seifert, Kenneth J/Frances B CP   | 686-865 Redwood Way    | 077-374-25  |              |
| 04/21/09                  | Shafer, Paul W/Virginia S.  | 687-630 Sycamore Way   | 077-311-19  |              |
| 08/22/08                  | Shaffer, Datha/Shaffer/Sandra J JT  | 687-900 Linden Way     | 077-233-39  |              |

**Attachment B**  
**Property Owners Connected to District Community Sewer System**

| <b>Date of Connection</b> | <b>Spalding Residents Connected to the District Disposal System: APPLICANT NAME</b> | <b>Service Address</b>    | <b>APN#</b> | <b>Notes</b>   |
|---------------------------|---|---------------------------|-------------|----------------|
| 09/22/08                  | Shanks, Clarence M/C Lillian Living Trust   | 687-850 Hollywood Way     | 077-252-33  |                |
| 08/08/08                  | Shult, Edward H/Margaret F  | 688-030 Willow Way        | 077-163-15  |                |
| 06/02/08                  | Sibley William Robert & Joan Frances JT   | Madrone/Bamboo            | 077-397-27  |                |
| 03/01/08                  | Sickles, Myron A/Elaine C   | 687-295 Maple Way         | 077-331-26  |                |
| 03/16/10                  | Siders, Kathryn D   | 687-670 Cedar Way         | 077-271-20  |                |
| 09/05/09                  | Sievers, William/Jeanette   | 687-155 Ivy Way           | 077-353-25  |                |
| 03/09/09                  | Silva, Eugene D   | 687-530 Hollywood Way     | 077-312-14  |                |
| 05/15/08                  | Simon, Paul R/Morene L TR   | 687-780 Tamarack Way      | 077-174-31  |                |
| 04/01/08                  | Simon, Robert M/Rita M  | 687-020 Juniper Way       | 077-341-07  |                |
| 09/09/08                  | Smalley, Robert J Jr/Smalley Marla J. Trust   | 687-015 Elm Way           | 077-386-17  |                |
| 04/17/08                  | Smith Living Trust %Smith, Lowell & Joyce   | 687-595 Maple Way         | 077-331-47  |                |
| 10/06/08                  | Smith Stanley B & Martin, Sally   | 686-995 Elm Way           | 077-386-16  |                |
| 07/29/08                  | Smith, Brenda Jean/Janus, Mary Kathleen   | 687-095 Delwood Way       | 077-385-10  |                |
| 09/03/09                  | Smith, Darlene N ETAL   | Willow Way                | 077-172-01  |                |
| 08/05/08                  | Smith, Daryl E/Margie J/Smith, Robert J JT  | 687-020 Cypress Way       | 077-385-16  |                |
| 06/09/08                  | Smith, Gregg S/Ordile, Tara Leisa TC  | Bamboo Way                | 077-396-10  |                |
| 12/03/09                  | Smith, John/Alice 1995 Liv Tr   | Hickory Way               | 077-253-27  |                |
| 09/12/08                  | Smith, Robert J   | 688-995 Bamboo            | 077-396-12  |                |
| 07/28/08                  | Smith, Thomas Lee/Paula Kay Joint Living Trust                                      | 686-985 Cypress Way       | 077-397-17  |                |
| 09/02/08                  | Smith, Vicky L/Smith, Robert J JT   | 687-090 Cypress Way       | 077-385-11  |                |
| 06/13/08                  | Sneary, Bonnie J  | 687-980 Cedar Way         | 077-271-12  |                |
| 04/28/08                  | Snyder, James V/Loretta C   | 686-955 Cherry Way        | 077-388-20  |                |
| 02/15/08                  | Snyder, Norman E/Fleckenstein Trudy   | 687-815 Chestnut Way      | 077-282-06  |                |
| 06/24/08                  | Soderlund, William T/Joann A JR   | 686-990 Cherry Way        | 077-375-06  |                |
| 03/05/08                  | Solis, Jesus H/Rose Marie *   | 387-320 Hemlock Way       | 077-313-17  | * Disconnected |
| 11/05/07                  | Solis, Raymond R/Kristy P CP  | 680-970 Cherry Way        | 077-375-12  |                |
| 10/05/11                  | Soohodolsky Family Trust  | 687-710 Spruce Way        | 077-194-41  |                |
| 11/19/07                  | Sorensen, Lynn Richard/Janice Rae HWJT  | Hemlock Way               | 077-313-10  |                |
| 09/05/08                  | Sorensen, Keld/Jeanne Trust   | 501-955 The Strand        | 077-143-12  |                |
| 03/01/08                  | Spalding CSD  | 502-907 Mahogany Way      | 077-320-05  |                |
| 10/23/07                  | Spalding Marina   | The Strand                | 077-030-04  |                |
| 09/05/08                  | Spediacci, Clifford K/Shirley A JT  | 687-690 Juniper Way       | 077-232-48  |                |
| 09/25/08                  | Spencer, Reubennette 1987 TR  | 687-540 Linden Way        | 077-323-44  |                |
| 05/21/08                  | Stanley, Vernon F/Theda TR  | Magnolia Way/Division Way | 077-217-03  |                |
| 05/21/08                  | Stanley, Vernon F/Theda TR  | Magnolia Way              | 077-217-05  |                |
| 05/21/08                  | Stanley, Vernon F/Theda TR  | 687-885 Chinquepin Way    | 077-217-06  |                |
| 09/21/09                  | Stebbins, Loretta   | 687-925 Linden Way        | 077-232-43  |                |
| 12/03/07                  | Steffens, John R/Barbara/Fogal, Russell E/Th  | 687-300 Laurel Way        | 077-324-34  |                |
| 10/29/08                  | Steinocher, Daniel G/Linda L JT   | 687-830 Cedar Way         | 077-271-14  |                |
| 12/15/09                  | Steinocher, Daniel G/Linda L JT   | 687-920 Hickory Way       | 077-254-27  |                |
| 12/19/07                  | Stelzriede, Michael/Cathryn C JT  | Ridge Way                 | 077-151-22  |                |
| 11/08/07                  | Stent, Bob/Sandra JR/Weddell, Jeanette R.   | Spalding Rd.              | 077-303-33  |                |
| 05/28/08                  | Stephens Family Trust   | Tamarack Way              | 077-163-16  |                |
| 03/18/10                  | Stimmell, James B.  | 686-770 Cypress Way       | 007-381-14  |                |
| 09/15/08                  | Stout, Clarence&Audrey  | Maple Way                 | 077-282-14  |                |
| 12/12/07                  | Strickland, Robert & David JT   | 688-030 Tulip Way         | 077-161-14  |                |
| 04/18/08                  | Suchan, Alex/Lois   | 686-820 Fir Way           | 077-384-14  |                |
| 06/02/08                  | Sullivan Family Revoc Trust   | 687-990 Walnut Way        | 077-162-17  |                |
| 04/29/08                  | Sullivan, William A/Joanne M J.T.   | 387-290 Maple Way         | 077-332--49 |                |
| 08/25/09                  | Swager, William A & Patricia A CPRS   | 387-150 Hemlock Way       | 077-352-24  |                |
| 10/20/08                  | Taylor, James R/Shirley L JT  | Delwood Way               | 077-386-20  |                |
| 10/16/09                  | Taylor, Robert S. Rev Living TR   | 687-025 Catalpa Way       | 077-377-17  |                |
| 09/04/08                  | Tetrault Family 2000 Trust  | Juniper/Linden            | 077-322-14  |                |
| 05/21/08                  | Thomas, Theodore J/Diana M CPRS   | 688-085 Larch Way         | 077-132-15  |                |
| 10/29/09                  | Thomas, Trevor P.Lauretta R   | 687-075 Hemlock           | 077-351-21  |                |
| 07/14/08                  | Thompson Family Trust ETAL  | 688-030 Tupelo Way        | 077-142-16  |                |

**Attachment B**  
**Property Owners Connected to District Community Sewer System**

| <b>Date of Connection</b> | <b>Spalding Residents Connected to the District Disposal System: APPLICANT NAME</b> | <b>Service Address</b> | <b>APN#</b> | <b>Notes</b> |
|---------------------------|---|------------------------|-------------|--------------|
| 05/10/10                  | Tobin, Louis J/Peacock, Betsy A HWJT  | 687-700 Orchard Way    | 077-191-27  |              |
| 05/01/08                  | Todd, Clifford E Jr   | Maple Way              | 077-331-51  |              |
| 11/02/07                  | Todd, Dennis/Andrea   | Cedar Way              | 077-271-15  |              |
| 04/22/08                  | Togni, Arnold/Dolly TR  | 698-105 Ivy Way        | 077-221-15  |              |
| 07/23/08                  | Togni, Arnold/Dolly TR  | 688-105 Ivy Way        | 077-244-29  |              |
| 06/11/08                  | Tomasini Family Trust   | 687-895 Hollywood Way  | 077-251-33  |              |
| 03/15/08                  | Torchin, Ali Chan B & Reinelde M  | 687-430 Hollywood Way  | 077-312-32  |              |
| 05/14/09                  | Tracy, Richard T/Sheri L JT   | Hollywood/Hemlock      | 077-351-04  |              |
| 07/18/08                  | Traver, Jess S III/Frances D JT   | Laurel Way             | 077-323-46  |              |
| 04/03/08                  | Turek, Raymond W/Lois M JT  | 687-040 Cherry Way     | 077-375-14  |              |
| 03/06/08                  | Turner, Lucy D  | 686-835 Cherry Way     | 077-384-17  |              |
| 09/21/11                  | Valine, Adelia Michelle   | 367-370 Spalding Road  | 077-304-65  |              |
| 04/02/08                  | Van Tassel Fam Trust  | 687-130 Spalding Rd.   | 077-362-37  |              |
| 05/15/08                  | Vaughn, Lee/Leni A HW/Calilan, James D JT   | 687-625 Spalding Rd.   | 077-303-30  |              |
| 07/13/09                  | Velez, S., Sanchez, A. C./I. Garat JR ETAL  | Hollywood Way          | 077-403-27  |              |
| 07/21/08                  | Verrengia Family Trust  | 687-585 Cherry Way     | 077-292-07  |              |
| 06/12/09                  | Vineyard Living Trust   | 687-745 Lakeview Dr.   | 077-273-27  |              |
| 07/31/09                  | Walker, Evan J/Walker Jerry K TC  | Juniper/Ivy/Pinon      | 077-354-26  |              |
| 07/16/09                  | Walker, Rebecca   | 686-760 Catalpa Way    | 077-374-02  |              |
| 08/27/09                  | Walker, Rudolph Soyka/Rebecca JT  | 686-760 Catalpa Way    | 077-274-26  |              |
| 09/29/09                  | Walker, Rudolph Soyka/Rebecca JT  | 503-150 Mahogany Way   | 077-274-25  |              |
| 10/09/09                  | Walsh, Paul C/Janice A JT   | Almond Way             | 077-151-21  |              |
| 09/12/09                  | Walsh, Paul Clark ETAL  | 688-025 Almond Way     | 077-151-18  |              |
| 10/23/07                  | Walton Family Trust   | 688-010 Tamarack Way   | 077-164-22  |              |
| 11/07/07                  | Ward, Carlos V/Grace G 1996 Revoc Living Trust Agree                                | 687-635 Sycamore Way   | 077-304-54  |              |
| 07/01/08                  | Ward, Carlos V/Grace G Rev Liv TR   | Madrone Way            | 077-378-28  |              |
| 07/03/08                  | Ward, Carlos V/Grace G Revocable Living Trust                                       | 686-955 Redwood Way    | 077-378-27  |              |
| 04/15/08                  | Ward, Kenneth V/Lorna JT  | Sycamore Way           | 077-304-55  |              |
| 12/03/07                  | Watson, William J Jr./Sonjo M CP  | 687-055 Cedar Way      | 077-376-23  |              |
| 12/06/07                  | Watts, James C/Lorene J JT  | 503-155 Madrone Way    | 077-411-16  |              |
| 05/09/08                  | Watts, James C/Lorene T JT  | 688-125 Spruce Way     | 077-183-16  |              |
| 11/14/07                  | Weaver Family Trust   | 687-915 Ivy Way        | 077-254-24  |              |
| 04/18/09                  | Webb Living Tr  | Chestnut Way           | 077-294-14  |              |
| 04/22/09                  | Webb Living Trust   | 687-745 Maple Way      | 077-211-16  |              |
| 08/27/09                  | Weisinger, Brian J/Patricia L JT  | 687-295 Magnolia       | 077-332-36  |              |
| 10/20/08                  | Wells Trust   | 689-905 Hemlock Way    | 077-252-34  |              |
| 07/30/09                  | Wells Trust   | 687-170 Linden Way     | 077-343-21  |              |
| 06/18/09                  | Westfall Living Trust ETAL  | Cedar/Madrone          | 077-373-14  |              |
| 05/28/08                  | Westlake, Gary R ETAL   | Cedar Way              | 077-283-22  |              |
| 11/19/07                  | White, C.W./Joyce M JT  | 687-760 Lakeview Dr.   | 077-274-28  |              |
| 08/15/08                  | White, Earl Richard Jr/Karron S JT  | 686-840 Sycamore Way   | 077-403-19  |              |
| 05/19/08                  | White, Frank R 1991 Trust   | 501-275 The Strand     | 077-133-07  |              |
| 11/02/07                  | Whitmer, Rudy/Louise  | 687-775 Cedar Way      | 077-283-23  |              |
| 05/28/08                  | Wilder, Arvenna   | 687-700 Ivy Way        | 077-231-03  |              |
| 11/14/07                  | Williams Family Trust   | 686-950 Spalding Rd.   | 077-362-14  |              |
| 04/28/08                  | Williams, Cal R/Catherine S   | 687-020 Fir Way        | 077-388-12  |              |
| 06/11/09                  | Williams, Cal R/Catherine S   | 687-060 Acacia Way     | 077-395-20  |              |
| 10/01/09                  | Williams, Richard L & Patricia C. HWJT  | 687-700 Laurel Way     | 077-234-43  |              |
| 08/31/09                  | Williams, Robert N  | Delwood Way            | 077-381-19  |              |
| 12/13/07                  | Williams, Robert V/Viola Mae  | 687-445 Hemlock Way    | 077-312-28  |              |
| 08/31/09                  | Williams, Robert V/Viola Mae  | 686-770 Delwood Way    | 077-382-16  |              |
| 08/17/09                  | Williams, Robert/Blackwell, Viola Mae   | Hazel Way              | 077-324-43  |              |
| 08/17/09                  | Williams, Robert/Blackwell, Viola Mae   | Chestnut/Madrone       | 077-376-20  |              |
| 09/22/08                  | Williams, Robert/Blackwell, Viola(new owners)                                       | Hemlock Way            | 077-313-08  |              |
| 09/18/09                  | Williamson Larry R  | 687-565 Catalpa Way    | 077-301-25  |              |

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|---------------------------|---|------------------------|-------------|--------------|
| 10/28/09                  | Williford, George Calvin Trust  | 686-785 Fir Way        | 077-383-36  |              |
| 05/06/09                  | Wilms, Dale/Linda CP  | 687-920 Lakeview Dr.   | 077-274-16  |              |
| 07/22/09                  | Wilson, Donald Dean Liv TR  | Redwood Way            | 077-272-27  |              |
| 08/20/08                  | Wilson, Jack Trust  | 687-625 Catalpa Way    | 077-302-19  |              |
| 09/22/09                  | Wilson, Kenneth/Valeri E  | 686-830 Hemlock Way    | 077-412-17  |              |
| 08/20/08                  | Wilson, Rollans B   | 503-435 Mahogany Way   | 077-302-18  |              |
| 06/11/08                  | Winingar Family 1983 Trust  | 686-830 Elm Way        | 077-383-34  |              |
| 06/01/09                  | Witt, Richard E/Nola A JT   | 687-740 Orchard Way    | 077-191-24  |              |
| 05/14/08                  | Wong, Fay/Bonnie E/Taber, Edward/Judy   | Lakeview Dr.           | 077-273-35  |              |
| 08/22/08                  | Woodward, Robert/Maria 1989 Trust   | 687-700 Hickory Way    | 077-254-21  |              |
| 06/23/08                  | Yee, Gary R/Michael G   | 686-785 Hemlock Way    | 077-412-22  |              |
| 06/24/08                  | Yee, Michael Gregg  | 686-785 Hickory Way    | 077-412-21  |              |
| 11/06/07                  | Yolo, Duke/Terri JT ETAL C/O Cristine, Barry R.                                     | Acorn Way              | 077-393-16  |              |
| 07/24/09                  | Young Family Trust  | 688-010 Hickory Way    | 077-244-22  |              |
| 07/23/08                  | Young, Vera L   | 688-055 Lakeview Rd.   | 077-263-10  |              |
| 10/27/08                  | Younie, Leslie I Jr/Sheri M ETAL TC   | 687-045 Redwood Way    | 077-378-20  |              |
| 08/07/08                  | Yuill, Edward G/Deborah L HW  | Tupelo Way             | 077-141-14  |              |
| 08/07/09                  | Yuill, Edward G/Deborah L HW  | Tupelo Way             | 077-142-13  |              |
| 05/18/10                  | Zuccato, Michael W/Linda J Rev Trust  | 687-650 Cherry Way     | 077-293-10  |              |
| 12/02/08                  | Zunino, Michael A/Sheree A Family Trust   | Lilac Way              | 077-152-23  |              |

## ATTACHMENT C

### ADMINISTRATIVE CIVIL LIABILITY METHODOLOGY

The Complaint alleges that the Discharger failed to comply with a cease and desist order issued by the Lahontan Water Board, which required the Discharger by December 31, 2009, to either connect the Discharger's on-site wastewater disposal system to the Spalding Community Services District's (District) community sewer system or to properly abandon the Discharger's on-site wastewater disposal system, in accordance with Lassen County regulations. For the purpose of applying the Enforcement Policy's administrative civil liability methodology, the alleged violation is a non-discharge violation. Because the Complaint only alleges a non-discharge violation, Step Nos. 1 and 2 of the Enforcement Policy's administrative civil liability methodology are not addressed.

#### **Step 3: Initial Liability Determination**

The per-day factor for the violation is **0.55**. This factor is determined by a matrix analysis based upon the Potential for Harm and the Deviation from Applicable Requirements.

- a. The Potential for Harm for the violation is determined to be **moderate**. The Discharger's failure to connect its on-site wastewater disposal system to the District's sewer system or to properly abandon it allows waste containing nutrients to be discharged to the groundwater of the Eagle Lake basin. Such discharges, should they occur, can introduce nutrients, such as nitrogen and phosphorus, to the groundwater, which flows into Eagle Lake. Nitrogen and phosphorus can increase algal growth and the rate of eutrophication in Eagle Lake, a closed-basin lake. Increased eutrophication can adversely affect the habitat for the Eagle Lake trout, and other aquatic and terrestrial organisms supported by Eagle Lake. Increased algal growth also has the potential to adversely affect the public's water contact recreation (e.g., wading, swimming, water skiing) and non-contact water recreation (e.g., aesthetic enjoyment) of Eagle Lake.

To prevent these types of adverse impacts to Eagle Lake's beneficial uses, the Lahontan Water Board amended its *Water Quality Control Plan for the Lahontan Region* (Basin Plan) in September 1984, to prohibit the discharge of waste containing nutrients to the surface waters and groundwater of the Eagle Lake basin beginning September 14, 1989. The Lahontan Water Board's cease and desist order issued to the Discharger enforces that Basin Plan prohibition. At a minimum, the Discharger's on-site wastewater disposal system presents a threatened discharge of waste containing nutrients that can reasonably be expected to adversely affect Eagle Lake's cold freshwater habitat (COLD), water contact recreation (REC-1), non-contact water recreation (REC-2, and sport fishing (COMM) beneficial uses. It is also reasonable to expect that such impacts are reversible upon ceasing such waste discharges.

Waste discharges from on-site wastewater disposal systems in the Spalding Tract subdivision can also introduce bacteria into the groundwater, which is the local water supply. Many Spalding Tract subdivision property owners have private wells, and past studies have shown that bacteria levels increase in those private wells when nearby on-site wastewater disposal systems are being used. Bacteria contained in domestic wastewater can adversely affect human health when consumed. Such conditions represent an adverse impact to the Eagle Lake groundwater basin's municipal and domestic supply (MUN) beneficial use. This impact can reasonably be expected to occur when waste discharges from on-site wastewater disposal systems occur. Fortunately, past studies have also shown that this impact is relatively short term in nature when the waste discharge ceases. Therefore, violating the cease and desist order presents a **moderate** threat to beneficial uses that will likely attenuate without acute or chronic effects, once the Discharger has complied with the cease and desist order.

- b. The Deviation from Applicable Requirements to abandon or connect the septic system is **major**. The reason for the **major** designation is that Water Board staff notified the Discharger of its failure to comply with the cease and desist order's December 31, 2009 compliance date in a June 28, 2011 Notice of Violation (NOV). The NOV was issued after the Discharger had had approximately 1.5 construction seasons to comply with the cease and desist order's requirement to either connect the Discharger's on-site wastewater disposal system to the District's community sewer system or to properly abandon the Discharger's on-site wastewater disposal system, if appropriate. The remainder of the 2011 construction season has past, and to date, the Discharger has still failed to comply.

There has been ample time to satisfy the requirements of the cease and desist order since its adoption. The District's community sewer system has been available to connect to since October 2007; however, the Discharger failed to connect or properly abandon the Discharger's on-site wastewater disposal system and subsequently was issued a cease and desist order in October 2009. The Discharger has now had an additional two full construction seasons since the cease and desist order was issued to comply with its requirements, but has not.

- c. There are 832 days of violation for the period beginning January 1, 2010 and ending April 11, 2012, the date of drafting Administrative Civil Liability Complaint No. R6T-2012-0020. The statutory maximum amount per day per violation is \$5,000. Therefore, 832 days of violation at the statutory maximum per day of \$5,000, yields a maximum initial liability of **\$4,160,000** (832 days x \$5,000/day). Applying the Potential for Harm per-day factor of 0.55, and the statutory maximum liability amount for each day of violation, yields an initial liability of **\$2,288,000** (0.55 x 832 days of violation x \$5,000 per day).

#### **Step 4: Adjustment Factors**

The Enforcement Policy allows for multi-day violations to be consolidated provided specific criteria are satisfied. The Enforcement Policy also describes three factors related to the violator's conduct that should be considered for modification of the initial

liability amount: the violator's culpability; the violator's efforts to clean up or cooperate with regulatory authorities after the violation; and the violator's compliance history. After each of these factors is considered for the violations alleged, the applicable factor should be multiplied by the proposed amount for each violation to determine the revised amount for that violation.

a. Multiple Day Violations

The Enforcement Policy provides that, for violations lasting more than 30 days, the Water Board may adjust the per-day basis for civil liability if certain findings are made and provided that the adjusted per-day basis is no less than the per-day economic benefit, if any, resulting from the violation.

The Discharger has failed to comply with its cease and desist order for 832 days. The continuance of these violations does not result in an economic benefit that can be measured on a daily basis. The economic benefit is the one-time cost of having the on-site wastewater disposal system either connected to the District's community sewer system or properly abandoned, if appropriate. Therefore, an adjustment can be made.

The Water Board Prosecution Team recommends applying the alternative approach to civil liability calculation provided by the Enforcement Policy. Using this approach, the calculation of days of violation will include the first day of violation, plus one additional day of violation for each five-day period up to the 30th day of violation, and thereafter, plus one additional day of violation for each 30-day period. Using this approach, the total number of days is revised to 33 days of violation.

This results in a Revised Initial Liability Amount as follows:

$$\text{Revised Initial Liability} = (0.55) \times (33 \text{ days of violation}) \times (\$5,000) = \mathbf{\$90,750}$$

b. Adjustment for Culpability

For culpability, the Enforcement Policy suggests an adjustment resulting in a multiplier between 0.5 to 1.5, with the lower multiplier for accidental incidents, and the higher multiplier for intentional or negligent behavior. In this case, a Culpability multiplier of **1.3** has been selected for the reasons described below:

The Water Board's Prosecution Team has exercised significant discretion in deciding whether to pursue administrative civil liability for violating the cease and desist order. Doing so is consistent with the Prosecution Team's message to the Water Board and to the community in 2009 that its primary interest was compliance, and that the Prosecution Team understood some were facing various hardships and would work with property owners towards meeting its compliance objective. After providing approximately 1.5 construction seasons to comply, the Prosecution Team issued a June 28, 2011 Notice of Violation to property owners that had yet to comply with their 2009 cease and desist orders, notifying them that time to comply with the cease and desist orders' requirements without additional enforcement action was running out. In spite of the Prosecution Team's efforts to allow ample time to comply

and to notify the Discharger of a pending administrative civil liability complaint, the Discharger has not provided the Prosecution Team with any information indicating a reason for the continuing violations, nor shown any intent to comply.

The Prosecution Team does not have any evidence of willful or intentional negligence in this matter. Therefore, the Prosecution Team does not recommend assigning a value of 1.4 or greater for Culpability, as these values have been reserved for situations where there is evidence of willful or intentional negligence. However, given the lack of response by the Discharger in spite of the amount of time given to comply and notification of the Prosecution Team's intent to pursue administrative civil liability, a value of 1.3 for Culpability is appropriate.

c. Adjustment for Cleanup and Cooperation

For cleanup and cooperation, the Enforcement Policy suggests an adjustment should result in a multiplier between 0.75 and 1.5. A lower multiplier is appropriate for situations where there is a high degree of cleanup and/or cooperation and a higher multiplier is appropriate for situations where cleanup and/or cooperation is minimal or absent. In this case, a Cleanup and Cooperation multiplier of **1.5** has been selected for the reasons described below:

The Discharger has not cooperated with the Water Board on this issue. Even after Water Board staff issued the June 28, 2011 NOV, the Prosecution Team did not observe any attempt by the Discharger to comply. The lack of effort to comply with the cease and desist order, or even to communicate with the Prosecution Team regarding the reason why compliance has not occurred, warrants a value of 1.5.

d. Adjustment for History of Violations

The Enforcement Policy suggests that where there is a history of repeat violations, a **minimum** multiplier of 1.1 should be used for this factor. In this case, a multiplier of **1.0** has been selected based upon the absence of prior violations of Cease and Desist Order No. R6T-2009-0096. A review of the California Integrated Water Quality System (CIWQS) and Water Board files shows that the Violation represents the first violation of Cease and Desist Order No. R6T-2009-0096. Therefore a multiplier of 1.0 is appropriate, and no adjustment to the above liability amount should be made in response to this factor.

**Step 5: Determination of Total Base Liability Amount**

The Total Base Liability for the violation is **\$176,962.50**. The Total Base Liability for the violation is determined by multiplying the Revised Initial Liability by the multipliers associated with each of the Adjustment Factors discussed above.

Total Base Liability = (Revised Initial Liability) X (Culpability) X (Cleanup/Cooperation) X (History of Violations) = (\$90,750) X (1.3) X (1.5) X (1.0) = **\$176,962.50**.

**Step 6: Ability to Pay and Ability to Continue Business**

The Enforcement Policy provides that if the Water Board has sufficient financial information to assess the violator’s ability to pay the Total Base Liability, or to assess the effect of the Total Base Liability on the violator’s ability to continue in business, then the Total Base Liability amount may be adjusted downward.

In this case, the Lahontan Water Board Prosecution Team has sufficient information to suggest the Discharger has the ability to pay the proposed liability. The Discharger owns the parcel(s) of land, listed below:

| Assessor’s Parcel Number | County | Property Address    | Assessed Total Value  | Assessment Year |
|--------------------------|--------|---------------------|-----------------------|-----------------|
| 077-372-16-11            | Lassen | 686-755 Cedar Way   | \$28,140              | 2011            |
| 077-372-13-11            | Lassen | N/A                 | \$1,648               | 2011            |
| 077-372-20-11            | Lassen | 686 Chestnut Street | \$158,896             | 2011            |
| 063-170-080-000          | Placer | N/A                 | \$100,079             | 2010            |
| 063-081-077-000          | Placer | N/A                 | \$8,863               | 2010            |
| 117-710-04-11            | Lassen | N/A                 | \$144,203             | 2011            |
| 117-710-03-11            | Lassen | N/A                 | \$187,958             | 2011            |
| 117-710-02-11            | Lassen | N/A                 | \$153,066             | 2011            |
| 117-710-01-11            | Lassen | N/A                 | \$141,084             | 2011            |
| 109-100-13-11            | Lassen | N/A                 | \$5,994               | 2011            |
| 27 080 23                | Nevada | 20340 Gunstock Road | \$73,073              | 2011            |
| 27 080 24                | Nevada | 20366 Gunstock Road | \$41,383              | 2011            |
| 999-105-98-11            | Lassen | 708 Sunnyside Road  | \$45,500              | 2011            |
|                          |        | <b>TOTAL</b>        | <b>\$1,089,887.00</b> |                 |

Given the above assets, it appears the Discharger has the ability to pay the proposed liability.

**Step 7: Other Factors as Justice May Require**

The Enforcement Policy provides that if the Water Board believes that the amount determined using the above factors is inappropriate, the liability amount may be adjusted under the provision for “other factors as justice may require,” if express findings are made. Additionally, the staff costs for investigating the violation and preparing the Complaint should be added to the liability amount.

a. Adjustments for Other Factors as Justice May Require

The statutory minimum liability amount for violations under Water Code section 13350 is \$100 per day of violation, unless the regional water board makes express findings setting forth the reasons for its action based upon its consideration of the factors set forth in Water Code section 13327. Based on the date of compliance in the cease and desist order, days of violations began accruing on January 1, 2010.

At the statutory minimum liability of \$100 per day, and a total of 832 days of violation, the result is a minimum liability of **\$83,200**. The Prosecution Team has determined that, in this case, even the minimum liability amount is inappropriate. Staff finds this amount to be an excessive liability for the violations alleged herein, and inappropriate for the following reasons.

Water Board staff reviewed Lassen County Assessor's Office records for the properties whose owners are subject to the administrative civil liability for the failure to either connect their on-site wastewater disposal system to the District's sewer system or to properly abandon it. County records for the year 2012 show that the properties range in value from \$17,119 to \$618,391. Two of these properties with the highest values are commercial properties, with values consistent with commercial uses and related improvements (i.e., hotel, restaurant). The remaining properties have an average value of \$73,574. Based on these data alone, the Prosecution Team determined that the minimum statutory liability of \$83,200 is excessive relative to the value of most of the properties whose owners continue to violate their 2009 Cease and Desist Orders. Without any further assessment, the minimum liability appears inappropriate and excessive for its intended purpose.

Additionally, the Prosecution Team's June 28, 2011 Notice of Violation notified the Discharger of the Prosecution Team's intent to issue administrative civil liability complaints and bring them before the Lahontan Water Board at its November 9-10, 2011 Board Meeting. In a continuing effort to encourage compliance, the Prosecution Team stated in the Notice of Violation that it would consider withdrawing the complaint if the Discharger complied with the cease and desist order prior to the November 9-10, 2011 Board meeting date. The Prosecution Team has consistently stated that compliance has been its primary goal, and the Notice of Violation was providing one last chance to comply with the cease and desist order without facing additional enforcement action in the form of civil liability.

The Prosecution Team recommends using November 9, 2011 as the basis for developing a more appropriate liability amount, as it is the date the Prosecution Team informed the Discharger that compliance was to be achieved, or imposing administrative civil liability would be pursued. Attachment D provides a methodology spreadsheet based upon November 9, 2011 as the deadline for compliance. The resulting number of days of violations totals 155 days (November 9, 2011 – April 11, 2012). 155 days of violation would result in a minimum liability of **\$15,500**, based upon the statutory minimum liability of \$100 per day of violation.

Administrative civil liability complaints were issued to property owners of the nearby Stones-Bengard subdivision in 1997 for failing to either connect their on-site wastewater disposal systems to the Stones-Bengard community sewer system or to properly abandon them. In the Stones-Bengard cases, the Water Board issued administrative civil liability complaints proposing that the owners be assessed liability in the amount of **\$6,500**. This was the minimum liability that could be imposed for violating cleanup and abatement orders that had been issued 65 days prior to issuing the administrative civil liability complaints. The cleanup and abatement orders had been issued after the Stones-Bengard property owners had been violating their cease and desist orders issued in 1991 for several years.

The liability amount of \$15,500 represents a more appropriate amount that is consistent with past and similar enforcement efforts by the Lahontan Water Board in the Eagle Lake basin. The liability amount of \$15,500 provides adequate justice or consequence for the violation as well as a meaningful deterrent to future violations.

b. Adjustment for Staff Costs

The Water Board Prosecution Team staff time incurred to prepare administrative civil liability complaints and supporting information for 25 Spalding Tract subdivision properties is estimated to be 165 hours. Based on an average cost to the State of \$150 per hour, the total staff cost is estimated to be \$24,750. Staff finds it appropriate to spread these costs equitably by dividing the total staff cost equally for each of the 25 properties. On this basis, a staff cost of \$990 must be assessed for each property. As a result, the Adjusted Total Base Liability is recommended to be adjusted upward by **\$990**, bringing the total proposed liability to **\$16,490**.

**Step 8: Economic Benefit**

The Enforcement Policy directs the Water Board to determine any Economic Benefit Amount of the violation based upon the best available information. The Enforcement Policy suggests that the Water Board compare the Economic Benefit Amount to the Adjusted Total Base Liability and ensure that the Adjusted Total Base Liability is at a minimum, 10 percent greater than the Economic Benefit Amount. Doing so should create a deterrent effect and will prevent administrative civil liabilities from simply becoming the cost of doing business.

Septic tank abandonment is only an option for properties that do not have structures with plumbing fixtures installed. For properties that have one or more structures with plumbing fixtures installed, connecting the Discharger's on-site wastewater disposal system to the District's community sewer system is required.

The Discharger has realized an economic benefit by failing to connect or abandon the Discharger's on-site wastewater disposal system as required by Cease and Desist Order No. R6T-2009-0096. In order to estimate the economic benefit, Water Board staff subpoenaed records from contractors who have connected and/or properly abandoned on-site wastewater disposal systems in the Spalding Tract subdivision. Based upon a review of the contractor records, the average cost for a property owner to connect an on-site wastewater disposal system to the District's community sewer system is \$4,210, and the average cost to properly abandon an on-site wastewater disposal system is \$836. Therefore, the economic benefit amount realized by Dischargers that have existing structures with plumbing fixtures installed on the property and that must connect to the District's community sewer system is estimated to be **\$4,210**. The economic benefit amount realized by Dischargers with the option of abandonment is estimated to be **\$836**. The Adjusted Total Base Liability Amount is greater than 110 percent of either of these estimated economic benefit amounts, and therefore no adjustment is necessary based on the economic benefit analysis.

### **Step 9: Maximum and Minimum Liability Amounts**

The maximum liability amount the Water Board may assess for the above-referenced violations pursuant to Water Code section 13350, subdivision (e)(1), is \$5,000 per day of violation. Therefore, the maximum liability the Water Board may assess for 832 days of violation (elapsed time since the date of compliance in the cease and desist order) is **\$4,160,000**.

The minimum liability amount provided in Water Code section 13350, subdivision (e)(1)(B) is \$100 per day. However, subdivision (f) states that:

“A regional board shall not administratively impose civil liability in accordance with paragraph (1) of subdivision (e) in an amount less than the minimum amount specified, unless the regional board makes express findings setting forth the reasons for its action based upon the specific factors required to be considered pursuant to Section 13327.”

Water Code section 13327 allows for “*other factors as justice may require*”. The specific factors discussed in Step 7 above (i.e., property values, use of November 9, 2011 as an alternative compliance date, consistency with similar Lahontan Water Board enforcement actions in the Eagle Lake basin) yields 155 days of violation at \$100 per day minimum, for an alternative minimum liability amount of **\$15,500**.

The Enforcement Policy also requires that:

*The adjusted Total Base Liability shall be at least 10 percent higher than the Economic Benefit Amount so that liabilities are not construed as the cost of doing business and that the assessed liability provides a meaningful deterrent to future violations.*

The larger of the two economic benefit amounts (\$4,210) plus ten percent is **\$4,631**, which is less than the alternative statutory minimum cited above and the Total Proposed Liability Amount.

### **Step 10: Final Liability Amount**

The Total Proposed Liability Amount is **\$16,490** based upon the considerations discussed in detail, above.

## Attachment D Administrative Civil Liability Methodology Spreadsheet

### Instructions

1. Select Potential Harm for Discharge Violations
2. Select Characteristics of the Discharge
3. Select Susceptibility to Cleanup or Abatement
4. Select Deviation from Standard
5. Click "Determine Harm & per Gallon/Day..."
6. Enter Values into the Yellow highlighted fields

|             |   |
|-------------|---|
| Select Item | Potential Harm for Discharge Violations |
| Select Item | Characteristics of the Discharge        |
| Select Item | Susceptibility of Cleanup or Abatement  |
| Select Item | Deviation from Requirement              |

Discharger Name/ID: Spalding Tract Property Owners, Various APNs

|                                       |   | Violation 1                                   |                |      |
|---------------------------------------|---|---|----------------|------|
| Discharge Violations                  | <b>Step 1</b>                             | Potential Harm Factor (Generated from Button) |                |      |
|                                       | <b>Step 2</b>                             | Per Gallon Factor (Generated from Button)     |                |      |
|                                       |   | Gallons                                       |                |      |
|                                       |   | Statutory / Adjusted Max per Gallon (\$)      |                |      |
|                                       | <b>Total</b>                              |   | \$ -           |      |
|                                       | Non-Discharge Violations                  | <b>Step 3</b>                                 | Per Day Factor | 0.55 |
| Days                                  |   |   | 33             |      |
| Statutory Max per Day                 |   |   | \$ 5,000       |      |
| <b>Total</b>                          |   |   | \$ 90,750.00   |      |
| <b>Initial Amount of the ACL</b>      |   |   | \$ 90,750.00   |      |
| Add'l Factors                         |   | <b>Step 4</b>                                 | Culpability    | 1.3  |
|                                       | Cleanup and Cooperation                   |   | 1.5            |      |
|                                       | History of Violations                     |   | 1              |      |
|                                       | <b>Step 5 Total Base Liability Amount</b> |   | \$ 176,962.50  |      |
| <b>Step 6</b>                         | Ability to Pay & to Continue in Business  | 1   | \$ 176,962.50  |      |
| <b>Step 7</b>                         | Other Factors as Justice May Require      | 15,500  | \$ 15,500.00   |      |
|                                       | Staff Costs                               | \$ 990  | \$ 16,490.00   |      |
| <b>Step 8</b>                         | Economic Benefit                          | \$ 4,210                                      | \$ 16,490.00   |      |
| <b>Step 9</b>                         | Minimum Liability Amount                  | 15,500  |                |      |
|                                       | Maximum Liability Amount                  | \$ 4,160,000                                  |                |      |
| <b>Step 10 Final Liability Amount</b> |   |   | \$ 16,490.00   |      |

### Penalty Day Range Generator

Start Date of Violation= 1/1/10  
End Date of Violation= 4/11/12

Maximum Days Fined (Steps 2 & 3) = 832 Days  
Minimum Days Fined (Steps 2 & 3) = 33 Days

**WAIVER FORM  
FOR ADMINISTRATIVE CIVIL LIABILITY COMPLAINT**

By signing this waiver, I affirm and acknowledge the following:

I am duly authorized to represent Helmer, Nason James & Gail Ann. Revocable Trust (hereinafter "Discharger") in connection with Administrative Civil Liability Complaint No. R6T-2012-0020 (hereinafter the "Complaint"). I am informed that California Water Code section 13323, subdivision (b), states that, "a hearing before the regional board shall be conducted within 90 days after the party has been served [with the complaint]. The person who has been issued a complaint may waive the right to a hearing."

- (Check here if the Discharger waives the hearing requirement and will pay the liability.)**
- a. I hereby waive any right the Discharger may have to a hearing before the Regional Water Board.
  - b. I certify that the Discharger will remit payment for the civil liability imposed in the total amount of **sixteen thousand four hundred ninety dollars (\$16,490)** by check that references "ACL Complaint No. R6T-2012-0020" made payable in the amount of **\$16,490** to the "Waste Discharge Permit Fund." Payment must be received by the Regional Water Board by **5:00 p.m. on May 21, 2012** or the Regional Water Board may adopt an Administrative Civil Liability Order requiring payment.
  - c. I understand the payment of the above amount constitutes a proposed settlement of the Complaint, and that any settlement will not become final until after the 30-day public notice and comment period mandated by the State Water Resources Control Board's Water Quality Enforcement Policy expires. Should the Regional Water Board receive significant new information or comments from any source (excluding the Water Board's Prosecution Team) during this comment period, the Regional Water Board's Assistant Executive Officer may withdraw the complaint, return payment, and issue a new complaint. I understand that this proposed settlement is subject to approval by the Regional Water Board, and that the Regional Water Board may consider this proposed settlement in a public meeting or hearing. I also understand that approval of the settlement will result in the Discharger having waived the right to contest the allegations in the Complaint and the imposition of civil liability.
  - d. I understand that payment of the above amount is not a substitute for compliance with applicable laws and that continuing violations of the type alleged in the Complaint may subject the Dischargers to further enforcement, including additional civil liability.

---

(Print Name and Title)

---

(Signature)

---

(Date)

**Katie Everett - Spalding tank abandonment**

---

**From:** Alan Jones <AJones@co.lassen.ca.us>  
**To:** LScoralle@waterboards.ca.gov  
**Date:** 5/10/2012 2:42 PM  
**Subject:** Spalding tank abandonment  
**Attachments:** 2077\_001.pdf

---

Lisa, here is another septic tank abandonment in Spalding, the original went in the mail today,  
Alan

Alan A. Jones, REHS, Director  
Lassen County Environmental Health Department  
1445 Paul Bunyan Road  
Susanville, Ca 96130  
(530) 251-8528



# LASSEN COUNTY HEALTH & SOCIAL SERVICES

ADMINISTRATION • 1445 PAUL BUNYAN RD. • SUSANVILLE, CA 96130 • (530) 251-8128

ALCOHOL & DRUG  
476 Alexander Ave.  
Susanville, CA 96130  
(530) 251-8112

MENTAL HEALTH  
555 Hospital Lane  
Susanville, CA 96130  
(530) 251-8108

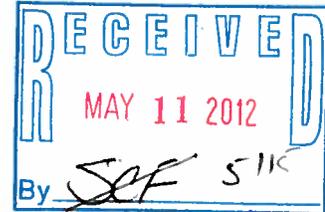
PUBLIC GUARDIAN  
720-A Richmond Rd.  
Susanville, CA 96130  
(530) 251-8337

ENVIRONMENTAL HEALTH/  
PUBLIC HEALTH  
1445 Paul Bunyan Road  
Susanville, CA 96130  
(530) 251-8528 Fax 251-2668

VETERANS SERVICES  
Memorial Building  
Susanville, CA 96130  
(530)-251-8192

May 10, 2012

Scott Ferguson, Chief-Enforcement Unit  
California Regional Water Quality Control Board  
2501 Lake Tahoe Boulevard  
South Lake Tahoe, Ca 96150



Re: Certification of abandonment of septic system in Spalding Tract, Assessor's parcels 077-372-16 Spalding Tract Block 88, lots 17, 18, 19, & 20.

Dear Mr. Ferguson:

On May 10, 2012 the Lassen County Environmental Health Department inspected the abandonment of the septic system on Assessor's parcel 077-372-16 Spalding Tract Block 88, lots 17, 18, 19, & 20. The Lassen County Environmental Health Department certifies that the septic tank on the above mentioned parcel was abandoned as per Lassen County requirements.

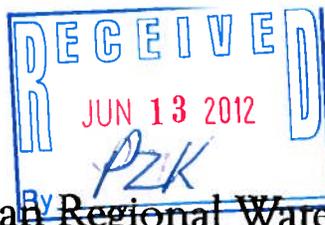
If you have any questions, or if you need further information, please contact me at the Lassen County Environmental Health Department at 530-251-8528.

Sincerely,

Kenneth Korver, M.D.  
Lassen County Health Officer

Alan A. Jones, REHS, Director  
Lassen County Environmental Health Department

Cc: Gail Helmer, Spalding Community Services District



June 11, 2012

Dear Staff and Associates of the Lahontan Regional Water Board,

Please accept this letter as my response to the complaint issued against me alone, as Mr. Helmer died a few years ago from Leukemia.

In 2008 our family put a manufactured home on the property located at 686-755 Cedar Wy. in Spalding . (This property is directly adjacent to the property in question. With an APN# 077-372-16-11) At which time we gladly, without question, hooked up to the required sewer system. (Please see attached Certificate of Occupancy, Sewer sign off, and Location Map.) In approximately January of 2009 I began paying your required fees as requested and always on time.

pages 5,6,7

In approximately April of 2011 I noticed the fees being collected were actually for two hook-ups, however, to my knowledge I only had one. This prompted me to call the number on the billing statement. I spoke to Miss Virginia and explained that I only had 1 sewer hooked-up but had evidently been paying for the last couple of years? I thought there must be some mistake. I also explained that I'd been receiving various paper work from the Lahontan Water Board on the same issue, which I honestly thought must be in error. This is because I had complied with the required sewer hook-up back in 2008 when I disconnected my existing trailer, a 10 X 50, 1 bedroom unit, from the existing sewer and took it to the dump. It was then that I hooked up the new replacement home to your sewer system as you requested. (FYI - while I was receiving correspondence from you on this issue, I was also receiving **large** amounts of correspondence from the Department of Water Resources, Honey

June 11, 2012

Lake Resource Conservation District, and the Lahontan Irrigation Company, as well as several reports from the Water Master on another water issue concerning Baxter Creek, which confused me even further.) Miss Virginia and I were both perplexed by the situation, so she assured me that she would research the issue in question and get back to me as soon as possible, and she did. Some days later we finally caught up with each other and came to this conclusion, that it was not the new home connection that was being called into question, but it was in fact the old tank that I had disconnected from back in 2008, on the adjacent parcel that I used to camp on, before we put the new home in, back in 2008.

Since the new home was installed I had no further use of the campsite and of course would stay in the new unit when my health permitted me to visit the lake. I believe my conversation with Virginia was in the 1st part of July 2011. I quickly called Mr. Mike Engman a well known, local contractor as well as my son's father-in-law and requested a bid for what I thought was being required by you folks at the Lahontan Water Board, a new septic system with hook-ups for the campsite next door, whether it was used or not. I received and agreed to Mr. Engman's proposal toward the end of July and was put on his waiting list. (Please see attached paperwork.) Mr. Engman does beautiful work and everyone loves him, so his waiting list was substantial. To my dismay I was still waiting in Nov./Dec. so I called Miss Virginia and explained my dilemma. (pages)

While the following does not excuse any tardiness on my part it certainly did add to the over all distress of the situation. In 1994 I broke my back and as a result, have been disabled since that time. In addition to all the confusion surrounding this issue,

June 11, 2012

during the same time time frame, due to the stress of the failing economy as well as a failing family business, I developed numerous perforated ulcers and lacerations through out my large intestine. This ultimately lead to a blow out of the intestine which almost proved fatal. I was care flighted from Lassen Banner Hospital to Renown Medical Center, where I spent a week in the Intensive Care Unit. My Gastro-Intestinal surgeon called it “a heart attack of the bowel” from which I was lucky to be alive! Needless to say, I’ve been in and out of the hospital several times since. I was diagnosed with an auto-immune disorder which in turn, has lead to other auto-immune responses, which has left me with even more pain and some serious mobility issues. If you require hospital records or would like to speak to my treating physician, please let me know and I will make those arrangements.

In response to his letter dated 5/3/12 (ie: Notice of Hearing) I called Mr. Harold Singer on 5/9/12 and spoke to him regarding the time frame for my letter of explanation. Somewhere in the course of **that** conversation he informed me that the Board wanted me to, #1 hook-up to the new sewer system, or #2, “demo the old tank.” Those last four words hit me like a tone of bricks! I am ashamed to say that before Mr. Singer said that I never understood that, **that** was all you needed from me to stay this process! That is why I got the bid from Mr. Engman, to do the complete job. Which I am still waiting for, although the tank was destroyed on 5/9/10.

Just think, for years that old tank has served no purpose and according to Miss Virginia, who called me on 5/11/12, (to reapply some of the fees I had just paid.) I could have saved all the money I had paid out in fees since 2009 or before, for a sewer

connection that I may never have! For this terrible error I am deeply sorry! I sincerely regret any trouble I have caused for you and your staff! Please know that no ill-will was ever intended and that my non-compliance was never out of malice, nor would I ever be defiant over such a matter! With that being said, I don't know what else to do except hope and pray that you accept my sincere heartfelt apology! To know that this entire issue could have been avoided months ago by just destroying one old septic tank makes me ill. To think that we have actually reached this cataclysmic point truly saddens me. What an unfortunate misunderstanding. I am so sorry!

Respectfully submitted to The Lahontan Regional Water Board,

A handwritten signature in black ink that reads "Gail A. Helmer". The signature is written in a cursive, flowing style with a large initial "G" and "H".

Gail A. Helmer.

# CERTIFICATE OF OCCUPANCY

BUILDING PERMIT NO. MH2007-11

Address or Location of unit 686-800 Chestnut Way, Spalding, Eagle Lake

Legal Description of Real Property AP#077-372-20

A  Mobilehome/Manufactured Home  Commercial Coach has been affixed to the real property described above by installation on a foundation system pursuant to Health and Safety Code Section 18551.

Owner's name: Nason James Helmer and Gail Ann Helmer, Trustees of the Nason James Helmer and Gail Ann Helmer Revocable Trust, Dated December 14, 1999

Owner's address: 708-776 Sunnyside Road, Janesville, CA 96114

INSIGNIA OR HUD NUMBER: IDA218609/IDA218610

SERIAL NUMBER OR V.I.N.: NNID41381 A/B

MANUFACTURER'S NAME: Nashua

YEAR OF MANUFACTURE: 11-21-2005

Steve Fuller  
(Official Approving Installation) Building Official Lassen County (Enforcement Agency)

10/15/08 (530) 251-8269  
(Date) (Phone)

6.

Permit # 000375

INSPECTION RECORD REQUIRED BY LASSEN COUNTY  
Spalding Tract Sewer System  
Lampe Engineering

Assessment # 86

For Inspections call: 825-0004 (land line) between 9AM and 11AM, Monday through Thursday

Name Helmer

\*P-Pass, F-Fail

| SEWER HOOKUP INSPECTIONS   | DATE    | P-F* | INSPECTOR |
|--|---------|------|-----------|
| 1A Manholes opened for existing water level check                                  |         |      | Dave      |
| 1 B Tanks pumped, visual condition check   |         |      |           |
| 2 Tank inlet & outlet plugged, filled with water and sat for 24 hours<br>H/20 test | 6/17/08 | P    | Dave      |
| N New tank inspection if needed (same as above) New Tank                           |         |      |           |
| 3A Effluent filter, access riser and lid installed                                 | 6/17/08 | P    | Dave      |
| 3B Service lateral trenching (bedding & pipeline)                                  | 6/11/08 | P    | Dave      |
| Final Tank and lateral connections and leach field abandoned                       | 6/17/08 | ?    | Dave      |

DO NOT COVER ANYTHING UNTIL APPROVED BY INSPECTOR

1 New home  
2 Camp site

20 CHERRY

|      |         |         |             |             |    |    |        |         |         |    |       |            |     |    |        |         |      |    |     |           |       |     |
|------|---------|---------|-------------|-------------|----|----|--------|---------|---------|----|-------|------------|-----|----|--------|---------|------|----|-----|-----------|-------|-----|
| 24   | 25      | 26      | 27          | 28          | 29 | 30 | 31     | 32      | 33      | 34 | 35    | 36         | 37  | 38 | 39     | 40      | 41   | 42 | 43  | 44        | 45    | 46  |
| (1)  | BUSKIRK |         | WEST DANIEL | (13)        |    |    |        | (12)    | MATASSA |    | 87    | WORMAN     |     |    | WORMAN |         | (18) |    | (3) | ATTEBERRY | (15)  |     |
| 100' | (6)     | BUSKIRK | BROWN JAK   | (8)         |    |    |        | (10)    |         |    |       |            | (9) |    |        | (16)    |      |    |     |           | DAVID | (5) |
| 23   | 22      | 21      | 20          | 19          | 18 | 17 | 16     | 15      | 14      | 13 | 12    | 11         | 10  | 9  | 8      | 7       | 6    | 5  | 4   | 3         | 2     | 1   |
|      |         |         |             | B/S 635/229 |    |    | HAPPER | 558/454 |         |    | (371) | WEST, JUAL |     |    |        | WILLITE |      |    |     | ATTEBERRY |       |     |

20

|      |      |      |     |        |    |            |            |
|------|------|------|-----|--------|----|------------|------------|
| 23   | 24   | 25   | 26  | 27     | 28 | 29         | 30         |
|      |      | (15) | (7) | CARTER |    | B/S 558/45 |            |
| 100' | (15) |      |     | (16)   |    |            |            |
| 23   | 22   | 21   | 20  | 19     | 18 | 17         | 16         |
|      |      |      |     |        |    | WISLER     | B/S 558/46 |

20 CHESTNUT

|      |             |    |       |       |    |    |    |     |        |       |     |     |       |               |    |    |    |            |    |     |    |    |
|------|-------------|----|-------|-------|----|----|----|-----|--------|-------|-----|-----|-------|---------------|----|----|----|------------|----|-----|----|----|
| 24   | 25          | 26 | 27    | 28    | 29 | 30 | 31 | 32  | 33     | 34    | 35  | 36  | 37    | 38            | 39 | 40 | 41 | 42         | 43 | 44  | 45 | 46 |
| (18) | B/S 709/266 |    | JAY'S | (15)  |    |    |    | (4) | TAYLOR | HELME | (5) | (6) | HELME | SMITH, BEYOND |    |    |    | SCHLICKLEY |    | (8) |    |    |
| 100' |             |    |       | (16)  |    |    |    |     |        |       |     |     |       |               |    |    |    |            |    |     |    |    |
| 23   | 22          | 21 | 20    | 19    | 18 | 17 | 16 | 15  | 14     | 13    | 12  | 11  | 10    | 9             | 8  | 7  | 6  | 5          | 4  | 3   | 2  | 1  |
|      |             |    |       | HELME |    |    |    |     |        |       |     |     |       |               |    |    |    |            |    |     |    |    |

WAY

|      |    |      |           |    |      |            |     |
|------|----|------|-----------|----|------|------------|-----|
| 23   | 24 | 25   | 26        | 27 | 28   | 29         | 30  |
|      |    | (20) | SHERFIELD |    | (17) | RICHARDSON |     |
| 100' |    |      |           |    |      |            |     |
| 22   | 21 | 20   | 19        | 18 | 17   | 16         | 15  |
|      |    |      |           |    |      | HELME      | B/S |

20 CEDAR

|      |         |     |         |      |    |    |    |    |    |    |    |    |      |    |    |    |    |    |    |    |    |    |
|------|---------|-----|---------|------|----|----|----|----|----|----|----|----|------|----|----|----|----|----|----|----|----|----|
| 24   | 25      | 26  | 27      | 28   | 29 | 30 | 31 | 32 | 33 | 34 | 35 | 36 | 37   | 38 | 39 | 40 | 41 | 42 | 43 | 44 | 45 | 46 |
| (1)  | BECKETT | (2) | BECKETT | (18) |    |    |    |    |    |    |    |    | (16) |    |    |    |    |    |    |    |    |    |
| 100' |         |     |         |      |    |    |    |    |    |    |    |    |      |    |    |    |    |    |    |    |    |    |
| 23   | 22      | 21  | 20      | 19   | 18 | 17 | 16 | 15 | 14 | 13 | 12 | 11 | 10   | 9  | 8  | 7  | 6  | 5  | 4  | 3  | 2  | 1  |
|      |         |     |         |      |    |    |    |    |    |    |    |    |      |    |    |    |    |    |    |    |    |    |

MADRONE

|        |      |     |        |    |        |    |      |
|--------|------|-----|--------|----|--------|----|------|
| 23     | 24   | 25  | 26     | 27 | 28     | 29 | 30   |
| POPPER | (12) | (2) | MORALD |    | WOLTER |    | (14) |
| 100'   |      |     |        |    |        |    |      |
| 22     | 21   | 20  | 19     | 18 | 17     | 16 | 15   |
|        |      |     |        |    |        |    |      |

20 CATALPA

|      |    |    |        |     |    |    |    |       |      |             |    |    |    |    |    |    |    |    |    |    |    |    |
|------|----|----|--------|-----|----|----|----|-------|------|-------------|----|----|----|----|----|----|----|----|----|----|----|----|
| 24   | 25 | 26 | 27     | 28  | 29 | 30 | 31 | 32    | 33   | 34          | 35 | 36 | 37 | 38 | 39 | 40 | 41 | 42 | 43 | 44 | 45 | 46 |
| (19) |    |    | WALKER | (2) |    |    |    | Dwyer | (26) | B/S 635/229 |    |    |    |    |    |    |    |    |    |    |    |    |
| 100' |    |    |        |     |    |    |    |       |      |             |    |    |    |    |    |    |    |    |    |    |    |    |
| 23   | 22 | 21 | 20     | 19  | 18 | 17 | 16 | 15    | 14   | 13          | 12 | 11 | 10 | 9  | 8  | 7  | 6  | 5  | 4  | 3  | 2  | 1  |
|      |    |    |        |     |    |    |    |       |      |             |    |    |    |    |    |    |    |    |    |    |    |    |

|      |    |      |    |    |    |    |      |
|------|----|------|----|----|----|----|------|
| 23   | 24 | 25   | 26 | 27 | 28 | 29 | 30   |
|      |    | (17) |    |    |    |    | (23) |
| 100' |    |      |    |    |    |    |      |
| 23   | 22 | 21   | 20 | 19 | 18 | 17 | 16   |
|      |    |      |    |    |    |    |      |

(2)

MIKE ENGMAN COMPANY  
PO BOX 270429  
Susanville, CA 96127  
530-252-4544  
CA LIC# 643648

BID PROPOSAL

DATE: 7/15/11

TO: Gail Helmer

JOB LOCATION: 686-755 Cedar Way, Spaulding

WE HEREBY SUBMIT SPECIFICATIONS AND ESTIMATE FOR:

Install 1000 gal septic tank as per required

ROCK CLAUSE: SHOULD GROUND CONDITIONS REQUIRE THE USE OF HEAVY ROCK REMOVAL EQUIPMENT SUCH AS HAMMER ADDITIONAL FEES WILL BE INCURRED. ALL ADDITIONAL FEES WILL BE DISCUSSED AND AGREED UPON PRIOR TO CONTINUANCE OF JOB.

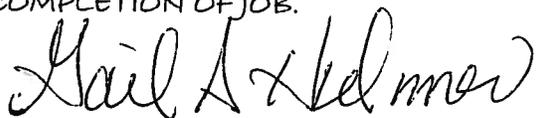
WE PROPOSE TO FURNISH MATERIAL AND LABOR AS STATED ABOVE FOR THE SUM OF:  
Estimated Job Cost \$ 3500.00

AUTHORIZED SIGNATURE:



THE ABOVE PRICES, SPECIFICATIONS AND CONDITIONS ARE SATISFACTORY AND ARE HEREBY ACCEPTED. YOU ARE AUTHORIZED TO DO THE WORK AS SPECIFIED. PAYMENT WILL BE MADE AT COMPLETION OF JOB.

SIGNATURE:



DATE:

7/19/11

BID IS NULL AND VOID AFTER 30 DAYS UNLESS UPDATED AND RENEWED



9.

# LASSEN COUNTY

## HEALTH & SOCIAL SERVICES

ADMINISTRATION • 1445 PAUL BUNYAN RD. • SUSANVILLE, CA 96130 • (530) 251-8128

ALCOHOL & DRUG  
476 Alexander Ave.  
Susanville, CA 96130  
(530) 251-8112

MENTAL HEALTH  
555 Hospital Lane  
Susanville, CA 96130  
(530) 251-8108

PUBLIC GUARDIAN  
720-A Richmond Rd.  
Susanville, CA 96130  
(530) 251-8337

ENVIRONMENTAL HEALTH/  
PUBLIC HEALTH  
1445 Paul Bunyan Road  
Susanville, CA 96130  
(530) 251-8528 Fax 251-2668

VETERANS SERVICES  
Memorial Building  
Susanville, CA 96130  
(530)-251-8192

May 10, 2012

Scott Ferguson, Chief-Enforcement Unit  
California Regional Water Quality Control Board  
2501 Lake Tahoe Boulevard  
South Lake Tahoe, Ca 96150

Re: Certification of abandonment of septic system in Spalding Tract, Assessor's parcels 077-372-16 Spalding Tract Block 88, lots 17, 18, 19, & 20.

Dear Mr. Ferguson:

On May 10, 2012 the Lassen County Environmental Health Department inspected the abandonment of the septic system on Assessor's parcel 077-372-16 Spalding Tract Block 88, lots 17, 18, 19, & 20. The Lassen County Environmental Health Department certifies that the septic tank on the above mentioned parcel was abandoned as per Lassen County requirements.

If you have any questions, or if you need further information, please contact me at the Lassen County Environmental Health Department at 530-251-8528.

Sincerely,

Kenneth Korver, M.D.  
Lassen County Health Officer

Alan A. Jones, REHS, Director  
Lassen County Environmental Health Department

Cc: Gail Helmer, Spalding Community Services District

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

**ADMINISTRATIVE CIVIL LIABILITY ORDER NO. R6T-2012-(PROPOSED)**

**IN THE MATTER OF  
NANCO, INC. FOR VIOLATION OF CEASE AND DESIST ORDER  
NO. R6T-2009-0108, SPALDING TRACT SUBDIVISION,  
LASSEN COUNTY APN NO. 077-292-11-11**

\_\_\_\_\_  
Lassen County

The California Regional Water Quality Control Board – Lahontan Region (Lahontan Water Board) hereby finds that NANCO, Inc. has violated Lahontan Water Board Cease and Desist Order No. R6T-2009-0108. The Lahontan Water Board specifically finds:

**BACKGROUND**

1. NANCO, Inc. (Discharger) owns Lassen County Assessor Parcel No. 077-292-11-11 in the Spalding Tract subdivision located on the west shore of Eagle Lake, approximately 20 miles northwest of Susanville, California.
2. Based upon Lassen County records and/or Spalding Community Services District (District) records, the Discharger owns and/or operates an on-site wastewater disposal system located at the above-referenced parcel. The Discharger's on-site wastewater disposal system permits waste containing nutrients to be discharged, and/or threatens a discharge of waste containing nutrients, to waters within the Eagle Lake basin.

**CHRONOLOGY OF EVENTS**

3. In September 1984, pursuant to Water Code section 13243, the Lahontan 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 subdivision to surface waters and groundwater of the Eagle Lake basin after September 14, 1989.
4. On October 22, 2007, the District's community sewer system (system) became operational. As a result, there is now an available method for the Spalding Tract subdivision property owners to comply with the above-referenced Basin Plan prohibition.

5. On October 14, 2009, the Lahontan Water Board adopted Cease and Desist Order No. R6T-2009-0108 against the Discharger for its on-site wastewater disposal system located at Lassen County APN No. 077-292-11-11.
6. Cease and Desist Order No. R6T-2009-0108 requires the Discharger, by December 31, 2009, to either (1) connect its on-site wastewater disposal system to the District's community sewer system, or (2) properly abandon its on-site wastewater disposal system in accordance with Lassen County regulations. Upon completing one of the two activities, the Discharger is required to submit to the Lahontan Water Board documentation of compliance with the above-referenced Basin Plan prohibition.
7. The Discharger failed to comply with Cease and Desist Order No. R6T-2009-0108 and on June 28, 2011, the Lahontan Water Board's Prosecution Team issued the Discharger a Notice of Violation citing the ongoing violation.
8. On April 20, 2012, the Assistant Executive Officer issued Complaint No. R6T-2012-0025. The Complaint was resent on May 2, 2012 to a new mailing address. The Complaint alleges that the Discharger has violated the requirements of Cease and Desist Order No. R6T-2009-0108. The Complaint proposes administrative civil liability of **\$16,490**. The Complaint and its attachments are attached to this Order and incorporated by reference (Attachment A).
9. On July 11, 2012, in South Lake Tahoe, California, after notice to the Discharger and all other affected persons and the public, the Lahontan Water Board conducted a public hearing at which evidence was received to consider this Order and the Discharger or its representative(s), had the opportunity to be heard and to contest the allegations in the Complaint.

### REGULATORY CONSIDERATIONS

10. The Lahontan Water Board adopted the *Water Quality Control Plan for the Lahontan Region* (Basin Plan) pursuant to Water code section 13243. The Basin Plan contains the following 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.)
11. On October 14, 2009, the Lahontan Water Board adopted Cease and Desist Order No. R6T-2009-0108, enforcing the above-referenced Basin Plan prohibition.

### VIOLATIONS

12. The Discharger violated Cease and Desist Order No. R6T-2009-0108 by failing to satisfy the requirement to comply with the above-referenced Basin Plan prohibition by December 31, 2009. A review of District records and Lahontan Water Board records shows the Discharger has yet to either (1) connect its on-site wastewater disposal system to the District's system, or (2) has properly abandoned its on-site wastewater disposal system in accordance with Lassen County regulations. This violation subjects the Discharger to liability pursuant to Water Code section 13350, subdivision (a).

### CALCULATION OF ADMINISTRATIVE CIVIL LIABILITY

13. Pursuant to Water Code section 13350, subdivision (e), civil liability may be imposed administratively on a daily basis in an amount not to exceed five thousand dollars (\$5,000) for each day in which the violation occurs.

14. Pursuant to Water Code section 13327, in determining the amount of civil liability, the Lahontan Water Board is required to take into account the nature, circumstance, extent, and gravity of the violation or violations, whether the discharge is susceptible to cleanup or abatement, the degree of toxicity of the discharge, and, with respect to the violator, the ability to pay, the effect on ability to continue business, any voluntary cleanup efforts undertaken, any prior history of violations, the degree of culpability, economic benefit or savings, if any, resulting from the violation, and other matters as justice may require.

15. On November 17, 2009, the State Water Resources Control Board (State Water Board) adopted Resolution No. 2009-0083 amending the Water Quality Enforcement Policy (Enforcement Policy). The Enforcement Policy was approved by the Office of Administrative Law and became effective on May 20, 2010. The Enforcement Policy establishes a methodology for assessing administrative civil liability. The use of this methodology addresses the factors that are required to be considered when imposing a civil liability as outlined in Water Code section 13327. The entire Enforcement Policy can be found at:

[http://www.waterboards.ca.gov/water\\_issues/programs/enforcement/docs/enf\\_policy\\_final111709.pdf](http://www.waterboards.ca.gov/water_issues/programs/enforcement/docs/enf_policy_final111709.pdf)

16. **Maximum Administrative Civil Liability:** Pursuant to Water Code section 13350, subdivision (e)(1), the total maximum administrative civil liability that may be imposed for the violation in this Order is **\$4,160,000**.

17. **Minimum Administrative Civil Liability:** Pursuant to Water Code section 13350, subdivision (e)(1)(B), the minimum administrative civil liability that must be imposed for the violation in this Order is **\$83,200**, unless the Lahontan Water Board makes express findings pursuant to Water Code section 13350, subdivision (f).

18. Water Code section 13350, subdivision (f) states that:

“A regional board shall not administratively impose civil liability in accordance with paragraph (1) of subdivision (e) in an amount less than the minimum amount specified, unless the regional board makes express findings setting forth the reasons for its action based upon the specific factors required to be considered pursuant to Section 13327.”

Water Code section 13327 allows for “other factors as justice may require.” The Lahontan Water Board hereby finds that the specific factors discussed in Attachment C, Step 7 of the Complaint (i.e., property values, use of November 9, 2011 as an alternative compliance date, consistency with similar Lahontan Water Board enforcement actions in the Eagle Lake basin), justifies imposing a liability less than the minimum amount cited in Finding No. 17, above.

19. The Enforcement Policy requires that:

“The adjusted Total Base Liability shall be at least 10 percent higher than the Economic Benefit Amount so that liabilities are not construed as the cost of doing business and that the assessed liability provides a meaningful deterrent to future violations.”

The Complaint cites the economic benefit of violating Cease and Desist Order No. R6T-2009-0108 as \$4,210 (average avoided cost of connecting to the District’s system). The economic benefit plus ten percent is \$4,631, which is less than the alternative minimum administrative civil liability of \$15,500, established in the Complaint. The minimum alternative civil liability amount for this Order will therefore be **\$15,500**.

**20. Administrative Civil Liability Determination:** The Lahontan Water Board has applied the Enforcement Policy’s administrative civil liability methodology and considered each of the Water Code section 13327 factors based upon information in the record, including testimonies at the public hearing and information described in greater detail in the Complaint and its attachments. The Lahontan Water Board hereby finds that civil liability should be imposed administratively on the Discharger in the amount of **\$16,490**, which falls within the allowable range.

**GENERAL**

21. This Order only resolves liability that the Discharger incurred for violations specifically alleged in the Complaint. This Order does not relieve the Discharger of liability for any violations not alleged in the Complaint. The Lahontan Water Board retains the authority to assess additional civil liabilities for violations of applicable laws or orders for which civil liabilities have not yet been assessed, or for violations that may subsequently occur.

22. Issuance of this Order is an enforcement action and is, therefore, exempt from the California Environmental Quality Act (Pub. Resources Code § 21000 et seq.), pursuant to California Code of Regulations, title 14, section 15321, subdivision (a)(2).
23. Any person aggrieved by this action of the Lahontan Water Board may petition the State Water Board to review the action in accordance with Water Code section 13320 and California Code of Regulations, title 23, section 2050 and following. The State Water Board must receive the petition by 5:00 p.m., 30 days after the date of this Order, except that if the thirtieth day following the date of this Order falls on a Saturday, Sunday or State holiday, the petition must be received by the State Water Board by 5:00 p.m. on the next business day. Copies of the law and regulations applicable to filing will be provided upon request, and may be found on the Internet at:

[http://www.waterboards.ca.gov/public\\_notices/petitions/water\\_quality](http://www.waterboards.ca.gov/public_notices/petitions/water_quality).

**IT IS HEREBY ORDERED THAT:**

1. Administrative civil liability is imposed upon the Discharger in the amount of **\$16,490**.
2. The Discharger shall submit payment with a cashier's check or money order in the full amount of **\$16,490** payable to the State Water Resources Control Board's Waste Discharge Permit Fund within 30 days of the date this Order is adopted.
3. Should the Discharger fail to make the specified payment to the State Water Resources Control Board's Waste Discharge Permit Fund within the time limit specified in this Order, the Lahontan Water Board may enforce this Order by applying for a judgment pursuant to Water Code section 13328. The Lahontan Water Board's Executive Officer is hereby authorized to pursue a judgment pursuant to Water Code section 13328 if the criterion specified in this paragraph is satisfied.

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: ACL Complaint No. R6T-2012-0025

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## Lahontan Regional Water Quality Control Board

May 2, 2012

ROBERT T. HANEY  
NANCO, INC.  
2412 PROFESSIONAL DRIVE  
ROSEVILLE, CA 95661

**CERTIFIED MAIL: 7009 0820 0001 6638 9229**

### **ADMINISTRATIVE CIVIL LIABILITY COMPLAINT NO. R6T-2012-0025 FOR NANCO, INC., SPALDING TRACT SUBDIVISION, LASSEN COUNTY APN 077-292-11-11**

Enclosed please find Administrative Civil Liability Complaint No. R6T-2012-0025 issued pursuant to California Water code section 13323, alleging violations by NANCO, INC., (Discharger) of Cease and Desist Order No. R6T-2009-0108. The Complaint alleges that the Discharger failed to either (1) connect its on-site wastewater disposal system to the Spalding Community Services District's community sewer system, or (2) properly abandon its on-site wastewater disposal system in accordance with Lassen County regulations by December 31, 2009. The Complaint proposes that the Regional Water Quality Control Board, Lahontan Region (Lahontan Water Board) assess an administrative civil liability against the Discharger in the amount of \$16,490 pursuant to California Water Code section 13350. Also enclosed is a Waiver of Hearing form for this matter.

Unless waived, a hearing before the Lahontan Water Board or a Lahontan Water Board Hearing Panel (Hearing Panel) will be held on **July 11-12, 2012** on this Complaint pursuant to Water Code section 13323. At the hearing, the Lahontan Water Board will consider whether to impose administrative civil liability (as proposed in the Complaint or for a different amount, either higher or lower than proposed, but not to exceed the maximum liability provided for by law), decline the administrative civil liability, or refer the matter to the Attorney General for judicial enforcement.

The Discharger may contest the proposed administrative civil liability at the hearing or, in the alternative, may waive its right to the hearing. Should the Discharger choose to waive its right to a hearing, an authorized agent must sign the enclosed Waiver of Hearing form and return it to the Lahontan Water Board's South Lake Tahoe office by **5:00 p.m. on May 21, 2012**. If the Lahontan Water Board does not receive the waiver and full payment of the liability by this date and time, the matter will be heard before the Lahontan Water Board or a Hearing Panel within 90 days of the Complaint's issuance date. Public hearing procedures will be mailed to the Discharger shortly and an agenda containing the date, time, and location of the hearing will be mailed to the Discharger at least 10 days prior to the hearing date.

If you have any questions regarding this matter, please contact Lisa Scorable (530) 542-5452, or Scott C. Ferguson at (530) 542-5432.



Lauri Kemper, P.E.  
Assistant Executive Officer

Enclosures: 1. Administrative Civil Liability Complaint No. R6T-2012-0025  
2. Waiver of Hearing Form

cc (w/enc): Janet and Gerald Neil  
Regional Board Members  
Harold J. Singer, Executive Officer/Lahontan Regional Water Quality Control Board  
Kim Niemeyer, Staff Counsel/State Water Resources Control Board/Office of Chief Counsel  
David Boyers, Staff Counsel/State Water Resources Control Board/Office of Enforcement  
Ann Carroll, Staff Counsel/State Water Resources Control Board/ Office of Enforcement

Cc (w/o enc): Chris Gallagher, General Manager/Spalding Community Services District  
Virginia Bruce/Spalding Community Services District  
Alan Jones, Director/Lassen County Environmental Health Department  
Kenneth Bunch/Lassen County Assessor  
Maurice Anderson/Lassen County Building Department

SCF/adw/T: Agenda Items/2012/July/Spalding ACL/R6T-2012-0025 – NANCO\_Cover Letter\_R6T-2012-0025\_Spalding Tract ACL-Complaint Cover Letter (4-6-2012)SCF  
File Under: Spalding Tract NANCO INC, APN No. 077-292-11-11

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

|  |   |                                       |
|--|---|---------------------------------------|
| <b>In the Matter of</b>                | ) |                                       |
| <b>NANCO, INC.,</b>                    | ) | <b>COMPLAINT NO. R6T-2012-0025</b>    |
| <b>Spalding Tract Subdivision,</b>     | ) | <b>FOR</b>                            |
| <b>Lassen County APN 077-292-11-11</b> | ) | <b>ADMINISTRATIVE CIVIL LIABILITY</b> |

---

**NANCO, INC., IS HEREBY GIVEN NOTICE THAT:**

1. As a result of failing to either (1) connect the on-site wastewater disposal system to the Spalding Tract Community Services District's (District) community sewer system, or (2) properly abandon the on-site wastewater disposal system in accordance with Lassen County regulations, NANCO, INC., (Discharger) is alleged to have violated Cease and Desist Order No. R6T-2009-0108, for which the California Regional Water Quality Control Board, Lahontan Region (Lahontan Water Board) may impose administrative civil liabilities pursuant to Water Code section 13350. This Administrative Civil Liability Complaint (Complaint) is issued under authority of Water Code section 13323.
2. Unless waived, a hearing on this Complaint will be held before the Lahontan Water Board on July 11-12, 2012, at 971 Silver Dollar Avenue, South Lake Tahoe, California. At the hearing, the Lahontan Water Board will consider whether to affirm, reject, or modify (either increase or decrease) the proposed civil liability up to the maximum penalty provided for by law, or refer the matter to the Attorney General's Office for recovery of judicial liability. The Discharger or its representative will have an opportunity to be heard and to contest the allegations in this Complaint and the imposition of civil liability. An agenda for the meeting will be available at [http://www.waterboards.ca.gov/lahontan/board\\_info/agenda/](http://www.waterboards.ca.gov/lahontan/board_info/agenda/) not less than 10 days before the hearing date.
3. The Discharger can waive its right to a hearing to contest the allegations contained in this Complaint by submitting a signed waiver and paying the civil liability in full or by taking other actions as described in the attached waiver form. If this matter proceeds to hearing, the Lahontan Water Board's Prosecution Team reserves the right to seek an increase in the civil liability amount to cover the costs of enforcement incurred subsequent to the issuance of this Complaint through the hearing.

**ALLEGATIONS**

4. The Discharger owns Assessor Parcel No. 077-292-11-11 in the Spalding Tract subdivision located on the west shore of Eagle Lake, approximately 20 miles northwest of Susanville, California. See Attachment A – Vicinity Map.
5. Based upon a review of Lassen County records, the Discharger owns and/or operate(s) an on-site wastewater disposal system located at the above-referenced parcel. The existence of an on-site wastewater disposal system that has not been properly abandoned at this location permits waste containing nutrients to be discharged, and/or threatens a discharge of waste containing nutrients, to waters within the Eagle Lake Basin.
6. In September 1984, pursuant to Water Code section 13243, the Water Board amended the *Water Quality Control Plan for the Lahontan Region* (Basin Plan) to prohibit the discharge of sewage to on-site wastewater disposal systems in the Spalding Tract 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 p. 4.1-4.)
7. On October 22, 2007, the District's community sewer system (system) became operational. As a result, there is now an available method for the Spalding Tract subdivision property owners to comply with the Basin Plan prohibition cited above.
8. On October 14, 2009, the Lahontan Water Board adopted Cease and Desist Order No. R6T-2009-0108 for Lassen County APN No. 077-292-11-11 to establish a time schedule for the Discharger to comply with the Basin Plan prohibition cited in Finding 6 above.
9. Cease and Desist Order No. R6T-2009-0108 required the Discharger, by December 31, 2009, to either (1) connect its on-site wastewater disposal system to the District's community sewer system, or (2) properly abandon its on-site wastewater disposal system in accordance with Lassen County regulations. Upon completing one of the two activities, the Discharger was required to submit documentation of compliance with the Basin Plan prohibition cited in Finding 6 above to the Lahontan Water Board.
10. The Discharger failed to comply with Cease and Desist Order No. R6T-2009-0108 and on June 28, 2011, the Lahontan Water Board's Prosecution Team issued the Discharger a Notice of Violation citing the ongoing violation.

11. The June 28, 2011 Notice of Violation notified the Discharger of the Prosecution Team's intent to issue an Administrative Civil Liability Complaint to be considered by the Lahontan Water Board at its November 9-10, 2011 meeting.
12. The June 28, 2011 Notice of Violation informed the Discharger that the Prosecution Team would consider withdrawing the Administrative Civil Liability Complaint if the Discharger complied with its Cease and Desist Order prior to the November 9-10, 2011 meeting.
13. Based upon a review of the District's records (Attachment B to this Complaint), the Discharger has not connected its on-site wastewater disposal system to the District's community sewer system as of April 11, 2012, and the Lahontan Water Board has not received documentation from the Discharger and/or from Lassen County that the Discharger properly abandoned its on-site wastewater disposal system as of April 11, 2012. Therefore, the Discharger is in violation of Cease and Desist Order No. R6T-2009-0108.
14. As of the date of drafting of this Complaint, April 11, 2012, the Discharger has been in violation of Cease and Desist Order No. R6T-2009-0108 for 832 days.

**WATER CODE SECTION UPON WHICH ADMINISTRATIVE CIVIL LIABILITY IS  
BEING ASSESSED FOR THE ALLEGED VIOLATIONS**

15. Pursuant to Water Code section 13350, subdivision (a), any person who violates any cease and desist order issued by a regional board, is subject to administrative civil liability.
16. Pursuant to Water Code section 13350, subdivision (e), civil liability may be imposed administratively on a daily basis in an amount not to exceed five thousand dollars (\$5,000) for each day in which the violation occurs.

**FACTORS CONSIDERED IN DETERMINING ADMINISTRATIVE CIVIL LIABILITY**

17. Pursuant to Water Code section 13327, in determining the amount of civil liability, the Lahontan Water Board is required to take into account the nature, circumstance, extent, and gravity of the violation or violations, whether the discharge is susceptible to cleanup or abatement, the degree of toxicity of the discharge, and, with respect to the violator, the ability to pay, the effect on ability to continue business, any voluntary cleanup efforts undertaken, any prior history of violations, the degree of culpability, economic benefit or savings, if any, resulting from the violation, and other matters as justice may require.
18. On November 17, 2009, the State Water Resources Control Board (State Water Board) adopted Resolution No. 2009-0083 amending the Water Quality Enforcement Policy (Enforcement Policy). The Enforcement Policy was approved by the Office of Administrative Law and became effective on May 20, 2010. The Enforcement Policy

establishes a methodology for assessing administrative civil liability. The use of this methodology addresses the factors that are required to be considered when imposing a civil liability as outlined in Water Code section 13327. The entire Enforcement Policy can be found at:

[http://www.waterboards.ca.gov/water\\_issues/programs/enforcement/docs/enf\\_policy\\_final111709.pdf](http://www.waterboards.ca.gov/water_issues/programs/enforcement/docs/enf_policy_final111709.pdf)

19. The required factors have been considered for the violations alleged herein using the methodology in the Enforcement Policy, as explained in detail in Attachment C, which is attached hereto and incorporated herein by this reference.

#### **MAXIMUM ADMINISTRATIVE CIVIL LIABILITY**

20. Pursuant to Water Code section 13350, subdivision (e), the total maximum administrative civil liability that may be imposed for the violations alleged in this Complaint is **\$4,160,000**, as described in Attachments C and D, which are attached hereto and incorporated herein by this reference.

#### **PROPOSED ADMINISTRATIVE CIVIL LIABILITY**

21. Based on consideration of the above facts, the applicable law, and after applying the administrative civil liability methodology as described in Attachments C and D, the Assistant Executive Officer of the Lahontan Water Board proposes that civil liability be imposed administratively on the Discharger in the amount of **\$16,490.00**.

#### **CALIFORNIA ENVIRONMENTAL QUALITY ACT**

22. Issuance of this Complaint is an enforcement action and is, therefore, exempt from the California Environmental Quality Act (Pub. Resources Code § 21000 et seq.), pursuant to California Code of Regulations, title 14, section 15321, subdivision (a)(2).
23. Notwithstanding the issuance of this Complaint, the Lahontan Water Board retains the authority to assess additional civil liability for violations of the requirements of Cease and Desist Order No. R6T-2009-0108 for which liability has not yet been assessed or for violations that may occur subsequent to the issuance of this Complaint.

  
 Lauri Kemper  
 Assistant Executive Officer

4-20-12  
 Date

#### Attachments:

- A. Vicinity Map
- B. Property Owners Connected to District Community Sewer System
- C. Administrative Civil Liability Methodology
- D. Administrative Civil Liability Methodology Spreadsheet

# ATTACHMENT A - VICINITY MAP



**Attachment B**  
**Property Owners Connected to District Community Sewer System**

| <b>Date of Connection</b> | <b>Spalding Residents Connected to the District Disposal System: APPLICANT NAME</b> | <b>Service Address</b>            | <b>APN#</b>      | <b>Notes</b> |
|---------------------------|---|-----------------------------------|------------------|--------------|
| 09/10/09                  | Abrams, Shirley H 1992 Rev TR   | 687-725 Spruce Way                | 077-193-32       |              |
| 04/03/08                  | Adams Family Trust  | Laurel Way                        | 077-343-17       |              |
| 08/01/08                  | Adams Family Trust Agreement  | 687-285 Juniper                   | 077-354-25       |              |
| 06/09/08                  | Aguiano, Jose R ETAL  | Magnolia Way                      | 077-334-13       |              |
| 06/04/08                  | Allen, Glen & Ida Rev. Trust  | 686-730 Catalpa Way               | 077-374-19       |              |
| 07/31/08                  | Alvarez Charles R.  | 688-100 Ivy Way                   | 077-221-16       |              |
| 08/06/08                  | Aman, Lisa Marie  | 503-555 Mahogany Way              | 077-301-23       |              |
| 05/21/09                  | American Legion Eagle Lake Post 162   | 687-935 Spruce Way                | 077-193-34       |              |
| 11/02/07                  | Anderson, Christopher J./J.A  | 687-815 Cedar Way                 | 077-283-24       |              |
| 04/14/08                  | Anderson, Dale A& Virginia A Revoc. Trust   | 687-590 Hazel Way                 | 077-331-30       |              |
| 03/18/08                  | Anderson, James L/Sherri A CP   | Hazel/Maple                       | 077-211-19       |              |
| 05/30/08                  | Anderson, Lee A Faye Z. JT.   | 686-855 Acorn Way                 | 077-392-14       |              |
| 05/08/08                  | Armstrong Family Trust  | 687-450 Magnolia Way              | 077-334-21       |              |
| 09/24/08                  | Armstrong Living Trust  | 687-384 Sycamore                  | 077-311-45       |              |
| 04/22/08                  | Armstrong, Dale A.& Myrna A.  | 688-050 Sycamore                  | 077-241-20       |              |
| 06/11/08                  | Armstrong, Robert T/Mabel E   | 688-035 Laurel Way                | 077-223-21       |              |
| 05/16/08                  | Arnold, Michael Wayne/Katherine Diane Rev TR  | RV Park-The Strand/ <b>Tank 1</b> | 077-182-09       |              |
| 11/16/11                  | Arnold, Michael Wayne/Katherine Diane Rev TR  | RV Park-The Strand/ <b>Tank 2</b> | 077-182-09       |              |
| 04/30/09                  | Arnold, Michael Wayne/Katherine Diane Rev TR  | RV Park-The Strand/ <b>Tank 4</b> | 077-181-12       |              |
| 11/02/07                  | Arons, Gerald J/Louise C  | 502-630 Mahogany Way              | 077-234-36       |              |
| 09/03/09                  | Artinian, Perry Exemption TR  | 502-475 The Strand                | 077-151-23       |              |
| 10/24/07                  | Atteberry David Ned & Vera Louse Jt.  | 686-930 Cherry Way                | 077-371-19       |              |
| 04/17/08                  | Atteberry, Harley/Lawanda   | 686-765 Fir Way                   | 077-383-39       |              |
| 07/29/09                  | Aubrey, Randall D/Valerie JDVA  | 686-795 Bamboo Way                | 077-393-23       |              |
| 10/06/08                  | Baer, Ronald L & Scott-Baer, Daleen E   | Juniper Way                       | 077-231-26       |              |
| 11/13/09                  | Bailey Trust ETAL   | Laurel Way                        | 077-234-10,22,07 |              |
| 12/08/08                  | Bailey, Irene   | 687-725 Hazel Way                 | 077-234-41       |              |
| 09/05/08                  | Baker, Joseph A. & Donna G.   | 686-905 Sycamore Way              | 077-402-14       |              |
| 02/12/08                  | Baker, Joseph A. & Donna G. JT.   | 686-905 Sycamore Way              | 077-402-23       |              |
| 05/09/08                  | Baker, Victor O./ Marguerite J.   | 687-010 Hollywod Way              | 077-363-18       |              |
| 03/31/08                  | Ballard, Richard H & Bobbie L   | 687-760 Laurel Way                | 077-233-56       |              |
| 02/19/10                  | Barker, Jeffrey   | Bamboo Way                        | 077-394-20       |              |
| 12/02/08                  | Barnes Family Trust Agreement   | 687-870 Juniper Way               | 077-232-33       |              |
| 06/02/08                  | Barnett Stephen R. & Joann W.   | 687-100 Bamboo Way                | 077-397-31       |              |
| 04/08/08                  | Barris, Patrick H/Gloria J.T.   | Walnut Way                        | 077-171-35       |              |
| 10/07/08                  | Barrows, Donald A/Barrows, Linda K TC   | 687-115 Cherry Way                | 077-388-23       |              |
| 08/12/08                  | Bateson, Clarence Owen/Susan Elizabeth  | 687-560 Fir Way                   | 077-292-09       |              |
| 08/05/08                  | Bechhold Family Trust   | The Strand/Hollywood Way          | 077-241-11       |              |
| 04/15/08                  | Beck Ronald N. & Gwen M JT.   | 686-840 Redwood Way               | 077-401-20       |              |
| 05/19/08                  | Beckett Family Living Trust   | 686-755 Catalpa Way               | 077-373-18       |              |
| 09/16/08                  | Beckett Family Living Trust   | 686-775 Catalpa Way               | 077-373-21       |              |
| 09/25/08                  | Beckett Family Living Trust   | 686-830 Catalpa Way               | 077-374-27       |              |
| 07/10/08                  | Beckman, Ronald G/Natalie J JT  | 687-100 Delwood Way               | 077-386-12       |              |
| 10/09/08                  | Belingeri Dennis D. & Stacy & Ziegler Paul M. JT.                                   | 688-090 Linden Way                | 077-223-24       |              |
| 06/12/09                  | Bell, Max K/Lynn D JT   | 686-755 Chestnut Way              | 077-371-08       |              |
| 06/18/08                  | Bemus Joseph M.& Susan C. CP.   | 686-855 Catalpa Way               | 077-373-20       |              |
| 10/14/08                  | Bennett, Thomas Lee/Bennett, Robin Rae  | 686-825 Sycamore Way              | 077-402-20       |              |
| 07/09/08                  | Bergthhold, Robert D/Terri HW   | 687-840 Almond Way                | 077-174-27       |              |
| 08/12/08                  | Betts, F Gregory/Doris B Family Trust   | Walnut Way                        | 077-161-22       |              |
| 08/27/09                  | Bilsborough, Craig/Linda JT   | 686-885 Fir Way                   | 077-383-35       |              |
| 07/17/09                  | Birkes Charles W. Marilyn   | 687-475 Juniper Way               | 077-322-04       |              |
| 05/18/09                  | Birlem, Richard/Salena JT   | 688-125 Juniper Way               | 077-221-17       |              |
| 12/22/09                  | Bishow, Raymond L.  | Hickory Way                       | 077-254-28       |              |
| 12/04/09                  | Bixby, William D/Ann R CPRS   | 687-825 Linden Way                | 077-232-41       |              |
| 03/27/08                  | Blackwell, Glenn R/Jeanette JR  | 687-130 Linden Way                | 077-342-16       |              |

**Attachment B**  
**Property Owners Connected to District Community Sewer System**

| <b>Date of Connection</b> | <b>Spalding Residents Connected to the District Disposal System: APPLICANT NAME</b> | <b>Service Address</b> | <b>APN#</b> | <b>Notes</b>   |
|---------------------------|---|------------------------|-------------|----------------|
| 10/29/08                  | Bloom, Kenneth D/Janis ETAL   | 687-285 Hickory        | 077-352-17  |                |
|                           | Bobbitt, Galen/Monique ETAL *   | 687-354 Juniper Way    | 077-354-24  | * Disconnected |
| 04/30/09                  | Boggs, Michael L/Christie Ann JT  | Laurel Way             | 077-224-26  |                |
| 06/11/08                  | Bollmann Richard M & Jacque A. JT.  | 686-835 Delwood Way    | 077-381-17  |                |
| 07/06/08                  | Boucher Family Trust  | 687-745 Tulip Way      | 077-194-42  |                |
| 07/21/08                  | Bowman, Joe E ETAL  | 687-740 Lakeview Dr.   | 077-274-31  |                |
| 09/18/08                  | Boyles, Valton  | 688-040 Manzanita Way  | 077-141-15  |                |
| 10/06/08                  | Brazil, Joseph Souza/Velma Lee Living Trust   | 687-675 Orchard Way    | 077-214-28  |                |
| 06/06/08                  | Brazil, Larry E   | 387-920 Hollywood Way  | 077-312-06  |                |
| 07/21/08                  | Bresin Family Revocable Living Trust  | Chinquepin Way         | 077-204-06  |                |
| 06/03/09                  | Brewster, George & Cheryl Family Trust  | Pinon/Sycamore         | 077-362-32  |                |
| 07/03/08                  | Bricker Living Trust  | 687-005 Catalpa Way    | 077-377-16  |                |
| 08/13/08                  | Bricker Living Trust  | 687-015 Catalpa Way    | 077-377-15  |                |
| 07/10/08                  | Briggs Living Trust   | 687-465 Hazel Way      | 077-324-32  |                |
| 05/13/08                  | Brines Family Trust   | 687-990 Almond Way     | 077-151-15  |                |
| 06/27/08                  | Brochon Martial Henry & Deillia Ann JT.   | Redwood Way            | 077-273-33  |                |
| 11/06/07                  | Brown, Robert G.  | 503-155 Mahogany Way   | 077-304-56  |                |
| 06/06/08                  | Bruce Family Trust  | 687-015 Ivy Way        | 077-353-28  |                |
| 06/26/09                  | Buechler, Vigil D Revocable Trust   | 68-805 Magnolia Way    | 077-216-04  |                |
| 07/28/08                  | Bullock, Arnold E/Bullock Viola J TR  | 687-995 Hemlock Way    | 077-242-24  |                |
| 12/01/09                  | Burkirk, Jeffery O/Margaret A JT  | Chestnut Way           | 077-371-06  |                |
| 03/04/08                  | Burleson, Vicki L   | 687-150 Hickory Way    | 077-353-23  |                |
| 04/08/08                  | Bush, Angelina L  | 687-020 Cedar Way      | 077-377-08  |                |
| 09/05/08                  | Bush, James, K/Debra M JT   | 688-120 Hemlock Way    | 077-243-09  |                |
| 06/05/09                  | Butler, Pamela Lynn   | Chestnut Way           | 077-376-17  |                |
| 04/12/10                  | Cady, Douglas & Lisa JT   | 687-630 Hazel Way      | 077-331-41  |                |
| 09/18/09                  | Cal, Family Living Trust  | Lakeview Dr.           | 077-362-36  |                |
| 02/15/08                  | Callison Living Trust   | Cedar Way              | 077-283-15  |                |
| 04/24/08                  | Campbell, Stuart B & Paula S  | 530-225 The Strand     | 077-241-26  |                |
| 07/10/09                  | Caron, Jean A. & Yvonne N. HWCP   | 687-590 Sycamore Way   | 077-311-40  |                |
| 06/25/08                  | Carrell, Robert G & Melcena Family Trust Etal                                       | 687-305 Spalding RD.   | 077-303-37  |                |
| 11/13/09                  | Carver, Kenneth/Strongman, Linda  | 687-205 Hazel Way      | 077-324-50  |                |
| 08/22/09                  | Castaneda, David & Donna JT   | 686-720 Delwood Way    | 077-382-09  |                |
| 08/21/09                  | Chan Family Trust   | 684-745 Orchard Way    | 077-214-18  |                |
| 01/15/10                  | Chandler, Diane   | 687-600 Redwood Way    | 077-303-27  |                |
| 10/25/07                  | Chappel, Sherry   | 687-875 Linden Way     | 077-232-31  |                |
| 05/01/08                  | Chatterley, Robert E & Bertha A. JT   | 687-320 Hazel Way      | 077-331-52  |                |
| 09/23/09                  | Cheng, Rovina Y   | 687-290 Juniper Way    | 077-322-12  |                |
| 07/06/11                  | Chuck, Mitchell/EKT Properties  | 687-995 Redwood Way    | 077-262-13  |                |
| 05/28/08                  | Clark, Donald L/Gina M JT   | 687-805 Sycamore Way   | 077-274-30  |                |
| 02/17/10                  | Clark, Mark L & Reatha Pauline JT   | Tamarack Way           | 077-173-35  |                |
| 08/20/09                  | Clark, William Jacob  | Tulip Way              | 077-161-18  |                |
| 04/10/08                  | Clayton, Robert James   | 687-015 Redwood Way    | 077-378-22  |                |
| 09/08/08                  | Claytor, Ronald/Kathryn TC  | 688-000 Lakeview Dr.   | 077-264-19  |                |
| 08/25/08                  | Clough Family Tr.   | 682-920 Juniper Way    | 077-232-44  |                |
| 01/29/09                  | Clowers, Herbert F ETAL   | Larch Way/The Strand   | 077-132-18  |                |
| 08/31/09                  | Coffey, Kenneth W/Dorothy J   | 686-850 Delwood Way    | 077-382-13  |                |
| 03/26/08                  | Coleman, Stephanie M ETAL   | 687-795 Chinquepin Way | 077-213-05  |                |
| 09/22/08                  | Colgan Family Trust   | Sycamore Way           | 077-363-19  |                |
| 07/11/11                  | Contreras, Robert SR. & Cyndi L. JT.  | Juniper Way            | 077-232-42  |                |
| 12/12/07                  | Cook Family Trust   | 688-085 Hickory Way    | 077-243-23  |                |
| 12/09/08                  | Cook, Richard W JR/Donna J CPS  | Hickory Way            | 077-244-23  |                |
| 12/31/07                  | Corey, Clifford & Jeanne CPRS   | 687-440 Hemlock Way    | 077-313-18  |                |
| 09/11/08                  | Councilman Family Trust   | Hollywood Way          | 077-252-25  |                |
| 06/25/10                  | Crete, Joseph C & Terri JT  | Acorn Way              | 077-393-14  |                |
| 08/16/08                  | Crowe, Paul L. & Arlene M. TR   | 687-890 Ivy way        | 077-231-32  |                |

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**Property Owners Connected to District Community Sewer System**

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|---------------------------|---|------------------------|-------------|--------------|
| 08/26/08                  | Culjis, Lana S  | 686-975 Chestnut Way   | 077-375-19  |              |
| 09/21/09                  | Cunnington, Roger   | Walnut Way             | 077-171-36  |              |
| 08/17/09                  | Cunnington, Roger ETAL  | Hazel Way              | 077-331-40  |              |
| 03/24/08                  | Cunnington, Ronald & Lloy CP  | 688-085 Tulip Way      | 077-184-19  |              |
| 06/11/08                  | Curley, Richard D/Judith A CP   | 686-785 Cypress Way    | 077-394-11  |              |
| 06/18/08                  | Curran, David M. & Carol L. JT  | 688-060 Hemlock Way    | 077-243-22  |              |
| 04/20/09                  | Curry, Richard A/Michelle J   | 503-400 Madrone Way    | 077-374-23  |              |
| 04/20/09                  | Curry, Richard A/Michelle J   | Fir Way                | 077-383-37  |              |
| 12/06/07                  | Dallimore, Rosaline & Richard P. WHCP   | 688-025 Mimosa Way     | 077-142-19  |              |
| 04/18/08                  | Davey Roland A & Rose Marie   | 689-110 Spalding Rd.   | 077-362-38  |              |
| 07/16/09                  | Davis, G L or J A   | 688/145 Laurel Way     | 077-223-27  |              |
| 08/03/09                  | Davis, G L/J A Rev Liv TR   | Tulip Way              | 077-171-27  |              |
| 10/07/09                  | Davis, Patricia Candis  | Laurel Way             | 077-223-23  |              |
| 06/30/11                  | Davis, Robert & Annitta JT  | 687-770 Hollywood Way  | 077-252-04  |              |
| 05/15/09                  | Dawson, Gray/Julie CPRS   | 688-000 Tulip Way      | 077-161-03  |              |
| 02/28/08                  | Deaver, Howard R/Brown Carol S JT   | 687-280 Magnolia Way   | 077-334-01  |              |
| 07/01/08                  | Degli-Esposti, Robert F & Deanna J Fam Rev Liv                                      | 687-800 Hickory Way    | 077-254-26  |              |
| 04/20/09                  | Dempsey, Tom  | 387-760 Walnut Way     | 077-172-23  |              |
| 12/13/07                  | Denny Leland J & Santos, Linda Ann JT   | 687-710 hemlock Way    | 077-253-34  |              |
| 04/15/09                  | Denny, Lowell G & Denny, Christian P. JT  | 687-635 Hazel Way      | 077-324-46  |              |
| 05/21/08                  | Dettloff, Susan E & Michael D CP  | 687-010 Cedar Way      | 077-377-11  |              |
| 05/14/08                  | Devine, Robert William/Doreen Anne HWJT   | Hollywood/Madrone      | 077-411-20  |              |
| 04/18/08                  | Diefenderfer Family Trust   | Lilac Way              | 077-153-21  |              |
| 06/11/09                  | Dietrich, Bonnie K  | 520-687 Sycamore Way   | 077-311-06  |              |
| 06/19/08                  | Dingess, Terry L/Ernestine S JT   | 687-0145 Hickory Way   | 077-352-30  |              |
| 04/14/08                  | DiPonti, Robert & Dolores M PMB 166 Suite 7   | 687-580 Maple Way      | 077-332-56  |              |
| 05/20/09                  | Dittmar, Donald D/Carolyn Y   | 687-775 Maple Way      | 077-211-17  |              |
| 10/09/08                  | Doll Revocable Inter Vivos TR   | Spalding/Pinion        | 077-362-33  |              |
| 08/27/08                  | Donnell, Avis C Living Trust  | 687-560 Ivy Way        | 077-231-35  |              |
| 05/01/08                  | Doss, L.A./Linda JT   | 688-000 Hickory Way    | 077-244-32  |              |
| 09/19/08                  | Doty, Dennis W & Flynn-Doty, Diana HW   | 687-155 Hickory Way    | 077-353-24  |              |
| 11/02/07                  | Dowdy, Russell  | Cedar Way              | 077-271-18  |              |
| 09/15/08                  | Dreiss Family Trust   | 687-105 Fir Way        | 077-387-10  |              |
| 06/02/08                  | Drew, James E/Henderson, Karen  | 688-090 Oak Way        | 077-132-20  |              |
| 08/03/08                  | Driggs Family Trust   | Acorn Way              | 077-395-26  |              |
| 07/02/08                  | Duchi, Angelo A. & S. Ronda   | Hazel Way/The Strand   | 077-224-27  |              |
| 08/13/08                  | Dunlap Angela K & Walsmith George JA  | 687-880 Hazel Way      | 077-215-11  |              |
| 11/19/07                  | Eagle Lake Community Church   | 687-905 Lakeview Dr.   | 077-273-41  |              |
| 07/01/09                  | Eakin, Janice L   | 686-730 Hickory Way    | 077-413-15  |              |
| 06/12/09                  | Ehn, Charles M & Mayme A.   | 688-085 Hemlock way    | 077-242-12  |              |
| 09/12/08                  | Eldred Family Trust   | 686-925 Acacia Way     | 077-391-19  |              |
| 08/01/08                  | Ellasces, Frank K Sr/Michell D Vaughn JT ETAL                                       | Cedar Way              | 077-373-23  |              |
| 06/04/08                  | Elvin, Henry J/Mary M TR  | Bamboo Way             | 077-394-17  |              |
| 07/16/08                  | Erlewine, Edward F & Mary I 1992 Rev Family   | 688-090 Redwood Way    | 077-263-14  |              |
| 10/16/08                  | Estes, Kenneth P/Mary L JT  | Magnolia Way           | 077-216-10  |              |
| 10/24/07                  | Evans, Ronald R & Janet L. JT   | 687-750 Hickory Way    | 077-254-32  |              |
| 03/14/08                  | Fagundes, John P/Laurie M   | 503-555 Madrone        | 077-381-13  |              |
| 11/27/07                  | Fahringer, Pearline   | 687-945 Tulip Way      | 077-194-44  |              |
| 07/03/09                  | Farley, Fred E  | 687-010 Delwood Way    | 077-386-19  |              |
| 09/11/08                  | Farmer, Jerrel H. & Farmer, Maude M Rev.  | 686-125 Delwood Way    | 077-381-07  |              |
| 10/14/08                  | Farris Family Trust 1998 Rev. TR  | Bamboo Way             | 077-397-28  |              |
| 10/27/08                  | Farris, Gloria C.   | Cherry Way             | 077-282-09  |              |
| 07/01/08                  | Fauvelle, Mark D.   | 686-850 Cedar Way      | 077-373-19  |              |
| 07/13/09                  | Feist, Robert J   | Hickory Way            | 077-253-36  |              |
| 08/07/09                  | Feist, Robert J   | 687-915 Laurel Way     | 077-233-38  |              |

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**Property Owners Connected to District Community Sewer System**

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|---------------------------|---|------------------------|-------------|--------------|
| 06/11/09                  | Fenner, Theodore R/Anita B JT   | Sycamore               | 077-264-17  |              |
| 07/18/08                  | Ferrier, William T/Laurette K JT  | 687-990 Ivy Way        | 077-221-18  |              |
| 12/19/07                  | Field, Shirley L Family Trust   | Acorn Way              | 077-396-18  |              |
| 04/09/08                  | Field, Shirley L Family Trust   | Acorn Way              | 077-396-17  |              |
| 03/05/08                  | Fies, William J JR. Trust Agreement   | Hickory Way            | 077-244-30  |              |
| 03/24/08                  | Fischer, Charles B. & Janet A. Trust  | Tulip Way              | 077-194-29  |              |
| 04/23/09                  | Fiske, Willard A/Deanna M   | Catalpa Way/The Strand | 077-262-07  |              |
| 05/02/08                  | Flandreau, Claude-Anne 2005 TR  | 687-245 Sycamore Way   | 077-362-35  |              |
| 06/06/08                  | Flannagan, James S. TR  | 686-925 Madrone Way    | 077-351-23  |              |
| 11/14/07                  | Fortier, Gerald & Tracy JT  | 687-900 Tamarack Way   | 077-174-18  |              |
| 04/07/10                  | Fouk, Benjamin L  | Linden Way             | 077-222-21  |              |
| 10/03/08                  | Fredenburg, Kenneth D   | 687-800 Hazel Way      | 077-211-15  |              |
| 10/26/07                  | Frey, Heinz Robert & Lieselotte JT  | 688-040 Lakeview Dr    | 077-264-07  |              |
| 08/28/09                  | Gaines, Theodore 1996 Trust   | The Strand             | 077-221-06  |              |
| 11/26/07                  | Gallagher Family TR   | 687-980 Linden Way     | 077-223-28  |              |
| 10/25/07                  | Garcia Family Trust   | 686-995 Chestnut       | 077-375-10  |              |
| 05/26/09                  | Garcia, Larry Michael Sherre A HWJT   | 688-035 Hollywood Way  | 077-241-23  |              |
| 05/26/09                  | Garcia, Larry Michael/Sherre A  | Hollywood Way          | 077-241-24  |              |
| 10/02/09                  | Gardner, Jane E   | 688-100 Linden Way     | 077-223-25  |              |
| 12/11/07                  | Garland, John M.& Regina K. JT  | 687-820 Ivy Way        | 077-231-27  |              |
| 08/05/09                  | Gates, Donald F/Charlene  | Chestnut/Cherry        | 077-293-12  |              |
| 11/13/09                  | Geer, Glen  | Laurel Way             | 077-233-53  |              |
| 05/27/09                  | George, Byron W/Beverly A   | Sycamore Way           | 077-251-46  |              |
| 11/02/07                  | Glenden, Jack Terrence/Helen Lathe Family Trust                                     | 687-600 Cedar Way      | 077-301-19  |              |
| 04/24/08                  | Glenn, James H. Irrevocable Trust   | 687-960 Sycamore       | 077-241-22  |              |
| 05/07/08                  | Glenn, Leon H.  | 688-030 Sycamore Way   | 077-241-25  |              |
| 09/09/11                  | Goddard, Philip W   | 687-950 Cedar Way      | 077-261-08  |              |
| 04/07/08                  | Godde, Lawrence A. & Godde, Geraldine D   | Lakeview Dr.           | 077-273-39  |              |
| 09/12/08                  | Golden Gary/Erma E Trust  | 686-125 Almond Way     | 077-164-20  |              |
| 04/21/08                  | Gomez, Joe I & Olivia ETAL  | 687-315 Hazel Way      | 077-324-47  |              |
| 05/08/09                  | Goodenow, Rev Robert/Susan Mae CPRS   | Juniper Way            | 077-221-24  |              |
| 05/01/09                  | Goodwin, Stephen D/Susan E JT   | 686-975 Spalding Rd    | 077-361-27  |              |
| 04/21/08                  | Goyette,Vern & Porrasi, Cecilia TC  | 077-232-23 Linden Way  | 077-232-23  |              |
| 05/14/08                  | Grajczyk, Gary R. & E. Louise   | 687-320 Hollywood Way  | 077-312-26  |              |
| 04/27/09                  | Graton, Diane Alan/Kari Michelle  | 687-305 Laurel Way     | 077-323-33  |              |
| 06/09/08                  | Gregorius, Benedict & Sheila Francine JT  | 687-985 Chinquepin Way | 077-217-10  |              |
| 05/09/08                  | Grout, George/Zona JT   | 688-105 Hazel Way      | 077-224-11  |              |
| 05/28/08                  | Haddox, Caroline ETAL   | 687-740 Walnut Way     | 077-172-25  |              |
| 06/03/08                  | Hague Donald & Edith E HW/Hague, Montana May  | 686-810 Acorn Way      | 077-393-25  |              |
| 11/12/09                  | Haines, Cidne J. ETAL   | Hemlock Way            | 077-351-03  |              |
| 09/05/08                  | Hallas, Charles/Rosalie Living Trust  | 688-125 Hickory Way    | 077-243-24  |              |
| 07/16/08                  | Harper Family Trust   | Chestnut Way           | 077-371-10  |              |
| 11/21/07                  | Harrison, Richard K/Julie A   | Linden Way             | 077-233-46  |              |
| 08/26/08                  | Harvey Family Trust   | 687-930 Hazel Way      | 077-215-12  |              |
| 04/25/09                  | Hasty, Clarence/Virginia Revoc Liv Tr   | 687-775 Orchard Way    | 077-214-29  |              |
| 08/23/11                  | Hasty, Clarence/Virginia Revoc Liv Tr   | Laurel/Palm            | 077-344-15  |              |
| 04/29/08                  | Healy,Thomas &Delores Etal %Robert, OB  | 687-640 Linden Way     | 077-323-36  |              |
| 06/18/08                  | Helmer, Nason James/Gail Ann Rev TR   | 686-800 Chestnut Way   | 077-372-20  |              |
| 03/18/08                  | Hembree , Stephanie L   | Maple Way              | 077-212-15  |              |
| 08/28/08                  | Henrickson, Joseph G III/Marilyn HWJT   | 687-025 Spalding Rd.   | 077-361-19  |              |
| 08/20/08                  | Henrickson, Joseph G III/Marilyn JT   | 503-475 Madrone Way    | 077-373-13  |              |
| 05/02/08                  | Henson John E & Evelyn A Trust  | 503-150 Pinion Way     | 077-304-52  |              |
| 10/25/07                  | Herfi, David Lee & Cynthia Louise JT  | Lakeview Dr.           | 077-274-20  |              |
| 04/20/09                  | Heritage Land Co  | Redwood Way            | 077-262-18  |              |

**Attachment B**  
**Property Owners Connected to District Community Sewer System**

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|---------------------------|---|----------------------------|------------------|--------------|
| 07/22/09                  | Heritage Land Co  | Elm Way                    | 077-383-20       |              |
| 07/23/09                  | Heritage Land Co  | Elm Way                    | 077-383-31       |              |
| 08/12/09                  | Heritage Land Co  | 686-920 Spalding Rd.       | 077-362-28       |              |
| 04/21/10                  | Heritage Land Co  | Acacia Way                 | 077-392-19       |              |
| 04/22/08                  | Herrbach, Clarence E/Herrbach, Rae B  | 686-760 Sycamore Way       | 077-403-20       |              |
| 08/21/09                  | Herrick Family Trust  | 687-595 Hazel Way          | 077-324-45       |              |
| 04/09/08                  | Hiehle, Dustin L & Georgia JT   | 687-005 Cedar Way          | 077-376-24       |              |
| 05/27/09                  | Hindbaugh, Ronald P.Earline M JT  | 687-945 Sycamore Way       | 077-274-18       |              |
| 05/28/09                  | Hindbaugh, Ronald P.Earline M JT  | 687-900 Sycamore Way       | 077-251-34       |              |
| 06/01/09                  | Hindbaugh, Ronald P.Earline M JT  | 687-490 Sycamore Way       | 077-311-41       |              |
| 09/26/08                  | Hindersheid, Dave/Cecelia   | 687-755 Juniper Way        | 077-231-23       |              |
| 07/28/08                  | Holland, Paul Reginald/Flor Rev Liv Trust   | Strand/Willow/Walnut       | 077-162-05,06,07 |              |
| 04/02/08                  | Hopwood, Kenneth/Jayne H ETAL All AS JT   | 686-950 Sycamore Way       | 077-363-15       |              |
| 04/07/08                  | Hosking Robert R/Margaret   | 687-040 Cedar Way          | 077-377-09       |              |
| 05/15/08                  | House, David J/Chrisandra M CPS   | 687-765 Orchard Way        | 077-214-17       |              |
| 10/01/08                  | House, James/Diana JT(Vista Reverse 8 LLC)  | 688-045 Redwood Way        | 077-262-14       |              |
| 06/04/09                  | House, Jesse P/Dolores M House TR   | Hollywood/Madrone/Sycamore | 077-363-29       |              |
| 08/21/08                  | Howes James W. & Elizabeth  | 687-670 Catalpa Way        | 077-272-01       |              |
| 06/03/08                  | Hunter, John L & Dorothy A JT   | 687-505 Hollywood Way      | 077-311-37       |              |
| 04/09/08                  | Illia Family Trust  | 687-300 Sycamore           | 077-311-23       |              |
| 06/25/08                  | Ito, Douglas Y ETAL   | Hickory Way                | 077-353-27       |              |
| 04/14/08                  | Jackson Family Trust  | 686-920 Redwood Way        | 007-401-05       |              |
| 09/23/08                  | James Timothy & Louise JT.  | 687-065 Acorn Way          | 077-395-16       |              |
| 03/31/08                  | James, Daniel L. & Diane L. JT  | 687-350 Hazel Way          | 077-331-43       |              |
| 10/19/11                  | Jamison, Dwight M & Carol L   | 687-780 Orchard Way        | 077-191-29       |              |
| 09/29/08                  | Jarvis Family Trust   | 686-760 Chestnut Way       | 077-372-19       |              |
| 10/22/09                  | Jeffrey, James  | 686-990 Catalpa Way        | 077-378-24       |              |
| 05/28/09                  | Jennings, Robert H/Pamela A   | Hazel Way                  | 077-224-23       |              |
| 06/09/08                  | Jessop, Merl & Sondra L. Etal   | Chinquepin Way             | 077-214-23       |              |
| 06/09/08                  | Jessop, Merl & Sondra L. Etal   | Chinquepin Way             | 077-214-26       |              |
| 06/09/08                  | Jessop, Merl K & Sondra L. JT.  | Chinquepin Way             | 077-214-15       |              |
| 06/02/08                  | Johnson, John E. & Darlene M.   | 687-815 Hazel Way          | 077-234-40       |              |
| 09/18/09                  | Johnston Family Trust ETAL  | 687-045 Hickory Way        | 077-352-19       |              |
| 06/18/08                  | Jones, James E.   | 876-715 Hollywood Way      | 077-251-20       |              |
| 04/24/08                  | Jones, Jerry Lee/Marsha S Fam TR  | 687-995 Sycamore Way       | 077-264-18       |              |
| 11/06/07                  | Jordon Norbert & Ruth E JT  | 687-705 Spruce Way         | 077-193-19       |              |
| 05/01/09                  | K C Investments   | 686-945 Cedar Way          | 077-376-22       |              |
| 08/25/08                  | Kaiser , Bruce & Voorheis , Thelma JT   | Hollywood Way              | 077-242-18       |              |
| 05/09/08                  | Keehn, Thomas J (Monroe new owner)  | 687-110 Tulip Way          | 077-184-20       |              |
| 06/19/08                  | Keller, Nelda Ray Revocable Living Trust  | 687-585 Hollywood Way      | 007-311-44       |              |
| 06/06/08                  | Kelly , Paul D. & Deborah K. JT.  | Laurel Way                 | 007-234-39       |              |
| 08/21/09                  | Kelly Family Trust  | Ridge Way                  | 077-151-24       |              |
| 06/02/08                  | Kerr Living Trust   | 686-800 Bamboo Way         | 077-394-16       |              |
| 06/26/09                  | Killingsworth, Gregory J/Lynn M JT  | 688-005 Lilac Way          | 077-152-19       |              |
| 02/26/08                  | Kimbal ,Dana S & Quilici, Janet K. JT   | 687-000 Acorn Way          | 077-396-08       |              |
| 11/02/07                  | Kimura, Roy Michio & Kimura, Anne Tr.   | 687-608 Ivy Way            | 077-231-31       |              |
| 04/15/08                  | Kinder, Stanley K   | Linden Way                 | 077-222-20       |              |
| 06/23/08                  | King, Douglas G/Taura D   | Willow Way                 | 077-162-14       |              |
| 09/05/08                  | King, Douglas G/Taura D   | Hollywood Way              | 077-251-42       |              |
| 08/15/08                  | King, Robert  | 686-835 Hollywood Way      | 077-403-18       |              |
| 12/03/09                  | Kish, Leonore M.  | Chinquepin Way             | 077-204-15       |              |
| 06/18/08                  | Kneeland, Paul J  | 686-990 Hickory Way        | 077-353-11       |              |
| 07/03/09                  | Knifong Lester D. & Lodellee Revocable Living Trust                                 | 687-155 Hickory Way        | 077-352-31       |              |
| 09/17/08                  | Koch Living Trust   | 687-280 Hickory Way        | 077-353-20       |              |
| 10/21/09                  | Koch, Linda C Revo Live TR  | Chestnut Way               | 077-283-16       |              |

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|---------------------------|---|------------------------|-------------|--------------|
| 06/02/08                  | Koehly, Joseph & Mercedes   | 687-240 Laurel Way     | 077-344-14  |              |
| 04/24/08                  | Kolbet, Richard N/Knapp Lucille   | 687-855 Catalpa Way    | 077-271-23  |              |
| 09/12/08                  | Kottke Family Trust   | 687-950 Catalpa Way    | 077-272-42  |              |
| 05/01/08                  | Krupp Family Revocable Trust  | 687-710 Sycamore       | 077-251-39  |              |
| 10/23/07                  | Kvidera, Michael C. & Marilyn Living Trust  | 686-985 Redwood Way    | 077-378-23  |              |
| 12/17/09                  | Larimore, Harry A/Beatrice A JT   | 686-915 Cypress Way    | 077-397-33  |              |
| 04/04/08                  | Larson Larry Lee/Hazel M CP   | 687-975 Sycamore Way   | 077-362-30  |              |
| 07/28/09                  | Lashmet, Harry T  | 688-040 Laurel Way     | 077-224-25  |              |
| 07/29/09                  | Lashmet, Harry T  | Laurel Way             | 077-224-24  |              |
| 11/01/07                  | Lavarias , Jim B. & Vera A. CP  | 688-020 Juniper Way    | 077-222-17  |              |
| 05/01/09                  | Lawrence, John Paul/Lee Davis McGlenn   | Elm Way                | 077-387-18  |              |
| 09/09/08                  | Lawson Family 1997 Trust  | Linden Way             | 077-323-40  |              |
| 11/29/07                  | Lay Gene W. & Merle A. CRPS   | Acorn Way              | 077-393-17  |              |
| 06/03/08                  | Lay Gene W. & Merle A. JT   | 686-875 Acacia Way     | 077-391-17  |              |
| 11/05/10                  | Lee, Irwin/Riva   | 687-875 Willow Way     | 077-172-24  |              |
| 08/08/08                  | Lemon , Earl L. & Evelyn L. Trust   | 688-040 Hollywood Way  | 077-242-25  |              |
| 08/04/08                  | Lemon Grant L. & Kenny, Lenore M HW   | 687-960 Hemlock Way    | 077-243-26  |              |
| 04/22/09                  | Leonard, William R Jr/Cynthia A HWJT  | 688-160 Juniper Way    | 077-222-13  |              |
| 07/04/08                  | Leonard, William R/Cynthia A JT   | 686-955 Spalding Rd.   | 077-361-24  |              |
| 08/07/09                  | Leonard, William R/Cynthia A JT   | 687-245 Linden Way     | 077-342-11  |              |
| 06/23/08                  | Leonhardt, Larry/Priscilla CPRS   | 68-730 Chestnut Way    | 077-372-18  |              |
| 04/16/09                  | LeRoy, Doreene  | 687-630 Maple Way      | 077-332-45  |              |
| 04/20/09                  | LeRoy, John David   | 686-925 Spalding Rd.   | 077-401-04  |              |
| 09/08/11                  | Lewis, William Joe & Lewis, David Gene  | Poplar/Palmetto        | 077-192-29  |              |
| 05/28/08                  | Liggett, Raymond E  | 686-885 Bamboo Way     | 077-393-21  |              |
| 12/28/11                  | Lindenberg Living Trust   | 687-710 Linden Way     | 077-233-54  |              |
| 04/09/08                  | Long Lloyd E. & Inez M & David & Susan JT   | Hollywood Way          | 077-241-19  |              |
| 05/28/08                  | Longe Gary, Alan & Virginia Jt  | 687-740 Catalpa Way    | 077-272-25  |              |
| 06/26/09                  | Loy, Regina M-Original Dt of hook-up - 9/08   | 687-730 Catalpa Way    | 077-272-41  |              |
| 09/18/08                  | Luchetti 2002 Family Trust  | 686-825 Catalpa Way    | 077-373-11  |              |
| 09/09/08                  | Lunardi, Joseph I/Doris R Rev Int Sur TR  | 686-950 Fir Way        | 077-388-15  |              |
| 07/16/08                  | Machado Manual R. Rose M JT   | 688-050 Redwood Way    | 077-263-09  |              |
| 10/08/09                  | Macias, Raymond/Marjorie A  | 687-910 Walnut Way     | 077-172-16  |              |
| 06/18/08                  | MacKay, William E/Terry E   | Hemlock Way            | 077-252-26  |              |
| 11/11/08                  | Madden, Roy P/Dannette A JT   | 686-725 Elm Way        | 077-382-07  |              |
| 06/06/08                  | Magioncalda Frank Etal  | 687-665 Hemlock Way    | 077-252-29  |              |
| 04/29/09                  | Marcillac, George E 2005 TR   | Tulip Way              | 077-194-12  |              |
| 12/11/07                  | Marlatt Daniel & Mardel JT.   | Hazel Way              | 077-234-13  |              |
| 07/06/08                  | Marquis, Trina J/Sheldon, Brian K JT  | 687-905 Catalpa Way    | 077-271-22  |              |
| 08/20/10                  | Martinelli, Mike/Paula & Schmitt Family Trust                                       | Tamarack Way           | 077-173-16  |              |
| 06/26/09                  | Martinus, Paul W Family Trust ETAL  | Hemlock Way            | 077-253-24  |              |
| 11/29/07                  | Marzorini Ray E. Tanya L  | 687-805 Maple Way      | 077-215-09  |              |
| 08/12/08                  | Marzorini Ray E. Tanya L  | 687-788 Ivy Way        | 077-231-34  |              |
| 06/25/08                  | Marzorini, Ray E & Tanya CP   | 687-840 Spruce Way     | 077-194-28  |              |
| 06/13/11                  | Masterson Family Trust ETAL   | 687-740 Tamarack Way   | 077-173-30  |              |
| 08/17/09                  | Matassa Family Trust  | Cherry Way             | 077-371-12  |              |
| 09/16/09                  | Matthias, Paul L/Donna JT   | Walnut Way             | 277-161-20  |              |
| 04/07/08                  | McCabe William H. Danny TC  | Sycamore Way           | 077-362-11  |              |
| 08/27/08                  | McDaniel, Harvey & Gloria Family Trust  | 687-810 Juniper Way    | 077-232-27  |              |
| 10/09/08                  | McEachern, James A/Carol M  | Bamboo Way             | 077-396-11  |              |
| 05/21/09                  | McGrew, William/Esther  | Lakeview Dr.           | 077-304-63  |              |
| 08/14/09                  | McKean, Robert E  | 686-880 Cypress Way    | 077-381-20  |              |
| 05/21/08                  | Mckenzie, Ralph & Laura B JT  | Acacia Way             | 077-392-17  |              |
| 09/22/09                  | McMillen, Tanya L/Jerry L   | 687-785 Ivy Way        | 077-254-29  |              |
| 07/20/09                  | McNamara, Kenneth J Sr/Diane M JT   | 687-270 Ivy Way        | 077-321-11  |              |
| 08/06/09                  | Medlyn, Robert/Julie  | 687-655 Chestnut Ave   | 077-293-13  |              |

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|---------------------------|---|------------------------|-------------|--------------|
| 07/11/08                  | Mellor, Brian S/Linda K JT  | 687-695 Orchard Way    | 077-214-27  |              |
| 05/10/10                  | Menard, Carole  | 687-635 Hollywood Way  | 077-311-12  |              |
| 12/12/07                  | Mendes Jonnie. Jr. & Birtie   | 687-660 Hemlock Way    | 077-253-20  |              |
| 06/06/08                  | Menzies Richard L & Charlene J.   | 686-835 Sycamore Way   | 077-402-17  |              |
| 04/17/08                  | Merkel Family Trust   | 687-615 Maple Way      | 077-331-49  |              |
| 10/08/08                  | Merrill Family Bypass Trust   | Linden Way             | 077-233-31  |              |
| 04/10/10                  | Merritt, Robert L & Joan L (Travis)   | Cypress Way            | 077-394-15  |              |
| 09/05/08                  | Michel Robert H.  | 686-895 Acorn Way      | 077-392-16  |              |
| 04/24/08                  | Middendorf, Thomas M/Mary E   | 687-829 Catalpa Way    | 077-271-24  |              |
| 11/19/08                  | Miller 2001 Revocable Trust   | 687-910 Tulip Way      | 077-171-32  |              |
| 11/19/08                  | Miller Family 2001 Rev Trust  | 687-890 Tulip Way      | 077-171-33  |              |
| 11/08/07                  | Miller, Arnold D. & Geraldine   | 687-500 Spalding Rd.   | 077-304-60  |              |
| 05/07/08                  | Miller, Michael H/Sue JT (New Owner Ruden)  | 687-070 Hollywood Way  | 077-363-23  |              |
| 08/08/08                  | Milliken, Ronald J/Zelma Mae Family Trust   | 688-110 Hollywood Way  | 077-242-10  |              |
| 10/23/07                  | Mingham Brain & Jane Family Trust   | 687-840 Tamarack Way   | 077-174-06  |              |
| 05/01/08                  | Mingham Family Trust  | 687-850 Willow Way     | 077-173-36  |              |
| 05/07/08                  | Mingham Family Trust  | 687-800 Willow Way     | 077-173-25  |              |
| 08/06/09                  | Mircetich, John/Jane JT   | 687-865 Laurel Way     | 077-233-55  |              |
| 07/30/08                  | Monahan, Daniel D   | 687-100 Hemlock Way    | 077-352-22  |              |
| 02/28/08                  | Montgomery Chester G & Lawanda J Jt   | 688-040 Hemlock Way    | 077-243-25  |              |
| 05/07/08                  | Montgomery David Mary R JT  | 687-120 Hollywood Way  | 077-351-24  |              |
| 10/23/07                  | Monticelli John F. Jeannie Mar  | 687-105 Acacia Way     | 077-391-04  |              |
| 08/28/08                  | Moore, Robert E. Flossie F.   | 687-800 Juniper Way    | 077-232-29  |              |
| 10/25/07                  | Morales, Lloyd  | 686-735 Acacia Way     | 077-391-13  |              |
| 06/09/08                  | Moreno, Ruben L   | 687-605 Magnolia way   | 077-332-48  |              |
| 05/13/08                  | Morgan Frances Pearl & Robert L Jt.   | 687-950 Spruce Way     | 077-194-43  |              |
| 07/23/08                  | Morris, Norman R. & Verna J CP.   | 687-915 Hazel Hay      | 077-234-42  |              |
| 06/27/08                  | Morrow, John C/S Delphine   | 686-860 Catalpa Way    | 077-374-22  |              |
| 03/17/08                  | Muller France F. & Nellie JT  | 687-400 Sycamore Way   | 077-311-30  |              |
| 05/07/10                  | Muller, Thomas J & Roberta L  | Cypress Way            | 077-381-16  |              |
| 10/30/09                  | Muse, Frank/Kathie  | The Strand/Spruce      | 077-184-25  |              |
| 07/28/08                  | Narramore, Gregory W/Joanne A JT  | 686-975 Hollywood Way  | 077-363-27  |              |
| 09/30/09                  | Neely, Tom Becky/Neely, Darin/Yvette  | Sycamore Way           | 077-304-57  |              |
| 05/09/08                  | Neil Gerald L. & Janet JT   | 687-675 Chinquapin Way | 077-213-14  |              |
| 07/08/09                  | Neil, Gerald E/Janet E JT   | Olive Way              | 077-134-02  |              |
| 05/05/10                  | Neil, Gerald E/Janet E JT   | The Strand/Oak Way     | 077-132-21  |              |
| 08/07/09                  | Neil, Gerald E/Janet E JT (New Owner Keehn)   | Maple Way              | 077-212-16  |              |
| 10/07/08                  | Neil, Gerald E/Janet E JT (New Owner Schmidt)                                       | Catalpa Way            | 077-261-11  |              |
| 07/10/09                  | Nelson, John A/ Nancy L Revoc & Nelson Family 2002                                  | Hollywood Way          | 077-251-27  |              |
| 11/26/07                  | Nelson, Kenneth A/Rhonda L J.T.   | 687-835 Cedar Way      | 077-283-18  |              |
| 06/18/09                  | Neville Donald O. & Jeanette C. 1994 Trust  | 688-065 Laurel Way     | 077-223-26  |              |
| 11/26/07                  | Newman, James Edgar/Newman, James Bruce   | 687-480 Spalding Rd.   | 077-304-61  |              |
| 11/30/07                  | Niles Family Trust %Niles, Ralph & Rita   | Tamarack Way           | 077-164-16  |              |
| 08/12/08                  | Norris Family Trust % Norris Betty E. Trust   | Hemlock Way            | 077-253-25  |              |
| 04/21/08                  | Novey, Joanne M/Lisa Marie JT   | 688-100 Oak Way        | 077-131-16  |              |
| 07/02/08                  | Noxon, Timothy E/Maribeth   | 687-835 Redwood Way    | 077-272-22  |              |
| 05/14/08                  | Nunes Family Trust  | Hollywood Way          | 077-312-22  |              |
| 10/15/07                  | Odle, Curtis I/Denise C   | 687-550 Hollywood Way  | 077-312-33  |              |
| 06/24/08                  | Oliver Jerald A   | Sycamore Way           | 077-403-15  |              |
| 05/10/10                  | Oliver, Jeffery W/Lena  | Hemlock Way            | 077-411-18  |              |
| 06/01/10                  | Oliver, Jeffrey W & Lena D JT   | Hemlock Way            | 077-411-19  |              |
| 08/21/08                  | Oliver, Phillip H & Ilean C. & James R. & Col.                                      | Redwood Way            | 077-303-29  |              |
| 08/25/08                  | Olson Family Trust  | 687-905 Redwood Way    | 077-272-38  |              |
| 10/31/07                  | Osborn, Daniel D/Suzanne M  | 503-220 Mahogany Way   | 077-273-22  |              |
| 07/28/08                  | Panart, Augustine D Z/Panart Paula F TR   | Juniper Way            | 077-321-12  |              |

**Attachment B**  
**Property Owners Connected to District Community Sewer System**

| <b>Date of Connection</b> | <b>Spalding Residents Connected to the District Disposal System: APPLICANT NAME</b> | <b>Service Address</b> | <b>APN#</b> | <b>Notes</b> |
|---------------------------|---|------------------------|-------------|--------------|
| 11/02/07                  | Parker 1995 Family Trust  | Delwood Way            | 077-381-11  |              |
| 09/28/08                  | Parker, Rex A/Denise A JT   | 686-830 Delwood Way    | 077-382-17  |              |
| 09/04/08                  | Parker, Rex a/Katherine Trust   | 686-830 Elm Way        | 077-383-38  |              |
| 10/23/09                  | Parker, Theodore/Patricia   | 686-725 Fir Way        | 077-383-40  |              |
| 10/23/09                  | Parker, Theodore/Patricia   | 686-835 Elm Way        | 077-382-15  |              |
| 09/11/08                  | Pastorino, Norman F./House, Monica J.T.   | 686-735 Lakeview Dr    | 077-401-07  |              |
| 09/03/08                  | Patrick Fam TR  | 688-105 Linden Way     | 077-222-22  |              |
| 10/09/08                  | Patrick, Michael B  | 687-980 Mimosa Way     | 077-143-08  |              |
| 07/10/08                  | Pavese Family Trust   | 687-020 Delwood Way    | 077-386-21  |              |
| 03/27/08                  | Pearson, James C/Sandra L   | Cherry/Mahogany        | 077-281-01  |              |
| 03/27/08                  | Pearson, James S/Sandra L Fmly TR   | Chestnut/Strand        | 077-283-13  |              |
| 05/28/08                  | Peay Family Trust   | 688-085 Ivy Way        | 077-244-33  |              |
| 09/08/08                  | Pennington, David/Suzanne JT  | 687-940 Willow Way     | 077-173-17  |              |
| 11/23/07                  | Pindar, Lynn/Pindar, Lynnette   | Lilac Way              | 077-153-14  |              |
| 07/04/08                  | Popperwell, W Trust   | Madrone/Catalpa        | 077-377-19  |              |
| 04/29/08                  | Portz Family Revocable Trust  | 687-675 Hazel Way      | 077-234-37  |              |
| 03/03/08                  | Potter Caroleen C   | 503-025 Madrone Way    | 077-413-14  |              |
| 08/06/08                  | Potter, R. Craig/Jessie A   | 687-890 Hollywood      | 077-252-22  |              |
| 02/20/08                  | Potter, Timothy J/Lorene L  | Redwood Way            | 077-272-46  |              |
| 11/18/09                  | Pratt, William H/Marjorie L TC ETAL   | 687-305 Hollywood Way  | 077-311-33  |              |
| 04/09/08                  | Purcell, A.W./Norma E   | 687-105 Acorn Way      | 077-395-17  |              |
| 04/29/08                  | Rabo, Ronald R/Shirley E J.T.   | 687-607 Maple Way      | 077-331-48  |              |
| 10/28/09                  | Ramos, Daniel J/Kathryn S   | 687-740 Palmetto       | 077-192-38  |              |
| 09/27/08                  | Rasnic, John L  | 687-285 Linden Way     | 077-322-10  |              |
| 08/11/08                  | Ray Family Trust  | 686-790 Hollywood Way  | 077-411-17  |              |
| 09/08/08                  | Rebideaux, Randy L/Laurene J JT   | 686-925 Cherry Way     | 077-384-11  |              |
| 04/10/08                  | Rodas, Joseph m/H. Leota J.T.   | 687-785 Juniper Way    | 077-231-24  |              |
| 07/28/09                  | Rogers, Michael W.  | 687-120 Linden Way     | 077-343-20  |              |
| 08/18/08                  | Rohner, Alvin Thomas/Kay Louise Trust   | 687-000 Elm Way        | 077-387-17  |              |
| 09/05/08                  | Rohner, Alvin Thomas/Kay Louise Trust   | 686-950 Delwood Way    | 077-386-18  |              |
| 05/12/09                  | Rohner, Kay L Revocable Trust   | 686-925 Elm Way        | 077-382-19  |              |
| 05/18/09                  | Rohner, Kay L Revocable Trust   | 687-005 Delwood Way    | 077-385-17  |              |
| 04/07/10                  | Roloff, Scott & Lilibeth  | 686-990 Chestnut Way   | 077-376-14  |              |
| 06/11/08                  | Rose, Ernest W/Nancy L J.T.   | 686-880 Bamboo Way     | 077-394-13  |              |
| 04/14/08                  | Rose, William N./Carol Leah   | 687-550 Lakeview Dr.   | 077-304-62  |              |
| 07/09/08                  | Rosselott Living Trust  | 687-805 Linden Way     | 077-232-38  |              |
| 10/01/09                  | Rounsaville, Joseph W/Etta Mae Trust  | 687-580 Cherry Way     | 077-293-11  |              |
| 06/09/10                  | Rudluff, Caroline M Trust c/o Patricia Rudluff-Jennings                             | Maple Way              | 077-201-04  |              |
| 06/09/10                  | Rudluff, Caroline M Trust c/o Patricia Rudluff-Jennings                             | Almond Way             | 077-174-17  |              |
| 06/15/09                  | Rynerson, Roger Clinton   | 687-785 Ivy Way        | 077-334-16  |              |
| 11/16/07                  | Sain, David P   | 687-200 Hickory Way    | 077-353-26  |              |
| 07/18/08                  | Saulisberry TTEE Fam TR/Saulisberry 1992 Fam  | 687-770 Maple Way      | 077-212-20  |              |
| 04/12/12                  | Schmidt, Kenneth  | 687-015 Acacia Way     | 077-391-07  |              |
| 10/24/07                  | Schmidt, Marlene  | 687-785 Hickory Way    | 077-253-30  |              |
| 07/12/08                  | Schofield, Robert E/Schofield, Ryan E JT  | 687-765 Chinquepin Way | 077-213-16  |              |
| 07/27/10                  | Schumacher, Armin/Bock Christina JT   | 687-185 Spalding Rd.   | 077-361-22  |              |
| 12/12/07                  | Scott, Vicky I (New Owner Pensco Trust)   | 680-470 Hollywood Way  | 077-312-31  |              |
| 05/19/09                  | Seaters, Marion Kathleen  | 687-365 Maple Way      | 077-331-50  |              |
| 10/28/09                  | Sebastiani, Piero ETAL Revocable Trust  | Redwood Way            | 077-273-36  |              |
| 10/28/09                  | Sebastiani, Piero ETAL Revocable Trust  | Lakeview Dr.           | 077-273-37  |              |
| 10/06/08                  | Seifert, Kenneth J/Frances B CP   | 686-865 Redwood Way    | 077-374-25  |              |
| 04/21/09                  | Shafer, Paul W/Virginia S.  | 687-630 Sycamore Way   | 077-311-19  |              |
| 08/22/08                  | Shaffer, Datha/Shaffer/Sandra J JT  | 687-900 Linden Way     | 077-233-39  |              |

**Attachment B**  
**Property Owners Connected to District Community Sewer System**

| <b>Date of Connection</b> | <b>Spalding Residents Connected to the District Disposal System: APPLICANT NAME</b> | <b>Service Address</b>    | <b>APN#</b> | <b>Notes</b>   |
|---------------------------|---|---------------------------|-------------|----------------|
| 09/22/08                  | Shanks, Clarence M/C Lillian Living Trust   | 687-850 Hollywood Way     | 077-252-33  |                |
| 08/08/08                  | Shult, Edward H/Margaret F  | 688-030 Willow Way        | 077-163-15  |                |
| 06/02/08                  | Sibley William Robert & Joan Frances JT   | Madrone/Bamboo            | 077-397-27  |                |
| 03/01/08                  | Sickles, Myron A/Elaine C   | 687-295 Maple Way         | 077-331-26  |                |
| 03/16/10                  | Siders, Kathryn D   | 687-670 Cedar Way         | 077-271-20  |                |
| 09/05/09                  | Sievers, William/Jeanette   | 687-155 Ivy Way           | 077-353-25  |                |
| 03/09/09                  | Silva, Eugene D   | 687-530 Hollywood Way     | 077-312-14  |                |
| 05/15/08                  | Simon, Paul R/Morene L TR   | 687-780 Tamarack Way      | 077-174-31  |                |
| 04/01/08                  | Simon, Robert M/Rita M  | 687-020 Juniper Way       | 077-341-07  |                |
| 09/09/08                  | Smalley, Robert J Jr/Smalley Marla J. Trust   | 687-015 Elm Way           | 077-386-17  |                |
| 04/17/08                  | Smith Living Trust %Smith, Lowell & Joyce   | 687-595 Maple Way         | 077-331-47  |                |
| 10/06/08                  | Smith Stanley B & Martin, Sally   | 686-995 Elm Way           | 077-386-16  |                |
| 07/29/08                  | Smith, Brenda Jean/Janus, Mary Kathleen   | 687-095 Delwood Way       | 077-385-10  |                |
| 09/03/09                  | Smith, Darlene N ETAL   | Willow Way                | 077-172-01  |                |
| 08/05/08                  | Smith, Daryl E/Margie J/Smith, Robert J JT  | 687-020 Cypress Way       | 077-385-16  |                |
| 06/09/08                  | Smith, Gregg S/Ordile, Tara Leisa TC  | Bamboo Way                | 077-396-10  |                |
| 12/03/09                  | Smith, John/Alice 1995 Liv Tr   | Hickory Way               | 077-253-27  |                |
| 09/12/08                  | Smith, Robert J   | 688-995 Bamboo            | 077-396-12  |                |
| 07/28/08                  | Smith, Thomas Lee/Paula Kay Joint Living Trust                                      | 686-985 Cypress Way       | 077-397-17  |                |
| 09/02/08                  | Smith, Vicky L/Smith, Robert J JT   | 687-090 Cypress Way       | 077-385-11  |                |
| 06/13/08                  | Sneary, Bonnie J  | 687-980 Cedar Way         | 077-271-12  |                |
| 04/28/08                  | Snyder, James V/Loretta C   | 686-955 Cherry Way        | 077-388-20  |                |
| 02/15/08                  | Snyder, Norman E/Fleckenstein Trudy   | 687-815 Chestnut Way      | 077-282-06  |                |
| 06/24/08                  | Soderlund, William T/Joann A JR   | 686-990 Cherry Way        | 077-375-06  |                |
| 03/05/08                  | Solis, Jesus H/Rose Marie *   | 387-320 Hemlock Way       | 077-313-17  | * Disconnected |
| 11/05/07                  | Solis, Raymond R/Kristy P CP  | 680-970 Cherry Way        | 077-375-12  |                |
| 10/05/11                  | Soohodolsky Family Trust  | 687-710 Spruce Way        | 077-194-41  |                |
| 11/19/07                  | Sorensen, Lynn Richard/Janice Rae HWJT  | Hemlock Way               | 077-313-10  |                |
| 09/05/08                  | Sorensen, Keld/Jeanne Trust   | 501-955 The Strand        | 077-143-12  |                |
| 03/01/08                  | Spalding CSD  | 502-907 Mahogany Way      | 077-320-05  |                |
| 10/23/07                  | Spalding Marina   | The Strand                | 077-030-04  |                |
| 09/05/08                  | Spediacci, Clifford K/Shirley A JT  | 687-690 Juniper Way       | 077-232-48  |                |
| 09/25/08                  | Spencer, Reubennette 1987 TR  | 687-540 Linden Way        | 077-323-44  |                |
| 05/21/08                  | Stanley, Vernon F/Theda TR  | Magnolia Way/Division Way | 077-217-03  |                |
| 05/21/08                  | Stanley, Vernon F/Theda TR  | Magnolia Way              | 077-217-05  |                |
| 05/21/08                  | Stanley, Vernon F/Theda TR  | 687-885 Chinquepin Way    | 077-217-06  |                |
| 09/21/09                  | Stebbins, Loretta   | 687-925 Linden Way        | 077-232-43  |                |
| 12/03/07                  | Steffens, John R/Barbara/Fogal, Russell E/Th  | 687-300 Laurel Way        | 077-324-34  |                |
| 10/29/08                  | Steinocher, Daniel G/Linda L JT   | 687-830 Cedar Way         | 077-271-14  |                |
| 12/15/09                  | Steinocher, Daniel G/Linda L JT   | 687-920 Hickory Way       | 077-254-27  |                |
| 12/19/07                  | Stelzriede, Michael/Cathryn C JT  | Ridge Way                 | 077-151-22  |                |
| 11/08/07                  | Stent, Bob/Sandra JR/Weddell, Jeanette R.   | Spalding Rd.              | 077-303-33  |                |
| 05/28/08                  | Stephens Family Trust   | Tamarack Way              | 077-163-16  |                |
| 03/18/10                  | Stimmell, James B.  | 686-770 Cypress Way       | 007-381-14  |                |
| 09/15/08                  | Stout, Clarence&Audrey  | Maple Way                 | 077-282-14  |                |
| 12/12/07                  | Strickland, Robert & David JT   | 688-030 Tulip Way         | 077-161-14  |                |
| 04/18/08                  | Suchan, Alex/Lois   | 686-820 Fir Way           | 077-384-14  |                |
| 06/02/08                  | Sullivan Family Revoc Trust   | 687-990 Walnut Way        | 077-162-17  |                |
| 04/29/08                  | Sullivan, William A/Joanne M J.T.   | 387-290 Maple Way         | 077-332--49 |                |
| 08/25/09                  | Swager, William A & Patricia A CPRS   | 387-150 Hemlock Way       | 077-352-24  |                |
| 10/20/08                  | Taylor, James R/Shirley L JT  | Delwood Way               | 077-386-20  |                |
| 10/16/09                  | Taylor, Robert S. Rev Living TR   | 687-025 Catalpa Way       | 077-377-17  |                |
| 09/04/08                  | Tetrault Family 2000 Trust  | Juniper/Linden            | 077-322-14  |                |
| 05/21/08                  | Thomas, Theodore J/Diana M CPRS   | 688-085 Larch Way         | 077-132-15  |                |
| 10/29/09                  | Thomas, Trevor P.Lauretta R   | 687-075 Hemlock           | 077-351-21  |                |
| 07/14/08                  | Thompson Family Trust ETAL  | 688-030 Tupelo Way        | 077-142-16  |                |

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|---------------------------|---|------------------------|-------------|--------------|
| 05/10/10                  | Tobin, Louis J/Peacock, Betsy A HWJT  | 687-700 Orchard Way    | 077-191-27  |              |
| 05/01/08                  | Todd, Clifford E Jr   | Maple Way              | 077-331-51  |              |
| 11/02/07                  | Todd, Dennis/Andrea   | Cedar Way              | 077-271-15  |              |
| 04/22/08                  | Togni, Arnold/Dolly TR  | 698-105 Ivy Way        | 077-221-15  |              |
| 07/23/08                  | Togni, Arnold/Dolly TR  | 688-105 Ivy Way        | 077-244-29  |              |
| 06/11/08                  | Tomasini Family Trust   | 687-895 Hollywood Way  | 077-251-33  |              |
| 03/15/08                  | Torchin, Ali Chan B & Reinelde M  | 687-430 Hollywood Way  | 077-312-32  |              |
| 05/14/09                  | Tracy, Richard T/Sheri L JT   | Hollywood/Hemlock      | 077-351-04  |              |
| 07/18/08                  | Traver, Jess S III/Frances D JT   | Laurel Way             | 077-323-46  |              |
| 04/03/08                  | Turek, Raymond W/Lois M JT  | 687-040 Cherry Way     | 077-375-14  |              |
| 03/06/08                  | Turner, Lucy D  | 686-835 Cherry Way     | 077-384-17  |              |
| 09/21/11                  | Valine, Adelia Michelle   | 367-370 Spalding Road  | 077-304-65  |              |
| 04/02/08                  | Van Tassel Fam Trust  | 687-130 Spalding Rd.   | 077-362-37  |              |
| 05/15/08                  | Vaughn, Lee/Leni A HW/Calilan, James D JT   | 687-625 Spalding Rd.   | 077-303-30  |              |
| 07/13/09                  | Velez, S., Sanchez, A. C./I. Garat JR ETAL  | Hollywood Way          | 077-403-27  |              |
| 07/21/08                  | Verrengia Family Trust  | 687-585 Cherry Way     | 077-292-07  |              |
| 06/12/09                  | Vineyard Living Trust   | 687-745 Lakeview Dr.   | 077-273-27  |              |
| 07/31/09                  | Walker, Evan J/Walker Jerry K TC  | Juniper/Ivy/Pinon      | 077-354-26  |              |
| 07/16/09                  | Walker, Rebecca   | 686-760 Catalpa Way    | 077-374-02  |              |
| 08/27/09                  | Walker, Rudolph Soyka/Rebecca JT  | 686-760 Catalpa Way    | 077-274-26  |              |
| 09/29/09                  | Walker, Rudolph Soyka/Rebecca JT  | 503-150 Mahogany Way   | 077-274-25  |              |
| 10/09/09                  | Walsh, Paul C/Janice A JT   | Almond Way             | 077-151-21  |              |
| 09/12/09                  | Walsh, Paul Clark ETAL  | 688-025 Almond Way     | 077-151-18  |              |
| 10/23/07                  | Walton Family Trust   | 688-010 Tamarack Way   | 077-164-22  |              |
| 11/07/07                  | Ward, Carlos V/Grace G 1996 Revoc Living Trust Agree                                | 687-635 Sycamore Way   | 077-304-54  |              |
| 07/01/08                  | Ward, Carlos V/Grace G Rev Liv TR   | Madrone Way            | 077-378-28  |              |
| 07/03/08                  | Ward, Carlos V/Grace G Revocable Living Trust                                       | 686-955 Redwood Way    | 077-378-27  |              |
| 04/15/08                  | Ward, Kenneth V/Lorna JT  | Sycamore Way           | 077-304-55  |              |
| 12/03/07                  | Watson, William J Jr./Sonjo M CP  | 687-055 Cedar Way      | 077-376-23  |              |
| 12/06/07                  | Watts, James C/Lorene J JT  | 503-155 Madrone Way    | 077-411-16  |              |
| 05/09/08                  | Watts, James C/Lorene T JT  | 688-125 Spruce Way     | 077-183-16  |              |
| 11/14/07                  | Weaver Family Trust   | 687-915 Ivy Way        | 077-254-24  |              |
| 04/18/09                  | Webb Living Tr  | Chestnut Way           | 077-294-14  |              |
| 04/22/09                  | Webb Living Trust   | 687-745 Maple Way      | 077-211-16  |              |
| 08/27/09                  | Weisinger, Brian J/Patricia L JT  | 687-295 Magnolia       | 077-332-36  |              |
| 10/20/08                  | Wells Trust   | 689-905 Hemlock Way    | 077-252-34  |              |
| 07/30/09                  | Wells Trust   | 687-170 Linden Way     | 077-343-21  |              |
| 06/18/09                  | Westfall Living Trust ETAL  | Cedar/Madrone          | 077-373-14  |              |
| 05/28/08                  | Westlake, Gary R ETAL   | Cedar Way              | 077-283-22  |              |
| 11/19/07                  | White, C.W./Joyce M JT  | 687-760 Lakeview Dr.   | 077-274-28  |              |
| 08/15/08                  | White, Earl Richard Jr/Karron S JT  | 686-840 Sycamore Way   | 077-403-19  |              |
| 05/19/08                  | White, Frank R 1991 Trust   | 501-275 The Strand     | 077-133-07  |              |
| 11/02/07                  | Whitmer, Rudy/Louise  | 687-775 Cedar Way      | 077-283-23  |              |
| 05/28/08                  | Wilder, Arvenna   | 687-700 Ivy Way        | 077-231-03  |              |
| 11/14/07                  | Williams Family Trust   | 686-950 Spalding Rd.   | 077-362-14  |              |
| 04/28/08                  | Williams, Cal R/Catherine S   | 687-020 Fir Way        | 077-388-12  |              |
| 06/11/09                  | Williams, Cal R/Catherine S   | 687-060 Acacia Way     | 077-395-20  |              |
| 10/01/09                  | Williams, Richard L & Patricia C. HWJT  | 687-700 Laurel Way     | 077-234-43  |              |
| 08/31/09                  | Williams, Robert N  | Delwood Way            | 077-381-19  |              |
| 12/13/07                  | Williams, Robert V/Viola Mae  | 687-445 Hemlock Way    | 077-312-28  |              |
| 08/31/09                  | Williams, Robert V/Viola Mae  | 686-770 Delwood Way    | 077-382-16  |              |
| 08/17/09                  | Williams, Robert/Blackwell, Viola Mae   | Hazel Way              | 077-324-43  |              |
| 08/17/09                  | Williams, Robert/Blackwell, Viola Mae   | Chestnut/Madrone       | 077-376-20  |              |
| 09/22/08                  | Williams, Robert/Blackwell, Viola(new owners)                                       | Hemlock Way            | 077-313-08  |              |
| 09/18/09                  | Williamson Larry R  | 687-565 Catalpa Way    | 077-301-25  |              |

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|---------------------------|---|------------------------|-------------|--------------|
| 10/28/09                  | Williford, George Calvin Trust  | 686-785 Fir Way        | 077-383-36  |              |
| 05/06/09                  | Wilms, Dale/Linda CP  | 687-920 Lakeview Dr.   | 077-274-16  |              |
| 07/22/09                  | Wilson, Donald Dean Liv TR  | Redwood Way            | 077-272-27  |              |
| 08/20/08                  | Wilson, Jack Trust  | 687-625 Catalpa Way    | 077-302-19  |              |
| 09/22/09                  | Wilson, Kenneth/Valeri E  | 686-830 Hemlock Way    | 077-412-17  |              |
| 08/20/08                  | Wilson, Rollans B   | 503-435 Mahogany Way   | 077-302-18  |              |
| 06/11/08                  | Winingar Family 1983 Trust  | 686-830 Elm Way        | 077-383-34  |              |
| 06/01/09                  | Witt, Richard E/Nola A JT   | 687-740 Orchard Way    | 077-191-24  |              |
| 05/14/08                  | Wong, Fay/Bonnie E/Taber, Edward/Judy   | Lakeview Dr.           | 077-273-35  |              |
| 08/22/08                  | Woodward, Robert/Maria 1989 Trust   | 687-700 Hickory Way    | 077-254-21  |              |
| 06/23/08                  | Yee, Gary R/Michael G   | 686-785 Hemlock Way    | 077-412-22  |              |
| 06/24/08                  | Yee, Michael Gregg  | 686-785 Hickory Way    | 077-412-21  |              |
| 11/06/07                  | Yolo, Duke/Terri JT ETAL C/O Cristine, Barry R.                                     | Acorn Way              | 077-393-16  |              |
| 07/24/09                  | Young Family Trust  | 688-010 Hickory Way    | 077-244-22  |              |
| 07/23/08                  | Young, Vera L   | 688-055 Lakeview Rd.   | 077-263-10  |              |
| 10/27/08                  | Younie, Leslie I Jr/Sheri M ETAL TC   | 687-045 Redwood Way    | 077-378-20  |              |
| 08/07/08                  | Yuill, Edward G/Deborah L HW  | Tupelo Way             | 077-141-14  |              |
| 08/07/09                  | Yuill, Edward G/Deborah L HW  | Tupelo Way             | 077-142-13  |              |
| 05/18/10                  | Zuccato, Michael W/Linda J Rev Trust  | 687-650 Cherry Way     | 077-293-10  |              |
| 12/02/08                  | Zunino, Michael A/Sheree A Family Trust   | Lilac Way              | 077-152-23  |              |

## ATTACHMENT C

### ADMINISTRATIVE CIVIL LIABILITY METHODOLOGY

The Complaint alleges that the Discharger failed to comply with a cease and desist order issued by the Lahontan Water Board, which required the Discharger by December 31, 2009, to either connect the Discharger's on-site wastewater disposal system to the Spalding Community Services District's (District) community sewer system or to properly abandon the Discharger's on-site wastewater disposal system, in accordance with Lassen County regulations. For the purpose of applying the Enforcement Policy's administrative civil liability methodology, the alleged violation is a non-discharge violation. Because the Complaint only alleges a non-discharge violation, Step Nos. 1 and 2 of the Enforcement Policy's administrative civil liability methodology are not addressed.

#### Step 3: Initial Liability Determination

The per-day factor for the violation is **0.55**. This factor is determined by a matrix analysis based upon the Potential for Harm and the Deviation from Applicable Requirements.

- a. The Potential for Harm for the violation is determined to be **moderate**. The Discharger's failure to connect its on-site wastewater disposal system to the District's sewer system or to properly abandon it allows waste containing nutrients to be discharged to the groundwater of the Eagle Lake basin. Such discharges, should they occur, can introduce nutrients, such as nitrogen and phosphorus, to the groundwater, which flows into Eagle Lake. Nitrogen and phosphorus can increase algal growth and the rate of eutrophication in Eagle Lake, a closed-basin lake. Increased eutrophication can adversely affect the habitat for the Eagle Lake trout, and other aquatic and terrestrial organisms supported by Eagle Lake. Increased algal growth also has the potential to adversely affect the public's water contact recreation (e.g., wading, swimming, water skiing) and non-contact water recreation (e.g., aesthetic enjoyment) of Eagle Lake.

To prevent these types of adverse impacts to Eagle Lake's beneficial uses, the Lahontan Water Board amended its *Water Quality Control Plan for the Lahontan Region* (Basin Plan) in September 1984, to prohibit the discharge of waste containing nutrients to the surface waters and groundwater of the Eagle Lake basin beginning September 14, 1989. The Lahontan Water Board's cease and desist order issued to the Discharger enforces that Basin Plan prohibition. At a minimum, the Discharger's on-site wastewater disposal system presents a threatened discharge of waste containing nutrients that can reasonably be expected to adversely affect Eagle Lake's cold freshwater habitat (COLD), water contact recreation (REC-1), non-contact water recreation (REC-2, and sport fishing (COMM) beneficial uses. It is also reasonable to expect that such impacts are reversible upon ceasing such waste discharges.

Waste discharges from on-site wastewater disposal systems in the Spalding Tract subdivision can also introduce bacteria into the groundwater, which is the local water supply. Many Spalding Tract subdivision property owners have private wells, and past studies have shown that bacteria levels increase in those private wells when nearby on-site wastewater disposal systems are being used. Bacteria contained in domestic wastewater can adversely affect human health when consumed. Such conditions represent an adverse impact to the Eagle Lake groundwater basin's municipal and domestic supply (MUN) beneficial use. This impact can reasonably be expected to occur when waste discharges from on-site wastewater disposal systems occur. Fortunately, past studies have also shown that this impact is relatively short term in nature when the waste discharge ceases. Therefore, violating the cease and desist order presents a **moderate** threat to beneficial uses that will likely attenuate without acute or chronic effects, once the Discharger has complied with the cease and desist order.

- b. The Deviation from Applicable Requirements to abandon or connect the septic system is **major**. The reason for the **major** designation is that Water Board staff notified the Discharger of its failure to comply with the cease and desist order's December 31, 2009 compliance date in a June 28, 2011 Notice of Violation (NOV). The NOV was issued after the Discharger had had approximately 1.5 construction seasons to comply with the cease and desist order's requirement to either connect the Discharger's on-site wastewater disposal system to the District's community sewer system or to properly abandon the Discharger's on-site wastewater disposal system, if appropriate. The remainder of the 2011 construction season has past, and to date, the Discharger has still failed to comply.

There has been ample time to satisfy the requirements of the cease and desist order since its adoption. The District's community sewer system has been available to connect to since October 2007; however, the Discharger failed to connect or properly abandon the Discharger's on-site wastewater disposal system and subsequently was issued a cease and desist order in October 2009. The Discharger has now had an additional two full construction seasons since the cease and desist order was issued to comply with its requirements, but has not.

- c. There are 832 days of violation for the period beginning January 1, 2010 and ending April 11, 2012, the date of drafting Administrative Civil Liability Complaint No. R6T-2012-0025. The statutory maximum amount per day per violation is \$5,000. Therefore, 832 days of violation at the statutory maximum per day of \$5,000, yields a maximum initial liability of **\$4,160,000** (832 days x \$5,000/day). Applying the Potential for Harm per-day factor of 0.55, and the statutory maximum liability amount for each day of violation, yields an initial liability of **\$2,288,000** (0.55 x 832 days of violation x \$5,000 per day).

#### **Step 4: Adjustment Factors**

The Enforcement Policy allows for multi-day violations to be consolidated provided specific criteria are satisfied. The Enforcement Policy also describes three factors related to the violator's conduct that should be considered for modification of the initial

liability amount: the violator's culpability; the violator's efforts to clean up or cooperate with regulatory authorities after the violation; and the violator's compliance history. After each of these factors is considered for the violations alleged, the applicable factor should be multiplied by the proposed amount for each violation to determine the revised amount for that violation.

a. Multiple Day Violations

The Enforcement Policy provides that, for violations lasting more than 30 days, the Water Board may adjust the per-day basis for civil liability if certain findings are made and provided that the adjusted per-day basis is no less than the per-day economic benefit, if any, resulting from the violation.

The Discharger has failed to comply with its cease and desist order for 832 days. The continuance of these violations does not result in an economic benefit that can be measured on a daily basis. The economic benefit is the one-time cost of having the on-site wastewater disposal system either connected to the District's community sewer system or properly abandoned, if appropriate. Therefore, an adjustment can be made.

The Water Board Prosecution Team recommends applying the alternative approach to civil liability calculation provided by the Enforcement Policy. Using this approach, the calculation of days of violation will include the first day of violation, plus one additional day of violation for each five-day period up to the 30th day of violation, and thereafter, plus one additional day of violation for each 30-day period. Using this approach, the total number of days is revised to 33 days of violation.

This results in a Revised Initial Liability Amount as follows:

$$\text{Revised Initial Liability} = (0.55) \times (33 \text{ days of violation}) \times (\$5,000) = \mathbf{\$90,750}$$

b. Adjustment for Culpability

For culpability, the Enforcement Policy suggests an adjustment resulting in a multiplier between 0.5 to 1.5, with the lower multiplier for accidental incidents, and the higher multiplier for intentional or negligent behavior. In this case, a Culpability multiplier of **1.3** has been selected for the reasons described below:

The Water Board's Prosecution Team has exercised significant discretion in deciding whether to pursue administrative civil liability for violating the cease and desist order. Doing so is consistent with the Prosecution Team's message to the Water Board and to the community in 2009 that its primary interest was compliance, and that the Prosecution Team understood some were facing various hardships and would work with property owners towards meeting its compliance objective. After providing approximately 1.5 construction seasons to comply, the Prosecution Team issued a June 28, 2011 Notice of Violation to property owners that had yet to comply with their 2009 cease and desist orders, notifying them that time to comply with the cease and desist orders' requirements without additional enforcement action was running out. In spite of the Prosecution Team's efforts to allow ample time to comply

and to notify the Discharger of a pending administrative civil liability complaint, the Discharger has not provided the Prosecution Team with any information indicating a reason for the continuing violations, nor shown any intent to comply.

The Prosecution Team does not have any evidence of willful or intentional negligence in this matter. Therefore, the Prosecution Team does not recommend assigning a value of 1.4 or greater for Culpability, as these values have been reserved for situations where there is evidence of willful or intentional negligence. However, given the lack of response by the Discharger in spite of the amount of time given to comply and notification of the Prosecution Team's intent to pursue administrative civil liability, a value of 1.3 for Culpability is appropriate.

c. Adjustment for Cleanup and Cooperation

For cleanup and cooperation, the Enforcement Policy suggests an adjustment should result in a multiplier between 0.75 and 1.5. A lower multiplier is appropriate for situations where there is a high degree of cleanup and/or cooperation and a higher multiplier is appropriate for situations where cleanup and/or cooperation is minimal or absent. In this case, a Cleanup and Cooperation multiplier of **1.5** has been selected for the reasons described below:

The Discharger has not cooperated with the Water Board on this issue. Even after Water Board staff issued the June 28, 2011 NOV, the Prosecution Team did not observe any attempt by the Discharger to comply. The lack of effort to comply with the cease and desist order, or even to communicate with the Prosecution Team regarding the reason why compliance has not occurred, warrants a value of 1.5.

d. Adjustment for History of Violations

The Enforcement Policy suggests that where there is a history of repeat violations, a **minimum** multiplier of 1.1 should be used for this factor. In this case, a multiplier of **1.0** has been selected based upon the absence of prior violations of Cease and Desist Order No. R6T-2009-0108. A review of the California Integrated Water Quality System (CIWQS) and Water Board files shows that the Violation represents the first violation of Cease and Desist Order No. R6T-2009-0108. Therefore a multiplier of 1.0 is appropriate, and no adjustment to the above liability amount should be made in response to this factor.

**Step 5: Determination of Total Base Liability Amount**

The Total Base Liability for the violation is **\$176,962.50**. The Total Base Liability for the violation is determined by multiplying the Revised Initial Liability by the multipliers associated with each of the Adjustment Factors discussed above.

Total Base Liability = (Revised Initial Liability) X (Culpability) X (Cleanup/Cooperation) X (History of Violations) = (\$90,750) X (1.3) X (1.5) X (1.0) = **\$176,962.50**.

**Step 6: Ability to Pay and Ability to Continue Business**

The Enforcement Policy provides that if the Water Board has sufficient financial information to assess the violator's ability to pay the Total Base Liability, or to assess the effect of the Total Base Liability on the violator's ability to continue in business, then the Total Base Liability amount may be adjusted downward.

In this case, the Lahontan Water Board Prosecution Team has sufficient information to suggest the Discharger has the ability to pay the proposed liability. The Discharger owns the parcel(s) of land, listed below:

| Assessor's Parcel Number | County | Property Address   | Assessed Total Value | Assessment Year |
|--------------------------|--------|--------------------|----------------------|-----------------|
| 077-292-11-11            | Lassen | 687-655 Cherry Way | \$110,976            | 2011            |
| 077-264-22-11            | Lassen | N/A                | \$125,489            | 2011            |
| 077-152-20-11            | Lassen | N/A                | \$28,850             | 2011            |
| 077-292-10-11            | Lassen | N/A                | \$20,914             | 2011            |
| 077-292-03-11            | Lassen | N/A                | \$41,829             | 2011            |
| 077-264-21-11            | Lassen | N/A                | \$125,489            | 2011            |
| 077-152-21-11            | Lassen | N/A                | \$28,850             | 2011            |
|                          |        | <b>TOTAL</b>       | <b>\$482,397.00</b>  |                 |

Given the above assets, it appears the Discharger has the ability to pay the proposed liability.

**Step 7: Other Factors as Justice May Require**

The Enforcement Policy provides that if the Water Board believes that the amount determined using the above factors is inappropriate, the liability amount may be adjusted under the provision for "other factors as justice may require," if express findings are made. Additionally, the staff costs for investigating the violation and preparing the Complaint should be added to the liability amount.

a. **Adjustments for Other Factors as Justice May Require**

The statutory minimum liability amount for violations under Water Code section 13350 is \$100 per day of violation, unless the regional water board makes express findings setting forth the reasons for its action based upon its consideration of the factors set forth in Water Code section 13327. Based on the date of compliance in the cease and desist order, days of violations began accruing on January 1, 2010. At the statutory minimum liability of \$100 per day, and a total of 832 days of violation, the result is a minimum liability of **\$83,200**. The Prosecution Team has determined that, in this case, even the minimum liability amount is inappropriate. Staff finds this amount to be an excessive liability for the violations alleged herein, and inappropriate for the following reasons.

Water Board staff reviewed Lassen County Assessor's Office records for the properties whose owners are subject to the administrative civil liability for the failure to either connect their on-site wastewater disposal system to the District's sewer system or to properly abandon it. County records for the year 2012 show that the properties range in value from \$17,119 to \$618,391. Two of these properties with the highest values are commercial properties, with values consistent with commercial uses and related improvements (i.e., hotel, restaurant). The remaining properties have an average value of \$73,574. Based on these data alone, the Prosecution Team determined that the minimum statutory liability of \$83,200 is excessive relative to the value of most of the properties whose owners continue to violate their 2009 Cease and Desist Orders. Without any further assessment, the minimum liability appears inappropriate and excessive for its intended purpose.

Additionally, the Prosecution Team's June 28, 2011 Notice of Violation notified the Discharger of the Prosecution Team's intent to issue administrative civil liability complaints and bring them before the Lahontan Water Board at its November 9-10, 2011 Board Meeting. In a continuing effort to encourage compliance, the Prosecution Team stated in the Notice of Violation that it would consider withdrawing the complaint if the Discharger complied with the cease and desist order prior to the November 9-10, 2011 Board meeting date. The Prosecution Team has consistently stated that compliance has been its primary goal, and the Notice of Violation was providing one last chance to comply with the cease and desist order without facing additional enforcement action in the form of civil liability.

The Prosecution Team recommends using November 9, 2011 as the basis for developing a more appropriate liability amount, as it is the date the Prosecution Team informed the Discharger that compliance was to be achieved, or imposing administrative civil liability would be pursued. Attachment D provides a methodology spreadsheet based upon November 9, 2011 as the deadline for compliance. The resulting number of days of violations totals 155 days (November 9, 2011 – April 11, 2012). 155 days of violation would result in a minimum liability of **\$15,500**, based upon the statutory minimum liability of \$100 per day of violation.

Administrative civil liability complaints were issued to property owners of the nearby Stones-Bengard subdivision in 1997 for failing to either connect their on-site wastewater disposal systems to the Stones-Bengard community sewer system or to properly abandon them. In the Stones-Bengard cases, the Water Board issued administrative civil liability complaints proposing that the owners be assessed liability in the amount of **\$6,500**. This was the minimum liability that could be imposed for violating cleanup and abatement orders that had been issued 65 days prior to issuing the administrative civil liability complaints. The cleanup and abatement orders had been issued after the Stones-Bengard property owners had been violating their cease and desist orders issued in 1991 for several years.

The liability amount of \$15,500 represents a more appropriate amount that is consistent with past and similar enforcement efforts by the Lahontan Water Board in the Eagle Lake basin. The liability amount of \$15,500 provides adequate justice or consequence for the violation as well as a meaningful deterrent to future violations.

**b. Adjustment for Staff Costs**

The Water Board Prosecution Team staff time incurred to prepare administrative civil liability complaints and supporting information for 25 Spalding Tract subdivision properties is estimated to be 165 hours. Based on an average cost to the State of \$150 per hour, the total staff cost is estimated to be \$24,750. Staff finds it appropriate to spread these costs equitably by dividing the total staff cost equally for each of the 25 properties. On this basis, a staff cost of \$990 must be assessed for each property. As a result, the Adjusted Total Base Liability is recommended to be adjusted upward by **\$990**, bringing the total proposed liability to **\$16,490**.

**Step 8: Economic Benefit**

The Enforcement Policy directs the Water Board to determine any Economic Benefit Amount of the violation based upon the best available information. The Enforcement Policy suggests that the Water Board compare the Economic Benefit Amount to the Adjusted Total Base Liability and ensure that the Adjusted Total Base Liability is at a minimum, 10 percent greater than the Economic Benefit Amount. Doing so should create a deterrent effect and will prevent administrative civil liabilities from simply becoming the cost of doing business.

Septic tank abandonment is only an option for properties that do not have structures with plumbing fixtures installed. For properties that have one or more structures with plumbing fixtures installed, connecting the Discharger's on-site wastewater disposal system to the District's community sewer system is required.

The Discharger has realized an economic benefit by failing to connect or abandon the Discharger's on-site wastewater disposal system as required by Cease and Desist Order No. R6T-2009-0108. In order to estimate the economic benefit, Water Board staff subpoenaed records from contractors who have connected and/or properly abandoned on-site wastewater disposal systems in the Spalding Tract subdivision. Based upon a review of the contractor records, the average cost for a property owner to connect an on-site wastewater disposal system to the District's community sewer system is \$4,210, and the average cost to properly abandon an on-site wastewater disposal system is \$836. Therefore, the economic benefit amount realized by Dischargers that have existing structures with plumbing fixtures installed on the property and that must connect to the District's community sewer system is estimated to be **\$4,210**. The economic benefit amount realized by Dischargers with the option of abandonment is estimated to be **\$836**. The Adjusted Total Base Liability Amount is greater than 110 percent of either of these estimated economic benefit amounts, and therefore no adjustment is necessary based on the economic benefit analysis.

**Step 9: Maximum and Minimum Liability Amounts**

The maximum liability amount the Water Board may assess for the above-referenced violations pursuant to Water Code section 13350, subdivision (e)(1), is \$5,000 per day of violation. Therefore, the maximum liability the Water Board may assess for 832 days of violation (elapsed time since the date of compliance in the cease and desist order) is **\$4,160,000**.

The minimum liability amount provided in Water Code section 13350, subdivision (e)(1)(B) is \$100 per day. However, subdivision (f) states that:

“A regional board shall not administratively impose civil liability in accordance with paragraph (1) of subdivision (e) in an amount less than the minimum amount specified, unless the regional board makes express findings setting forth the reasons for its action based upon the specific factors required to be considered pursuant to Section 13327.”

Water Code section 13327 allows for “*other factors as justice may require*”. The specific factors discussed in Step 7 above (i.e., property values, use of November 9, 2011 as an alternative compliance date, consistency with similar Lahontan Water Board enforcement actions in the Eagle Lake basin) yields 155 days of violation at \$100 per day minimum, for an alternative minimum liability amount of **\$15,500**.

The Enforcement Policy also requires that:

*The adjusted Total Base Liability shall be at least 10 percent higher than the Economic Benefit Amount so that liabilities are not construed as the cost of doing business and that the assessed liability provides a meaningful deterrent to future violations.*

The larger of the two economic benefit amounts (\$4,210) plus ten percent is **\$4,631**, which is less than the alternative statutory minimum cited above and the Total Proposed Liability Amount.

#### **Step 10: Final Liability Amount**

The Total Proposed Liability Amount is **\$16,490** based upon the considerations discussed in detail, above.

## Attachment D Administrative Civil Liability Methodology Spreadsheet

### Instructions

1. Select Potential Harm for Discharge Violations
2. Select Characteristics of the Discharge
3. Select Susceptibility to Cleanup or Abatement
4. Select Deviation from Standard
5. Click "Determine Harm & per Gallon/Day..."
6. Enter Values into the Yellow highlighted fields

|             |   |
|-------------|---|
| Select Item | Potential Harm for Discharge Violations |
| Select Item | Characteristics of the Discharge        |
| Select Item | Susceptibility of Cleanup or Abatement  |
| Select Item | Deviation from Requirement              |

Discharger Name/ID: Spalding Tract Property Owners, Various APNs

|                                       |   | Violation 1                                   |                |      |
|---------------------------------------|---|---|----------------|------|
| Discharge Violations                  | <b>Step 1</b>                             | Potential Harm Factor (Generated from Button) |                |      |
|                                       | <b>Step 2</b>                             | Per Gallon Factor (Generated from Button)     |                |      |
|                                       |   | Gallons                                       |                |      |
|                                       |   | Statutory / Adjusted Max per Gallon (\$)      |                |      |
|                                       | <b>Total</b>                              |   | \$ -           |      |
|                                       | Non-Discharge Violations                  | <b>Step 3</b>                                 | Per Day Factor | 0.55 |
| Days                                  |   |   | 33             |      |
| Statutory Max per Day                 |   |   | \$ 5,000       |      |
| <b>Total</b>                          |   |   | \$ 90,750.00   |      |
| <b>Initial Amount of the ACL</b>      |   |   | \$ 90,750.00   |      |
| Add'l Factors                         |   | <b>Step 4</b>                                 | Culpability    | 1.3  |
|                                       | Cleanup and Cooperation                   |   | 1.5            |      |
|                                       | History of Violations                     |   | 1              |      |
|                                       | <b>Step 5 Total Base Liability Amount</b> |   | \$ 176,962.50  |      |
| <b>Step 6</b>                         | Ability to Pay & to Continue in Business  | 1   | \$ 176,962.50  |      |
| <b>Step 7</b>                         | Other Factors as Justice May Require      | 15,500  | \$ 15,500.00   |      |
|                                       | Staff Costs                               | \$ 990  | \$ 16,490.00   |      |
| <b>Step 8</b>                         | Economic Benefit                          | \$ 4,210                                      | \$ 16,490.00   |      |
| <b>Step 9</b>                         | Minimum Liability Amount                  | 15,500  |                |      |
|                                       | Maximum Liability Amount                  | \$ 4,160,000                                  |                |      |
| <b>Step 10 Final Liability Amount</b> |   |   | \$ 16,490.00   |      |

### Penalty Day Range Generator

Start Date of Violation= 1/1/10

End Date of Violation= 4/11/12

Maximum Days Fined (Steps 2 & 3) = 832 Days

Minimum Days Fined (Steps 2 & 3) = 33 Days

**WAIVER FORM  
FOR ADMINISTRATIVE CIVIL LIABILITY COMPLAINT**

By signing this waiver, I affirm and acknowledge the following:

I am duly authorized to represent NANCO, INC., (hereinafter "Discharger") in connection with Administrative Civil Liability Complaint No. R6T-2012-0025 (hereinafter the "Complaint"). I am informed that California Water Code section 13323, subdivision (b), states that, "a hearing before the regional board shall be conducted within 90 days after the party has been served [with the complaint]. The person who has been issued a complaint may waive the right to a hearing."

- (Check here if the Discharger waives the hearing requirement and will pay the liability.)**
- a. I hereby waive any right the Discharger may have to a hearing before the Regional Water Board.
  - b. I certify that the Discharger will remit payment for the civil liability imposed in the total amount of **sixteen thousand four hundred ninety dollars (\$16,490)** by check that references "ACL Complaint No. R6T-2012-0025" made payable in the amount of **\$16,490** to the "Waste Discharge Permit Fund." Payment must be received by the Regional Water Board by **5:00 p.m. on May 21, 2012** or the Regional Water Board may adopt an Administrative Civil Liability Order requiring payment.
  - c. I understand the payment of the above amount constitutes a proposed settlement of the Complaint, and that any settlement will not become final until after the 30-day public notice and comment period mandated by the State Water Resources Control Board's Water Quality Enforcement Policy expires. Should the Regional Water Board receive significant new information or comments from any source (excluding the Water Board's Prosecution Team) during this comment period, the Regional Water Board's Assistant Executive Officer may withdraw the complaint, return payment, and issue a new complaint. I understand that this proposed settlement is subject to approval by the Regional Water Board, and that the Regional Water Board may consider this proposed settlement in a public meeting or hearing. I also understand that approval of the settlement will result in the Discharger having waived the right to contest the allegations in the Complaint and the imposition of civil liability.
  - d. I understand that payment of the above amount is not a substitute for compliance with applicable laws and that continuing violations of the type alleged in the Complaint may subject the Dischargers to further enforcement, including additional civil liability.

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(Print Name and Title)

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(Signature)

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(Date)

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

**ADMINISTRATIVE CIVIL LIABILITY ORDER NO. R6T-2012-(PROPOSED)**

**IN THE MATTER OF  
NAYLOR, MITCHELL CREIG & GINGER JT FOR VIOLATION OF CEASE AND  
DESIST ORDER NO. R6T-2009-0109, SPALDING TRACT SUBDIVISION,  
LASSEN COUNTY APN 077-401-11-11**

\_\_\_\_\_  
Lassen County

The California Regional Water Quality Control Board – Lahontan Region (Lahontan Water Board) hereby finds that Naylor, Mitchell Creig & Ginger JT has violated Lahontan Water Board Cease and Desist Order No. R6T-2009-0109. The Lahontan Water Board specifically finds that:

**BACKGROUND**

1. Naylor, Mitchell Creig & Ginger JT (Discharger) owns Lassen County Assessor Parcel No. 077-401-11-11 in the Spalding Tract subdivision located on the west shore of Eagle Lake, approximately 20 miles northwest of Susanville, California.
2. Based upon Lassen County records and/or Spalding Community Services District (District) records, the Discharger had owned and/or operated an on-site wastewater disposal system located at the above-referenced parcel prior to June 7, 2012. The Discharger's on-site wastewater disposal system permitted waste containing nutrients to be discharged, and/or threatened a discharge of waste containing nutrients, to waters within the Eagle Lake basin prior to June 7, 2012.

**CHRONOLOGY OF EVENTS**

3. In September 1984, pursuant to Water Code section 13243, the Lahontan Water Board amended the *Water Quality Control Plan for the Lahontan Region* (Basin Plan) to prohibit the discharge of wastes containing nutrients from the Spalding Tract subdivision to surface waters and groundwater of the Eagle Lake basin after September 14, 1989.
4. On October 22, 2007, the District's community sewer system (system) became operational. As a result, there is now an available method for the Spalding Tract subdivision property owners to comply with the above-referenced Basin Plan prohibition.

5. On October 14, 2009, the Lahontan Water Board adopted Cease and Desist Order No. R6T-2009-0109 against the Discharger for its on-site wastewater disposal system located at Lassen County APN No. 077-401-11-11.
6. Cease and Desist Order No. R6T-2009-0109 requires the Discharger, by December 31, 2009, to either (1) connect its on-site wastewater disposal system to the District's community sewer system, or (2) properly abandon its on-site wastewater disposal system in accordance with Lassen County regulations. Upon completing one of the two activities, the Discharger is required to submit to the Lahontan Water Board documentation of compliance with the above-referenced Basin Plan prohibition.
7. The Discharger failed to comply with Cease and Desist Order No. R6T-2009-0109 and on June 28, 2011, the Lahontan Water Board's Prosecution Team issued the Discharger a Notice of Violation citing the ongoing violation.
8. On April 20, 2012, the Assistant Executive Officer issued Complaint No. R6T-2012-0026. The Complaint alleges that the Discharger has violated the requirements of Cease and Desist Order No. R6T-2009-0109. The Complaint proposes administrative civil liability of **\$16,490**. The Complaint and its attachments are attached to this Order and incorporated by reference (Attachment A).
9. On June 20, 2012, Lahontan Water Board staff received information from the District documenting that the Discharger had connected its on-site wastewater disposal system to the District's system on June 7, 2012. An excerpt of the District's June 20, 2012 correspondence with Lahontan Water Board staff is attached to this Order and incorporated by reference (Attachment B).
10. On July 11, 2012, in South Lake Tahoe, California, after notice to the Discharger and all other affected persons and the public, the Lahontan Water Board conducted a public hearing at which evidence was received to consider this Order and the Discharger or its representative(s), had the opportunity to be heard and to contest the allegations in the Complaint.

### REGULATORY CONSIDERATIONS

11. The Lahontan Water Board adopted the *Water Quality Control Plan for the Lahontan Region* (Basin Plan) pursuant to Water Code section 13243. The Basin Plan contains the following 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.)

12. On October 14, 2009, the Lahontan Water Board adopted Cease and Desist Order No. R6T-2009-0109, enforcing the above-referenced Basin Plan prohibition.

### VIOLATIONS

13. The Discharger violated Cease and Desist Order No. R6T-2009-0109 by failing to satisfy the requirement to comply with the above-referenced Basin Plan prohibition by December 31, 2009. A review of District records and Lahontan Water Board records shows the Discharger did not connect its on-site wastewater disposal system to the District's system until June 7, 2012. This violation subjects the Discharger to liability pursuant to Water Code section 13350, subdivision (a).

### CALCULATION OF ADMINISTRATIVE CIVIL LIABILITY

14. Pursuant to Water Code section 13350, subdivision (e)(1), civil liability may be imposed administratively on a daily basis in an amount not to exceed five thousand dollars (\$5,000) for each day in which the violation occurs.
15. Pursuant to Water Code section 13327, in determining the amount of civil liability, the Lahontan Water Board is required to take into account the nature, circumstance, extent, and gravity of the violation or violations, whether the discharge is susceptible to cleanup or abatement, the degree of toxicity of the discharge, and, with respect to the violator, the ability to pay, the effect on ability to continue business, any voluntary cleanup efforts undertaken, any prior history of violations, the degree of culpability, economic benefit or savings, if any, resulting from the violation, and other matters as justice may require.
16. On November 17, 2009, the State Water Resources Control Board (State Water Board) adopted Resolution No. 2009-0083 amending the Water Quality Enforcement Policy (Enforcement Policy). The Enforcement Policy was approved by the Office of Administrative Law and became effective on May 20, 2010. The Enforcement Policy establishes a methodology for assessing administrative civil liability. The use of this methodology addresses the factors that are required to be considered when imposing a civil liability as outlined in Water Code section 13327. The entire Enforcement Policy can be found at:
- [http://www.waterboards.ca.gov/water\\_issues/programs/enforcement/docs/enf\\_policy\\_final111709.pdf](http://www.waterboards.ca.gov/water_issues/programs/enforcement/docs/enf_policy_final111709.pdf)
17. **Maximum Administrative Civil Liability:** Pursuant to Water Code section 13350, subdivision (e)(1), the total maximum administrative civil liability that may be imposed for the violation in this Order is **\$4,160,000**.
18. **Minimum Administrative Civil Liability:** Pursuant to Water Code section 13350, subdivision (e)(1)(B), the minimum administrative civil liability that must be imposed

for the violation in this Order is **\$83,200**, unless the Lahontan Water Board makes express findings pursuant to Water Code section 13350, subdivision (f).

19. Water Code section 13350, subdivision (f) states that:

“A regional board shall not administratively impose civil liability in accordance with paragraph (1) of subdivision (e) in an amount less than the minimum amount specified, unless the regional board makes express findings setting forth the reasons for its action based upon the specific factors required to be considered pursuant to Section 13327.”

Water Code section 13327 allows for “other factors as justice may require.” The Lahontan Water Board hereby finds that the specific factors discussed in Attachment C, Step 7 of the Complaint (i.e., property values, use of November 9, 2011 as an alternative compliance date, consistency with similar Lahontan Water Board enforcement actions in the Eagle Lake basin), in combination with the Discharger complying with the Basin Plan prohibition as of June 7, 2012, justifies imposing a liability less than the minimum amount cited in Finding No. 19, above.

20. The Enforcement Policy requires that:

“The adjusted Total Base Liability shall be at least 10 percent higher than the Economic Benefit Amount so that liabilities are not construed as the cost of doing business and that the assessed liability provides a meaningful deterrent to future violations.”

The Complaint cites the economic benefit of violating Cease and Desist Order No. R6T-2009-0109 as \$4,210 (average cost of connecting to the District’s system). The Discharger has come into compliance with the Basin Plan prohibition by connecting to the District’s system, since the Complaint was issued. Therefore, it is appropriate to base the Discharger’s economic benefit upon a delayed cost, rather than an avoided cost. The Discharger’s economic benefit based upon a delayed cost analysis is \$346. The economic benefit plus ten percent is \$380.60. The Lahontan Water Board hereby finds that the revised minimum administrative civil liability for this Order is **\$380.60**, based upon consideration of the specific factors discussed in Attachment C, Step 7 of the Complaint, the Discharger complying with the Basin Plan prohibition as of June 7, 2012, and the Enforcement Policy.

21. **Administrative Civil Liability Determination:** Complaint No. R6T-2012-0026 recommends an administrative civil liability of **\$16,490**, based upon the Lahontan Water Board Prosecution Team’s application of the Enforcement Policy’s administrative civil liability methodology. The Discharger has come into compliance with the Basin Plan prohibition since the Complaint was issued. The Lahontan Water Board hereby finds that complying with the Basin Plan prohibition justifies reducing, but not eliminating, the liability amount from that recommended by the Complaint. The reduced liability reflects

the Lahontan Water Boards primary objective of achieving compliance with the Basin Plan prohibition, while creating an incentive to comply for other Spalding Tract property owners who continue to violate the Basin Plan prohibition and Cease and Desist Orders that have been issued to them.

22. The Lahontan Water Board has applied the Enforcement Policy's administrative civil liability methodology and considered each of the Water Code 13327 factors based upon information in the record, including testimonies at the public hearing, information described in greater detail in the Complaint and its attachments, and the Discharger complying with the Basin Plan prohibition beginning June 7, 2012. The Lahontan Water Board hereby finds that civil liability should be imposed administratively on the Discharger in the amount of **\$1,370**, which falls within the allowable range. This amount is based upon the economic benefit realized by the Discharger (\$346), plus ten percent of the economic benefit (\$34.60), plus Lahontan Water Board staff cost of preparing the Complaint (\$990).

#### GENERAL

23. This Order only resolves liability that the Discharger incurred for violations specifically alleged in the Complaint. This Order does not relieve the Discharger of liability for any violations not alleged in the Complaint. The Lahontan Water Board retains the authority to assess additional civil liabilities for violations of applicable laws or orders for which civil liabilities have not yet been assessed, or for violations that may subsequently occur.
24. Issuance of this Order is an enforcement action and is, therefore, exempt from the California Environmental Quality Act (Pub. Resources Code § 21000 et seq.), pursuant to California Code of Regulations, title 14, section 15321, subdivision (a)(2).
25. Any person aggrieved by this action of the Lahontan Water Board may petition the State Water Board to review the action in accordance with Water Code section 13320 and California Code of Regulations, title 23, section 2050 and following. The State Water Board must receive the petition by 5:00 p.m., 30 days after the date of this Order, except that if the thirtieth day following the date of this Order falls on a Saturday, Sunday or State holiday, the petition must be received by the State Water Board by 5:00 p.m. on the next business day. Copies of the law and regulations applicable to filing will be provided upon request, and may be found on the Internet at:

[http://www.waterboards.ca.gov/public\\_notices/petitions/water\\_quality](http://www.waterboards.ca.gov/public_notices/petitions/water_quality)

#### IT IS HEREBY ORDERED THAT:

1. Administrative civil liability is imposed upon the Discharger in the amount of **\$1,370**.

2. The Discharger shall submit payment with a cashier's check or money order in the full amount of **\$1,370** payable to the State Water Resources Control Board's Waste Discharge Permit Fund within 30 days of the date this Order is adopted.
3. Should the Discharger fail to make the specified payment to the State Water Resources Control Board's Waste Discharge Permit Fund within the time limit specified in this Order, the Lahontan Water Board may enforce this Order by applying for a judgment pursuant to Water Code section 13328. The Lahontan Water Board's Executive Officer is hereby authorized to pursue a judgment pursuant to Water Code section 13328 if the criterion specified in this paragraph is satisfied.

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

Attachments:

- A. ACL Complaint No. R6T-2012-0026 (and attachments)
- B. Excerpt from June 20, 2012 Spalding Tract Community Services District's electronic mail and attachment to Lahontan Water Board staff

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## Lahontan Regional Water Quality Control Board

April 20, 2012

NAYLOR, MITCHELL CREIG &  
GINGER L. JT  
12344 26 MILE ROAD #67  
OAKDALE, CA 95361

**CERTIFIED MAIL: 7099 3220 0007 3471 3043**

### **ADMINISTRATIVE CIVIL LIABILITY COMPLAINT NO. R6T-2012-0026 FOR NAYLOR, MITCHELL CREIG & GINGER L. JT, SPALDING TRACT SUBDIVISION, LASSEN COUNTY APN 077-401-11-11**

Enclosed please find Administrative Civil Liability Complaint No. R6T-2012-0026 issued pursuant to California Water code section 13323, alleging violations by Naylor, Mitchell Creig & Ginger L. JT (Discharger) of Cease and Desist Order No. R6T-2009-0109. The Complaint alleges that the Discharger failed to either (1) connect its on-site wastewater disposal system to the Spalding Community Services District's community sewer system, or (2) properly abandon its on-site wastewater disposal system in accordance with Lassen County regulations by December 31, 2009. The Complaint proposes that the Regional Water Quality Control Board, Lahontan Region (Lahontan Water Board) assess an administrative civil liability against the Discharger in the amount of \$16,490 pursuant to California Water Code section 13350. Also enclosed is a Waiver of Hearing form for this matter.

Unless waived, a hearing before the Lahontan Water Board or a Lahontan Water Board Hearing Panel (Hearing Panel) will be held on **July 11-12, 2012** on this Complaint pursuant to Water Code section 13323. At the hearing, the Lahontan Water Board will consider whether to impose administrative civil liability (as proposed in the Complaint or for a different amount, either higher or lower than proposed, but not to exceed the maximum liability provided for by law), decline the administrative civil liability, or refer the matter to the Attorney General for judicial enforcement.

The Discharger may contest the proposed administrative civil liability at the hearing or, in the alternative, may waive its right to the hearing. Should the Discharger choose to waive its right to a hearing, an authorized agent must sign the enclosed Waiver of Hearing form and return it to the Lahontan Water Board's South Lake Tahoe office by **5:00 p.m. on May 21, 2012**. If the Lahontan Water Board does not receive the waiver and full payment of the liability by this date and time, the matter will be heard before the Lahontan Water Board or a Hearing Panel within 90 days of the Complaint's issuance date. Public hearing procedures will be mailed to the Discharger shortly and an agenda containing the date, time, and location of the hearing will be mailed to the Discharger at least 10 days prior to the hearing date.

If you have any questions regarding this matter, please contact Lisa Scorable (530) 542-5452, or Scott C. Ferguson at (530) 542-5432.

  
Laun Kemper, P.E.  
Assistant Executive Officer

Enclosures: 1. Administrative Civil Liability Complaint No. R6T-2012-0026  
2. Waiver of Hearing Form

cc (w/enc): Regional Board Members  
Harold J. Singer, Executive Officer/Lahontan Regional Water Quality Control Board  
Kim Niemeyer, Staff Counsel/State Water Resources Control Board/Office of Chief Counsel  
David Boyers, Staff Counsel/State Water Resources Control Board/Office of Enforcement  
Ann Carroll, Staff Counsel/State Water Resources Control Board/ Office of Enforcement

Cc (w/o enc): Chris Gallagher, General Manager/Spalding Community Services District  
Virginia Bruce/Spalding Community Services District  
Alan Jones, Director/Lassen County Environmental Health Department  
Kenneth Bunch/Lassen County Assessor  
Maurice Anderson/Lassen County Building Department

SCF/adw/T: Agenda Items/2012/July/Spalding ACL/R6T-2012-0026-Naylor/\_Cover Letter\_Spalding Tract ACL-Complaint Cover Letter (4-6-2012)SCF  
File Under: Spalding Tract\_Naylor, APN No. 077-401-11-11

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

|  |   |                                       |
|--|---|---------------------------------------|
| <b>In the Matter of</b>                        | ) |                                       |
| <b>Naylor, Mitchell Creig &amp; Ginger JT,</b> | ) | <b>COMPLAINT NO. R6T-2012-0026</b>    |
| <b>Spalding Tract Subdivision,</b>             | ) | <b>FOR</b>                            |
| <b>Lassen County APN 077-401-11-11</b>         | ) | <b>ADMINISTRATIVE CIVIL LIABILITY</b> |

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**NAYLOR, MITCHELL CREIG & GINGER JT IS HEREBY GIVEN NOTICE THAT:**

1. As a result of failing to either (1) connect the on-site wastewater disposal system to the Spalding Tract Community Services District's (District) community sewer system, or (2) properly abandon the on-site wastewater disposal system in accordance with Lassen County regulations, Naylor, Mitchell Creig & Ginger JT (Discharger) is alleged to have violated Cease and Desist Order No. R6T-2009-0109, for which the California Regional Water Quality Control Board, Lahontan Region (Lahontan Water Board) may impose administrative civil liabilities pursuant to Water Code section 13350. This Administrative Civil Liability Complaint (Complaint) is issued under authority of Water Code section 13323.
2. Unless waived, a hearing on this Complaint will be held before the Lahontan Water Board on July 11-12, 2012, at 971 Silver Dollar Avenue, South Lake Tahoe, California. At the hearing, the Lahontan Water Board will consider whether to affirm, reject, or modify (either increase or decrease) the proposed civil liability up to the maximum penalty provided for by law, or refer the matter to the Attorney General's Office for recovery of judicial liability. The Discharger or its representative will have an opportunity to be heard and to contest the allegations in this Complaint and the imposition of civil liability. An agenda for the meeting will be available at [http://www.waterboards.ca.gov/lahontan/board\\_info/agenda/](http://www.waterboards.ca.gov/lahontan/board_info/agenda/) not less than 10 days before the hearing date.
3. The Discharger can waive its right to a hearing to contest the allegations contained in this Complaint by submitting a signed waiver and paying the civil liability in full or by taking other actions as described in the attached waiver form. If this matter proceeds to hearing, the Lahontan Water Board's Prosecution Team reserves the right to seek an increase in the civil liability amount to cover the costs of enforcement incurred subsequent to the issuance of this Complaint through the hearing.

## ALLEGATIONS

4. The Discharger owns Assessor Parcel No. 077-401-11-11 in the Spalding Tract subdivision located on the west shore of Eagle Lake, approximately 20 miles northwest of Susanville, California. See Attachment A – Vicinity Map.
5. Based upon a review of Lassen County records, the Discharger owns and/or operate(s) an on-site wastewater disposal system located at the above-referenced parcel. The existence of an on-site wastewater disposal system that has not been properly abandoned at this location permits waste containing nutrients to be discharged, and/or threatens a discharge of waste containing nutrients, to waters within the Eagle Lake Basin.
6. In September 1984, pursuant to Water Code section 13243, the Water Board amended the *Water Quality Control Plan for the Lahontan Region* (Basin Plan) to prohibit the discharge of sewage to on-site wastewater disposal systems in the Spalding Tract 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 p. 4.1-4.)
7. On October 22, 2007, the District's community sewer system (system) became operational. As a result, there is now an available method for the Spalding Tract subdivision property owners to comply with the Basin Plan prohibition cited above.
8. On October 14, 2009, the Lahontan Water Board adopted Cease and Desist Order No. R6T-2009-0109 for Lassen County APN No. 077-401-11-11 to establish a time schedule for the Discharger to comply with the Basin Plan prohibition cited in Finding 6 above.
9. Cease and Desist Order No. R6T-2009-0109 required the Discharger, by December 31, 2009, to either (1) connect its on-site wastewater disposal system to the District's community sewer system, or (2) properly abandon its on-site wastewater disposal system in accordance with Lassen County regulations. Upon completing one of the two activities, the Discharger was required to submit documentation of compliance with the Basin Plan prohibition cited in Finding 6 above to the Lahontan Water Board.
10. The Discharger failed to comply with Cease and Desist Order No. R6T-2009-0109 and on June 28, 2011, the Lahontan Water Board's Prosecution Team issued the Discharger a Notice of Violation citing the ongoing violation.

11. The June 28, 2011 Notice of Violation notified the Discharger of the Prosecution Team's intent to issue an Administrative Civil Liability Complaint to be considered by the Lahontan Water Board at its November 9-10, 2011 meeting.
12. The June 28, 2011 Notice of Violation informed the Discharger that the Prosecution Team would consider withdrawing the Administrative Civil Liability Complaint if the Discharger complied with its Cease and Desist Order prior to the November 9-10, 2011 meeting.
13. Based upon a review of the District's records (Attachment B to this Complaint), the Discharger has not connected its on-site wastewater disposal system to the District's community sewer system as of April 11, 2012, and the Lahontan Water Board has not received documentation from the Discharger and/or from Lassen County that the Discharger properly abandoned its on-site wastewater disposal system as of April 11, 2012. Therefore, the Discharger is in violation of Cease and Desist Order No. R6T-2009-0109.
14. As of the date of drafting of this Complaint, April 11, 2012, the Discharger has been in violation of Cease and Desist Order No. R6T-2009-0109 for 832 days.

**WATER CODE SECTION UPON WHICH ADMINISTRATIVE CIVIL LIABILITY IS  
BEING ASSESSED FOR THE ALLEGED VIOLATIONS**

15. Pursuant to Water Code section 13350, subdivision (a), any person who violates any cease and desist order issued by a regional board, is subject to administrative civil liability.
16. Pursuant to Water Code section 13350, subdivision (e), civil liability may be imposed administratively on a daily basis in an amount not to exceed five thousand dollars (\$5,000) for each day in which the violation occurs.

**FACTORS CONSIDERED IN DETERMINING ADMINISTRATIVE CIVIL LIABILITY**

17. Pursuant to Water Code section 13327, in determining the amount of civil liability, the Lahontan Water Board is required to take into account the nature, circumstance, extent, and gravity of the violation or violations, whether the discharge is susceptible to cleanup or abatement, the degree of toxicity of the discharge, and, with respect to the violator, the ability to pay, the effect on ability to continue business, any voluntary cleanup efforts undertaken, any prior history of violations, the degree of culpability, economic benefit or savings, if any, resulting from the violation, and other matters as justice may require.
18. On November 17, 2009, the State Water Resources Control Board (State Water Board) adopted Resolution No. 2009-0083 amending the Water Quality Enforcement Policy (Enforcement Policy). The Enforcement Policy was approved by the Office of Administrative Law and became effective on May 20, 2010. The Enforcement Policy

establishes a methodology for assessing administrative civil liability. The use of this methodology addresses the factors that are required to be considered when imposing a civil liability as outlined in Water Code section 13327. The entire Enforcement Policy can be found at:

[http://www.waterboards.ca.gov/water\\_issues/programs/enforcement/docs/enf\\_policy\\_final111709.pdf](http://www.waterboards.ca.gov/water_issues/programs/enforcement/docs/enf_policy_final111709.pdf)

19. The required factors have been considered for the violations alleged herein using the methodology in the Enforcement Policy, as explained in detail in Attachment C, which is attached hereto and incorporated herein by this reference.

#### **MAXIMUM ADMINISTRATIVE CIVIL LIABILITY**

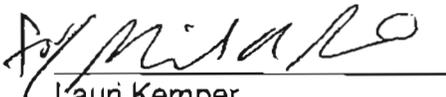
20. Pursuant to Water Code section 13350, subdivision (e), the total maximum administrative civil liability that may be imposed for the violations alleged in this Complaint is **\$4,160,000**, as described in Attachments C and D, which are attached hereto and incorporated herein by this reference.

#### **PROPOSED ADMINISTRATIVE CIVIL LIABILITY**

21. Based on consideration of the above facts, the applicable law, and after applying the administrative civil liability methodology as described in Attachments C and D, the Assistant Executive Officer of the Lahontan Water Board proposes that civil liability be imposed administratively on the Discharger in the amount of **\$16,490.00**.

#### **CALIFORNIA ENVIRONMENTAL QUALITY ACT**

22. Issuance of this Complaint is an enforcement action and is, therefore, exempt from the California Environmental Quality Act (Pub. Resources Code § 21000 et seq.), pursuant to California Code of Regulations, title 14, section 15321, subdivision (a)(2).
23. Notwithstanding the issuance of this Complaint, the Lahontan Water Board retains the authority to assess additional civil liability for violations of the requirements of Cease and Desist Order No. R6T-2009-0109 for which liability has not yet been assessed or for violations that may occur subsequent to the issuance of this Complaint.

  
Lauri Kemper  
Assistant Executive Officer

4-20-12  
Date

#### **Attachments:**

- A. Vicinity Map
- B. Property Owners Connected to District Community Sewer System
- C. Administrative Civil Liability Methodology
- D. Administrative Civil Liability Methodology Spreadsheet

# ATTACHMENT A - VICINITY MAP



**Attachment B**  
**Property Owners Connected to District Community Sewer System**

| <b>Date of Connection</b> | <b>Spalding Residents Connected to the District Disposal System: APPLICANT NAME</b> | <b>Service Address</b>            | <b>APN#</b>      | <b>Notes</b> |
|---------------------------|---|-----------------------------------|------------------|--------------|
| 09/10/09                  | Abrams, Shirley H 1992 Rev TR   | 687-725 Spruce Way                | 077-193-32       |              |
| 04/03/08                  | Adams Family Trust  | Laurel Way                        | 077-343-17       |              |
| 08/01/08                  | Adams Family Trust Agreement  | 687-285 Juniper                   | 077-354-25       |              |
| 06/09/08                  | Aguiano, Jose R ETAL  | Magnolia Way                      | 077-334-13       |              |
| 06/04/08                  | Allen, Glen & Ida Rev. Trust  | 686-730 Catalpa Way               | 077-374-19       |              |
| 07/31/08                  | Alvarez Charles R.  | 688-100 Ivy Way                   | 077-221-16       |              |
| 08/06/08                  | Aman, Lisa Marie  | 503-555 Mahogany Way              | 077-301-23       |              |
| 05/21/09                  | American Legion Eagle Lake Post 162   | 687-935 Spruce Way                | 077-193-34       |              |
| 11/02/07                  | Anderson, Christopher J./J.A  | 687-815 Cedar Way                 | 077-283-24       |              |
| 04/14/08                  | Anderson, Dale A& Virginia A Revoc. Trust   | 687-590 Hazel Way                 | 077-331-30       |              |
| 03/18/08                  | Anderson, James L/Sherri A CP   | Hazel/Maple                       | 077-211-19       |              |
| 05/30/08                  | Anderson, Lee A Faye Z. JT.   | 686-855 Acorn Way                 | 077-392-14       |              |
| 05/08/08                  | Armstrong Family Trust  | 687-450 Magnolia Way              | 077-334-21       |              |
| 09/24/08                  | Armstrong Living Trust  | 687-384 Sycamore                  | 077-311-45       |              |
| 04/22/08                  | Armstrong, Dale A.& Myrna A.  | 688-050 Sycamore                  | 077-241-20       |              |
| 06/11/08                  | Armstrong, Robert T/Mabel E   | 688-035 Laurel Way                | 077-223-21       |              |
| 05/16/08                  | Arnold, Michael Wayne/Katherine Diane Rev TR  | RV Park-The Strand/ <b>Tank 1</b> | 077-182-09       |              |
| 11/16/11                  | Arnold, Michael Wayne/Katherine Diane Rev TR  | RV Park-The Strand/ <b>Tank 2</b> | 077-182-09       |              |
| 04/30/09                  | Arnold, Michael Wayne/Katherine Diane Rev TR  | RV Park-The Strand/ <b>Tank 4</b> | 077-181-12       |              |
| 11/02/07                  | Arons, Gerald J/Louise C  | 502-630 Mahogany Way              | 077-234-36       |              |
| 09/03/09                  | Artinian, Perry Exemption TR  | 502-475 The Strand                | 077-151-23       |              |
| 10/24/07                  | Atteberry David Ned & Vera Louse Jt.  | 686-930 Cherry Way                | 077-371-19       |              |
| 04/17/08                  | Atteberry, Harley/Lawanda   | 686-765 Fir Way                   | 077-383-39       |              |
| 07/29/09                  | Aubrey, Randall D/Valerie JDVA  | 686-795 Bamboo Way                | 077-393-23       |              |
| 10/06/08                  | Baer, Ronald L & Scott-Baer, Daleen E   | Juniper Way                       | 077-231-26       |              |
| 11/13/09                  | Bailey Trust ETAL   | Laurel Way                        | 077-234-10,22,07 |              |
| 12/08/08                  | Bailey, Irene   | 687-725 Hazel Way                 | 077-234-41       |              |
| 09/05/08                  | Baker, Joseph A. & Donna G.   | 686-905 Sycamore Way              | 077-402-14       |              |
| 02/12/08                  | Baker, Joseph A. & Donna G. JT.   | 686-905 Sycamore Way              | 077-402-23       |              |
| 05/09/08                  | Baker, Victor O./ Marguerite J.   | 687-010 Hollywod Way              | 077-363-18       |              |
| 03/31/08                  | Ballard, Richard H & Bobbie L   | 687-760 Laurel Way                | 077-233-56       |              |
| 02/19/10                  | Barker, Jeffrey   | Bamboo Way                        | 077-394-20       |              |
| 12/02/08                  | Barnes Family Trust Agreement   | 687-870 Juniper Way               | 077-232-33       |              |
| 06/02/08                  | Barnett Stephen R. & Joann W.   | 687-100 Bamboo Way                | 077-397-31       |              |
| 04/08/08                  | Barris, Patrick H/Gloria J.T.   | Walnut Way                        | 077-171-35       |              |
| 10/07/08                  | Barrows, Donald A/Barrows, Linda K TC   | 687-115 Cherry Way                | 077-388-23       |              |
| 08/12/08                  | Bateson, Clarence Owen/Susan Elizabeth  | 687-560 Fir Way                   | 077-292-09       |              |
| 08/05/08                  | Bechhold Family Trust   | The Strand/Hollywood Way          | 077-241-11       |              |
| 04/15/08                  | Beck Ronald N. & Gwen M JT.   | 686-840 Redwood Way               | 077-401-20       |              |
| 05/19/08                  | Beckett Family Living Trust   | 686-755 Catalpa Way               | 077-373-18       |              |
| 09/16/08                  | Beckett Family Living Trust   | 686-775 Catalpa Way               | 077-373-21       |              |
| 09/25/08                  | Beckett Family Living Trust   | 686-830 Catalpa Way               | 077-374-27       |              |
| 07/10/08                  | Beckman, Ronald G/Natalie J JT  | 687-100 Delwood Way               | 077-386-12       |              |
| 10/09/08                  | Belingeri Dennis D. & Stacy & Ziegler Paul M. JT.                                   | 688-090 Linden Way                | 077-223-24       |              |
| 06/12/09                  | Bell, Max K/Lynn D JT   | 686-755 Chestnut Way              | 077-371-08       |              |
| 06/18/08                  | Bemus Joseph M.& Susan C. CP.   | 686-855 Catalpa Way               | 077-373-20       |              |
| 10/14/08                  | Bennett, Thomas Lee/Bennett, Robin Rae  | 686-825 Sycamore Way              | 077-402-20       |              |
| 07/09/08                  | Bergthhold, Robert D/Terri HW   | 687-840 Almond Way                | 077-174-27       |              |
| 08/12/08                  | Betts, F Gregory/Doris B Family Trust   | Walnut Way                        | 077-161-22       |              |
| 08/27/09                  | Bilsborough, Craig/Linda JT   | 686-885 Fir Way                   | 077-383-35       |              |
| 07/17/09                  | Birkes Charles W. Marilyn   | 687-475 Juniper Way               | 077-322-04       |              |
| 05/18/09                  | Birlem, Richard/Salena JT   | 688-125 Juniper Way               | 077-221-17       |              |
| 12/22/09                  | Bishow, Raymond L.  | Hickory Way                       | 077-254-28       |              |
| 12/04/09                  | Bixby, William D/Ann R CPRS   | 687-825 Linden Way                | 077-232-41       |              |
| 03/27/08                  | Blackwell, Glenn R/Jeanette JR  | 687-130 Linden Way                | 077-342-16       |              |

**Attachment B**  
**Property Owners Connected to District Community Sewer System**

| <b>Date of Connection</b> | <b>Spalding Residents Connected to the District Disposal System: APPLICANT NAME</b> | <b>Service Address</b> | <b>APN#</b> | <b>Notes</b>   |
|---------------------------|---|------------------------|-------------|----------------|
| 10/29/08                  | Bloom, Kenneth D/Janis ETAL   | 687-285 Hickory        | 077-352-17  |                |
|                           | Bobbitt, Galen/Monique ETAL *   | 687-354 Juniper Way    | 077-354-24  | * Disconnected |
| 04/30/09                  | Boggs, Michael L/Christie Ann JT  | Laurel Way             | 077-224-26  |                |
| 06/11/08                  | Bollmann Richard M & Jacque A. JT.  | 686-835 Delwood Way    | 077-381-17  |                |
| 07/06/08                  | Boucher Family Trust  | 687-745 Tulip Way      | 077-194-42  |                |
| 07/21/08                  | Bowman, Joe E ETAL  | 687-740 Lakeview Dr.   | 077-274-31  |                |
| 09/18/08                  | Boyles, Valton  | 688-040 Manzanita Way  | 077-141-15  |                |
| 10/06/08                  | Brazil, Joseph Souza/Velma Lee Living Trust   | 687-675 Orchard Way    | 077-214-28  |                |
| 06/06/08                  | Brazil, Larry E   | 387-920 Hollywood Way  | 077-312-06  |                |
| 07/21/08                  | Bresin Family Revocable Living Trust  | Chinquepin Way         | 077-204-06  |                |
| 06/03/09                  | Brewster, George & Cheryl Family Trust  | Pinon/Sycamore         | 077-362-32  |                |
| 07/03/08                  | Bricker Living Trust  | 687-005 Catalpa Way    | 077-377-16  |                |
| 08/13/08                  | Bricker Living Trust  | 687-015 Catalpa Way    | 077-377-15  |                |
| 07/10/08                  | Briggs Living Trust   | 687-465 Hazel Way      | 077-324-32  |                |
| 05/13/08                  | Brines Family Trust   | 687-990 Almond Way     | 077-151-15  |                |
| 06/27/08                  | Brochon Martial Henry & Deillia Ann JT.   | Redwood Way            | 077-273-33  |                |
| 11/06/07                  | Brown, Robert G.  | 503-155 Mahogany Way   | 077-304-56  |                |
| 06/06/08                  | Bruce Family Trust  | 687-015 Ivy Way        | 077-353-28  |                |
| 06/26/09                  | Buechler, Vigil D Revocable Trust   | 68-805 Magnolia Way    | 077-216-04  |                |
| 07/28/08                  | Bullock, Arnold E/Bullock Viola J TR  | 687-995 Hemlock Way    | 077-242-24  |                |
| 12/01/09                  | Burkirk, Jeffery O/Margaret A JT  | Chestnut Way           | 077-371-06  |                |
| 03/04/08                  | Burleson, Vicki L   | 687-150 Hickory Way    | 077-353-23  |                |
| 04/08/08                  | Bush, Angelina L  | 687-020 Cedar Way      | 077-377-08  |                |
| 09/05/08                  | Bush, James, K/Debra M JT   | 688-120 Hemlock Way    | 077-243-09  |                |
| 06/05/09                  | Butler, Pamela Lynn   | Chestnut Way           | 077-376-17  |                |
| 04/12/10                  | Cady, Douglas & Lisa JT   | 687-630 Hazel Way      | 077-331-41  |                |
| 09/18/09                  | Cal, Family Living Trust  | Lakeview Dr.           | 077-362-36  |                |
| 02/15/08                  | Callison Living Trust   | Cedar Way              | 077-283-15  |                |
| 04/24/08                  | Campbell, Stuart B & Paula S  | 530-225 The Strand     | 077-241-26  |                |
| 07/10/09                  | Caron, Jean A. & Yvonne N. HWCP   | 687-590 Sycamore Way   | 077-311-40  |                |
| 06/25/08                  | Carrell, Robert G & Melcena Family Trust Etal                                       | 687-305 Spalding RD.   | 077-303-37  |                |
| 11/13/09                  | Carver, Kenneth/Strongman, Linda  | 687-205 Hazel Way      | 077-324-50  |                |
| 08/22/09                  | Castaneda, David & Donna JT   | 686-720 Delwood Way    | 077-382-09  |                |
| 08/21/09                  | Chan Family Trust   | 684-745 Orchard Way    | 077-214-18  |                |
| 01/15/10                  | Chandler, Diane   | 687-600 Redwood Way    | 077-303-27  |                |
| 10/25/07                  | Chappel, Sherry   | 687-875 Linden Way     | 077-232-31  |                |
| 05/01/08                  | Chatterley, Robert E & Bertha A. JT   | 687-320 Hazel Way      | 077-331-52  |                |
| 09/23/09                  | Cheng, Rovina Y   | 687-290 Juniper Way    | 077-322-12  |                |
| 07/06/11                  | Chuck, Mitchell/EKT Properties  | 687-995 Redwood Way    | 077-262-13  |                |
| 05/28/08                  | Clark, Donald L/Gina M JT   | 687-805 Sycamore Way   | 077-274-30  |                |
| 02/17/10                  | Clark, Mark L & Reatha Pauline JT   | Tamarack Way           | 077-173-35  |                |
| 08/20/09                  | Clark, William Jacob  | Tulip Way              | 077-161-18  |                |
| 04/10/08                  | Clayton, Robert James   | 687-015 Redwood Way    | 077-378-22  |                |
| 09/08/08                  | Claytor, Ronald/Kathryn TC  | 688-000 Lakeview Dr.   | 077-264-19  |                |
| 08/25/08                  | Clough Family Tr.   | 682-920 Juniper Way    | 077-232-44  |                |
| 01/29/09                  | Clowers, Herbert F ETAL   | Larch Way/The Strand   | 077-132-18  |                |
| 08/31/09                  | Coffey, Kenneth W/Dorothy J   | 686-850 Delwood Way    | 077-382-13  |                |
| 03/26/08                  | Coleman, Stephanie M ETAL   | 687-795 Chinquepin Way | 077-213-05  |                |
| 09/22/08                  | Colgan Family Trust   | Sycamore Way           | 077-363-19  |                |
| 07/11/11                  | Contreras, Robert SR. & Cyndi L. JT.  | Juniper Way            | 077-232-42  |                |
| 12/12/07                  | Cook Family Trust   | 688-085 Hickory Way    | 077-243-23  |                |
| 12/09/08                  | Cook, Richard W JR/Donna J CPS  | Hickory Way            | 077-244-23  |                |
| 12/31/07                  | Corey, Clifford & Jeanne CPRS   | 687-440 Hemlock Way    | 077-313-18  |                |
| 09/11/08                  | Councilman Family Trust   | Hollywood Way          | 077-252-25  |                |
| 06/25/10                  | Crete, Joseph C & Terri JT  | Acorn Way              | 077-393-14  |                |
| 08/16/08                  | Crowe, Paul L. & Arlene M. TR   | 687-890 Ivy way        | 077-231-32  |                |

**Attachment B**  
**Property Owners Connected to District Community Sewer System**

| <b>Date of Connection</b> | <b>Spalding Residents Connected to the District Disposal System: APPLICANT NAME</b> | <b>Service Address</b> | <b>APN#</b> | <b>Notes</b> |
|---------------------------|---|------------------------|-------------|--------------|
| 08/26/08                  | Culjis, Lana S  | 686-975 Chestnut Way   | 077-375-19  |              |
| 09/21/09                  | Cunnington, Roger   | Walnut Way             | 077-171-36  |              |
| 08/17/09                  | Cunnington, Roger ETAL  | Hazel Way              | 077-331-40  |              |
| 03/24/08                  | Cunnington, Ronald & Lloy CP  | 688-085 Tulip Way      | 077-184-19  |              |
| 06/11/08                  | Curley, Richard D/Judith A CP   | 686-785 Cypress Way    | 077-394-11  |              |
| 06/18/08                  | Curran, David M. & Carol L. JT  | 688-060 Hemlock Way    | 077-243-22  |              |
| 04/20/09                  | Curry, Richard A/Michelle J   | 503-400 Madrone Way    | 077-374-23  |              |
| 04/20/09                  | Curry, Richard A/Michelle J   | Fir Way                | 077-383-37  |              |
| 12/06/07                  | Dallimore, Rosaline & Richard P. WHCP   | 688-025 Mimosa Way     | 077-142-19  |              |
| 04/18/08                  | Davey Roland A & Rose Marie   | 689-110 Spalding Rd.   | 077-362-38  |              |
| 07/16/09                  | Davis, G L or J A   | 688/145 Laurel Way     | 077-223-27  |              |
| 08/03/09                  | Davis, G L/J A Rev Liv TR   | Tulip Way              | 077-171-27  |              |
| 10/07/09                  | Davis, Patricia Candis  | Laurel Way             | 077-223-23  |              |
| 06/30/11                  | Davis, Robert & Annitta JT  | 687-770 Hollywood Way  | 077-252-04  |              |
| 05/15/09                  | Dawson, Gray/Julie CPRS   | 688-000 Tulip Way      | 077-161-03  |              |
| 02/28/08                  | Deaver, Howard R/Brown Carol S JT   | 687-280 Magnolia Way   | 077-334-01  |              |
| 07/01/08                  | Degli-Esposti, Robert F & Deanna J Fam Rev Liv                                      | 687-800 Hickory Way    | 077-254-26  |              |
| 04/20/09                  | Dempsey, Tom  | 387-760 Walnut Way     | 077-172-23  |              |
| 12/13/07                  | Denny Leland J & Santos, Linda Ann JT   | 687-710 hemlock Way    | 077-253-34  |              |
| 04/15/09                  | Denny, Lowell G & Denny, Christian P. JT  | 687-635 Hazel Way      | 077-324-46  |              |
| 05/21/08                  | Dettloff, Susan E & Michael D CP  | 687-010 Cedar Way      | 077-377-11  |              |
| 05/14/08                  | Devine, Robert William/Doreen Anne HWJT   | Hollywood/Madrone      | 077-411-20  |              |
| 04/18/08                  | Diefenderfer Family Trust   | Lilac Way              | 077-153-21  |              |
| 06/11/09                  | Dietrich, Bonnie K  | 520-687 Sycamore Way   | 077-311-06  |              |
| 06/19/08                  | Dingess, Terry L/Ernestine S JT   | 687-0145 Hickory Way   | 077-352-30  |              |
| 04/14/08                  | DiPonti, Robert & Dolores M PMB 166 Suite 7   | 687-580 Maple Way      | 077-332-56  |              |
| 05/20/09                  | Dittmar, Donald D/Carolyn Y   | 687-775 Maple Way      | 077-211-17  |              |
| 10/09/08                  | Doll Revocable Inter Vivos TR   | Spalding/Pinion        | 077-362-33  |              |
| 08/27/08                  | Donnell, Avis C Living Trust  | 687-560 Ivy Way        | 077-231-35  |              |
| 05/01/08                  | Doss, L.A./Linda JT   | 688-000 Hickory Way    | 077-244-32  |              |
| 09/19/08                  | Doty, Dennis W & Flynn-Doty, Diana HW   | 687-155 Hickory Way    | 077-353-24  |              |
| 11/02/07                  | Dowdy, Russell  | Cedar Way              | 077-271-18  |              |
| 09/15/08                  | Dreiss Family Trust   | 687-105 Fir Way        | 077-387-10  |              |
| 06/02/08                  | Drew, James E/Henderson, Karen  | 688-090 Oak Way        | 077-132-20  |              |
| 08/03/08                  | Driggs Family Trust   | Acorn Way              | 077-395-26  |              |
| 07/02/08                  | Duchi, Angelo A. & S. Ronda   | Hazel Way/The Strand   | 077-224-27  |              |
| 08/13/08                  | Dunlap Angela K & Walsmith George JA  | 687-880 Hazel Way      | 077-215-11  |              |
| 11/19/07                  | Eagle Lake Community Church   | 687-905 Lakeview Dr.   | 077-273-41  |              |
| 07/01/09                  | Eakin, Janice L   | 686-730 Hickory Way    | 077-413-15  |              |
| 06/12/09                  | Ehn, Charles M & Mayme A.   | 688-085 Hemlock way    | 077-242-12  |              |
| 09/12/08                  | Eldred Family Trust   | 686-925 Acacia Way     | 077-391-19  |              |
| 08/01/08                  | Ellasces, Frank K Sr/Michell D Vaughn JT ETAL                                       | Cedar Way              | 077-373-23  |              |
| 06/04/08                  | Elvin, Henry J/Mary M TR  | Bamboo Way             | 077-394-17  |              |
| 07/16/08                  | Erlewine, Edward F & Mary I 1992 Rev Family   | 688-090 Redwood Way    | 077-263-14  |              |
| 10/16/08                  | Estes, Kenneth P/Mary L JT  | Magnolia Way           | 077-216-10  |              |
| 10/24/07                  | Evans, Ronald R & Janet L. JT   | 687-750 Hickory Way    | 077-254-32  |              |
| 03/14/08                  | Fagundes, John P/Laurie M   | 503-555 Madrone        | 077-381-13  |              |
| 11/27/07                  | Fahringer, Pearline   | 687-945 Tulip Way      | 077-194-44  |              |
| 07/03/09                  | Farley, Fred E  | 687-010 Delwood Way    | 077-386-19  |              |
| 09/11/08                  | Farmer, Jerrel H. & Farmer, Maude M Rev.  | 686-125 Delwood Way    | 077-381-07  |              |
| 10/14/08                  | Farris Family Trust 1998 Rev. TR  | Bamboo Way             | 077-397-28  |              |
| 10/27/08                  | Farris, Gloria C.   | Cherry Way             | 077-282-09  |              |
| 07/01/08                  | Fauvelle, Mark D.   | 686-850 Cedar Way      | 077-373-19  |              |
| 07/13/09                  | Feist, Robert J   | Hickory Way            | 077-253-36  |              |
| 08/07/09                  | Feist, Robert J   | 687-915 Laurel Way     | 077-233-38  |              |

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|---------------------------|---|------------------------|-------------|--------------|
| 06/11/09                  | Fenner, Theodore R/Anita B JT   | Sycamore               | 077-264-17  |              |
| 07/18/08                  | Ferrier, William T/Laurette K JT  | 687-990 Ivy Way        | 077-221-18  |              |
| 12/19/07                  | Field, Shirley L Family Trust   | Acorn Way              | 077-396-18  |              |
| 04/09/08                  | Field, Shirley L Family Trust   | Acorn Way              | 077-396-17  |              |
| 03/05/08                  | Fies, William J JR. Trust Agreement   | Hickory Way            | 077-244-30  |              |
| 03/24/08                  | Fischer, Charles B. & Janet A. Trust  | Tulip Way              | 077-194-29  |              |
| 04/23/09                  | Fiske, Willard A/Deanna M   | Catalpa Way/The Strand | 077-262-07  |              |
| 05/02/08                  | Flandreau, Claude-Anne 2005 TR  | 687-245 Sycamore Way   | 077-362-35  |              |
| 06/06/08                  | Flannagan, James S. TR  | 686-925 Madrone Way    | 077-351-23  |              |
| 11/14/07                  | Fortier, Gerald & Tracy JT  | 687-900 Tamarack Way   | 077-174-18  |              |
| 04/07/10                  | Fouk, Benjamin L  | Linden Way             | 077-222-21  |              |
| 10/03/08                  | Fredenburg, Kenneth D   | 687-800 Hazel Way      | 077-211-15  |              |
| 10/26/07                  | Frey, Heinz Robert & Lieselotte JT  | 688-040 Lakeview Dr    | 077-264-07  |              |
| 08/28/09                  | Gaines, Theodore 1996 Trust   | The Strand             | 077-221-06  |              |
| 11/26/07                  | Gallagher Family TR   | 687-980 Linden Way     | 077-223-28  |              |
| 10/25/07                  | Garcia Family Trust   | 686-995 Chestnut       | 077-375-10  |              |
| 05/26/09                  | Garcia, Larry Michael Sherre A HWJT   | 688-035 Hollywood Way  | 077-241-23  |              |
| 05/26/09                  | Garcia, Larry Michael/Sherre A  | Hollywood Way          | 077-241-24  |              |
| 10/02/09                  | Gardner, Jane E   | 688-100 Linden Way     | 077-223-25  |              |
| 12/11/07                  | Garland, John M.& Regina K. JT  | 687-820 Ivy Way        | 077-231-27  |              |
| 08/05/09                  | Gates, Donald F/Charlene  | Chestnut/Cherry        | 077-293-12  |              |
| 11/13/09                  | Geer, Glen  | Laurel Way             | 077-233-53  |              |
| 05/27/09                  | George, Byron W/Beverly A   | Sycamore Way           | 077-251-46  |              |
| 11/02/07                  | Glenden, Jack Terrence/Helen Lathe Family Trust                                     | 687-600 Cedar Way      | 077-301-19  |              |
| 04/24/08                  | Glenn, James H. Irrevocable Trust   | 687-960 Sycamore       | 077-241-22  |              |
| 05/07/08                  | Glenn, Leon H.  | 688-030 Sycamore Way   | 077-241-25  |              |
| 09/09/11                  | Goddard, Philip W   | 687-950 Cedar Way      | 077-261-08  |              |
| 04/07/08                  | Godde, Lawrence A. & Godde, Geraldine D   | Lakeview Dr.           | 077-273-39  |              |
| 09/12/08                  | Golden Gary/Erma E Trust  | 686-125 Almond Way     | 077-164-20  |              |
| 04/21/08                  | Gomez, Joe I & Olivia ETAL  | 687-315 Hazel Way      | 077-324-47  |              |
| 05/08/09                  | Goodenow, Rev Robert/Susan Mae CPRS   | Juniper Way            | 077-221-24  |              |
| 05/01/09                  | Goodwin, Stephen D/Susan E JT   | 686-975 Spalding Rd    | 077-361-27  |              |
| 04/21/08                  | Goyette,Vern & Porrasi, Cecilia TC  | 077-232-23 Linden Way  | 077-232-23  |              |
| 05/14/08                  | Grajczyk, Gary R. & E. Louise   | 687-320 Hollywood Way  | 077-312-26  |              |
| 04/27/09                  | Graton, Diane Alan/Kari Michelle  | 687-305 Laurel Way     | 077-323-33  |              |
| 06/09/08                  | Gregorius, Benedict & Sheila Francine JT  | 687-985 Chinquepin Way | 077-217-10  |              |
| 05/09/08                  | Grout, George/Zona JT   | 688-105 Hazel Way      | 077-224-11  |              |
| 05/28/08                  | Haddox, Caroline ETAL   | 687-740 Walnut Way     | 077-172-25  |              |
| 06/03/08                  | Hague Donald & Edith E HW/Hague, Montana May  | 686-810 Acorn Way      | 077-393-25  |              |
| 11/12/09                  | Haines, Cidne J. ETAL   | Hemlock Way            | 077-351-03  |              |
| 09/05/08                  | Hallas, Charles/Rosalie Living Trust  | 688-125 Hickory Way    | 077-243-24  |              |
| 07/16/08                  | Harper Family Trust   | Chestnut Way           | 077-371-10  |              |
| 11/21/07                  | Harrison, Richard K/Julie A   | Linden Way             | 077-233-46  |              |
| 08/26/08                  | Harvey Family Trust   | 687-930 Hazel Way      | 077-215-12  |              |
| 04/25/09                  | Hasty, Clarence/Virginia Revoc Liv Tr   | 687-775 Orchard Way    | 077-214-29  |              |
| 08/23/11                  | Hasty, Clarence/Virginia Revoc Liv Tr   | Laurel/Palm            | 077-344-15  |              |
| 04/29/08                  | Healy,Thomas &Delores Etal %Robert, OB  | 687-640 Linden Way     | 077-323-36  |              |
| 06/18/08                  | Helmer, Nason James/Gail Ann Rev TR   | 686-800 Chestnut Way   | 077-372-20  |              |
| 03/18/08                  | Hembree , Stephanie L   | Maple Way              | 077-212-15  |              |
| 08/28/08                  | Henrickson, Joseph G III/Marilyn HWJT   | 687-025 Spalding Rd.   | 077-361-19  |              |
| 08/20/08                  | Henrickson, Joseph G III/Marilyn JT   | 503-475 Madrone Way    | 077-373-13  |              |
| 05/02/08                  | Henson John E & Evelyn A Trust  | 503-150 Pinion Way     | 077-304-52  |              |
| 10/25/07                  | Herfi, David Lee & Cynthia Louise JT  | Lakeview Dr.           | 077-274-20  |              |
| 04/20/09                  | Heritage Land Co  | Redwood Way            | 077-262-18  |              |

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|---------------------------|---|----------------------------|------------------|--------------|
| 07/22/09                  | Heritage Land Co  | Elm Way                    | 077-383-20       |              |
| 07/23/09                  | Heritage Land Co  | Elm Way                    | 077-383-31       |              |
| 08/12/09                  | Heritage Land Co  | 686-920 Spalding Rd.       | 077-362-28       |              |
| 04/21/10                  | Heritage Land Co  | Acacia Way                 | 077-392-19       |              |
| 04/22/08                  | Herrbach, Clarence E/Herrbach, Rae B  | 686-760 Sycamore Way       | 077-403-20       |              |
| 08/21/09                  | Herrick Family Trust  | 687-595 Hazel Way          | 077-324-45       |              |
| 04/09/08                  | Hiehle, Dustin L & Georgia JT   | 687-005 Cedar Way          | 077-376-24       |              |
| 05/27/09                  | Hindbaugh, Ronald P.Earline M JT  | 687-945 Sycamore Way       | 077-274-18       |              |
| 05/28/09                  | Hindbaugh, Ronald P.Earline M JT  | 687-900 Sycamore Way       | 077-251-34       |              |
| 06/01/09                  | Hindbaugh, Ronald P.Earline M JT  | 687-490 Sycamore Way       | 077-311-41       |              |
| 09/26/08                  | Hindersheid, Dave/Cecelia   | 687-755 Juniper Way        | 077-231-23       |              |
| 07/28/08                  | Holland, Paul Reginald/Flor Rev Liv Trust   | Strand/Willow/Walnut       | 077-162-05,06,07 |              |
| 04/02/08                  | Hopwood, Kenneth/Jayne H ETAL All AS JT   | 686-950 Sycamore Way       | 077-363-15       |              |
| 04/07/08                  | Hosking Robert R/Margaret   | 687-040 Cedar Way          | 077-377-09       |              |
| 05/15/08                  | House, David J/Chrisandra M CPS   | 687-765 Orchard Way        | 077-214-17       |              |
| 10/01/08                  | House, James/Diana JT(Vista Reverse 8 LLC)  | 688-045 Redwood Way        | 077-262-14       |              |
| 06/04/09                  | House, Jesse P/Dolores M House TR   | Hollywood/Madrone/Sycamore | 077-363-29       |              |
| 08/21/08                  | Howes James W. & Elizabeth  | 687-670 Catalpa Way        | 077-272-01       |              |
| 06/03/08                  | Hunter, John L & Dorothy A JT   | 687-505 Hollywood Way      | 077-311-37       |              |
| 04/09/08                  | Illia Family Trust  | 687-300 Sycamore           | 077-311-23       |              |
| 06/25/08                  | Ito, Douglas Y ETAL   | Hickory Way                | 077-353-27       |              |
| 04/14/08                  | Jackson Family Trust  | 686-920 Redwood Way        | 007-401-05       |              |
| 09/23/08                  | James Timothy & Louise JT.  | 687-065 Acorn Way          | 077-395-16       |              |
| 03/31/08                  | James, Daniel L. & Diane L. JT  | 687-350 Hazel Way          | 077-331-43       |              |
| 10/19/11                  | Jamison, Dwight M & Carol L   | 687-780 Orchard Way        | 077-191-29       |              |
| 09/29/08                  | Jarvis Family Trust   | 686-760 Chestnut Way       | 077-372-19       |              |
| 10/22/09                  | Jeffrey, James  | 686-990 Catalpa Way        | 077-378-24       |              |
| 05/28/09                  | Jennings, Robert H/Pamela A   | Hazel Way                  | 077-224-23       |              |
| 06/09/08                  | Jessop, Merl & Sondra L. Etal   | Chinquepin Way             | 077-214-23       |              |
| 06/09/08                  | Jessop, Merl & Sondra L. Etal   | Chinquepin Way             | 077-214-26       |              |
| 06/09/08                  | Jessop, Merl K & Sondra L. JT.  | Chinquepin Way             | 077-214-15       |              |
| 06/02/08                  | Johnson, John E. & Darlene M.   | 687-815 Hazel Way          | 077-234-40       |              |
| 09/18/09                  | Johnston Family Trust ETAL  | 687-045 Hickory Way        | 077-352-19       |              |
| 06/18/08                  | Jones, James E.   | 876-715 Hollywood Way      | 077-251-20       |              |
| 04/24/08                  | Jones, Jerry Lee/Marsha S Fam TR  | 687-995 Sycamore Way       | 077-264-18       |              |
| 11/06/07                  | Jordon Norbert & Ruth E JT  | 687-705 Spruce Way         | 077-193-19       |              |
| 05/01/09                  | K C Investments   | 686-945 Cedar Way          | 077-376-22       |              |
| 08/25/08                  | Kaiser , Bruce & Voorheis , Thelma JT   | Hollywood Way              | 077-242-18       |              |
| 05/09/08                  | Keehn, Thomas J (Monroe new owner)  | 687-110 Tulip Way          | 077-184-20       |              |
| 06/19/08                  | Keller, Nelda Ray Revocable Living Trust  | 687-585 Hollywood Way      | 007-311-44       |              |
| 06/06/08                  | Kelly , Paul D. & Deborah K. JT.  | Laurel Way                 | 007-234-39       |              |
| 08/21/09                  | Kelly Family Trust  | Ridge Way                  | 077-151-24       |              |
| 06/02/08                  | Kerr Living Trust   | 686-800 Bamboo Way         | 077-394-16       |              |
| 06/26/09                  | Killingsworth, Gregory J/Lynn M JT  | 688-005 Lilac Way          | 077-152-19       |              |
| 02/26/08                  | Kimbal ,Dana S & Quilici, Janet K. JT   | 687-000 Acorn Way          | 077-396-08       |              |
| 11/02/07                  | Kimura, Roy Michio & Kimura, Anne Tr.   | 687-608 Ivy Way            | 077-231-31       |              |
| 04/15/08                  | Kinder, Stanley K   | Linden Way                 | 077-222-20       |              |
| 06/23/08                  | King, Douglas G/Taura D   | Willow Way                 | 077-162-14       |              |
| 09/05/08                  | King, Douglas G/Taura D   | Hollywood Way              | 077-251-42       |              |
| 08/15/08                  | King, Robert  | 686-835 Hollywood Way      | 077-403-18       |              |
| 12/03/09                  | Kish, Leonore M.  | Chinquepin Way             | 077-204-15       |              |
| 06/18/08                  | Kneeland, Paul J  | 686-990 Hickory Way        | 077-353-11       |              |
| 07/03/09                  | Knifong Lester D. & Lodellee Revocable Living Trust                                 | 687-155 Hickory Way        | 077-352-31       |              |
| 09/17/08                  | Koch Living Trust   | 687-280 Hickory Way        | 077-353-20       |              |
| 10/21/09                  | Koch, Linda C Revo Live TR  | Chestnut Way               | 077-283-16       |              |

**Attachment B**  
**Property Owners Connected to District Community Sewer System**

| <b>Date of Connection</b> | <b>Spalding Residents Connected to the District Disposal System: APPLICANT NAME</b> | <b>Service Address</b> | <b>APN#</b> | <b>Notes</b> |
|---------------------------|---|------------------------|-------------|--------------|
| 06/02/08                  | Koehly, Joseph & Mercedes   | 687-240 Laurel Way     | 077-344-14  |              |
| 04/24/08                  | Kolbet, Richard N/Knapp Lucille   | 687-855 Catalpa Way    | 077-271-23  |              |
| 09/12/08                  | Kottke Family Trust   | 687-950 Catalpa Way    | 077-272-42  |              |
| 05/01/08                  | Krupp Family Revocable Trust  | 687-710 Sycamore       | 077-251-39  |              |
| 10/23/07                  | Kvidera, Michael C. & Marilyn Living Trust  | 686-985 Redwood Way    | 077-378-23  |              |
| 12/17/09                  | Larimore, Harry A/Beatrice A JT   | 686-915 Cypress Way    | 077-397-33  |              |
| 04/04/08                  | Larson Larry Lee/Hazel M CP   | 687-975 Sycamore Way   | 077-362-30  |              |
| 07/28/09                  | Lashmet, Harry T  | 688-040 Laurel Way     | 077-224-25  |              |
| 07/29/09                  | Lashmet, Harry T  | Laurel Way             | 077-224-24  |              |
| 11/01/07                  | Lavarias , Jim B. & Vera A. CP  | 688-020 Juniper Way    | 077-222-17  |              |
| 05/01/09                  | Lawrence, John Paul/Lee Davis McGlenn   | Elm Way                | 077-387-18  |              |
| 09/09/08                  | Lawson Family 1997 Trust  | Linden Way             | 077-323-40  |              |
| 11/29/07                  | Lay Gene W. & Merle A. CRPS   | Acorn Way              | 077-393-17  |              |
| 06/03/08                  | Lay Gene W. & Merle A. JT   | 686-875 Acacia Way     | 077-391-17  |              |
| 11/05/10                  | Lee, Irwin/Riva   | 687-875 Willow Way     | 077-172-24  |              |
| 08/08/08                  | Lemon , Earl L. & Evelyn L. Trust   | 688-040 Hollywood Way  | 077-242-25  |              |
| 08/04/08                  | Lemon Grant L. & Kenny, Lenore M HW   | 687-960 Hemlock Way    | 077-243-26  |              |
| 04/22/09                  | Leonard, William R Jr/Cynthia A HWJT  | 688-160 Juniper Way    | 077-222-13  |              |
| 07/04/08                  | Leonard, William R/Cynthia A JT   | 686-955 Spalding Rd.   | 077-361-24  |              |
| 08/07/09                  | Leonard, William R/Cynthia A JT   | 687-245 Linden Way     | 077-342-11  |              |
| 06/23/08                  | Leonhardt, Larry/Priscilla CPRS   | 68-730 Chestnut Way    | 077-372-18  |              |
| 04/16/09                  | LeRoy, Doreene  | 687-630 Maple Way      | 077-332-45  |              |
| 04/20/09                  | LeRoy, John David   | 686-925 Spalding Rd.   | 077-401-04  |              |
| 09/08/11                  | Lewis, William Joe & Lewis, David Gene  | Poplar/Palmetto        | 077-192-29  |              |
| 05/28/08                  | Liggett, Raymond E  | 686-885 Bamboo Way     | 077-393-21  |              |
| 12/28/11                  | Lindenberg Living Trust   | 687-710 Linden Way     | 077-233-54  |              |
| 04/09/08                  | Long Lloyd E. & Inez M & David & Susan JT   | Hollywood Way          | 077-241-19  |              |
| 05/28/08                  | Longe Gary, Alan & Virginia Jt  | 687-740 Catalpa Way    | 077-272-25  |              |
| 06/26/09                  | Loy, Regina M-Original Dt of hook-up - 9/08   | 687-730 Catalpa Way    | 077-272-41  |              |
| 09/18/08                  | Luchetti 2002 Family Trust  | 686-825 Catalpa Way    | 077-373-11  |              |
| 09/09/08                  | Lunardi, Joseph I/Doris R Rev Int Sur TR  | 686-950 Fir Way        | 077-388-15  |              |
| 07/16/08                  | Machado Manual R. Rose M JT   | 688-050 Redwood Way    | 077-263-09  |              |
| 10/08/09                  | Macias, Raymond/Marjorie A  | 687-910 Walnut Way     | 077-172-16  |              |
| 06/18/08                  | MacKay, William E/Terry E   | Hemlock Way            | 077-252-26  |              |
| 11/11/08                  | Madden, Roy P/Dannette A JT   | 686-725 Elm Way        | 077-382-07  |              |
| 06/06/08                  | Magioncalda Frank Etal  | 687-665 Hemlock Way    | 077-252-29  |              |
| 04/29/09                  | Marcillac, George E 2005 TR   | Tulip Way              | 077-194-12  |              |
| 12/11/07                  | Marlatt Daniel & Mardel JT.   | Hazel Way              | 077-234-13  |              |
| 07/06/08                  | Marquis, Trina J/Sheldon, Brian K JT  | 687-905 Catalpa Way    | 077-271-22  |              |
| 08/20/10                  | Martinelli, Mike/Paula & Schmitt Family Trust                                       | Tamarack Way           | 077-173-16  |              |
| 06/26/09                  | Martinus, Paul W Family Trust ETAL  | Hemlock Way            | 077-253-24  |              |
| 11/29/07                  | Marzorini Ray E. Tanya L  | 687-805 Maple Way      | 077-215-09  |              |
| 08/12/08                  | Marzorini Ray E. Tanya L  | 687-788 Ivy Way        | 077-231-34  |              |
| 06/25/08                  | Marzorini, Ray E & Tanya CP   | 687-840 Spruce Way     | 077-194-28  |              |
| 06/13/11                  | Masterson Family Trust ETAL   | 687-740 Tamarack Way   | 077-173-30  |              |
| 08/17/09                  | Matassa Family Trust  | Cherry Way             | 077-371-12  |              |
| 09/16/09                  | Matthias, Paul L/Donna JT   | Walnut Way             | 277-161-20  |              |
| 04/07/08                  | McCabe William H. Danny TC  | Sycamore Way           | 077-362-11  |              |
| 08/27/08                  | McDaniel, Harvey & Gloria Family Trust  | 687-810 Juniper Way    | 077-232-27  |              |
| 10/09/08                  | McEachern, James A/Carol M  | Bamboo Way             | 077-396-11  |              |
| 05/21/09                  | McGrew, William/Esther  | Lakeview Dr.           | 077-304-63  |              |
| 08/14/09                  | McKean, Robert E  | 686-880 Cypress Way    | 077-381-20  |              |
| 05/21/08                  | Mckenzie, Ralph & Laura B JT  | Acacia Way             | 077-392-17  |              |
| 09/22/09                  | McMillen, Tanya L/Jerry L   | 687-785 Ivy Way        | 077-254-29  |              |
| 07/20/09                  | McNamara, Kenneth J Sr/Diane M JT   | 687-270 Ivy Way        | 077-321-11  |              |
| 08/06/09                  | Medlyn, Robert/Julie  | 687-655 Chestnut Ave   | 077-293-13  |              |

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**Property Owners Connected to District Community Sewer System**

| Date of Connection | Spalding Residents Connected to the District Disposal System: APPLICANT NAME | Service Address        | APN#       | Notes |
|--------------------|--|------------------------|------------|-------|
| 07/11/08           | Mellor, Brian S/Linda K JT   | 687-695 Orchard Way    | 077-214-27 |       |
| 05/10/10           | Menard, Carole   | 687-635 Hollywood Way  | 077-311-12 |       |
| 12/12/07           | Mendes Jonnie. Jr. & Birtie  | 687-660 Hemlock Way    | 077-253-20 |       |
| 06/06/08           | Menzies Richard L & Charlene J.  | 686-835 Sycamore Way   | 077-402-17 |       |
| 04/17/08           | Merkel Family Trust  | 687-615 Maple Way      | 077-331-49 |       |
| 10/08/08           | Merrill Family Bypass Trust  | Linden Way             | 077-233-31 |       |
| 04/10/10           | Merritt, Robert L & Joan L (Travis)  | Cypress Way            | 077-394-15 |       |
| 09/05/08           | Michel Robert H.   | 686-895 Acorn Way      | 077-392-16 |       |
| 04/24/08           | Middendorf, Thomas M/Mary E  | 687-829 Catalpa Way    | 077-271-24 |       |
| 11/19/08           | Miller 2001 Revocable Trust  | 687-910 Tulip Way      | 077-171-32 |       |
| 11/19/08           | Miller Family 2001 Rev Trust   | 687-890 Tulip Way      | 077-171-33 |       |
| 11/08/07           | Miller, Arnold D. & Geraldine  | 687-500 Spalding Rd.   | 077-304-60 |       |
| 05/07/08           | Miller, Michael H/Sue JT (New Owner Ruden)                                   | 687-070 Hollywood Way  | 077-363-23 |       |
| 08/08/08           | Milliken, Ronald J/Zelma Mae Family Trust                                    | 688-110 Hollywood Way  | 077-242-10 |       |
| 10/23/07           | Mingham Brain & Jane Family Trust  | 687-840 Tamarack Way   | 077-174-06 |       |
| 05/01/08           | Mingham Family Trust   | 687-850 Willow Way     | 077-173-36 |       |
| 05/07/08           | Mingham Family Trust   | 687-800 Willow Way     | 077-173-25 |       |
| 08/06/09           | Mircetich, John/Jane JT  | 687-865 Laurel Way     | 077-233-55 |       |
| 07/30/08           | Monahan, Daniel D  | 687-100 Hemlock Way    | 077-352-22 |       |
| 02/28/08           | Montgomery Chester G & Lawanda J Jt  | 688-040 Hemlock Way    | 077-243-25 |       |
| 05/07/08           | Montgomery David Mary R JT   | 687-120 Hollywood Way  | 077-351-24 |       |
| 10/23/07           | Monticelli John F. Jeannie Mar   | 687-105 Acacia Way     | 077-391-04 |       |
| 08/28/08           | Moore, Robert E. Flossie F.  | 687-800 Juniper Way    | 077-232-29 |       |
| 10/25/07           | Morales, Lloyd   | 686-735 Acacia Way     | 077-391-13 |       |
| 06/09/08           | Moreno, Ruben L  | 687-605 Magnolia way   | 077-332-48 |       |
| 05/13/08           | Morgan Frances Pearl & Robert L Jt.  | 687-950 Spruce Way     | 077-194-43 |       |
| 07/23/08           | Morris, Norman R. & Verna J CP.  | 687-915 Hazel Hay      | 077-234-42 |       |
| 06/27/08           | Morrow, John C/S Delphine  | 686-860 Catalpa Way    | 077-374-22 |       |
| 03/17/08           | Muller France F. & Nellie JT   | 687-400 Sycamore Way   | 077-311-30 |       |
| 05/07/10           | Muller, Thomas J & Roberta L   | Cypress Way            | 077-381-16 |       |
| 10/30/09           | Muse, Frank/Kathie   | The Strand/Spruce      | 077-184-25 |       |
| 07/28/08           | Narramore, Gregory W/Joanne A JT   | 686-975 Hollywood Way  | 077-363-27 |       |
| 09/30/09           | Neely, Tom Becky/Neely, Darin/Yvette   | Sycamore Way           | 077-304-57 |       |
| 05/09/08           | Neil Gerald L. & Janet JT  | 687-675 Chinquapin Way | 077-213-14 |       |
| 07/08/09           | Neil, Gerald E/Janet E JT  | Olive Way              | 077-134-02 |       |
| 05/05/10           | Neil, Gerald E/Janet E JT  | The Strand/Oak Way     | 077-132-21 |       |
| 08/07/09           | Neil, Gerald E/Janet E JT (New Owner Keehn)                                  | Maple Way              | 077-212-16 |       |
| 10/07/08           | Neil, Gerald E/Janet E JT (New Owner Schmidt)                                | Catalpa Way            | 077-261-11 |       |
| 07/10/09           | Nelson, John A/ Nancy L Revoc & Nelson Family 2002                           | Hollywood Way          | 077-251-27 |       |
| 11/26/07           | Nelson, Kenneth A/Rhonda L J.T.  | 687-835 Cedar Way      | 077-283-18 |       |
| 06/18/09           | Neville Donald O. & Jeanette C. 1994 Trust                                   | 688-065 Laurel Way     | 077-223-26 |       |
| 11/26/07           | Newman, James Edgar/Newman, James Bruce                                      | 687-480 Spalding Rd.   | 077-304-61 |       |
| 11/30/07           | Niles Family Trust %Niles, Ralph & Rita                                      | Tamarack Way           | 077-164-16 |       |
| 08/12/08           | Norris Family Trust % Norris Betty E. Trust                                  | Hemlock Way            | 077-253-25 |       |
| 04/21/08           | Novey, Joanne M/Lisa Marie JT  | 688-100 Oak Way        | 077-131-16 |       |
| 07/02/08           | Noxon, Timothy E/Maribeth  | 687-835 Redwood Way    | 077-272-22 |       |
| 05/14/08           | Nunes Family Trust   | Hollywood Way          | 077-312-22 |       |
| 10/15/07           | Odle, Curtis I/Denise C  | 687-550 Hollywood Way  | 077-312-33 |       |
| 06/24/08           | Oliver Jerald A  | Sycamore Way           | 077-403-15 |       |
| 05/10/10           | Oliver, Jeffery W/Lena   | Hemlock Way            | 077-411-18 |       |
| 06/01/10           | Oliver, Jeffrey W & Lena D JT  | Hemlock Way            | 077-411-19 |       |
| 08/21/08           | Oliver, Phillip H & Ilean C. & James R. & Col.                               | Redwood Way            | 077-303-29 |       |
| 08/25/08           | Olson Family Trust   | 687-905 Redwood Way    | 077-272-38 |       |
| 10/31/07           | Osborn, Daniel D/Suzanne M   | 503-220 Mahogany Way   | 077-273-22 |       |
| 07/28/08           | Panart, Augustine D Z/Panart Paula F TR                                      | Juniper Way            | 077-321-12 |       |

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| <b>Date of Connection</b> | <b>Spalding Residents Connected to the District Disposal System: APPLICANT NAME</b> | <b>Service Address</b> | <b>APN#</b> | <b>Notes</b> |
|---------------------------|---|------------------------|-------------|--------------|
| 11/02/07                  | Parker 1995 Family Trust  | Delwood Way            | 077-381-11  |              |
| 09/28/08                  | Parker, Rex A/Denise A JT   | 686-830 Delwood Way    | 077-382-17  |              |
| 09/04/08                  | Parker, Rex a/Katherine Trust   | 686-830 Elm Way        | 077-383-38  |              |
| 10/23/09                  | Parker, Theodore/Patricia   | 686-725 Fir Way        | 077-383-40  |              |
| 10/23/09                  | Parker, Theodore/Patricia   | 686-835 Elm Way        | 077-382-15  |              |
| 09/11/08                  | Pastorino, Norman F./House, Monica J.T.   | 686-735 Lakeview Dr    | 077-401-07  |              |
| 09/03/08                  | Patrick Fam TR  | 688-105 Linden Way     | 077-222-22  |              |
| 10/09/08                  | Patrick, Michael B  | 687-980 Mimosa Way     | 077-143-08  |              |
| 07/10/08                  | Pavese Family Trust   | 687-020 Delwood Way    | 077-386-21  |              |
| 03/27/08                  | Pearson, James C/Sandra L   | Cherry/Mahogany        | 077-281-01  |              |
| 03/27/08                  | Pearson, James S/Sandra L Fmly TR   | Chestnut/Strand        | 077-283-13  |              |
| 05/28/08                  | Peay Family Trust   | 688-085 Ivy Way        | 077-244-33  |              |
| 09/08/08                  | Pennington, David/Suzanne JT  | 687-940 Willow Way     | 077-173-17  |              |
| 11/23/07                  | Pindar, Lynn/Pindar, Lynnette   | Lilac Way              | 077-153-14  |              |
| 07/04/08                  | Popperwell, W Trust   | Madrone/Catalpa        | 077-377-19  |              |
| 04/29/08                  | Portz Family Revocable Trust  | 687-675 Hazel Way      | 077-234-37  |              |
| 03/03/08                  | Potter Caroleen C   | 503-025 Madrone Way    | 077-413-14  |              |
| 08/06/08                  | Potter, R. Craig/Jessie A   | 687-890 Hollywood      | 077-252-22  |              |
| 02/20/08                  | Potter, Timothy J/Lorene L  | Redwood Way            | 077-272-46  |              |
| 11/18/09                  | Pratt, William H/Marjorie L TC ETAL   | 687-305 Hollywood Way  | 077-311-33  |              |
| 04/09/08                  | Purcell, A.W./Norma E   | 687-105 Acorn Way      | 077-395-17  |              |
| 04/29/08                  | Rabo, Ronald R/Shirley E J.T.   | 687-607 Maple Way      | 077-331-48  |              |
| 10/28/09                  | Ramos, Daniel J/Kathryn S   | 687-740 Palmetto       | 077-192-38  |              |
| 09/27/08                  | Rasnic, John L  | 687-285 Linden Way     | 077-322-10  |              |
| 08/11/08                  | Ray Family Trust  | 686-790 Hollywood Way  | 077-411-17  |              |
| 09/08/08                  | Rebideaux, Randy L/Laurene J JT   | 686-925 Cherry Way     | 077-384-11  |              |
| 04/10/08                  | Rodas, Joseph m/H. Leota J.T.   | 687-785 Juniper Way    | 077-231-24  |              |
| 07/28/09                  | Rogers, Michael W.  | 687-120 Linden Way     | 077-343-20  |              |
| 08/18/08                  | Rohner, Alvin Thomas/Kay Louise Trust   | 687-000 Elm Way        | 077-387-17  |              |
| 09/05/08                  | Rohner, Alvin Thomas/Kay Louise Trust   | 686-950 Delwood Way    | 077-386-18  |              |
| 05/12/09                  | Rohner, Kay L Revocable Trust   | 686-925 Elm Way        | 077-382-19  |              |
| 05/18/09                  | Rohner, Kay L Revocable Trust   | 687-005 Delwood Way    | 077-385-17  |              |
| 04/07/10                  | Roloff, Scott & Lilibeth  | 686-990 Chestnut Way   | 077-376-14  |              |
| 06/11/08                  | Rose, Ernest W/Nancy L J.T.   | 686-880 Bamboo Way     | 077-394-13  |              |
| 04/14/08                  | Rose, William N./Carol Leah   | 687-550 Lakeview Dr.   | 077-304-62  |              |
| 07/09/08                  | Rosselott Living Trust  | 687-805 Linden Way     | 077-232-38  |              |
| 10/01/09                  | Rounsaville, Joseph W/Etta Mae Trust  | 687-580 Cherry Way     | 077-293-11  |              |
| 06/09/10                  | Rudluff, Caroline M Trust c/o Patricia Rudluff-Jennings                             | Maple Way              | 077-201-04  |              |
| 06/09/10                  | Rudluff, Caroline M Trust c/o Patricia Rudluff-Jennings                             | Almond Way             | 077-174-17  |              |
| 06/15/09                  | Rynerson, Roger Clinton   | 687-785 Ivy Way        | 077-334-16  |              |
| 11/16/07                  | Sain, David P   | 687-200 Hickory Way    | 077-353-26  |              |
| 07/18/08                  | Saulisberry TTEE Fam TR/Saulisberry 1992 Fam  | 687-770 Maple Way      | 077-212-20  |              |
| 04/12/12                  | Schmidt, Kenneth  | 687-015 Acacia Way     | 077-391-07  |              |
| 10/24/07                  | Schmidt, Marlene  | 687-785 Hickory Way    | 077-253-30  |              |
| 07/12/08                  | Schofield, Robert E/Schofield, Ryan E JT  | 687-765 Chinquepin Way | 077-213-16  |              |
| 07/27/10                  | Schumacher, Armin/Bock Christina JT   | 687-185 Spalding Rd.   | 077-361-22  |              |
| 12/12/07                  | Scott, Vicky I (New Owner Pensco Trust)   | 680-470 Hollywood Way  | 077-312-31  |              |
| 05/19/09                  | Seaters, Marion Kathleen  | 687-365 Maple Way      | 077-331-50  |              |
| 10/28/09                  | Sebastiani, Piero ETAL Revocable Trust  | Redwood Way            | 077-273-36  |              |
| 10/28/09                  | Sebastiani, Piero ETAL Revocable Trust  | Lakeview Dr.           | 077-273-37  |              |
| 10/06/08                  | Seifert, Kenneth J/Frances B CP   | 686-865 Redwood Way    | 077-374-25  |              |
| 04/21/09                  | Shafer, Paul W/Virginia S.  | 687-630 Sycamore Way   | 077-311-19  |              |
| 08/22/08                  | Shaffer, Datha/Shaffer/Sandra J JT  | 687-900 Linden Way     | 077-233-39  |              |

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|---------------------------|---|---------------------------|-------------|----------------|
| 09/22/08                  | Shanks, Clarence M/C Lillian Living Trust   | 687-850 Hollywood Way     | 077-252-33  |                |
| 08/08/08                  | Shult, Edward H/Margaret F  | 688-030 Willow Way        | 077-163-15  |                |
| 06/02/08                  | Sibley William Robert & Joan Frances JT   | Madrone/Bamboo            | 077-397-27  |                |
| 03/01/08                  | Sickles, Myron A/Elaine C   | 687-295 Maple Way         | 077-331-26  |                |
| 03/16/10                  | Siders, Kathryn D   | 687-670 Cedar Way         | 077-271-20  |                |
| 09/05/09                  | Sievers, William/Jeanette   | 687-155 Ivy Way           | 077-353-25  |                |
| 03/09/09                  | Silva, Eugene D   | 687-530 Hollywood Way     | 077-312-14  |                |
| 05/15/08                  | Simon, Paul R/Morene L TR   | 687-780 Tamarack Way      | 077-174-31  |                |
| 04/01/08                  | Simon, Robert M/Rita M  | 687-020 Juniper Way       | 077-341-07  |                |
| 09/09/08                  | Smalley, Robert J Jr/Smalley Marla J. Trust   | 687-015 Elm Way           | 077-386-17  |                |
| 04/17/08                  | Smith Living Trust %Smith, Lowell & Joyce   | 687-595 Maple Way         | 077-331-47  |                |
| 10/06/08                  | Smith Stanley B & Martin, Sally   | 686-995 Elm Way           | 077-386-16  |                |
| 07/29/08                  | Smith, Brenda Jean/Janus, Mary Kathleen   | 687-095 Delwood Way       | 077-385-10  |                |
| 09/03/09                  | Smith, Darlene N ETAL   | Willow Way                | 077-172-01  |                |
| 08/05/08                  | Smith, Daryl E/Margie J/Smith, Robert J JT  | 687-020 Cypress Way       | 077-385-16  |                |
| 06/09/08                  | Smith, Gregg S/Ordile, Tara Leisa TC  | Bamboo Way                | 077-396-10  |                |
| 12/03/09                  | Smith, John/Alice 1995 Liv Tr   | Hickory Way               | 077-253-27  |                |
| 09/12/08                  | Smith, Robert J   | 688-995 Bamboo            | 077-396-12  |                |
| 07/28/08                  | Smith, Thomas Lee/Paula Kay Joint Living Trust                                      | 686-985 Cypress Way       | 077-397-17  |                |
| 09/02/08                  | Smith, Vicky L/Smith, Robert J JT   | 687-090 Cypress Way       | 077-385-11  |                |
| 06/13/08                  | Sneary, Bonnie J  | 687-980 Cedar Way         | 077-271-12  |                |
| 04/28/08                  | Snyder, James V/Loretta C   | 686-955 Cherry Way        | 077-388-20  |                |
| 02/15/08                  | Snyder, Norman E/Fleckenstein Trudy   | 687-815 Chestnut Way      | 077-282-06  |                |
| 06/24/08                  | Soderlund, William T/Joann A JR   | 686-990 Cherry Way        | 077-375-06  |                |
| 03/05/08                  | Solis, Jesus H/Rose Marie *   | 387-320 Hemlock Way       | 077-313-17  | * Disconnected |
| 11/05/07                  | Solis, Raymond R/Kristy P CP  | 680-970 Cherry Way        | 077-375-12  |                |
| 10/05/11                  | Soohodolsky Family Trust  | 687-710 Spruce Way        | 077-194-41  |                |
| 11/19/07                  | Sorensen, Lynn Richard/Janice Rae HWJT  | Hemlock Way               | 077-313-10  |                |
| 09/05/08                  | Sorensen, Keld/Jeanne Trust   | 501-955 The Strand        | 077-143-12  |                |
| 03/01/08                  | Spalding CSD  | 502-907 Mahogany Way      | 077-320-05  |                |
| 10/23/07                  | Spalding Marina   | The Strand                | 077-030-04  |                |
| 09/05/08                  | Spediacci, Clifford K/Shirley A JT  | 687-690 Juniper Way       | 077-232-48  |                |
| 09/25/08                  | Spencer, Reubennette 1987 TR  | 687-540 Linden Way        | 077-323-44  |                |
| 05/21/08                  | Stanley, Vernon F/Theda TR  | Magnolia Way/Division Way | 077-217-03  |                |
| 05/21/08                  | Stanley, Vernon F/Theda TR  | Magnolia Way              | 077-217-05  |                |
| 05/21/08                  | Stanley, Vernon F/Theda TR  | 687-885 Chinquepin Way    | 077-217-06  |                |
| 09/21/09                  | Stebbins, Loretta   | 687-925 Linden Way        | 077-232-43  |                |
| 12/03/07                  | Steffens, John R/Barbara/Fogal, Russell E/Th  | 687-300 Laurel Way        | 077-324-34  |                |
| 10/29/08                  | Steinocher, Daniel G/Linda L JT   | 687-830 Cedar Way         | 077-271-14  |                |
| 12/15/09                  | Steinocher, Daniel G/Linda L JT   | 687-920 Hickory Way       | 077-254-27  |                |
| 12/19/07                  | Stelzriede, Michael/Cathryn C JT  | Ridge Way                 | 077-151-22  |                |
| 11/08/07                  | Stent, Bob/Sandra JR/Weddell, Jeanette R.   | Spalding Rd.              | 077-303-33  |                |
| 05/28/08                  | Stephens Family Trust   | Tamarack Way              | 077-163-16  |                |
| 03/18/10                  | Stimmell, James B.  | 686-770 Cypress Way       | 007-381-14  |                |
| 09/15/08                  | Stout, Clarence&Audrey  | Maple Way                 | 077-282-14  |                |
| 12/12/07                  | Strickland, Robert & David JT   | 688-030 Tulip Way         | 077-161-14  |                |
| 04/18/08                  | Suchan, Alex/Lois   | 686-820 Fir Way           | 077-384-14  |                |
| 06/02/08                  | Sullivan Family Revoc Trust   | 687-990 Walnut Way        | 077-162-17  |                |
| 04/29/08                  | Sullivan, William A/Joanne M J.T.   | 387-290 Maple Way         | 077-332--49 |                |
| 08/25/09                  | Swager, William A & Patricia A CPRS   | 387-150 Hemlock Way       | 077-352-24  |                |
| 10/20/08                  | Taylor, James R/Shirley L JT  | Delwood Way               | 077-386-20  |                |
| 10/16/09                  | Taylor, Robert S. Rev Living TR   | 687-025 Catalpa Way       | 077-377-17  |                |
| 09/04/08                  | Tetrault Family 2000 Trust  | Juniper/Linden            | 077-322-14  |                |
| 05/21/08                  | Thomas, Theodore J/Diana M CPRS   | 688-085 Larch Way         | 077-132-15  |                |
| 10/29/09                  | Thomas, Trevor P.Lauretta R   | 687-075 Hemlock           | 077-351-21  |                |
| 07/14/08                  | Thompson Family Trust ETAL  | 688-030 Tupelo Way        | 077-142-16  |                |

**Attachment B**  
**Property Owners Connected to District Community Sewer System**

| <b>Date of Connection</b> | <b>Spalding Residents Connected to the District Disposal System: APPLICANT NAME</b> | <b>Service Address</b> | <b>APN#</b> | <b>Notes</b> |
|---------------------------|---|------------------------|-------------|--------------|
| 05/10/10                  | Tobin, Louis J/Peacock, Betsy A HWJT  | 687-700 Orchard Way    | 077-191-27  |              |
| 05/01/08                  | Todd, Clifford E Jr   | Maple Way              | 077-331-51  |              |
| 11/02/07                  | Todd, Dennis/Andrea   | Cedar Way              | 077-271-15  |              |
| 04/22/08                  | Togni, Arnold/Dolly TR  | 698-105 Ivy Way        | 077-221-15  |              |
| 07/23/08                  | Togni, Arnold/Dolly TR  | 688-105 Ivy Way        | 077-244-29  |              |
| 06/11/08                  | Tomasini Family Trust   | 687-895 Hollywood Way  | 077-251-33  |              |
| 03/15/08                  | Torchin, Ali Chan B & Reinelde M  | 687-430 Hollywood Way  | 077-312-32  |              |
| 05/14/09                  | Tracy, Richard T/Sheri L JT   | Hollywood/Hemlock      | 077-351-04  |              |
| 07/18/08                  | Traver, Jess S III/Frances D JT   | Laurel Way             | 077-323-46  |              |
| 04/03/08                  | Turek, Raymond W/Lois M JT  | 687-040 Cherry Way     | 077-375-14  |              |
| 03/06/08                  | Turner, Lucy D  | 686-835 Cherry Way     | 077-384-17  |              |
| 09/21/11                  | Valine, Adelia Michelle   | 367-370 Spalding Road  | 077-304-65  |              |
| 04/02/08                  | Van Tassel Fam Trust  | 687-130 Spalding Rd.   | 077-362-37  |              |
| 05/15/08                  | Vaughn, Lee/Leni A HW/Calilan, James D JT   | 687-625 Spalding Rd.   | 077-303-30  |              |
| 07/13/09                  | Velez, S., Sanchez, A. C./I. Garat JR ETAL  | Hollywood Way          | 077-403-27  |              |
| 07/21/08                  | Verrengia Family Trust  | 687-585 Cherry Way     | 077-292-07  |              |
| 06/12/09                  | Vineyard Living Trust   | 687-745 Lakeview Dr.   | 077-273-27  |              |
| 07/31/09                  | Walker, Evan J/Walker Jerry K TC  | Juniper/Ivy/Pinon      | 077-354-26  |              |
| 07/16/09                  | Walker, Rebecca   | 686-760 Catalpa Way    | 077-374-02  |              |
| 08/27/09                  | Walker, Rudolph Soyka/Rebecca JT  | 686-760 Catalpa Way    | 077-274-26  |              |
| 09/29/09                  | Walker, Rudolph Soyka/Rebecca JT  | 503-150 Mahogany Way   | 077-274-25  |              |
| 10/09/09                  | Walsh, Paul C/Janice A JT   | Almond Way             | 077-151-21  |              |
| 09/12/09                  | Walsh, Paul Clark ETAL  | 688-025 Almond Way     | 077-151-18  |              |
| 10/23/07                  | Walton Family Trust   | 688-010 Tamarack Way   | 077-164-22  |              |
| 11/07/07                  | Ward, Carlos V/Grace G 1996 Revoc Living Trust Agree                                | 687-635 Sycamore Way   | 077-304-54  |              |
| 07/01/08                  | Ward, Carlos V/Grace G Rev Liv TR   | Madrone Way            | 077-378-28  |              |
| 07/03/08                  | Ward, Carlos V/Grace G Revocable Living Trust                                       | 686-955 Redwood Way    | 077-378-27  |              |
| 04/15/08                  | Ward, Kenneth V/Lorna JT  | Sycamore Way           | 077-304-55  |              |
| 12/03/07                  | Watson, William J Jr./Sonjo M CP  | 687-055 Cedar Way      | 077-376-23  |              |
| 12/06/07                  | Watts, James C/Lorene J JT  | 503-155 Madrone Way    | 077-411-16  |              |
| 05/09/08                  | Watts, James C/Lorene T JT  | 688-125 Spruce Way     | 077-183-16  |              |
| 11/14/07                  | Weaver Family Trust   | 687-915 Ivy Way        | 077-254-24  |              |
| 04/18/09                  | Webb Living Tr  | Chestnut Way           | 077-294-14  |              |
| 04/22/09                  | Webb Living Trust   | 687-745 Maple Way      | 077-211-16  |              |
| 08/27/09                  | Weisinger, Brian J/Patricia L JT  | 687-295 Magnolia       | 077-332-36  |              |
| 10/20/08                  | Wells Trust   | 689-905 Hemlock Way    | 077-252-34  |              |
| 07/30/09                  | Wells Trust   | 687-170 Linden Way     | 077-343-21  |              |
| 06/18/09                  | Westfall Living Trust ETAL  | Cedar/Madrone          | 077-373-14  |              |
| 05/28/08                  | Westlake, Gary R ETAL   | Cedar Way              | 077-283-22  |              |
| 11/19/07                  | White, C.W./Joyce M JT  | 687-760 Lakeview Dr.   | 077-274-28  |              |
| 08/15/08                  | White, Earl Richard Jr/Karron S JT  | 686-840 Sycamore Way   | 077-403-19  |              |
| 05/19/08                  | White, Frank R 1991 Trust   | 501-275 The Strand     | 077-133-07  |              |
| 11/02/07                  | Whitmer, Rudy/Louise  | 687-775 Cedar Way      | 077-283-23  |              |
| 05/28/08                  | Wilder, Arvenna   | 687-700 Ivy Way        | 077-231-03  |              |
| 11/14/07                  | Williams Family Trust   | 686-950 Spalding Rd.   | 077-362-14  |              |
| 04/28/08                  | Williams, Cal R/Catherine S   | 687-020 Fir Way        | 077-388-12  |              |
| 06/11/09                  | Williams, Cal R/Catherine S   | 687-060 Acacia Way     | 077-395-20  |              |
| 10/01/09                  | Williams, Richard L & Patricia C. HWJT  | 687-700 Laurel Way     | 077-234-43  |              |
| 08/31/09                  | Williams, Robert N  | Delwood Way            | 077-381-19  |              |
| 12/13/07                  | Williams, Robert V/Viola Mae  | 687-445 Hemlock Way    | 077-312-28  |              |
| 08/31/09                  | Williams, Robert V/Viola Mae  | 686-770 Delwood Way    | 077-382-16  |              |
| 08/17/09                  | Williams, Robert/Blackwell, Viola Mae   | Hazel Way              | 077-324-43  |              |
| 08/17/09                  | Williams, Robert/Blackwell, Viola Mae   | Chestnut/Madrone       | 077-376-20  |              |
| 09/22/08                  | Williams, Robert/Blackwell, Viola(new owners)                                       | Hemlock Way            | 077-313-08  |              |
| 09/18/09                  | Williamson Larry R  | 687-565 Catalpa Way    | 077-301-25  |              |

**Attachment B**  
**Property Owners Connected to District Community Sewer System**

| <b>Date of Connection</b> | <b>Spalding Residents Connected to the District Disposal System: APPLICANT NAME</b> | <b>Service Address</b> | <b>APN#</b> | <b>Notes</b> |
|---------------------------|---|------------------------|-------------|--------------|
| 10/28/09                  | Williford, George Calvin Trust  | 686-785 Fir Way        | 077-383-36  |              |
| 05/06/09                  | Wilms, Dale/Linda CP  | 687-920 Lakeview Dr.   | 077-274-16  |              |
| 07/22/09                  | Wilson, Donald Dean Liv TR  | Redwood Way            | 077-272-27  |              |
| 08/20/08                  | Wilson, Jack Trust  | 687-625 Catalpa Way    | 077-302-19  |              |
| 09/22/09                  | Wilson, Kenneth/Valeri E  | 686-830 Hemlock Way    | 077-412-17  |              |
| 08/20/08                  | Wilson, Rollans B   | 503-435 Mahogany Way   | 077-302-18  |              |
| 06/11/08                  | Winingar Family 1983 Trust  | 686-830 Elm Way        | 077-383-34  |              |
| 06/01/09                  | Witt, Richard E/Nola A JT   | 687-740 Orchard Way    | 077-191-24  |              |
| 05/14/08                  | Wong, Fay/Bonnie E/Taber, Edward/Judy   | Lakeview Dr.           | 077-273-35  |              |
| 08/22/08                  | Woodward, Robert/Maria 1989 Trust   | 687-700 Hickory Way    | 077-254-21  |              |
| 06/23/08                  | Yee, Gary R/Michael G   | 686-785 Hemlock Way    | 077-412-22  |              |
| 06/24/08                  | Yee, Michael Gregg  | 686-785 Hickory Way    | 077-412-21  |              |
| 11/06/07                  | Yolo, Duke/Terri JT ETAL C/O Cristine, Barry R.                                     | Acorn Way              | 077-393-16  |              |
| 07/24/09                  | Young Family Trust  | 688-010 Hickory Way    | 077-244-22  |              |
| 07/23/08                  | Young, Vera L   | 688-055 Lakeview Rd.   | 077-263-10  |              |
| 10/27/08                  | Younie, Leslie I Jr/Sheri M ETAL TC   | 687-045 Redwood Way    | 077-378-20  |              |
| 08/07/08                  | Yuill, Edward G/Deborah L HW  | Tupelo Way             | 077-141-14  |              |
| 08/07/09                  | Yuill, Edward G/Deborah L HW  | Tupelo Way             | 077-142-13  |              |
| 05/18/10                  | Zuccato, Michael W/Linda J Rev Trust  | 687-650 Cherry Way     | 077-293-10  |              |
| 12/02/08                  | Zunino, Michael A/Sheree A Family Trust   | Lilac Way              | 077-152-23  |              |

## ATTACHMENT C

### ADMINISTRATIVE CIVIL LIABILITY METHODOLOGY

The Complaint alleges that the Discharger failed to comply with a cease and desist order issued by the Lahontan Water Board, which required the Discharger by December 31, 2009, to either connect the Discharger's on-site wastewater disposal system to the Spalding Community Services District's (District) community sewer system or to properly abandon the Discharger's on-site wastewater disposal system, in accordance with Lassen County regulations. For the purpose of applying the Enforcement Policy's administrative civil liability methodology, the alleged violation is a non-discharge violation. Because the Complaint only alleges a non-discharge violation, Step Nos. 1 and 2 of the Enforcement Policy's administrative civil liability methodology are not addressed.

#### **Step 3: Initial Liability Determination**

The per-day factor for the violation is **0.55**. This factor is determined by a matrix analysis based upon the Potential for Harm and the Deviation from Applicable Requirements.

- a. The Potential for Harm for the violation is determined to be **moderate**. The Discharger's failure to connect its on-site wastewater disposal system to the District's sewer system or to properly abandon it allows waste containing nutrients to be discharged to the groundwater of the Eagle Lake basin. Such discharges, should they occur, can introduce nutrients, such as nitrogen and phosphorus, to the groundwater, which flows into Eagle Lake. Nitrogen and phosphorus can increase algal growth and the rate of eutrophication in Eagle Lake, a closed-basin lake. Increased eutrophication can adversely affect the habitat for the Eagle Lake trout, and other aquatic and terrestrial organisms supported by Eagle Lake. Increased algal growth also has the potential to adversely affect the public's water contact recreation (e.g., wading, swimming, water skiing) and non-contact water recreation (e.g., aesthetic enjoyment) of Eagle Lake.

To prevent these types of adverse impacts to Eagle Lake's beneficial uses, the Lahontan Water Board amended its *Water Quality Control Plan for the Lahontan Region* (Basin Plan) in September 1984, to prohibit the discharge of waste containing nutrients to the surface waters and groundwater of the Eagle Lake basin beginning September 14, 1989. The Lahontan Water Board's cease and desist order issued to the Discharger enforces that Basin Plan prohibition. At a minimum, the Discharger's on-site wastewater disposal system presents a threatened discharge of waste containing nutrients that can reasonably be expected to adversely affect Eagle Lake's cold freshwater habitat (COLD), water contact recreation (REC-1), non-contact water recreation (REC-2, and sport fishing (COMM) beneficial uses. It is also reasonable to expect that such impacts are reversible upon ceasing such waste discharges.

Waste discharges from on-site wastewater disposal systems in the Spalding Tract subdivision can also introduce bacteria into the groundwater, which is the local water supply. Many Spalding Tract subdivision property owners have private wells, and past studies have shown that bacteria levels increase in those private wells when nearby on-site wastewater disposal systems are being used. Bacteria contained in domestic wastewater can adversely affect human health when consumed. Such conditions represent an adverse impact to the Eagle Lake groundwater basin's municipal and domestic supply (MUN) beneficial use. This impact can reasonably be expected to occur when waste discharges from on-site wastewater disposal systems occur. Fortunately, past studies have also shown that this impact is relatively short term in nature when the waste discharge ceases. Therefore, violating the cease and desist order presents a **moderate** threat to beneficial uses that will likely attenuate without acute or chronic effects, once the Discharger has complied with the cease and desist order.

- b. The Deviation from Applicable Requirements to abandon or connect the septic system is **major**. The reason for the **major** designation is that Water Board staff notified the Discharger of its failure to comply with the cease and desist order's December 31, 2009 compliance date in a June 28, 2011 Notice of Violation (NOV). The NOV was issued after the Discharger had had approximately 1.5 construction seasons to comply with the cease and desist order's requirement to either connect the Discharger's on-site wastewater disposal system to the District's community sewer system or to properly abandon the Discharger's on-site wastewater disposal system, if appropriate. The remainder of the 2011 construction season has past, and to date, the Discharger has still failed to comply.

There has been ample time to satisfy the requirements of the cease and desist order since its adoption. The District's community sewer system has been available to connect to since October 2007; however, the Discharger failed to connect or properly abandon the Discharger's on-site wastewater disposal system and subsequently was issued a cease and desist order in October 2009. The Discharger has now had an additional two full construction seasons since the cease and desist order was issued to comply with its requirements, but has not.

- c. There are 832 days of violation for the period beginning January 1, 2010 and ending April 11, 2012, the date of drafting Administrative Civil Liability Complaint No. R6T-2012-0026. The statutory maximum amount per day per violation is \$5,000. Therefore, 832 days of violation at the statutory maximum per day of \$5,000, yields a maximum initial liability of **\$4,160,000** (832 days x \$5,000/day). Applying the Potential for Harm per-day factor of 0.55, and the statutory maximum liability amount for each day of violation, yields an initial liability of **\$2,288,000** (0.55 x 832 days of violation x \$5,000 per day).

#### **Step 4: Adjustment Factors**

The Enforcement Policy allows for multi-day violations to be consolidated provided specific criteria are satisfied. The Enforcement Policy also describes three factors related to the violator's conduct that should be considered for modification of the initial

liability amount: the violator's culpability; the violator's efforts to clean up or cooperate with regulatory authorities after the violation; and the violator's compliance history. After each of these factors is considered for the violations alleged, the applicable factor should be multiplied by the proposed amount for each violation to determine the revised amount for that violation.

a. Multiple Day Violations

The Enforcement Policy provides that, for violations lasting more than 30 days, the Water Board may adjust the per-day basis for civil liability if certain findings are made and provided that the adjusted per-day basis is no less than the per-day economic benefit, if any, resulting from the violation.

The Discharger has failed to comply with its cease and desist order for 832 days. The continuance of these violations does not result in an economic benefit that can be measured on a daily basis. The economic benefit is the one-time cost of having the on-site wastewater disposal system either connected to the District's community sewer system or properly abandoned, if appropriate. Therefore, an adjustment can be made.

The Water Board Prosecution Team recommends applying the alternative approach to civil liability calculation provided by the Enforcement Policy. Using this approach, the calculation of days of violation will include the first day of violation, plus one additional day of violation for each five-day period up to the 30th day of violation, and thereafter, plus one additional day of violation for each 30-day period. Using this approach, the total number of days is revised to 33 days of violation.

This results in a Revised Initial Liability Amount as follows:

$$\text{Revised Initial Liability} = (0.55) \times (33 \text{ days of violation}) \times (\$5,000) = \mathbf{\$90,750}$$

b. Adjustment for Culpability

For culpability, the Enforcement Policy suggests an adjustment resulting in a multiplier between 0.5 to 1.5, with the lower multiplier for accidental incidents, and the higher multiplier for intentional or negligent behavior. In this case, a Culpability multiplier of **1.3** has been selected for the reasons described below:

The Water Board's Prosecution Team has exercised significant discretion in deciding whether to pursue administrative civil liability for violating the cease and desist order. Doing so is consistent with the Prosecution Team's message to the Water Board and to the community in 2009 that its primary interest was compliance, and that the Prosecution Team understood some were facing various hardships and would work with property owners towards meeting its compliance objective. After providing approximately 1.5 construction seasons to comply, the Prosecution Team issued a June 28, 2011 Notice of Violation to property owners that had yet to comply with their 2009 cease and desist orders, notifying them that time to comply with the cease and desist orders' requirements without additional enforcement action was running out. In spite of the Prosecution Team's efforts to allow ample time to comply

and to notify the Discharger of a pending administrative civil liability complaint, the Discharger has not provided the Prosecution Team with any information indicating a reason for the continuing violations, nor shown any intent to comply.

The Prosecution Team does not have any evidence of willful or intentional negligence in this matter. Therefore, the Prosecution Team does not recommend assigning a value of 1.4 or greater for Culpability, as these values have been reserved for situations where there is evidence of willful or intentional negligence. However, given the lack of response by the Discharger in spite of the amount of time given to comply and notification of the Prosecution Team's intent to pursue administrative civil liability, a value of 1.3 for Culpability is appropriate.

c. Adjustment for Cleanup and Cooperation

For cleanup and cooperation, the Enforcement Policy suggests an adjustment should result in a multiplier between 0.75 and 1.5. A lower multiplier is appropriate for situations where there is a high degree of cleanup and/or cooperation and a higher multiplier is appropriate for situations where cleanup and/or cooperation is minimal or absent. In this case, a Cleanup and Cooperation multiplier of **1.5** has been selected for the reasons described below:

The Discharger has not cooperated with the Water Board on this issue. Even after Water Board staff issued the June 28, 2011 NOV, the Prosecution Team did not observe any attempt by the Discharger to comply. The lack of effort to comply with the cease and desist order, or even to communicate with the Prosecution Team regarding the reason why compliance has not occurred, warrants a value of 1.5.

d. Adjustment for History of Violations

The Enforcement Policy suggests that where there is a history of repeat violations, a **minimum** multiplier of 1.1 should be used for this factor. In this case, a multiplier of **1.0** has been selected based upon the absence of prior violations of Cease and Desist Order No. R6T-2009-0109. A review of the California Integrated Water Quality System (CIWQS) and Water Board files shows that the Violation represents the first violation of Cease and Desist Order No. R6T-2009-0109. Therefore a multiplier of 1.0 is appropriate, and no adjustment to the above liability amount should be made in response to this factor.

**Step 5: Determination of Total Base Liability Amount**

The Total Base Liability for the violation is **\$176,962.50**. The Total Base Liability for the violation is determined by multiplying the Revised Initial Liability by the multipliers associated with each of the Adjustment Factors discussed above.

Total Base Liability = (Revised Initial Liability) X (Culpability) X (Cleanup/Cooperation) X (History of Violations) = (\$90,750) X (1.3) X (1.5) X (1.0) = **\$176,962.50**.

**Step 6: Ability to Pay and Ability to Continue Business**

The Enforcement Policy provides that if the Water Board has sufficient financial information to assess the violator's ability to pay the Total Base Liability, or to assess the effect of the Total Base Liability on the violator's ability to continue in business, then the Total Base Liability amount may be adjusted downward.

In this case, the Lahontan Water Board Prosecution Team has sufficient information to suggest the Discharger has the ability to pay the proposed liability. The Discharger owns the parcel(s) of land, listed below:

| Assessor's Parcel Number | County | Property Address    | Assessed Total Value | Assessment Year |
|--------------------------|--------|---------------------|----------------------|-----------------|
| 077-401-11-11            | Lassen | 686-750 Redwood Way | \$58,439             | 2011            |
| 077-401-19-11            | Lassen | N/A                 | \$1,191              | 2011            |
|                          |        | <b>TOTAL</b>        | <b>\$59,630.00</b>   |                 |

Given the above assets, it appears the Discharger has the ability to pay the proposed liability.

**Step 7: Other Factors as Justice May Require**

The Enforcement Policy provides that if the Water Board believes that the amount determined using the above factors is inappropriate, the liability amount may be adjusted under the provision for "other factors as justice may require," if express findings are made. Additionally, the staff costs for investigating the violation and preparing the Complaint should be added to the liability amount.

**a. Adjustments for Other Factors as Justice May Require**

The statutory minimum liability amount for violations under Water Code section 13350 is \$100 per day of violation, unless the regional water board makes express findings setting forth the reasons for its action based upon its consideration of the factors set forth in Water Code section 13327. Based on the date of compliance in the cease and desist order, days of violations began accruing on January 1, 2010. At the statutory minimum liability of \$100 per day, and a total of 832 days of violation, the result is a minimum liability of **\$83,200**. The Prosecution Team has determined that, in this case, even the minimum liability amount is inappropriate. Staff finds this amount to be an excessive liability for the violations alleged herein, and inappropriate for the following reasons.

Water Board staff reviewed Lassen County Assessor's Office records for the properties whose owners are subject to the administrative civil liability for the failure to either connect their on-site wastewater disposal system to the District's sewer system or to properly abandon it. County records for the year 2012 show that the properties range in value from \$17,119 to \$618,391. Two of these properties with the highest values are commercial properties, with values consistent with commercial uses and related improvements (i.e., hotel, restaurant). The remaining

properties have an average value of \$73,574. Based on these data alone, the Prosecution Team determined that the minimum statutory liability of \$83,200 is excessive relative to the value of most of the properties whose owners continue to violate their 2009 Cease and Desist Orders. Without any further assessment, the minimum liability appears inappropriate and excessive for its intended purpose.

Additionally, the Prosecution Team's June 28, 2011 Notice of Violation notified the Discharger of the Prosecution Team's intent to issue administrative civil liability complaints and bring them before the Lahontan Water Board at its November 9-10, 2011 Board Meeting. In a continuing effort to encourage compliance, the Prosecution Team stated in the Notice of Violation that it would consider withdrawing the complaint if the Discharger complied with the cease and desist order prior to the November 9-10, 2011 Board meeting date. The Prosecution Team has consistently stated that compliance has been its primary goal, and the Notice of Violation was providing one last chance to comply with the cease and desist order without facing additional enforcement action in the form of civil liability.

The Prosecution Team recommends using November 9, 2011 as the basis for developing a more appropriate liability amount, as it is the date the Prosecution Team informed the Discharger that compliance was to be achieved, or imposing administrative civil liability would be pursued. Attachment D provides a methodology spreadsheet based upon November 9, 2011 as the deadline for compliance. The resulting number of days of violations totals 155 days (November 9, 2011 – April 11, 2012). 155 days of violation would result in a minimum liability of **\$15,500**, based upon the statutory minimum liability of \$100 per day of violation.

Administrative civil liability complaints were issued to property owners of the nearby Stones-Bengard subdivision in 1997 for failing to either connect their on-site wastewater disposal systems to the Stones-Bengard community sewer system or to properly abandon them. In the Stones-Bengard cases, the Water Board issued administrative civil liability complaints proposing that the owners be assessed liability in the amount of **\$6,500**. This was the minimum liability that could be imposed for violating cleanup and abatement orders that had been issued 65 days prior to issuing the administrative civil liability complaints. The cleanup and abatement orders had been issued after the Stones-Bengard property owners had been violating their cease and desist orders issued in 1991 for several years.

The liability amount of \$15,500 represents a more appropriate amount that is consistent with past and similar enforcement efforts by the Lahontan Water Board in the Eagle Lake basin. The liability amount of \$15,500 provides adequate justice or consequence for the violation as well as a meaningful deterrent to future violations.

b. Adjustment for Staff Costs

The Water Board Prosecution Team staff time incurred to prepare administrative civil liability complaints and supporting information for 25 Spalding Tract subdivision properties is estimated to be 165 hours. Based on an average cost to the State of \$150 per hour, the total staff cost is estimated to be \$24,750. Staff finds it appropriate to spread these costs equitably by dividing the total staff cost equally for

each of the 25 properties. On this basis, a staff cost of \$990 must be assessed for each property. As a result, the Adjusted Total Base Liability is recommended to be adjusted upward by **\$990**, bringing the total proposed liability to **\$16,490**.

### **Step 8: Economic Benefit**

The Enforcement Policy directs the Water Board to determine any Economic Benefit Amount of the violation based upon the best available information. The Enforcement Policy suggests that the Water Board compare the Economic Benefit Amount to the Adjusted Total Base Liability and ensure that the Adjusted Total Base Liability is at a minimum, 10 percent greater than the Economic Benefit Amount. Doing so should create a deterrent effect and will prevent administrative civil liabilities from simply becoming the cost of doing business.

Septic tank abandonment is only an option for properties that do not have structures with plumbing fixtures installed. For properties that have one or more structures with plumbing fixtures installed, connecting the Discharger's on-site wastewater disposal system to the District's community sewer system is required.

The Discharger has realized an economic benefit by failing to connect or abandon the Discharger's on-site wastewater disposal system as required by Cease and Desist Order No. R6T-2009-0109. In order to estimate the economic benefit, Water Board staff subpoenaed records from contractors who have connected and/or properly abandoned on-site wastewater disposal systems in the Spalding Tract subdivision. Based upon a review of the contractor records, the average cost for a property owner to connect an on-site wastewater disposal system to the District's community sewer system is \$4,210, and the average cost to properly abandon an on-site wastewater disposal system is \$836. Therefore, the economic benefit amount realized by Dischargers that have existing structures with plumbing fixtures installed on the property and that must connect to the District's community sewer system is estimated to be **\$4,210**. The economic benefit amount realized by Dischargers with the option of abandonment is estimated to be **\$836**. The Adjusted Total Base Liability Amount is greater than 110 percent of either of these estimated economic benefit amounts, and therefore no adjustment is necessary based on the economic benefit analysis.

### **Step 9: Maximum and Minimum Liability Amounts**

The maximum liability amount the Water Board may assess for the above-referenced violations pursuant to Water Code section 13350, subdivision (e)(1), is \$5,000 per day of violation. Therefore, the maximum liability the Water Board may assess for 832 days of violation (elapsed time since the date of compliance in the cease and desist order) is **\$4,160,000**.

The minimum liability amount provided in Water Code section 13350, subdivision (e)(1)(B) is \$100 per day. However, subdivision (f) states that:

"A regional board shall not administratively impose civil liability in accordance with paragraph (1) of subdivision (e) in an amount less than the minimum amount specified, unless the regional board makes express

findings setting forth the reasons for its action based upon the specific factors required to be considered pursuant to Section 13327.”

Water Code section 13327 allows for “*other factors as justice may require*”. The specific factors discussed in Step 7 above (i.e., property values, use of November 9, 2011 as an alternative compliance date, consistency with similar Lahontan Water Board enforcement actions in the Eagle Lake basin) yields 155 days of violation at \$100 per day minimum, for an alternative minimum liability amount of **\$15,500**.

The Enforcement Policy also requires that:

*The adjusted Total Base Liability shall be at least 10 percent higher than the Economic Benefit Amount so that liabilities are not construed as the cost of doing business and that the assessed liability provides a meaningful deterrent to future violations.*

The larger of the two economic benefit amounts (\$4,210) plus ten percent is **\$4,631**, which is less than the alternative statutory minimum cited above and the Total Proposed Liability Amount.

#### **Step 10: Final Liability Amount**

The Total Proposed Liability Amount is **\$16,490** based upon the considerations discussed in detail, above.

## Attachment D Administrative Civil Liability Methodology Spreadsheet

### Instructions

1. Select Potential Harm for Discharge Violations
2. Select Characteristics of the Discharge
3. Select Susceptibility to Cleanup or Abatement
4. Select Deviation from Standard
5. Click "Determine Harm & per Gallon/Day..."
6. Enter Values into the Yellow highlighted fields

|             |   |
|-------------|---|
| Select Item | Potential Harm for Discharge Violations |
| Select Item | Characteristics of the Discharge        |
| Select Item | Susceptibility of Cleanup or Abatement  |
| Select Item | Deviation from Requirement              |

Discharger Name/ID: Spalding Tract Property Owners, Various APNs

|                                       |   | Violation 1                                   |                |      |
|---------------------------------------|---|---|----------------|------|
| Discharge Violations                  | <b>Step 1</b>                             | Potential Harm Factor (Generated from Button) |                |      |
|                                       | <b>Step 2</b>                             | Per Gallon Factor (Generated from Button)     |                |      |
|                                       |   | Gallons                                       |                |      |
|                                       |   | Statutory / Adjusted Max per Gallon (\$)      |                |      |
|                                       | <b>Total</b>                              |   | \$ -           |      |
|                                       | Non-Discharge Violations                  | <b>Step 3</b>                                 | Per Day Factor | 0.55 |
| Days                                  |   |   | 33             |      |
| Statutory Max per Day                 |   |   | \$ 5,000       |      |
| <b>Total</b>                          |   |   | \$ 90,750.00   |      |
| <b>Initial Amount of the ACL</b>      |   |   | \$ 90,750.00   |      |
| Add'l Factors                         |   | <b>Step 4</b>                                 | Culpability    | 1.3  |
|                                       | Cleanup and Cooperation                   |   | 1.5            |      |
|                                       | History of Violations                     |   | 1              |      |
|                                       | <b>Step 5 Total Base Liability Amount</b> |   | \$ 176,962.50  |      |
| <b>Step 6</b>                         | Ability to Pay & to Continue in Business  | 1   | \$ 176,962.50  |      |
| <b>Step 7</b>                         | Other Factors as Justice May Require      | 15,500  | \$ 15,500.00   |      |
|                                       | Staff Costs                               | \$ 990  | \$ 16,490.00   |      |
| <b>Step 8</b>                         | Economic Benefit                          | \$ 4,210                                      | \$ 16,490.00   |      |
| <b>Step 9</b>                         | Minimum Liability Amount                  | 15,500  |                |      |
|                                       | Maximum Liability Amount                  | \$ 4,160,000                                  |                |      |
| <b>Step 10 Final Liability Amount</b> |   |   | \$ 16,490.00   |      |

### Penalty Day Range Generator

Start Date of Violation= 1/1/10

End Date of Violation= 4/11/12

Maximum Days Fined (Steps 2 & 3) = 832 Days

Minimum Days Fined (Steps 2 & 3) = 33 Days

**WAIVER FORM  
FOR ADMINISTRATIVE CIVIL LIABILITY COMPLAINT**

By signing this waiver, I affirm and acknowledge the following:

I am duly authorized to represent Naylor, Mitchell Creig & Ginger, JT (hereinafter "Discharger") in connection with Administrative Civil Liability Complaint No. R6T-2012-0026 (hereinafter the "Complaint"). I am informed that California Water Code section 13323, subdivision (b), states that, "a hearing before the regional board shall be conducted within 90 days after the party has been served [with the complaint]. The person who has been issued a complaint may waive the right to a hearing."

- (Check here if the Discharger waives the hearing requirement and will pay the liability.)**
- a. I hereby waive any right the Discharger may have to a hearing before the Regional Water Board.
  - b. I certify that the Discharger will remit payment for the civil liability imposed in the total amount of **sixteen thousand four hundred ninety dollars (\$16,490)** by check that references "ACL Complaint No. R6T-2012-0026" made payable in the amount of **\$16,490** to the "Waste Discharge Permit Fund." Payment must be received by the Regional Water Board by **5:00 p.m. on May 21, 2012** or the Regional Water Board may adopt an Administrative Civil Liability Order requiring payment.
  - c. I understand the payment of the above amount constitutes a proposed settlement of the Complaint, and that any settlement will not become final until after the 30-day public notice and comment period mandated by the State Water Resources Control Board's Water Quality Enforcement Policy expires. Should the Regional Water Board receive significant new information or comments from any source (excluding the Water Board's Prosecution Team) during this comment period, the Regional Water Board's Assistant Executive Officer may withdraw the complaint, return payment, and issue a new complaint. I understand that this proposed settlement is subject to approval by the Regional Water Board, and that the Regional Water Board may consider this proposed settlement in a public meeting or hearing. I also understand that approval of the settlement will result in the Discharger having waived the right to contest the allegations in the Complaint and the imposition of civil liability.
  - d. I understand that payment of the above amount is not a substitute for compliance with applicable laws and that continuing violations of the type alleged in the Complaint may subject the Dischargers to further enforcement, including additional civil liability.

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(Print Name and Title)

---

(Signature)

---

(Date)

|     | A        | B  | C                           | D             | E    | F | G                                  |  |
|-----|----------|--|-----------------------------|---------------|------|---|------------------------------------|--|
| 628 | 08/23/11 | Hasty, Clarence/Virginia Revoc Liv Tr          | Laurel/Palm                 | 077-344-15    | 576  |   |                                    |  |
| 629 | 08/30/11 | Evans, Dave M.                                 | 530-135 Pinon Way           | 077-351-30    | 739  |   |                                    |  |
| 630 |          | <b>Spalding Sewer Hookups - September 2011</b> |                             |               |      |   |                                    |  |
| 631 | 09/08/11 | Lewis, William Joe & Lewis, David Gene         | Poplar/Palmetto             | 077-192-29    | 169  |   |                                    |  |
| 632 | 09/09/11 | Goddard, Philip W                              | 687-950 Cedar Way           | 077-261-08    | 475  |   |                                    |  |
| 633 | 09/21/11 | Valine, Adelia Michelle                        | 367-370 Spalding Road       | 077-304-65    | 686  |   |                                    |  |
| 634 |          | <b>Spalding Sewer Hookups - October 2011</b>   |                             |               |      |   |                                    |  |
| 635 | 10/05/11 | Sochodolsky Family Trust                       | 687-710 Spruce Way          | 077-194-41    | 149  |   |                                    |  |
| 636 | 10/19/11 | Jamison, Dwight M & Carol L                    | 687-780 Orchard Way         | 077-191-29    | 176  |   |                                    |  |
| 637 |          | <b>Spalding Sewer Hookups - November 2011</b>  |                             |               |      |   |                                    |  |
| 638 | 11/16/11 | Arnold, Michael Wayne/Katherine Diane Rev TR   | RV Park - The Strand/Tank 2 | 077-182-09    | 167  |   |                                    |  |
| 639 |          | <b>Spalding Sewer Hookups - December 2011</b>  |                             |               |      |   |                                    |  |
| 640 | 12/28/11 | Lindenberg Living Trust                        | 687-710 Linden Way          | 077-233-54    | 277  |   |                                    |  |
| 641 |          | <b>Spalding Sewer Hookups - January 2012</b>   |                             |               |      |   |                                    |  |
| 642 |          | NONE   |                             |               |      |   |                                    |  |
| 643 |          | <b>Spalding Sewer Hookups - February 2012</b>  |                             |               |      |   |                                    |  |
| 644 |          | NONE   |                             |               |      |   |                                    |  |
| 645 |          | <b>Spalding Sewer Hookups - March 2012</b>     |                             |               |      |   |                                    |  |
| 646 |          | NONE   |                             |               |      |   |                                    |  |
| 647 |          | <b>Spalding Sewer Hookups - April 2012</b>     |                             |               |      |   |                                    |  |
| 648 | 04/12/12 | Schmidt, Kenneth                               | 687-015 Acacia Way          | 077-391-07    | 1014 |   |                                    |  |
| 649 | 04/23/12 | Bobbitt, Galen/Monique ETAL                    | 687-354 Juniper Way         | 077-354-24    | 621  |   | Officially Connected to the system |  |
| 650 |          | <b>Spalding Sewer Hookups - May 2012</b>       |                             |               |      |   |                                    |  |
| 651 | 05/31/12 | Sutton, Dennis J/ETAL Deborah L JT             | 687-675 Catalpa Way         | 077-271-19    | 470  |   |                                    |  |
| 652 |          | <b>Spalding Sewer Hookups - June 2012</b>      |                             |               |      |   |                                    |  |
| 653 | 06/01/12 | Estes, Kenneth P/Mary L. JT                    | 687-810 Linden Way          | 077-233-47    | 1028 |   |                                    |  |
| 654 | 06/07/12 | Schmidt, Kenneth                               | Acacia Way                  | 077-391-06/05 | 1013 |   |                                    |  |
| 655 | 06/07/12 | Naylor, Mitchell Greig/Ginger JT               | 686-750 Redwood Way         | 077-401-11    | 817  |   |                                    |  |
| 656 |          | <b>Spalding Sewer Hookups - July 2012</b>      |                             |               |      |   |                                    |  |
| 657 |          |  |                             |               |      |   |                                    |  |
| 658 |          |  |                             |               |      |   |                                    |  |
| 659 |          |  |                             |               |      |   |                                    |  |
| 660 |          |  |                             |               |      |   |                                    |  |
| 661 |          | <b>Spalding Sewer Hookups - September 2012</b> |                             |               |      |   |                                    |  |



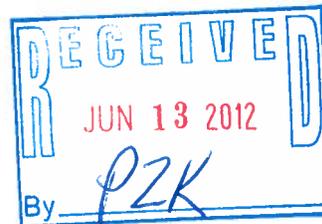
## Comment Letter - Spalding Complaint

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 Ati CWQCB Ati CWQCB Ati CWQCB Ati



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 transmit.

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

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**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 Scorable 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 & Naylor**s 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 ATTACHMENT II(a), CONSISTING OF BEFORE AND AFTER PHOTODATED 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

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

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 Scorable 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

CC.. Mitch Naylor



Wednesday, May 30, 2012 3:34 PM

Re: Septic tank

"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

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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 amount 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.

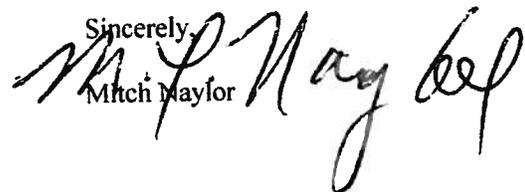
I have one further request, as follows.

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.

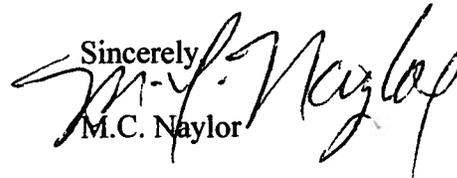
If you are able to release a permit to a contractor prior to full payment of my past due account (in consideration of my reduced resources), please let me know. I would like to bring this current

Mitchell C. Naylor, Page 2 -- April 13, 2012  
Spalding CSD Payment/Request for Hook-Up Assistance

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

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)

When Recorded, Return to:

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

Community Development Department Use Only

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

Completed by: [Signature] 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]  
Signature  
Chris Callaghan  
Print Name

4/25/2012  
Date  
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, MYRNAE 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,



MyrnaE Nordstrom  
Signature of Notary Public

**SPALDING COMMUNITY SERVICES DISTRICT  
 SEWER CONNECTION PERMIT APPLICATION**

2

|                     |                      |                                   |               |
|---------------------|----------------------|-----------------------------------|---------------|
| APPLICANT COMPLETES | Inspection Requests: | (530) 825-3258                    | ASSESSMENT NO |
|                     | OWNER:               | Naylor Mitchell Craig/Ginger JT   | TELEPHONE NO: |
|                     | SERVICE ADDRESS      | 289 547 0871                      | PERMIT NO:    |
|                     | MAILING ADDRESS      | 136-750 Wood Way / Spalding Tract |               |
|                     | CONTRACTOR:          | 12344 26 Mile Road #67            |               |
|                     | MAILING ADDRESS:     | OAKdale CA, 95361                 | LICENSE NO:   |
|                     |                      | 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 # \_\_\_\_\_

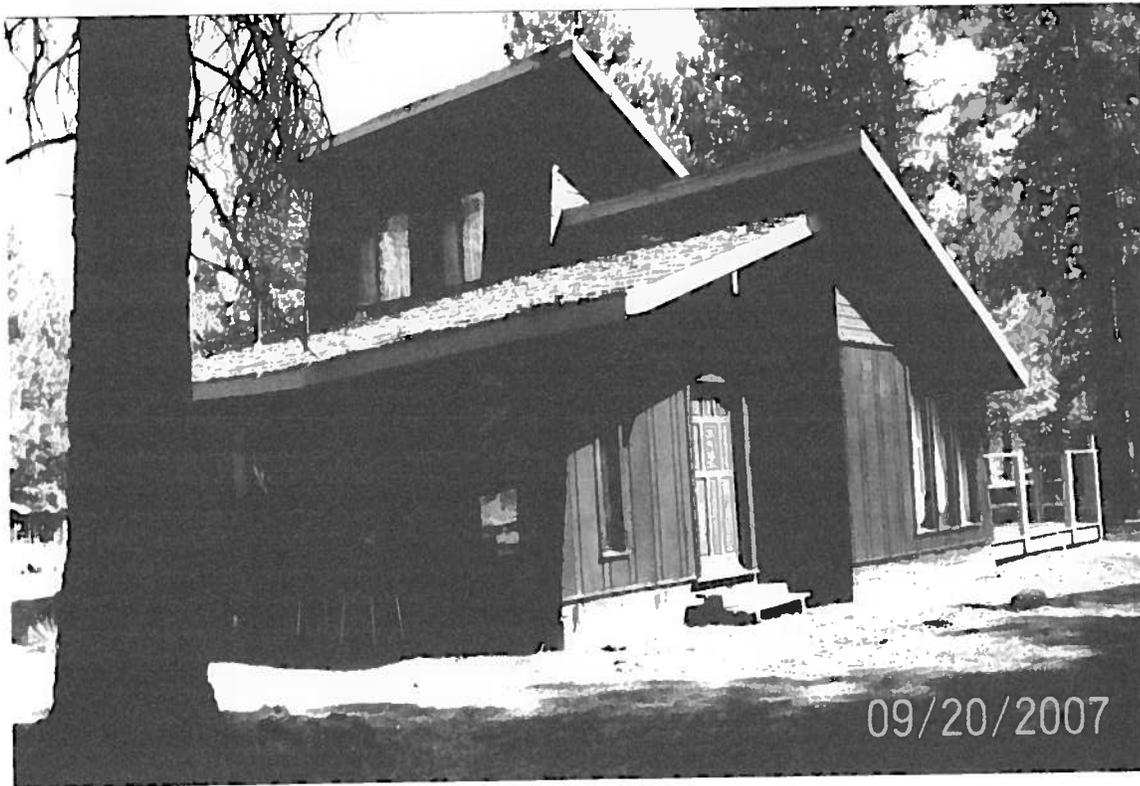
|   |   |
|---|---|
| <p><b>APPLICANT COMPLETES</b></p> <p>EXPIRATION: Every permit issued by the Utility District official under the provisions of the code shall expire by limitation and become null and void if the work authorized by such permit is not commenced within one year from the date of such 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.</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>Date <u>5/19/12</u><br/>       Signature of Applicant <u>Mitchell P. Naylor</u></p> | <p><b>OWNER/CONTRACTOR COMPLETES</b></p> <p><input type="checkbox"/> I am a State Licensed Contractor, Lic. No.: _____ Lic. Class" _____ <input type="checkbox"/> I am unlicensed and claim exemption from the Contractors Law for the following reason:</p> <p><input type="checkbox"/> 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.</p> <p><input checked="" type="checkbox"/> I, as owner of the property, am exclusively contracting with licensed contractors to construct the project.</p> <p>I am exempt under Section _____, B &amp; P.C. for this reason:</p> <p><u>Mitchell P. Naylor</u> <u>5/19/12</u> Owner<br/>       Contractor or authorized agent<br/>       IN COMPLIANCE WITH SECTION 3800, LABOR CODE, STATE OF CALIFORNIA;</p> <p><input checked="" type="checkbox"/> "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."</p> <p><input type="checkbox"/> "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."</p> <p><b>WORKMAN'S COMPENSATION POLICY/SELF-INSURER CERTIFICATE</b></p> <p>Number: _____ Expiration Date: _____</p> <p>WORK OF UNDER \$100.00 VALUATION IS EXEMPT FROM ABOVE</p> <p>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.</p> <p>Signature of Owner or Authorized Agent: <u>Mitchell P. Naylor</u> Date <u>5/19/12</u></p> |
|---|---|

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

|                                 |  |  |
|---------------------------------|--|--|
| Office Use Only                 | <b>LASSEN COUNTY PLANNING DIVISION</b>   |  |
|                                 | <b>"A BUILDING SITE DESIGNATION MUST BE COMPLETED AND RECORDED BEFORE A BUILDING PERMIT WILL BE ISSUED."</b> |  |
|                                 | 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 a \_\_\_\_\_







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



## Mitchell C. & Ginger Naylor

12344 26 Mile Road No. 67  
Oakdale, California 95361  
(209) 847-0871 -- mc\_naylor95361@yahoo.com

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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, subdivision 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**);

Mitchell C. & Ginger Naylor  
Spalding, Eagle Lake, C&D Order APN # 077-401-11-11  
October 9, 2009 – Page 2

- 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 Savannah, 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.

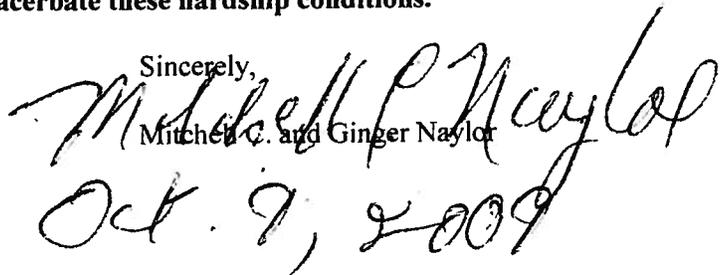
In October, 2005, Mitchell's employer began structural reorganization, and, in February, 2006, his position was eliminated. In April, 2007 Mitchell's mother died. Neither Mitchell nor Ginger relocated fulltime employment. In May, 2008, Mitchell and Ginger began a shared part-time position as co-managers 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



Oct. 9, 2009

TRANSMISSION VERIFICATION REPORT

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

|              |                 |
|--------------|-----------------|
| DATE, TIME   | 10/09 10:14 PM  |
| FAX NO./NAME | 15305442271     |
| DURATION     | 00:01:21        |
| PAGE(S)      | 04              |
| RESULT       | OK              |
| MODE         | STANDARD<br>ECM |

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

**ADMINISTRATIVE CIVIL LIABILITY ORDER NO. R6T-2012-(PROPOSED)**

**IN THE MATTER OF  
NEIL, GERALD E. & JANET E. FOR VIOLATION OF  
CEASE AND DESIST ORDER NOS. R6T-2009-0088, R6T-2009-0089, R6T-2009-  
0090, R6T-2009-0091, R6T-2009-0092, and R6T-2009-0093,  
SPALDING TRACT SUBDIVISION, LASSEN COUNTY APN NOS. 077-361-23-11,  
077-143-10-11, 077-163-06-11, 077-271-09-11, 077-272-43-11, and 077-133-10-11**

Lassen County

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The California Regional Water Quality Control Board – Lahontan Region (Lahontan Water Board) hereby finds that Neil, Gerald E. & Janet E. has violated Lahontan Water Board Cease and Desist Order Nos. R6T-2009-0088, R6T-2009-0089, R6T-2009-0090, R6T-2009-0091, R6T-2009-0092, and R6T-2009-0093. The Lahontan Water Board specifically finds:

**BACKGROUND**

1. Neil, Gerald E. & Janet E. (Discharger) owns Lassen County Assessor Parcel Nos. 077-361-23-11, 077-143-10-11, 077-163-06-11, 077-271-09-11, 077-272-43-11, and 077-133-10-11 in the Spalding Tract subdivision located on the west shore of Eagle Lake, approximately 20 miles northwest of Susanville, California.
2. Based upon Lassen County records and/or Spalding Community Services District (District) records, the Discharger owns and/or operates on-site wastewater disposal systems located at the above-referenced parcels. The Discharger's on-site wastewater disposal systems permit waste containing nutrients to be discharged, and/or threaten a discharge of waste containing nutrients, to waters within the Eagle Lake basin.

**CHRONOLOGY OF EVENTS**

3. In September 1984, pursuant to Water Code section 13243, the Lahontan 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 subdivision to surface waters and groundwater of the Eagle Lake basin after September 14, 1989.
4. On October 22, 2007, the District's community sewer system (system) became operational. As a result, there is now an available method for the Spalding Tract

subdivision property owners to comply with the above-referenced Basin Plan prohibition.

5. On October 14, 2009, the Lahontan Water Board adopted Cease and Desist Order Nos. R6T-2009-0088, R6T-2009-0089, R6T-2009-0090, R6T-2009-0091, R6T-2009-0092, and R6T-2009-0093 against the Discharger for its on-site wastewater disposal systems located at Lassen County APN Nos. 077-361-23-11, 077-143-10-11, 077-163-06-11, 077-271-09-11, 077-272-43-11, and 077-133-10-11.
6. Cease and Desist Order Nos. R6T-2009-0088, R6T-2009-0089, R6T-2009-0090, R6T-2009-0091, R6T-2009-0092, and R6T-2009-0093 require the Discharger, by December 31, 2009, to either (1) connect its on-site wastewater disposal systems to the District's community sewer system, or (2) properly abandon its on-site wastewater disposal systems in accordance with Lassen County regulations. Upon completing one of the two activities, the Discharger is required to submit to the Lahontan Water Board documentation of compliance with the above-referenced Basin Plan prohibition.
7. The Discharger failed to comply with Cease and Desist Order Nos. R6T-2009-0088, R6T-2009-0089, R6T-2009-0090, R6T-2009-0091, R6T-2009-0092, and R6T-2009-0093 and on June 28, 2011, the Lahontan Water Board's Prosecution Team issued the Discharger a Notice of Violation citing the ongoing violation.
8. On April 20, 2012, the Assistant Executive Officer issued Complaint No. R6T-2012-0027. The Complaint alleges that the Discharger has violated the requirements of Cease and Desist Order Nos. R6T-2009-0088, R6T-2009-0089, R6T-2009-0090, R6T-2009-0091, R6T-2009-0092, and R6T-2009-0093. The Complaint proposes administrative civil liability of **\$98,940**. The Complaint and its attachments are attached to this Order and incorporated by reference (Attachment A).
9. On July 11, 2012, in South Lake Tahoe, California, after notice to the Discharger and all other affected persons and the public, the Lahontan Water Board conducted a public hearing at which evidence was received to consider this Order and the Discharger or its representative(s), had the opportunity to be heard and to contest the allegations in the Complaint.

### REGULATORY CONSIDERATIONS

10. The Lahontan Water Board adopted the *Water Quality Control Plan for the Lahontan Region* (Basin Plan) pursuant to Water code section 13243. The Basin Plan contains the following 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.)

11. On October 14, 2009, the Lahontan Water Board adopted Cease and Desist Order Nos. R6T-2009-0088, R6T-2009-0089, R6T-2009-0090, R6T-2009-0091, R6T-2009-0092, and R6T-2009-0093, enforcing the above-referenced Basin Plan prohibition.

### **VIOLATIONS**

12. The Discharger violated Cease and Desist Order Nos. R6T-2009-0088, R6T-2009-0089, R6T-2009-0090, R6T-2009-0091, R6T-2009-0092, and R6T-2009-0093 by failing to satisfy the requirement to comply with the above-referenced Basin Plan prohibition by December 31, 2009. A review of District records and Lahontan Water Board records shows the Discharger has yet to either (1) connect its on-site wastewater disposal systems to the District's system, or (2) has properly abandoned its on-site wastewater disposal systems in accordance with Lassen County regulations. This violation subjects the Discharger to liability pursuant to Water Code section 13350, subdivision (a).

### **CALCULATION OF ADMINISTRATIVE CIVIL LIABILITY**

13. Pursuant to Water Code section 13350, subdivision (e), civil liability may be imposed administratively on a daily basis in an amount not to exceed five thousand dollars (\$5,000) for each day in which the violation occurs.
14. Pursuant to Water Code section 13327, in determining the amount of civil liability, the Lahontan Water Board is required to take into account the nature, circumstance, extent, and gravity of the violation or violations, whether the discharge is susceptible to cleanup or abatement, the degree of toxicity of the discharge, and, with respect to the violator, the ability to pay, the effect on ability to continue business, any voluntary cleanup efforts undertaken, any prior history of violations, the degree of culpability, economic benefit or savings, if any, resulting from the violation, and other matters as justice may require.
15. On November 17, 2009, the State Water Resources Control Board (State Water Board) adopted Resolution No. 2009-0083 amending the Water Quality Enforcement Policy (Enforcement Policy). The Enforcement Policy was approved by the Office of Administrative Law and became effective on May 20, 2010. The Enforcement Policy establishes a methodology for assessing administrative civil liability. The use of this methodology addresses the factors that are required to be considered when imposing a civil liability as outlined in Water Code section 13327. The entire Enforcement Policy can be found at:

[http://www.waterboards.ca.gov/water\\_issues/programs/enforcement/docs/enf\\_policy\\_final111709.pdf](http://www.waterboards.ca.gov/water_issues/programs/enforcement/docs/enf_policy_final111709.pdf)

16. **Maximum Administrative Civil Liability:** Pursuant to Water Code section 13350, subdivision (e)(1), the total maximum administrative civil liability that may be imposed for the violation in this Order is **\$4,160,000 for each Cease and Desist Order violated.**
17. **Minimum Administrative Civil Liability:** Pursuant to Water Code section 13350, subdivision (e)(1)(B), the minimum administrative civil liability that must be imposed for the violation in this Order is **\$83,200 for each Cease and Desist Order violated**, unless the Lahontan Water Board makes express findings pursuant to Water Code section 13350, subdivision (f).
18. Water Code section 13350, subdivision (f) states that:
- “A regional board shall not administratively impose civil liability in accordance with paragraph (1) of subdivision (e) in an amount less than the minimum amount specified, unless the regional board makes express findings setting forth the reasons for its action based upon the specific factors required to be considered pursuant to Section 13327.”
- Water Code section 13327 allows for “other factors as justice may require.” The Lahontan Water Board hereby finds that the specific factors discussed in Attachment C, Step 7 of the Complaint (i.e., property values, use of November 9, 2011 as an alternative compliance date, consistency with similar Lahontan Water Board enforcement actions in the Eagle Lake basin), justifies imposing a liability less than the minimum amount cited in Finding No. 17, above.
19. The Enforcement Policy requires that:
- “The adjusted Total Base Liability shall be at least 10 percent higher than the Economic Benefit Amount so that liabilities are not construed as the cost of doing business and that the assessed liability provides a meaningful deterrent to future violations.”
- The Complaint cites the economic benefit of violating Cease and Desist Order Nos. R6T-2009-0088, R6T-2009-0089, R6T-2009-0090, R6T-2009-0091, R6T-2009-0092, and R6T-2009-0093 as \$4,210 (average avoided cost of connecting to the District’s system) for each Cease and Desist Order. The economic benefit plus ten percent is \$4,631, which is less than the alternative minimum administrative civil liability of \$15,500, established in the Complaint. The minimum alternative civil liability amount for this Order will therefore be **\$15,500 for each Cease and Desist Order violated.**
20. **Administrative Civil Liability Determination:** The Lahontan Water Board has applied the Enforcement Policy’s administrative civil liability methodology and

considered each of the Water Code section 13327 factors based upon information in the record, including testimonies at the public hearing and information described in greater detail in the Complaint and its attachments. The Lahontan Water Board hereby finds that civil liability should be imposed administratively on the Discharger in the amount of **\$16,490 for each Cease and Desist Order violated**, for a total liability of **\$98,940**, which falls within the allowable range.

### GENERAL

21. This Order only resolves liability that the Discharger incurred for violations specifically alleged in the Complaint. This Order does not relieve the Discharger of liability for any violations not alleged in the Complaint. The Lahontan Water Board retains the authority to assess additional civil liabilities for violations of applicable laws or orders for which civil liabilities have not yet been assessed, or for violations that may subsequently occur.
22. Issuance of this Order is an enforcement action and is, therefore, exempt from the California Environmental Quality Act (Pub. Resources Code § 21000 et seq.), pursuant to California Code of Regulations, title 14, section 15321, subdivision (a)(2).
23. Any person aggrieved by this action of the Lahontan Water Board may petition the State Water Board to review the action in accordance with Water Code section 13320 and California Code of Regulations, title 23, section 2050 and following. The State Water Board must receive the petition by 5:00 p.m., 30 days after the date of this Order, except that if the thirtieth day following the date of this Order falls on a Saturday, Sunday or State holiday, the petition must be received by the State Water Board by 5:00 p.m. on the next business day. Copies of the law and regulations applicable to filing will be provided upon request, and may be found on the Internet at:

[http://www.waterboards.ca.gov/public\\_notices/petitions/water\\_quality](http://www.waterboards.ca.gov/public_notices/petitions/water_quality).

### IT IS HEREBY ORDERED THAT:

1. Administrative civil liability is imposed upon the Discharger in the amount of **\$98,940**.
2. The Discharger shall submit payment with a cashier's check or money order in the full amount of **\$98,940** payable to the State Water Resources Control Board's Waste Discharge Permit Fund within 30 days of the date this Order is adopted.
3. Should the Discharger fail to make the specified payment to the State Water Resources Control Board's Waste Discharge Permit Fund within the time limit specified in this Order, the Lahontan Water Board may enforce this Order by applying for a judgment pursuant to Water Code section 13328. The Lahontan

Water Board's Executive Officer is hereby authorized to pursue a judgment pursuant to Water Code section 13328 if the criterion specified in this paragraph is satisfied.

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: ACL Complaint No. R6T-2012-0027

PROPOSED

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## Lahontan Regional Water Quality Control Board

April 20, 2012

NEIL, GERALD & JANET  
8189 OLIVE SCHOOL LANE  
WINTERS, CA 95694

**CERTIFIED MAIL: 7099 3220 0007 3471 3081**

**ADMINISTRATIVE CIVIL LIABILITY COMPLAINT NO. R6T-2012-0027 FOR NEIL, GERALD & JANET, SPALDING TRACT SUBDIVISION, LASSEN COUNTY APN 077-361-23-11, 077-143-10-11, 077-163-06-11, 077-271-09-11, 077-272-43-11, AND 077-133-10-11**

Enclosed please find Administrative Civil Liability Complaint No. R6T-2012-0027 issued pursuant to California Water Code section 13323, alleging violations by Neil, Gerald & Janet (Discharger) of Cease and Desist Order Nos. R6T-2009-0088, R6T-2009-0089, R6T-2009-0090, R6T-2009-0091, R6T-2009-0092, and R6T-2009-0093. The Complaint alleges that the Discharger failed to either (1) connect its on-site wastewater disposal systems to the Spalding Community Services District's community sewer system, or (2) properly abandon its on-site wastewater disposal systems in accordance with Lassen County regulations by December 31, 2009. The Complaint proposes that the Regional Water Quality Control Board, Lahontan Region (Lahontan Water Board) assess an administrative civil liability against the Discharger in the amount of \$98,940 pursuant to California Water Code section 13350. Also enclosed is a Waiver of Hearing form for this matter.

Unless waived, a hearing before the Lahontan Water Board or a Lahontan Water Board Hearing Panel (Hearing Panel) will be held on **July 11-12, 2012** on this Complaint pursuant to Water Code section 13323. At the hearing, the Lahontan Water Board will consider whether to impose administrative civil liability (as proposed in the Complaint or for a different amount, either higher or lower than proposed, but not to exceed the maximum liability provided for by law), decline the administrative civil liability, or refer the matter to the Attorney General for judicial enforcement.

The Discharger may contest the proposed administrative civil liability at the hearing or, in the alternative, may waive its right to the hearing. Should the Discharger choose to waive its right to a hearing, an authorized agent must sign the enclosed Waiver of Hearing form and return it to the Lahontan Water Board's South Lake Tahoe office by **5:00 p.m. on May 21, 2012**. If the Lahontan Water Board does not receive the waiver and full payment of the liability by this date and time, the matter will be heard before the Lahontan Water Board or a Hearing Panel within 90 days of the Complaint's issuance date. Public hearing procedures will be mailed to the Discharger shortly and an agenda

containing the date, time, and location of the hearing will be mailed to the Discharger at least 10 days prior to the hearing date.

If you have any questions regarding this matter, please contact Lisa Scorallo (530) 542-5452, or Scott C. Ferguson at (530) 542-5432.



Lauri Kemper, P.E.  
Assistant Executive Officer

Enclosures: 1. Administrative Civil Liability Complaint No. R6T-2012-0027  
2. Waiver of Hearing Form

cc (w/enc): Regional Board Members  
Harold J. Singer, Executive Officer/Lahontan Regional Water Quality Control Board  
Kim Niemeyer, Staff Counsel/State Water Resources Control Board/Office of Chief Counsel  
David Boyers, Staff Counsel/State Water Resources Control Board/Office of Enforcement  
Ann Carroll, Staff Counsel/State Water Resources Control Board/ Office of Enforcement

Cc (w/o enc): Chris Gallagher, General Manager/Spalding Community Services District  
Virginia Bruce/Spalding Community Services District  
Alan Jones, Director/Lassen County Environmental Health Department  
Kenneth Bunch/Lassen County Assessor  
Maurice Anderson/Lassen County Building Department

SCF/adw/T:/Agenda Items/2012/July/Spalding Tract ACLs/Complaints/Spalding Tract ACL-Complaint Cover Letter, Neils (4-17-2012)  
File Under: Spalding Tract Neils, APN No. 077-361-23-11, 077-143-10-11, 077-163-06-11, 077-271-09-11, 077-272-43-11, AND 077-133-10-11

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

|  |   |                                       |
|--|---|---------------------------------------|
| <b>In the Matter of</b>                  | ) |                                       |
| <b>Neil, Gerald E. &amp; Janet E.,</b>   | ) |                                       |
| <b>Spalding Tract Subdivision,</b>       | ) | <b>COMPLAINT NO. R6T-2012-0027</b>    |
| <b>Lassen County APN 077-361-23-11,</b>  | ) | <b>FOR</b>                            |
| <b>077-143-10-11, 077-163-06-11,</b>     | ) | <b>ADMINISTRATIVE CIVIL LIABILITY</b> |
| <b>077-271-09-11, 077-272-43-11, and</b> | ) |                                       |
| <b>077-133-10-11</b>                     | ) |                                       |

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**NEIL, GERALD E. & JANET E. ARE HEREBY GIVEN NOTICE THAT:**

1. As a result of failing to either (1) connect the on-site wastewater disposal systems to the Spalding Tract Community Services District's (District) community sewer system, or (2) properly abandon the on-site wastewater disposal systems in accordance with Lassen County regulations, Neil, Gerald E. & Janet E. (Discharger) is alleged to have violated Cease and Desist Order Nos. R6T-2009-0088, R6T-2009-0089, R6T-2009-0090, R6T-2009-0091, R6T-2009-0092, and R6T-2009-0093, for which the California Regional Water Quality Control Board, Lahontan Region (Lahontan Water Board) may impose administrative civil liabilities pursuant to Water Code section 13350. This Administrative Civil Liability Complaint (Complaint) is issued under authority of Water Code section 13323.
2. Unless waived, a hearing on this Complaint will be held before the Lahontan Water Board on July 11-12, 2012, at 971 Silver Dollar Avenue, South Lake Tahoe, California. At the hearing, the Lahontan Water Board will consider whether to affirm, reject, or modify (either increase or decrease) the proposed civil liability up to the maximum penalty provided for by law, or refer the matter to the Attorney General's Office for recovery of judicial liability. The Discharger or its representative will have an opportunity to be heard and to contest the allegations in this Complaint and the imposition of civil liability. An agenda for the meeting will be available at [http://www.waterboards.ca.gov/lahontan/board\\_info/agenda/](http://www.waterboards.ca.gov/lahontan/board_info/agenda/) not less than 10 days before the hearing date.
3. The Discharger can waive its right to a hearing to contest the allegations contained in this Complaint by submitting a signed waiver and paying the civil liability in full or by taking other actions as described in the attached waiver form. If this matter proceeds to hearing, the Lahontan Water Board's Prosecution Team reserves the right to seek an increase in the civil liability amount to cover the costs of enforcement incurred subsequent to the issuance of this Complaint through the hearing.

## ALLEGATIONS

4. The Discharger owns Assessor Parcel Nos. 077-361-23-11, 077-143-10-11, 077-163-06-11, 077-271-09-11, 077-272-43-11, and 077-133-10-11 in the Spalding Tract subdivision located on the west shore of Eagle Lake, approximately 20 miles northwest of Susanville, California. See Attachment A – Vicinity Map.
5. Based upon a review of Lassen County records, the Discharger owns and/or operate(s) on-site wastewater disposal systems located at the above-referenced parcels. The existence of on-site wastewater disposal systems that have not been properly abandoned at these locations permits waste containing nutrients to be discharged, and/or threatens a discharge of waste containing nutrients, to waters within the Eagle Lake Basin.
6. In September 1984, pursuant to Water Code section 13243, the Water Board amended the *Water Quality Control Plan for the Lahontan Region* (Basin Plan) to prohibit the discharge of sewage to on-site wastewater disposal systems in the Spalding Tract 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 p. 4.1-4.)
7. On October 22, 2007, the District's community sewer system (system) became operational. As a result, there is now an available method for the Spalding Tract subdivision property owners to comply with the Basin Plan prohibition cited above.
8. On October 14, 2009, the Lahontan Water Board adopted Cease and Desist Order Nos. R6T-2009-0088, R6T-2009-0089, R6T-2009-0090, R6T-2009-0091, R6T-2009-0092, and R6T-2009-0093 for Lassen County APN Nos. 077-361-23-11, 077-143-10-11, 077-163-06-11, 077-271-09-11, 077-272-43-11, and 077-133-10-11, respectively, to establish a time schedule for the Discharger to comply with the Basin Plan prohibition cited in Finding 6 above.
9. Cease and Desist Order Nos. R6T-2009-0088, R6T-2009-0089, R6T-2009-0090, R6T-2009-0091, R6T-2009-0092, and R6T-2009-0093 required the Discharger, by December 31, 2009, to either (1) connect its on-site wastewater disposal systems to the District's community sewer system, or (2) properly abandon its on-site wastewater disposal systems in accordance with Lassen County regulations. Upon completing one of the two activities, the Discharger was required to submit documentation of compliance with the Basin Plan prohibition cited in Finding 6 above to the Lahontan Water Board.

10. The Discharger failed to comply with Cease and Desist Order Nos. R6T-2009-0088, R6T-2009-0089, R6T-2009-0090, R6T-2009-0091, R6T-2009-0092, and R6T-2009-0093 and on June 28, 2011, the Lahontan Water Board's Prosecution Team issued the Discharger a Notice of Violation citing the ongoing violation.
11. The June 28, 2011 Notice of Violation notified the Discharger of the Prosecution Team's intent to issue an Administrative Civil Liability Complaint to be considered by the Lahontan Water Board at its November 9-10, 2011 meeting.
12. The June 28, 2011 Notice of Violation informed the Discharger that the Prosecution Team would consider withdrawing the Administrative Civil Liability Complaint if the Discharger complied with its Cease and Desist Orders prior to the November 9-10, 2011 meeting.
13. Based upon a review of the District's records (Attachment B to this Complaint), the Discharger has not connected its on-site wastewater disposal systems to the District's community sewer system as of April 11, 2012, and the Lahontan Water Board has not received documentation from the Discharger and/or from Lassen County that the Discharger properly abandoned its on-site wastewater disposal systems as of April 11, 2012. Therefore, the Discharger is in violation of Cease and Desist Order Nos. R6T-2009-0088, R6T-2009-0089, R6T-2009-0090, R6T-2009-0091, R6T-2009-0092, and R6T-2009-0093.
14. As of the date of drafting of this Complaint, April 11, 2012, the Discharger has been in violation of Cease and Desist Order Nos. R6T-2009-0088, R6T-2009-0089, R6T-2009-0090, R6T-2009-0091, R6T-2009-0092, and R6T-2009-0093 for 832 days.

**WATER CODE SECTION UPON WHICH ADMINISTRATIVE CIVIL LIABILITY IS  
BEING ASSESSED FOR THE ALLEGED VIOLATIONS**

15. Pursuant to Water Code section 13350, subdivision (a), any person who violates any cease and desist order issued by a regional board, is subject to administrative civil liability.
16. Pursuant to Water Code section 13350, subdivision (e), civil liability may be imposed administratively on a daily basis in an amount not to exceed five thousand dollars (\$5,000) for each day in which the violation occurs.

**FACTORS CONSIDERED IN DETERMINING ADMINISTRATIVE CIVIL LIABILITY**

17. Pursuant to Water Code section 13327, in determining the amount of civil liability, the Lahontan Water Board is required to take into account the nature, circumstance, extent, and gravity of the violation or violations, whether the discharge is susceptible to cleanup or abatement, the degree of toxicity of the discharge, and, with respect to the violator, the ability to pay, the effect on ability to continue business, any voluntary cleanup efforts undertaken, any prior history of violations, the degree of culpability,

economic benefit or savings, if any, resulting from the violation, and other matters as justice may require.

18. On November 17, 2009, the State Water Resources Control Board (State Water Board) adopted Resolution No. 2009-0083 amending the Water Quality Enforcement Policy (Enforcement Policy). The Enforcement Policy was approved by the Office of Administrative Law and became effective on May 20, 2010. The Enforcement Policy establishes a methodology for assessing administrative civil liability. The use of this methodology addresses the factors that are required to be considered when imposing a civil liability as outlined in Water Code section 13327. The entire Enforcement Policy can be found at:

[http://www.waterboards.ca.gov/water\\_issues/programs/enforcement/docs/enf\\_policy\\_final111709.pdf](http://www.waterboards.ca.gov/water_issues/programs/enforcement/docs/enf_policy_final111709.pdf)

19. The required factors have been considered for the violations alleged herein using the methodology in the Enforcement Policy, as explained in detail in Attachment C, which is attached hereto and incorporated herein by this reference.

#### **MAXIMUM ADMINISTRATIVE CIVIL LIABILITY**

20. Pursuant to Water Code section 13350, subdivision (e), the total maximum administrative civil liability that may be imposed for the violations alleged in this Complaint is **\$4,160,000 per cease and desist order violated**, as described in Attachments C and D, which are attached hereto and incorporated herein by this reference.

#### **PROPOSED ADMINISTRATIVE CIVIL LIABILITY**

21. Based on consideration of the above facts, the applicable law, and after applying the administrative civil liability methodology as described in Attachments C and D, the Assistant Executive Officer of the Lahontan Water Board proposes that civil liability be imposed administratively on the Discharger in the amount of \$16,490.00 per cease and desist order violated, for a total liability of **\$98,940.00**.

#### **CALIFORNIA ENVIRONMENTAL QUALITY ACT**

22. Issuance of this Complaint is an enforcement action and is, therefore, exempt from the California Environmental Quality Act (Pub. Resources Code § 21000 et seq.), pursuant to California Code of Regulations, title 14, section 15321, subdivision (a)(2).
23. Notwithstanding the issuance of this Complaint, the Lahontan Water Board retains the authority to assess additional civil liability for violations of the requirements of Cease and Desist Order Nos. R6T-2009-0088, R6T-2009-0089, R6T-2009-0090, R6T-2009-0091, R6T-2009-0092, and R6T-2009-0093 for which liability has not yet been assessed or for violations that may occur subsequent to the issuance of this Complaint.



Lauri Kemper  
Assistant Executive Officer

4-20-12  
Date

Attachments:

- A. Vicinity Map
- B. Property Owners Connected to District Community Sewer System
- C. Administrative Civil Liability Methodology
- D. Administrative Civil Liability Methodology Spreadsheet

SCF/adw/T:/Agenda Items/2012/July/Spalding Tract ACLs/Complaints/Spalding Tract ACL-Complaint, Neils (4-18-2012)  
File Under: SLT File Room,

# ATTACHMENT A - VICINITY MAP



**Attachment B**  
**Property Owners Connected to District Community Sewer System**

| <b>Date of Connection</b> | <b>Spalding Residents Connected to the District Disposal System: APPLICANT NAME</b> | <b>Service Address</b>            | <b>APN#</b>      | <b>Notes</b> |
|---------------------------|---|-----------------------------------|------------------|--------------|
| 09/10/09                  | Abrams, Shirley H 1992 Rev TR   | 687-725 Spruce Way                | 077-193-32       |              |
| 04/03/08                  | Adams Family Trust  | Laurel Way                        | 077-343-17       |              |
| 08/01/08                  | Adams Family Trust Agreement  | 687-285 Juniper                   | 077-354-25       |              |
| 06/09/08                  | Aguiano, Jose R ETAL  | Magnolia Way                      | 077-334-13       |              |
| 06/04/08                  | Allen, Glen & Ida Rev. Trust  | 686-730 Catalpa Way               | 077-374-19       |              |
| 07/31/08                  | Alvarez Charles R.  | 688-100 Ivy Way                   | 077-221-16       |              |
| 08/06/08                  | Aman, Lisa Marie  | 503-555 Mahogany Way              | 077-301-23       |              |
| 05/21/09                  | American Legion Eagle Lake Post 162   | 687-935 Spruce Way                | 077-193-34       |              |
| 11/02/07                  | Anderson, Christopher J./J.A  | 687-815 Cedar Way                 | 077-283-24       |              |
| 04/14/08                  | Anderson, Dale A& Virginia A Revoc. Trust   | 687-590 Hazel Way                 | 077-331-30       |              |
| 03/18/08                  | Anderson, James L/Sherri A CP   | Hazel/Maple                       | 077-211-19       |              |
| 05/30/08                  | Anderson, Lee A Faye Z. JT.   | 686-855 Acorn Way                 | 077-392-14       |              |
| 05/08/08                  | Armstrong Family Trust  | 687-450 Magnolia Way              | 077-334-21       |              |
| 09/24/08                  | Armstrong Living Trust  | 687-384 Sycamore                  | 077-311-45       |              |
| 04/22/08                  | Armstrong, Dale A.& Myrna A.  | 688-050 Sycamore                  | 077-241-20       |              |
| 06/11/08                  | Armstrong, Robert T/Mabel E   | 688-035 Laurel Way                | 077-223-21       |              |
| 05/16/08                  | Arnold, Michael Wayne/Katherine Diane Rev TR  | RV Park-The Strand/ <b>Tank 1</b> | 077-182-09       |              |
| 11/16/11                  | Arnold, Michael Wayne/Katherine Diane Rev TR  | RV Park-The Strand/ <b>Tank 2</b> | 077-182-09       |              |
| 04/30/09                  | Arnold, Michael Wayne/Katherine Diane Rev TR  | RV Park-The Strand/ <b>Tank 4</b> | 077-181-12       |              |
| 11/02/07                  | Arons, Gerald J/Louise C  | 502-630 Mahogany Way              | 077-234-36       |              |
| 09/03/09                  | Artinian, Perry Exemption TR  | 502-475 The Strand                | 077-151-23       |              |
| 10/24/07                  | Atteberry David Ned & Vera Louse Jt.  | 686-930 Cherry Way                | 077-371-19       |              |
| 04/17/08                  | Atteberry, Harley/Lawanda   | 686-765 Fir Way                   | 077-383-39       |              |
| 07/29/09                  | Aubrey, Randall D/Valerie JDVA  | 686-795 Bamboo Way                | 077-393-23       |              |
| 10/06/08                  | Baer, Ronald L & Scott-Baer, Daleen E   | Juniper Way                       | 077-231-26       |              |
| 11/13/09                  | Bailey Trust ETAL   | Laurel Way                        | 077-234-10,22,07 |              |
| 12/08/08                  | Bailey, Irene   | 687-725 Hazel Way                 | 077-234-41       |              |
| 09/05/08                  | Baker, Joseph A. & Donna G.   | 686-905 Sycamore Way              | 077-402-14       |              |
| 02/12/08                  | Baker, Joseph A. & Donna G. JT.   | 686-905 Sycamore Way              | 077-402-23       |              |
| 05/09/08                  | Baker, Victor O./ Marguerite J.   | 687-010 Hollywod Way              | 077-363-18       |              |
| 03/31/08                  | Ballard, Richard H & Bobbie L   | 687-760 Laurel Way                | 077-233-56       |              |
| 02/19/10                  | Barker, Jeffrey   | Bamboo Way                        | 077-394-20       |              |
| 12/02/08                  | Barnes Family Trust Agreement   | 687-870 Juniper Way               | 077-232-33       |              |
| 06/02/08                  | Barnett Stephen R. & Joann W.   | 687-100 Bamboo Way                | 077-397-31       |              |
| 04/08/08                  | Barris, Patrick H/Gloria J.T.   | Walnut Way                        | 077-171-35       |              |
| 10/07/08                  | Barrows, Donald A/Barrows, Linda K TC   | 687-115 Cherry Way                | 077-388-23       |              |
| 08/12/08                  | Bateson, Clarence Owen/Susan Elizabeth  | 687-560 Fir Way                   | 077-292-09       |              |
| 08/05/08                  | Bechhold Family Trust   | The Strand/Hollywood Way          | 077-241-11       |              |
| 04/15/08                  | Beck Ronald N. & Gwen M JT.   | 686-840 Redwood Way               | 077-401-20       |              |
| 05/19/08                  | Beckett Family Living Trust   | 686-755 Catalpa Way               | 077-373-18       |              |
| 09/16/08                  | Beckett Family Living Trust   | 686-775 Catalpa Way               | 077-373-21       |              |
| 09/25/08                  | Beckett Family Living Trust   | 686-830 Catalpa Way               | 077-374-27       |              |
| 07/10/08                  | Beckman, Ronald G/Natalie J JT  | 687-100 Delwood Way               | 077-386-12       |              |
| 10/09/08                  | Belingeri Dennis D. & Stacy & Ziegler Paul M. JT.                                   | 688-090 Linden Way                | 077-223-24       |              |
| 06/12/09                  | Bell, Max K/Lynn D JT   | 686-755 Chestnut Way              | 077-371-08       |              |
| 06/18/08                  | Bemus Joseph M.& Susan C. CP.   | 686-855 Catalpa Way               | 077-373-20       |              |
| 10/14/08                  | Bennett, Thomas Lee/Bennett, Robin Rae  | 686-825 Sycamore Way              | 077-402-20       |              |
| 07/09/08                  | Bergthhold, Robert D/Terri HW   | 687-840 Almond Way                | 077-174-27       |              |
| 08/12/08                  | Betts, F Gregory/Doris B Family Trust   | Walnut Way                        | 077-161-22       |              |
| 08/27/09                  | Bilsborough, Craig/Linda JT   | 686-885 Fir Way                   | 077-383-35       |              |
| 07/17/09                  | Birkes Charles W. Marilyn   | 687-475 Juniper Way               | 077-322-04       |              |
| 05/18/09                  | Birlem, Richard/Salena JT   | 688-125 Juniper Way               | 077-221-17       |              |
| 12/22/09                  | Bishow, Raymond L.  | Hickory Way                       | 077-254-28       |              |
| 12/04/09                  | Bixby, William D/Ann R CPRS   | 687-825 Linden Way                | 077-232-41       |              |
| 03/27/08                  | Blackwell, Glenn R/Jeanette JR  | 687-130 Linden Way                | 077-342-16       |              |

**Attachment B**  
**Property Owners Connected to District Community Sewer System**

| <b>Date of Connection</b> | <b>Spalding Residents Connected to the District Disposal System: APPLICANT NAME</b> | <b>Service Address</b> | <b>APN#</b> | <b>Notes</b>   |
|---------------------------|---|------------------------|-------------|----------------|
| 10/29/08                  | Bloom, Kenneth D/Janis ETAL   | 687-285 Hickory        | 077-352-17  |                |
|                           | Bobbitt, Galen/Monique ETAL *   | 687-354 Juniper Way    | 077-354-24  | * Disconnected |
| 04/30/09                  | Boggs, Michael L/Christie Ann JT  | Laurel Way             | 077-224-26  |                |
| 06/11/08                  | Bollmann Richard M & Jacque A. JT.  | 686-835 Delwood Way    | 077-381-17  |                |
| 07/06/08                  | Boucher Family Trust  | 687-745 Tulip Way      | 077-194-42  |                |
| 07/21/08                  | Bowman, Joe E ETAL  | 687-740 Lakeview Dr.   | 077-274-31  |                |
| 09/18/08                  | Boyles, Valton  | 688-040 Manzanita Way  | 077-141-15  |                |
| 10/06/08                  | Brazil, Joseph Souza/Velma Lee Living Trust   | 687-675 Orchard Way    | 077-214-28  |                |
| 06/06/08                  | Brazil, Larry E   | 387-920 Hollywood Way  | 077-312-06  |                |
| 07/21/08                  | Bresin Family Revocable Living Trust  | Chinquepin Way         | 077-204-06  |                |
| 06/03/09                  | Brewster, George & Cheryl Family Trust  | Pinon/Sycamore         | 077-362-32  |                |
| 07/03/08                  | Bricker Living Trust  | 687-005 Catalpa Way    | 077-377-16  |                |
| 08/13/08                  | Bricker Living Trust  | 687-015 Catalpa Way    | 077-377-15  |                |
| 07/10/08                  | Briggs Living Trust   | 687-465 Hazel Way      | 077-324-32  |                |
| 05/13/08                  | Brines Family Trust   | 687-990 Almond Way     | 077-151-15  |                |
| 06/27/08                  | Brochon Martial Henry & Deillia Ann JT.   | Redwood Way            | 077-273-33  |                |
| 11/06/07                  | Brown, Robert G.  | 503-155 Mahogany Way   | 077-304-56  |                |
| 06/06/08                  | Bruce Family Trust  | 687-015 Ivy Way        | 077-353-28  |                |
| 06/26/09                  | Buechler, Vigil D Revocable Trust   | 68-805 Magnolia Way    | 077-216-04  |                |
| 07/28/08                  | Bullock, Arnold E/Bullock Viola J TR  | 687-995 Hemlock Way    | 077-242-24  |                |
| 12/01/09                  | Burkirk, Jeffery O/Margaret A JT  | Chestnut Way           | 077-371-06  |                |
| 03/04/08                  | Burleson, Vicki L   | 687-150 Hickory Way    | 077-353-23  |                |
| 04/08/08                  | Bush, Angelina L  | 687-020 Cedar Way      | 077-377-08  |                |
| 09/05/08                  | Bush, James, K/Debra M JT   | 688-120 Hemlock Way    | 077-243-09  |                |
| 06/05/09                  | Butler, Pamela Lynn   | Chestnut Way           | 077-376-17  |                |
| 04/12/10                  | Cady, Douglas & Lisa JT   | 687-630 Hazel Way      | 077-331-41  |                |
| 09/18/09                  | Cal, Family Living Trust  | Lakeview Dr.           | 077-362-36  |                |
| 02/15/08                  | Callison Living Trust   | Cedar Way              | 077-283-15  |                |
| 04/24/08                  | Campbell, Stuart B & Paula S  | 530-225 The Strand     | 077-241-26  |                |
| 07/10/09                  | Caron, Jean A. & Yvonne N. HWCP   | 687-590 Sycamore Way   | 077-311-40  |                |
| 06/25/08                  | Carrell, Robert G & Melcena Family Trust Etal                                       | 687-305 Spalding RD.   | 077-303-37  |                |
| 11/13/09                  | Carver, Kenneth/Strongman, Linda  | 687-205 Hazel Way      | 077-324-50  |                |
| 08/22/09                  | Castaneda, David & Donna JT   | 686-720 Delwood Way    | 077-382-09  |                |
| 08/21/09                  | Chan Family Trust   | 684-745 Orchard Way    | 077-214-18  |                |
| 01/15/10                  | Chandler, Diane   | 687-600 Redwood Way    | 077-303-27  |                |
| 10/25/07                  | Chappel, Sherry   | 687-875 Linden Way     | 077-232-31  |                |
| 05/01/08                  | Chatterley, Robert E & Bertha A. JT   | 687-320 Hazel Way      | 077-331-52  |                |
| 09/23/09                  | Cheng, Rovina Y   | 687-290 Juniper Way    | 077-322-12  |                |
| 07/06/11                  | Chuck, Mitchell/EKT Properties  | 687-995 Redwood Way    | 077-262-13  |                |
| 05/28/08                  | Clark, Donald L/Gina M JT   | 687-805 Sycamore Way   | 077-274-30  |                |
| 02/17/10                  | Clark, Mark L & Reatha Pauline JT   | Tamarack Way           | 077-173-35  |                |
| 08/20/09                  | Clark, William Jacob  | Tulip Way              | 077-161-18  |                |
| 04/10/08                  | Clayton, Robert James   | 687-015 Redwood Way    | 077-378-22  |                |
| 09/08/08                  | Claytor, Ronald/Kathryn TC  | 688-000 Lakeview Dr.   | 077-264-19  |                |
| 08/25/08                  | Clough Family Tr.   | 682-920 Juniper Way    | 077-232-44  |                |
| 01/29/09                  | Clowers, Herbert F ETAL   | Larch Way/The Strand   | 077-132-18  |                |
| 08/31/09                  | Coffey, Kenneth W/Dorothy J   | 686-850 Delwood Way    | 077-382-13  |                |
| 03/26/08                  | Coleman, Stephanie M ETAL   | 687-795 Chinquepin Way | 077-213-05  |                |
| 09/22/08                  | Colgan Family Trust   | Sycamore Way           | 077-363-19  |                |
| 07/11/11                  | Contreras, Robert SR. & Cyndi L. JT.  | Juniper Way            | 077-232-42  |                |
| 12/12/07                  | Cook Family Trust   | 688-085 Hickory Way    | 077-243-23  |                |
| 12/09/08                  | Cook, Richard W JR/Donna J CPS  | Hickory Way            | 077-244-23  |                |
| 12/31/07                  | Corey, Clifford & Jeanne CPRS   | 687-440 Hemlock Way    | 077-313-18  |                |
| 09/11/08                  | Councilman Family Trust   | Hollywood Way          | 077-252-25  |                |
| 06/25/10                  | Crete, Joseph C & Terri JT  | Acorn Way              | 077-393-14  |                |
| 08/16/08                  | Crowe, Paul L. & Arlene M. TR   | 687-890 Ivy way        | 077-231-32  |                |

**Attachment B**  
**Property Owners Connected to District Community Sewer System**

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|---------------------------|---|------------------------|-------------|--------------|
| 08/26/08                  | Culjis, Lana S  | 686-975 Chestnut Way   | 077-375-19  |              |
| 09/21/09                  | Cunnington, Roger   | Walnut Way             | 077-171-36  |              |
| 08/17/09                  | Cunnington, Roger ETAL  | Hazel Way              | 077-331-40  |              |
| 03/24/08                  | Cunnington, Ronald & Lloy CP  | 688-085 Tulip Way      | 077-184-19  |              |
| 06/11/08                  | Curley, Richard D/Judith A CP   | 686-785 Cypress Way    | 077-394-11  |              |
| 06/18/08                  | Curran, David M. & Carol L. JT  | 688-060 Hemlock Way    | 077-243-22  |              |
| 04/20/09                  | Curry, Richard A/Michelle J   | 503-400 Madrone Way    | 077-374-23  |              |
| 04/20/09                  | Curry, Richard A/Michelle J   | Fir Way                | 077-383-37  |              |
| 12/06/07                  | Dallimore, Rosaline & Richard P. WHCP   | 688-025 Mimosa Way     | 077-142-19  |              |
| 04/18/08                  | Davey Roland A & Rose Marie   | 689-110 Spalding Rd.   | 077-362-38  |              |
| 07/16/09                  | Davis, G L or J A   | 688/145 Laurel Way     | 077-223-27  |              |
| 08/03/09                  | Davis, G L/J A Rev Liv TR   | Tulip Way              | 077-171-27  |              |
| 10/07/09                  | Davis, Patricia Candis  | Laurel Way             | 077-223-23  |              |
| 06/30/11                  | Davis, Robert & Annitta JT  | 687-770 Hollywood Way  | 077-252-04  |              |
| 05/15/09                  | Dawson, Gray/Julie CPRS   | 688-000 Tulip Way      | 077-161-03  |              |
| 02/28/08                  | Deaver, Howard R/Brown Carol S JT   | 687-280 Magnolia Way   | 077-334-01  |              |
| 07/01/08                  | Degli-Esposti, Robert F & Deanna J Fam Rev Liv                                      | 687-800 Hickory Way    | 077-254-26  |              |
| 04/20/09                  | Dempsey, Tom  | 387-760 Walnut Way     | 077-172-23  |              |
| 12/13/07                  | Denny Leland J & Santos, Linda Ann JT   | 687-710 hemlock Way    | 077-253-34  |              |
| 04/15/09                  | Denny, Lowell G & Denny, Christian P. JT  | 687-635 Hazel Way      | 077-324-46  |              |
| 05/21/08                  | Dettloff, Susan E & Michael D CP  | 687-010 Cedar Way      | 077-377-11  |              |
| 05/14/08                  | Devine, Robert William/Doreen Anne HWJT   | Hollywood/Madrone      | 077-411-20  |              |
| 04/18/08                  | Diefenderfer Family Trust   | Lilac Way              | 077-153-21  |              |
| 06/11/09                  | Dietrich, Bonnie K  | 520-687 Sycamore Way   | 077-311-06  |              |
| 06/19/08                  | Dingess, Terry L/Ernestine S JT   | 687-0145 Hickory Way   | 077-352-30  |              |
| 04/14/08                  | DiPonti, Robert & Dolores M PMB 166 Suite 7   | 687-580 Maple Way      | 077-332-56  |              |
| 05/20/09                  | Dittmar, Donald D/Carolyn Y   | 687-775 Maple Way      | 077-211-17  |              |
| 10/09/08                  | Doll Revocable Inter Vivos TR   | Spalding/Pinion        | 077-362-33  |              |
| 08/27/08                  | Donnell, Avis C Living Trust  | 687-560 Ivy Way        | 077-231-35  |              |
| 05/01/08                  | Doss, L.A./Linda JT   | 688-000 Hickory Way    | 077-244-32  |              |
| 09/19/08                  | Doty, Dennis W & Flynn-Doty, Diana HW   | 687-155 Hickory Way    | 077-353-24  |              |
| 11/02/07                  | Dowdy, Russell  | Cedar Way              | 077-271-18  |              |
| 09/15/08                  | Dreiss Family Trust   | 687-105 Fir Way        | 077-387-10  |              |
| 06/02/08                  | Drew, James E/Henderson, Karen  | 688-090 Oak Way        | 077-132-20  |              |
| 08/03/08                  | Driggs Family Trust   | Acorn Way              | 077-395-26  |              |
| 07/02/08                  | Duchi, Angelo A. & S. Ronda   | Hazel Way/The Strand   | 077-224-27  |              |
| 08/13/08                  | Dunlap Angela K & Walsmith George JA  | 687-880 Hazel Way      | 077-215-11  |              |
| 11/19/07                  | Eagle Lake Community Church   | 687-905 Lakeview Dr.   | 077-273-41  |              |
| 07/01/09                  | Eakin, Janice L   | 686-730 Hickory Way    | 077-413-15  |              |
| 06/12/09                  | Ehn, Charles M & Mayme A.   | 688-085 Hemlock way    | 077-242-12  |              |
| 09/12/08                  | Eldred Family Trust   | 686-925 Acacia Way     | 077-391-19  |              |
| 08/01/08                  | Ellasces, Frank K Sr/Michell D Vaughn JT ETAL                                       | Cedar Way              | 077-373-23  |              |
| 06/04/08                  | Elvin, Henry J/Mary M TR  | Bamboo Way             | 077-394-17  |              |
| 07/16/08                  | Erlewine, Edward F & Mary I 1992 Rev Family   | 688-090 Redwood Way    | 077-263-14  |              |
| 10/16/08                  | Estes, Kenneth P/Mary L JT  | Magnolia Way           | 077-216-10  |              |
| 10/24/07                  | Evans, Ronald R & Janet L. JT   | 687-750 Hickory Way    | 077-254-32  |              |
| 03/14/08                  | Fagundes, John P/Laurie M   | 503-555 Madrone        | 077-381-13  |              |
| 11/27/07                  | Fahringer, Pearline   | 687-945 Tulip Way      | 077-194-44  |              |
| 07/03/09                  | Farley, Fred E  | 687-010 Delwood Way    | 077-386-19  |              |
| 09/11/08                  | Farmer, Jerrel H. & Farmer, Maude M Rev.  | 686-125 Delwood Way    | 077-381-07  |              |
| 10/14/08                  | Farris Family Trust 1998 Rev. TR  | Bamboo Way             | 077-397-28  |              |
| 10/27/08                  | Farris, Gloria C.   | Cherry Way             | 077-282-09  |              |
| 07/01/08                  | Fauvelle, Mark D.   | 686-850 Cedar Way      | 077-373-19  |              |
| 07/13/09                  | Feist, Robert J   | Hickory Way            | 077-253-36  |              |
| 08/07/09                  | Feist, Robert J   | 687-915 Laurel Way     | 077-233-38  |              |

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|---------------------------|---|------------------------|-------------|--------------|
| 06/11/09                  | Fenner, Theodore R/Anita B JT   | Sycamore               | 077-264-17  |              |
| 07/18/08                  | Ferrier, William T/Laurette K JT  | 687-990 Ivy Way        | 077-221-18  |              |
| 12/19/07                  | Field, Shirley L Family Trust   | Acorn Way              | 077-396-18  |              |
| 04/09/08                  | Field, Shirley L Family Trust   | Acorn Way              | 077-396-17  |              |
| 03/05/08                  | Fies, William J JR. Trust Agreement   | Hickory Way            | 077-244-30  |              |
| 03/24/08                  | Fischer, Charles B. & Janet A. Trust  | Tulip Way              | 077-194-29  |              |
| 04/23/09                  | Fiske, Willard A/Deanna M   | Catalpa Way/The Strand | 077-262-07  |              |
| 05/02/08                  | Flandreau, Claude-Anne 2005 TR  | 687-245 Sycamore Way   | 077-362-35  |              |
| 06/06/08                  | Flannagan, James S. TR  | 686-925 Madrone Way    | 077-351-23  |              |
| 11/14/07                  | Fortier, Gerald & Tracy JT  | 687-900 Tamarack Way   | 077-174-18  |              |
| 04/07/10                  | Foulk, Benjamin L   | Linden Way             | 077-222-21  |              |
| 10/03/08                  | Fredenburg, Kenneth D   | 687-800 Hazel Way      | 077-211-15  |              |
| 10/26/07                  | Frey, Heinz Robert & Lieselotte JT  | 688-040 Lakeview Dr    | 077-264-07  |              |
| 08/28/09                  | Gaines, Theodore 1996 Trust   | The Strand             | 077-221-06  |              |
| 11/26/07                  | Gallagher Family TR   | 687-980 Linden Way     | 077-223-28  |              |
| 10/25/07                  | Garcia Family Trust   | 686-995 Chestnut       | 077-375-10  |              |
| 05/26/09                  | Garcia, Larry Michael Sherre A HWJT   | 688-035 Hollywood Way  | 077-241-23  |              |
| 05/26/09                  | Garcia, Larry Michael/Sherre A  | Hollywood Way          | 077-241-24  |              |
| 10/02/09                  | Gardner, Jane E   | 688-100 Linden Way     | 077-223-25  |              |
| 12/11/07                  | Garland, John M.& Regina K. JT  | 687-820 Ivy Way        | 077-231-27  |              |
| 08/05/09                  | Gates, Donald F/Charlene  | Chestnut/Cherry        | 077-293-12  |              |
| 11/13/09                  | Geer, Glen  | Laurel Way             | 077-233-53  |              |
| 05/27/09                  | George, Byron W/Beverly A   | Sycamore Way           | 077-251-46  |              |
| 11/02/07                  | Glenden, Jack Terrence/Helen Lathe Family Trust                                     | 687-600 Cedar Way      | 077-301-19  |              |
| 04/24/08                  | Glenn, James H. Irrevocable Trust   | 687-960 Sycamore       | 077-241-22  |              |
| 05/07/08                  | Glenn, Leon H.  | 688-030 Sycamore Way   | 077-241-25  |              |
| 09/09/11                  | Goddard, Philip W   | 687-950 Cedar Way      | 077-261-08  |              |
| 04/07/08                  | Godde, Lawrence A. & Godde, Geraldine D   | Lakeview Dr.           | 077-273-39  |              |
| 09/12/08                  | Golden Gary/Erma E Trust  | 686-125 Almond Way     | 077-164-20  |              |
| 04/21/08                  | Gomez, Joe I & Olivia ETAL  | 687-315 Hazel Way      | 077-324-47  |              |
| 05/08/09                  | Goodenow, Rev Robert/Susan Mae CPRS   | Juniper Way            | 077-221-24  |              |
| 05/01/09                  | Goodwin, Stephen D/Susan E JT   | 686-975 Spalding Rd    | 077-361-27  |              |
| 04/21/08                  | Goyette,Vern & Porrasi, Cecilia TC  | 077-232-23 Linden Way  | 077-232-23  |              |
| 05/14/08                  | Grajczyk, Gary R. & E. Louise   | 687-320 Hollywood Way  | 077-312-26  |              |
| 04/27/09                  | Graton, Diane Alan/Kari Michelle  | 687-305 Laurel Way     | 077-323-33  |              |
| 06/09/08                  | Gregorius, Benedict & Sheila Francine JT  | 687-985 Chinquepin Way | 077-217-10  |              |
| 05/09/08                  | Grout, George/Zona JT   | 688-105 Hazel Way      | 077-224-11  |              |
| 05/28/08                  | Haddox, Caroline ETAL   | 687-740 Walnut Way     | 077-172-25  |              |
| 06/03/08                  | Hague Donald & Edith E HW/Hague, Montana May  | 686-810 Acorn Way      | 077-393-25  |              |
| 11/12/09                  | Haines, Cidne J. ETAL   | Hemlock Way            | 077-351-03  |              |
| 09/05/08                  | Hallas, Charles/Rosalie Living Trust  | 688-125 Hickory Way    | 077-243-24  |              |
| 07/16/08                  | Harper Family Trust   | Chestnut Way           | 077-371-10  |              |
| 11/21/07                  | Harrison, Richard K/Julie A   | Linden Way             | 077-233-46  |              |
| 08/26/08                  | Harvey Family Trust   | 687-930 Hazel Way      | 077-215-12  |              |
| 04/25/09                  | Hasty, Clarence/Virginia Revoc Liv Tr   | 687-775 Orchard Way    | 077-214-29  |              |
| 08/23/11                  | Hasty, Clarence/Virginia Revoc Liv Tr   | Laurel/Palm            | 077-344-15  |              |
| 04/29/08                  | Healy,Thomas &Delores Etal %Robert, OB  | 687-640 Linden Way     | 077-323-36  |              |
| 06/18/08                  | Helmer, Nason James/Gail Ann Rev TR   | 686-800 Chestnut Way   | 077-372-20  |              |
| 03/18/08                  | Hembree , Stephanie L   | Maple Way              | 077-212-15  |              |
| 08/28/08                  | Henrickson, Joseph G III/Marilyn HWJT   | 687-025 Spalding Rd.   | 077-361-19  |              |
| 08/20/08                  | Henrickson, Joseph G III/Marilyn JT   | 503-475 Madrone Way    | 077-373-13  |              |
| 05/02/08                  | Henson John E & Evelyn A Trust  | 503-150 Pinion Way     | 077-304-52  |              |
| 10/25/07                  | Herfi, David Lee & Cynthia Louise JT  | Lakeview Dr.           | 077-274-20  |              |
| 04/20/09                  | Heritage Land Co  | Redwood Way            | 077-262-18  |              |

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|---------------------------|---|----------------------------|------------------|--------------|
| 07/22/09                  | Heritage Land Co  | Elm Way                    | 077-383-20       |              |
| 07/23/09                  | Heritage Land Co  | Elm Way                    | 077-383-31       |              |
| 08/12/09                  | Heritage Land Co  | 686-920 Spalding Rd.       | 077-362-28       |              |
| 04/21/10                  | Heritage Land Co  | Acacia Way                 | 077-392-19       |              |
| 04/22/08                  | Herrbach, Clarence E/Herrbach, Rae B  | 686-760 Sycamore Way       | 077-403-20       |              |
| 08/21/09                  | Herrick Family Trust  | 687-595 Hazel Way          | 077-324-45       |              |
| 04/09/08                  | Hiehle, Dustin L & Georgia JT   | 687-005 Cedar Way          | 077-376-24       |              |
| 05/27/09                  | Hindbaugh, Ronald P.Earline M JT  | 687-945 Sycamore Way       | 077-274-18       |              |
| 05/28/09                  | Hindbaugh, Ronald P.Earline M JT  | 687-900 Sycamore Way       | 077-251-34       |              |
| 06/01/09                  | Hindbaugh, Ronald P.Earline M JT  | 687-490 Sycamore Way       | 077-311-41       |              |
| 09/26/08                  | Hindersheid, Dave/Cecelia   | 687-755 Juniper Way        | 077-231-23       |              |
| 07/28/08                  | Holland, Paul Reginald/Flor Rev Liv Trust   | Strand/Willow/Walnut       | 077-162-05,06,07 |              |
| 04/02/08                  | Hopwood, Kenneth/Jayne H ETAL All AS JT   | 686-950 Sycamore Way       | 077-363-15       |              |
| 04/07/08                  | Hosking Robert R/Margaret   | 687-040 Cedar Way          | 077-377-09       |              |
| 05/15/08                  | House, David J/Chrisandra M CPS   | 687-765 Orchard Way        | 077-214-17       |              |
| 10/01/08                  | House, James/Diana JT(Vista Reverse 8 LLC)  | 688-045 Redwood Way        | 077-262-14       |              |
| 06/04/09                  | House, Jesse P/Dolores M House TR   | Hollywood/Madrone/Sycamore | 077-363-29       |              |
| 08/21/08                  | Howes James W. & Elizabeth  | 687-670 Catalpa Way        | 077-272-01       |              |
| 06/03/08                  | Hunter, John L & Dorothy A JT   | 687-505 Hollywood Way      | 077-311-37       |              |
| 04/09/08                  | Illia Family Trust  | 687-300 Sycamore           | 077-311-23       |              |
| 06/25/08                  | Ito, Douglas Y ETAL   | Hickory Way                | 077-353-27       |              |
| 04/14/08                  | Jackson Family Trust  | 686-920 Redwood Way        | 007-401-05       |              |
| 09/23/08                  | James Timothy & Louise JT.  | 687-065 Acorn Way          | 077-395-16       |              |
| 03/31/08                  | James, Daniel L. & Diane L. JT  | 687-350 Hazel Way          | 077-331-43       |              |
| 10/19/11                  | Jamison, Dwight M & Carol L   | 687-780 Orchard Way        | 077-191-29       |              |
| 09/29/08                  | Jarvis Family Trust   | 686-760 Chestnut Way       | 077-372-19       |              |
| 10/22/09                  | Jeffrey, James  | 686-990 Catalpa Way        | 077-378-24       |              |
| 05/28/09                  | Jennings, Robert H/Pamela A   | Hazel Way                  | 077-224-23       |              |
| 06/09/08                  | Jessop, Merl & Sondra L. Etal   | Chinquepin Way             | 077-214-23       |              |
| 06/09/08                  | Jessop, Merl & Sondra L. Etal   | Chinquepin Way             | 077-214-26       |              |
| 06/09/08                  | Jessop, Merl K & Sondra L. JT.  | Chinquepin Way             | 077-214-15       |              |
| 06/02/08                  | Johnson, John E. & Darlene M.   | 687-815 Hazel Way          | 077-234-40       |              |
| 09/18/09                  | Johnston Family Trust ETAL  | 687-045 Hickory Way        | 077-352-19       |              |
| 06/18/08                  | Jones, James E.   | 876-715 Hollywood Way      | 077-251-20       |              |
| 04/24/08                  | Jones, Jerry Lee/Marsha S Fam TR  | 687-995 Sycamore Way       | 077-264-18       |              |
| 11/06/07                  | Jordon Norbert & Ruth E JT  | 687-705 Spruce Way         | 077-193-19       |              |
| 05/01/09                  | K C Investments   | 686-945 Cedar Way          | 077-376-22       |              |
| 08/25/08                  | Kaiser , Bruce & Voorheis , Thelma JT   | Hollywood Way              | 077-242-18       |              |
| 05/09/08                  | Keehn, Thomas J (Monroe new owner)  | 687-110 Tulip Way          | 077-184-20       |              |
| 06/19/08                  | Keller, Nelda Ray Revocable Living Trust  | 687-585 Hollywood Way      | 007-311-44       |              |
| 06/06/08                  | Kelly , Paul D. & Deborah K. JT.  | Laurel Way                 | 007-234-39       |              |
| 08/21/09                  | Kelly Family Trust  | Ridge Way                  | 077-151-24       |              |
| 06/02/08                  | Kerr Living Trust   | 686-800 Bamboo Way         | 077-394-16       |              |
| 06/26/09                  | Killingsworth, Gregory J/Lynn M JT  | 688-005 Lilac Way          | 077-152-19       |              |
| 02/26/08                  | Kimbal ,Dana S & Quilici, Janet K. JT   | 687-000 Acorn Way          | 077-396-08       |              |
| 11/02/07                  | Kimura, Roy Michio & Kimura, Anne Tr.   | 687-608 Ivy Way            | 077-231-31       |              |
| 04/15/08                  | Kinder, Stanley K   | Linden Way                 | 077-222-20       |              |
| 06/23/08                  | King, Douglas G/Taura D   | Willow Way                 | 077-162-14       |              |
| 09/05/08                  | King, Douglas G/Taura D   | Hollywood Way              | 077-251-42       |              |
| 08/15/08                  | King, Robert  | 686-835 Hollywood Way      | 077-403-18       |              |
| 12/03/09                  | Kish, Leonore M.  | Chinquepin Way             | 077-204-15       |              |
| 06/18/08                  | Kneeland, Paul J  | 686-990 Hickory Way        | 077-353-11       |              |
| 07/03/09                  | Knifong Lester D. & Lodellee Revocable Living Trust                                 | 687-155 Hickory Way        | 077-352-31       |              |
| 09/17/08                  | Koch Living Trust   | 687-280 Hickory Way        | 077-353-20       |              |
| 10/21/09                  | Koch, Linda C Revo Live TR  | Chestnut Way               | 077-283-16       |              |

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|---------------------------|---|------------------------|-------------|--------------|
| 06/02/08                  | Koehly, Joseph & Mercedes   | 687-240 Laurel Way     | 077-344-14  |              |
| 04/24/08                  | Kolbet, Richard N/Knapp Lucille   | 687-855 Catalpa Way    | 077-271-23  |              |
| 09/12/08                  | Kottke Family Trust   | 687-950 Catalpa Way    | 077-272-42  |              |
| 05/01/08                  | Krupp Family Revocable Trust  | 687-710 Sycamore       | 077-251-39  |              |
| 10/23/07                  | Kvidera, Michael C. & Marilyn Living Trust  | 686-985 Redwood Way    | 077-378-23  |              |
| 12/17/09                  | Larimore, Harry A/Beatrice A JT   | 686-915 Cypress Way    | 077-397-33  |              |
| 04/04/08                  | Larson Larry Lee/Hazel M CP   | 687-975 Sycamore Way   | 077-362-30  |              |
| 07/28/09                  | Lashmet, Harry T  | 688-040 Laurel Way     | 077-224-25  |              |
| 07/29/09                  | Lashmet, Harry T  | Laurel Way             | 077-224-24  |              |
| 11/01/07                  | Lavarias , Jim B. & Vera A. CP  | 688-020 Juniper Way    | 077-222-17  |              |
| 05/01/09                  | Lawrence, John Paul/Lee Davis McGlenn   | Elm Way                | 077-387-18  |              |
| 09/09/08                  | Lawson Family 1997 Trust  | Linden Way             | 077-323-40  |              |
| 11/29/07                  | Lay Gene W. & Merle A. CRPS   | Acorn Way              | 077-393-17  |              |
| 06/03/08                  | Lay Gene W. & Merle A. JT   | 686-875 Acacia Way     | 077-391-17  |              |
| 11/05/10                  | Lee, Irwin/Riva   | 687-875 Willow Way     | 077-172-24  |              |
| 08/08/08                  | Lemon , Earl L. & Evelyn L. Trust   | 688-040 Hollywood Way  | 077-242-25  |              |
| 08/04/08                  | Lemon Grant L. & Kenny, Lenore M HW   | 687-960 Hemlock Way    | 077-243-26  |              |
| 04/22/09                  | Leonard, William R Jr/Cynthia A HWJT  | 688-160 Juniper Way    | 077-222-13  |              |
| 07/04/08                  | Leonard, William R/Cynthia A JT   | 686-955 Spalding Rd.   | 077-361-24  |              |
| 08/07/09                  | Leonard, William R/Cynthia A JT   | 687-245 Linden Way     | 077-342-11  |              |
| 06/23/08                  | Leonhardt, Larry/Priscilla CPRS   | 68-730 Chestnut Way    | 077-372-18  |              |
| 04/16/09                  | LeRoy, Doreene  | 687-630 Maple Way      | 077-332-45  |              |
| 04/20/09                  | LeRoy, John David   | 686-925 Spalding Rd.   | 077-401-04  |              |
| 09/08/11                  | Lewis, William Joe & Lewis, David Gene  | Poplar/Palmetto        | 077-192-29  |              |
| 05/28/08                  | Liggett, Raymond E  | 686-885 Bamboo Way     | 077-393-21  |              |
| 12/28/11                  | Lindenberg Living Trust   | 687-710 Linden Way     | 077-233-54  |              |
| 04/09/08                  | Long Lloyd E. & Inez M & David & Susan JT   | Hollywood Way          | 077-241-19  |              |
| 05/28/08                  | Longe Gary, Alan & Virginia Jt  | 687-740 Catalpa Way    | 077-272-25  |              |
| 06/26/09                  | Loy, Regina M-Original Dt of hook-up - 9/08   | 687-730 Catalpa Way    | 077-272-41  |              |
| 09/18/08                  | Luchetti 2002 Family Trust  | 686-825 Catalpa Way    | 077-373-11  |              |
| 09/09/08                  | Lunardi, Joseph I/Doris R Rev Int Sur TR  | 686-950 Fir Way        | 077-388-15  |              |
| 07/16/08                  | Machado Manual R. Rose M JT   | 688-050 Redwood Way    | 077-263-09  |              |
| 10/08/09                  | Macias, Raymond/Marjorie A  | 687-910 Walnut Way     | 077-172-16  |              |
| 06/18/08                  | MacKay, William E/Terry E   | Hemlock Way            | 077-252-26  |              |
| 11/11/08                  | Madden, Roy P/Dannette A JT   | 686-725 Elm Way        | 077-382-07  |              |
| 06/06/08                  | Magioncalda Frank Etal  | 687-665 Hemlock Way    | 077-252-29  |              |
| 04/29/09                  | Marcillac, George E 2005 TR   | Tulip Way              | 077-194-12  |              |
| 12/11/07                  | Marlatt Daniel & Mardel JT.   | Hazel Way              | 077-234-13  |              |
| 07/06/08                  | Marquis, Trina J/Sheldon, Brian K JT  | 687-905 Catalpa Way    | 077-271-22  |              |
| 08/20/10                  | Martinelli, Mike/Paula & Schmitt Family Trust                                       | Tamarack Way           | 077-173-16  |              |
| 06/26/09                  | Martinus, Paul W Family Trust ETAL  | Hemlock Way            | 077-253-24  |              |
| 11/29/07                  | Marzorini Ray E. Tanya L  | 687-805 Maple Way      | 077-215-09  |              |
| 08/12/08                  | Marzorini Ray E. Tanya L  | 687-788 Ivy Way        | 077-231-34  |              |
| 06/25/08                  | Marzorini, Ray E & Tanya CP   | 687-840 Spruce Way     | 077-194-28  |              |
| 06/13/11                  | Masterson Family Trust ETAL   | 687-740 Tamarack Way   | 077-173-30  |              |
| 08/17/09                  | Matassa Family Trust  | Cherry Way             | 077-371-12  |              |
| 09/16/09                  | Matthias, Paul L/Donna JT   | Walnut Way             | 277-161-20  |              |
| 04/07/08                  | McCabe William H. Danny TC  | Sycamore Way           | 077-362-11  |              |
| 08/27/08                  | McDaniel, Harvey & Gloria Family Trust  | 687-810 Juniper Way    | 077-232-27  |              |
| 10/09/08                  | McEachern, James A/Carol M  | Bamboo Way             | 077-396-11  |              |
| 05/21/09                  | McGrew, William/Esther  | Lakeview Dr.           | 077-304-63  |              |
| 08/14/09                  | McKean, Robert E  | 686-880 Cypress Way    | 077-381-20  |              |
| 05/21/08                  | Mckenzie, Ralph & Laura B JT  | Acacia Way             | 077-392-17  |              |
| 09/22/09                  | McMillen, Tanya L/Jerry L   | 687-785 Ivy Way        | 077-254-29  |              |
| 07/20/09                  | McNamara, Kenneth J Sr/Diane M JT   | 687-270 Ivy Way        | 077-321-11  |              |
| 08/06/09                  | Medlyn, Robert/Julie  | 687-655 Chestnut Ave   | 077-293-13  |              |

**Attachment B**  
**Property Owners Connected to District Community Sewer System**

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|---------------------------|---|------------------------|-------------|--------------|
| 07/11/08                  | Mellor, Brian S/Linda K JT  | 687-695 Orchard Way    | 077-214-27  |              |
| 05/10/10                  | Menard, Carole  | 687-635 Hollywood Way  | 077-311-12  |              |
| 12/12/07                  | Mendes Jonnie. Jr. & Birtie   | 687-660 Hemlock Way    | 077-253-20  |              |
| 06/06/08                  | Menzies Richard L & Charlene J.   | 686-835 Sycamore Way   | 077-402-17  |              |
| 04/17/08                  | Merkel Family Trust   | 687-615 Maple Way      | 077-331-49  |              |
| 10/08/08                  | Merrill Family Bypass Trust   | Linden Way             | 077-233-31  |              |
| 04/10/10                  | Merritt, Robert L & Joan L (Travis)   | Cypress Way            | 077-394-15  |              |
| 09/05/08                  | Michel Robert H.  | 686-895 Acorn Way      | 077-392-16  |              |
| 04/24/08                  | Middendorf, Thomas M/Mary E   | 687-829 Catalpa Way    | 077-271-24  |              |
| 11/19/08                  | Miller 2001 Revocable Trust   | 687-910 Tulip Way      | 077-171-32  |              |
| 11/19/08                  | Miller Family 2001 Rev Trust  | 687-890 Tulip Way      | 077-171-33  |              |
| 11/08/07                  | Miller, Arnold D. & Geraldine   | 687-500 Spalding Rd.   | 077-304-60  |              |
| 05/07/08                  | Miller, Michael H/Sue JT (New Owner Ruden)  | 687-070 Hollywood Way  | 077-363-23  |              |
| 08/08/08                  | Milliken, Ronald J/Zelma Mae Family Trust   | 688-110 Hollywood Way  | 077-242-10  |              |
| 10/23/07                  | Mingham Brain & Jane Family Trust   | 687-840 Tamarack Way   | 077-174-06  |              |
| 05/01/08                  | Mingham Family Trust  | 687-850 Willow Way     | 077-173-36  |              |
| 05/07/08                  | Mingham Family Trust  | 687-800 Willow Way     | 077-173-25  |              |
| 08/06/09                  | Mircetich, John/Jane JT   | 687-865 Laurel Way     | 077-233-55  |              |
| 07/30/08                  | Monahan, Daniel D   | 687-100 Hemlock Way    | 077-352-22  |              |
| 02/28/08                  | Montgomery Chester G & Lawanda J Jt   | 688-040 Hemlock Way    | 077-243-25  |              |
| 05/07/08                  | Montgomery David Mary R JT  | 687-120 Hollywood Way  | 077-351-24  |              |
| 10/23/07                  | Monticelli John F. Jeannie Mar  | 687-105 Acacia Way     | 077-391-04  |              |
| 08/28/08                  | Moore, Robert E. Flossie F.   | 687-800 Juniper Way    | 077-232-29  |              |
| 10/25/07                  | Morales, Lloyd  | 686-735 Acacia Way     | 077-391-13  |              |
| 06/09/08                  | Moreno, Ruben L   | 687-605 Magnolia way   | 077-332-48  |              |
| 05/13/08                  | Morgan Frances Pearl & Robert L Jt.   | 687-950 Spruce Way     | 077-194-43  |              |
| 07/23/08                  | Morris, Norman R. & Verna J CP.   | 687-915 Hazel Hay      | 077-234-42  |              |
| 06/27/08                  | Morrow, John C/S Delphine   | 686-860 Catalpa Way    | 077-374-22  |              |
| 03/17/08                  | Muller France F. & Nellie JT  | 687-400 Sycamore Way   | 077-311-30  |              |
| 05/07/10                  | Muller, Thomas J & Roberta L  | Cypress Way            | 077-381-16  |              |
| 10/30/09                  | Muse, Frank/Kathie  | The Strand/Spruce      | 077-184-25  |              |
| 07/28/08                  | Narramore, Gregory W/Joanne A JT  | 686-975 Hollywood Way  | 077-363-27  |              |
| 09/30/09                  | Neely, Tom Becky/Neely, Darin/Yvette  | Sycamore Way           | 077-304-57  |              |
| 05/09/08                  | Neil Gerald L. & Janet JT   | 687-675 Chinquapin Way | 077-213-14  |              |
| 07/08/09                  | Neil, Gerald E/Janet E JT   | Olive Way              | 077-134-02  |              |
| 05/05/10                  | Neil, Gerald E/Janet E JT   | The Strand/Oak Way     | 077-132-21  |              |
| 08/07/09                  | Neil, Gerald E/Janet E JT (New Owner Keehn)   | Maple Way              | 077-212-16  |              |
| 10/07/08                  | Neil, Gerald E/Janet E JT (New Owner Schmidt)                                       | Catalpa Way            | 077-261-11  |              |
| 07/10/09                  | Nelson, John A/ Nancy L Revoc & Nelson Family 2002                                  | Hollywood Way          | 077-251-27  |              |
| 11/26/07                  | Nelson, Kenneth A/Rhonda L J.T.   | 687-835 Cedar Way      | 077-283-18  |              |
| 06/18/09                  | Neville Donald O. & Jeanette C. 1994 Trust  | 688-065 Laurel Way     | 077-223-26  |              |
| 11/26/07                  | Newman, James Edgar/Newman, James Bruce   | 687-480 Spalding Rd.   | 077-304-61  |              |
| 11/30/07                  | Niles Family Trust %Niles, Ralph & Rita   | Tamarack Way           | 077-164-16  |              |
| 08/12/08                  | Norris Family Trust % Norris Betty E. Trust   | Hemlock Way            | 077-253-25  |              |
| 04/21/08                  | Novey, Joanne M/Lisa Marie JT   | 688-100 Oak Way        | 077-131-16  |              |
| 07/02/08                  | Noxon, Timothy E/Maribeth   | 687-835 Redwood Way    | 077-272-22  |              |
| 05/14/08                  | Nunes Family Trust  | Hollywood Way          | 077-312-22  |              |
| 10/15/07                  | Odle, Curtis I/Denise C   | 687-550 Hollywood Way  | 077-312-33  |              |
| 06/24/08                  | Oliver Jerald A   | Sycamore Way           | 077-403-15  |              |
| 05/10/10                  | Oliver, Jeffery W/Lena  | Hemlock Way            | 077-411-18  |              |
| 06/01/10                  | Oliver, Jeffrey W & Lena D JT   | Hemlock Way            | 077-411-19  |              |
| 08/21/08                  | Oliver, Phillip H & Ilean C. & James R. & Col.                                      | Redwood Way            | 077-303-29  |              |
| 08/25/08                  | Olson Family Trust  | 687-905 Redwood Way    | 077-272-38  |              |
| 10/31/07                  | Osborn, Daniel D/Suzanne M  | 503-220 Mahogany Way   | 077-273-22  |              |
| 07/28/08                  | Panart, Augustine D Z/Panart Paula F TR   | Juniper Way            | 077-321-12  |              |

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|---------------------------|---|------------------------|-------------|--------------|
| 11/02/07                  | Parker 1995 Family Trust  | Delwood Way            | 077-381-11  |              |
| 09/28/08                  | Parker, Rex A/Denise A JT   | 686-830 Delwood Way    | 077-382-17  |              |
| 09/04/08                  | Parker, Rex a/Katherine Trust   | 686-830 Elm Way        | 077-383-38  |              |
| 10/23/09                  | Parker, Theodore/Patricia   | 686-725 Fir Way        | 077-383-40  |              |
| 10/23/09                  | Parker, Theodore/Patricia   | 686-835 Elm Way        | 077-382-15  |              |
| 09/11/08                  | Pastorino, Norman F./House, Monica J.T.   | 686-735 Lakeview Dr    | 077-401-07  |              |
| 09/03/08                  | Patrick Fam TR  | 688-105 Linden Way     | 077-222-22  |              |
| 10/09/08                  | Patrick, Michael B  | 687-980 Mimosa Way     | 077-143-08  |              |
| 07/10/08                  | Pavese Family Trust   | 687-020 Delwood Way    | 077-386-21  |              |
| 03/27/08                  | Pearson, James C/Sandra L   | Cherry/Mahogany        | 077-281-01  |              |
| 03/27/08                  | Pearson, James S/Sandra L Fmly TR   | Chestnut/Strand        | 077-283-13  |              |
| 05/28/08                  | Peay Family Trust   | 688-085 Ivy Way        | 077-244-33  |              |
| 09/08/08                  | Pennington, David/Suzanne JT  | 687-940 Willow Way     | 077-173-17  |              |
| 11/23/07                  | Pindar, Lynn/Pindar, Lynnette   | Lilac Way              | 077-153-14  |              |
| 07/04/08                  | Popperwell, W Trust   | Madrone/Catalpa        | 077-377-19  |              |
| 04/29/08                  | Portz Family Revocable Trust  | 687-675 Hazel Way      | 077-234-37  |              |
| 03/03/08                  | Potter Caroleen C   | 503-025 Madrone Way    | 077-413-14  |              |
| 08/06/08                  | Potter, R. Craig/Jessie A   | 687-890 Hollywood      | 077-252-22  |              |
| 02/20/08                  | Potter, Timothy J/Lorene L  | Redwood Way            | 077-272-46  |              |
| 11/18/09                  | Pratt, William H/Marjorie L TC ETAL   | 687-305 Hollywood Way  | 077-311-33  |              |
| 04/09/08                  | Purcell, A.W./Norma E   | 687-105 Acorn Way      | 077-395-17  |              |
| 04/29/08                  | Rabo, Ronald R/Shirley E J.T.   | 687-607 Maple Way      | 077-331-48  |              |
| 10/28/09                  | Ramos, Daniel J/Kathryn S   | 687-740 Palmetto       | 077-192-38  |              |
| 09/27/08                  | Rasnic, John L  | 687-285 Linden Way     | 077-322-10  |              |
| 08/11/08                  | Ray Family Trust  | 686-790 Hollywood Way  | 077-411-17  |              |
| 09/08/08                  | Rebideaux, Randy L/Laurene J JT   | 686-925 Cherry Way     | 077-384-11  |              |
| 04/10/08                  | Rodas, Joseph m/H. Leota J.T.   | 687-785 Juniper Way    | 077-231-24  |              |
| 07/28/09                  | Rogers, Michael W.  | 687-120 Linden Way     | 077-343-20  |              |
| 08/18/08                  | Rohner, Alvin Thomas/Kay Louise Trust   | 687-000 Elm Way        | 077-387-17  |              |
| 09/05/08                  | Rohner, Alvin Thomas/Kay Louise Trust   | 686-950 Delwood Way    | 077-386-18  |              |
| 05/12/09                  | Rohner, Kay L Revocable Trust   | 686-925 Elm Way        | 077-382-19  |              |
| 05/18/09                  | Rohner, Kay L Revocable Trust   | 687-005 Delwood Way    | 077-385-17  |              |
| 04/07/10                  | Roloff, Scott & Lilibeth  | 686-990 Chestnut Way   | 077-376-14  |              |
| 06/11/08                  | Rose, Ernest W/Nancy L J.T.   | 686-880 Bamboo Way     | 077-394-13  |              |
| 04/14/08                  | Rose, William N./Carol Leah   | 687-550 Lakeview Dr.   | 077-304-62  |              |
| 07/09/08                  | Rosselott Living Trust  | 687-805 Linden Way     | 077-232-38  |              |
| 10/01/09                  | Rounsaville, Joseph W/Etta Mae Trust  | 687-580 Cherry Way     | 077-293-11  |              |
| 06/09/10                  | Rudluff, Caroline M Trust c/o Patricia Rudluff-Jennings                             | Maple Way              | 077-201-04  |              |
| 06/09/10                  | Rudluff, Caroline M Trust c/o Patricia Rudluff-Jennings                             | Almond Way             | 077-174-17  |              |
| 06/15/09                  | Rynerson, Roger Clinton   | 687-785 Ivy Way        | 077-334-16  |              |
| 11/16/07                  | Sain, David P   | 687-200 Hickory Way    | 077-353-26  |              |
| 07/18/08                  | Saulisberry TTEE Fam TR/Saulisberry 1992 Fam  | 687-770 Maple Way      | 077-212-20  |              |
| 04/12/12                  | Schmidt, Kenneth  | 687-015 Acacia Way     | 077-391-07  |              |
| 10/24/07                  | Schmidt, Marlene  | 687-785 Hickory Way    | 077-253-30  |              |
| 07/12/08                  | Schofield, Robert E/Schofield, Ryan E JT  | 687-765 Chinquepin Way | 077-213-16  |              |
| 07/27/10                  | Schumacher, Armin/Bock Christina JT   | 687-185 Spalding Rd.   | 077-361-22  |              |
| 12/12/07                  | Scott, Vicky I (New Owner Pensco Trust)   | 680-470 Hollywood Way  | 077-312-31  |              |
| 05/19/09                  | Seaters, Marion Kathleen  | 687-365 Maple Way      | 077-331-50  |              |
| 10/28/09                  | Sebastiani, Piero ETAL Revocable Trust  | Redwood Way            | 077-273-36  |              |
| 10/28/09                  | Sebastiani, Piero ETAL Revocable Trust  | Lakeview Dr.           | 077-273-37  |              |
| 10/06/08                  | Seifert, Kenneth J/Frances B CP   | 686-865 Redwood Way    | 077-374-25  |              |
| 04/21/09                  | Shafer, Paul W/Virginia S.  | 687-630 Sycamore Way   | 077-311-19  |              |
| 08/22/08                  | Shaffer, Datha/Shaffer/Sandra J JT  | 687-900 Linden Way     | 077-233-39  |              |

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|---------------------------|---|---------------------------|-------------|----------------|
| 09/22/08                  | Shanks, Clarence M/C Lillian Living Trust   | 687-850 Hollywood Way     | 077-252-33  |                |
| 08/08/08                  | Shult, Edward H/Margaret F  | 688-030 Willow Way        | 077-163-15  |                |
| 06/02/08                  | Sibley William Robert & Joan Frances JT   | Madrone/Bamboo            | 077-397-27  |                |
| 03/01/08                  | Sickles, Myron A/Elaine C   | 687-295 Maple Way         | 077-331-26  |                |
| 03/16/10                  | Siders, Kathryn D   | 687-670 Cedar Way         | 077-271-20  |                |
| 09/05/09                  | Sievers, William/Jeanette   | 687-155 Ivy Way           | 077-353-25  |                |
| 03/09/09                  | Silva, Eugene D   | 687-530 Hollywood Way     | 077-312-14  |                |
| 05/15/08                  | Simon, Paul R/Morene L TR   | 687-780 Tamarack Way      | 077-174-31  |                |
| 04/01/08                  | Simon, Robert M/Rita M  | 687-020 Juniper Way       | 077-341-07  |                |
| 09/09/08                  | Smalley, Robert J Jr/Smalley Marla J. Trust   | 687-015 Elm Way           | 077-386-17  |                |
| 04/17/08                  | Smith Living Trust %Smith, Lowell & Joyce   | 687-595 Maple Way         | 077-331-47  |                |
| 10/06/08                  | Smith Stanley B & Martin, Sally   | 686-995 Elm Way           | 077-386-16  |                |
| 07/29/08                  | Smith, Brenda Jean/Janus, Mary Kathleen   | 687-095 Delwood Way       | 077-385-10  |                |
| 09/03/09                  | Smith, Darlene N ETAL   | Willow Way                | 077-172-01  |                |
| 08/05/08                  | Smith, Daryl E/Margie J/Smith, Robert J JT  | 687-020 Cypress Way       | 077-385-16  |                |
| 06/09/08                  | Smith, Gregg S/Ordile, Tara Leisa TC  | Bamboo Way                | 077-396-10  |                |
| 12/03/09                  | Smith, John/Alice 1995 Liv Tr   | Hickory Way               | 077-253-27  |                |
| 09/12/08                  | Smith, Robert J   | 688-995 Bamboo            | 077-396-12  |                |
| 07/28/08                  | Smith, Thomas Lee/Paula Kay Joint Living Trust                                      | 686-985 Cypress Way       | 077-397-17  |                |
| 09/02/08                  | Smith, Vicky L/Smith, Robert J JT   | 687-090 Cypress Way       | 077-385-11  |                |
| 06/13/08                  | Sneary, Bonnie J  | 687-980 Cedar Way         | 077-271-12  |                |
| 04/28/08                  | Snyder, James V/Loretta C   | 686-955 Cherry Way        | 077-388-20  |                |
| 02/15/08                  | Snyder, Norman E/Fleckenstein Trudy   | 687-815 Chestnut Way      | 077-282-06  |                |
| 06/24/08                  | Soderlund, William T/Joann A JR   | 686-990 Cherry Way        | 077-375-06  |                |
| 03/05/08                  | Solis, Jesus H/Rose Marie *   | 387-320 Hemlock Way       | 077-313-17  | * Disconnected |
| 11/05/07                  | Solis, Raymond R/Kristy P CP  | 680-970 Cherry Way        | 077-375-12  |                |
| 10/05/11                  | Soohodolsky Family Trust  | 687-710 Spruce Way        | 077-194-41  |                |
| 11/19/07                  | Sorensen, Lynn Richard/Janice Rae HWJT  | Hemlock Way               | 077-313-10  |                |
| 09/05/08                  | Sorensen, Keld/Jeanne Trust   | 501-955 The Strand        | 077-143-12  |                |
| 03/01/08                  | Spalding CSD  | 502-907 Mahogany Way      | 077-320-05  |                |
| 10/23/07                  | Spalding Marina   | The Strand                | 077-030-04  |                |
| 09/05/08                  | Spediacci, Clifford K/Shirley A JT  | 687-690 Juniper Way       | 077-232-48  |                |
| 09/25/08                  | Spencer, Reubennette 1987 TR  | 687-540 Linden Way        | 077-323-44  |                |
| 05/21/08                  | Stanley, Vernon F/Theda TR  | Magnolia Way/Division Way | 077-217-03  |                |
| 05/21/08                  | Stanley, Vernon F/Theda TR  | Magnolia Way              | 077-217-05  |                |
| 05/21/08                  | Stanley, Vernon F/Theda TR  | 687-885 Chinquepin Way    | 077-217-06  |                |
| 09/21/09                  | Stebbins, Loretta   | 687-925 Linden Way        | 077-232-43  |                |
| 12/03/07                  | Steffens, John R/Barbara/Fogal, Russell E/Th  | 687-300 Laurel Way        | 077-324-34  |                |
| 10/29/08                  | Steinocher, Daniel G/Linda L JT   | 687-830 Cedar Way         | 077-271-14  |                |
| 12/15/09                  | Steinocher, Daniel G/Linda L JT   | 687-920 Hickory Way       | 077-254-27  |                |
| 12/19/07                  | Stelzriede, Michael/Cathryn C JT  | Ridge Way                 | 077-151-22  |                |
| 11/08/07                  | Stent, Bob/Sandra JR/Weddell, Jeanette R.   | Spalding Rd.              | 077-303-33  |                |
| 05/28/08                  | Stephens Family Trust   | Tamarack Way              | 077-163-16  |                |
| 03/18/10                  | Stimmell, James B.  | 686-770 Cypress Way       | 007-381-14  |                |
| 09/15/08                  | Stout, Clarence&Audrey  | Maple Way                 | 077-282-14  |                |
| 12/12/07                  | Strickland, Robert & David JT   | 688-030 Tulip Way         | 077-161-14  |                |
| 04/18/08                  | Suchan, Alex/Lois   | 686-820 Fir Way           | 077-384-14  |                |
| 06/02/08                  | Sullivan Family Revoc Trust   | 687-990 Walnut Way        | 077-162-17  |                |
| 04/29/08                  | Sullivan, William A/Joanne M J.T.   | 387-290 Maple Way         | 077-332--49 |                |
| 08/25/09                  | Swager, William A & Patricia A CPRS   | 387-150 Hemlock Way       | 077-352-24  |                |
| 10/20/08                  | Taylor, James R/Shirley L JT  | Delwood Way               | 077-386-20  |                |
| 10/16/09                  | Taylor, Robert S. Rev Living TR   | 687-025 Catalpa Way       | 077-377-17  |                |
| 09/04/08                  | Tetrault Family 2000 Trust  | Juniper/Linden            | 077-322-14  |                |
| 05/21/08                  | Thomas, Theodore J/Diana M CPRS   | 688-085 Larch Way         | 077-132-15  |                |
| 10/29/09                  | Thomas, Trevor P.Lauretta R   | 687-075 Hemlock           | 077-351-21  |                |
| 07/14/08                  | Thompson Family Trust ETAL  | 688-030 Tupelo Way        | 077-142-16  |                |

**Attachment B**  
**Property Owners Connected to District Community Sewer System**

| <b>Date of Connection</b> | <b>Spalding Residents Connected to the District Disposal System: APPLICANT NAME</b> | <b>Service Address</b> | <b>APN#</b> | <b>Notes</b> |
|---------------------------|---|------------------------|-------------|--------------|
| 05/10/10                  | Tobin, Louis J/Peacock, Betsy A HWJT  | 687-700 Orchard Way    | 077-191-27  |              |
| 05/01/08                  | Todd, Clifford E Jr   | Maple Way              | 077-331-51  |              |
| 11/02/07                  | Todd, Dennis/Andrea   | Cedar Way              | 077-271-15  |              |
| 04/22/08                  | Togni, Arnold/Dolly TR  | 698-105 Ivy Way        | 077-221-15  |              |
| 07/23/08                  | Togni, Arnold/Dolly TR  | 688-105 Ivy Way        | 077-244-29  |              |
| 06/11/08                  | Tomasini Family Trust   | 687-895 Hollywood Way  | 077-251-33  |              |
| 03/15/08                  | Torchin, Ali Chan B & Reinelde M  | 687-430 Hollywood Way  | 077-312-32  |              |
| 05/14/09                  | Tracy, Richard T/Sheri L JT   | Hollywood/Hemlock      | 077-351-04  |              |
| 07/18/08                  | Traver, Jess S III/Frances D JT   | Laurel Way             | 077-323-46  |              |
| 04/03/08                  | Turek, Raymond W/Lois M JT  | 687-040 Cherry Way     | 077-375-14  |              |
| 03/06/08                  | Turner, Lucy D  | 686-835 Cherry Way     | 077-384-17  |              |
| 09/21/11                  | Valine, Adelia Michelle   | 367-370 Spalding Road  | 077-304-65  |              |
| 04/02/08                  | Van Tassel Fam Trust  | 687-130 Spalding Rd.   | 077-362-37  |              |
| 05/15/08                  | Vaughn, Lee/Leni A HW/Calilan, James D JT   | 687-625 Spalding Rd.   | 077-303-30  |              |
| 07/13/09                  | Velez, S., Sanchez, A. C./I. Garat JR ETAL  | Hollywood Way          | 077-403-27  |              |
| 07/21/08                  | Verrengia Family Trust  | 687-585 Cherry Way     | 077-292-07  |              |
| 06/12/09                  | Vineyard Living Trust   | 687-745 Lakeview Dr.   | 077-273-27  |              |
| 07/31/09                  | Walker, Evan J/Walker Jerry K TC  | Juniper/Ivy/Pinon      | 077-354-26  |              |
| 07/16/09                  | Walker, Rebecca   | 686-760 Catalpa Way    | 077-374-02  |              |
| 08/27/09                  | Walker, Rudolph Soyka/Rebecca JT  | 686-760 Catalpa Way    | 077-274-26  |              |
| 09/29/09                  | Walker, Rudolph Soyka/Rebecca JT  | 503-150 Mahogany Way   | 077-274-25  |              |
| 10/09/09                  | Walsh, Paul C/Janice A JT   | Almond Way             | 077-151-21  |              |
| 09/12/09                  | Walsh, Paul Clark ETAL  | 688-025 Almond Way     | 077-151-18  |              |
| 10/23/07                  | Walton Family Trust   | 688-010 Tamarack Way   | 077-164-22  |              |
| 11/07/07                  | Ward, Carlos V/Grace G 1996 Revoc Living Trust Agree                                | 687-635 Sycamore Way   | 077-304-54  |              |
| 07/01/08                  | Ward, Carlos V/Grace G Rev Liv TR   | Madrone Way            | 077-378-28  |              |
| 07/03/08                  | Ward, Carlos V/Grace G Revocable Living Trust                                       | 686-955 Redwood Way    | 077-378-27  |              |
| 04/15/08                  | Ward, Kenneth V/Lorna JT  | Sycamore Way           | 077-304-55  |              |
| 12/03/07                  | Watson, William J Jr./Sonjo M CP  | 687-055 Cedar Way      | 077-376-23  |              |
| 12/06/07                  | Watts, James C/Lorene J JT  | 503-155 Madrone Way    | 077-411-16  |              |
| 05/09/08                  | Watts, James C/Lorene T JT  | 688-125 Spruce Way     | 077-183-16  |              |
| 11/14/07                  | Weaver Family Trust   | 687-915 Ivy Way        | 077-254-24  |              |
| 04/18/09                  | Webb Living Tr  | Chestnut Way           | 077-294-14  |              |
| 04/22/09                  | Webb Living Trust   | 687-745 Maple Way      | 077-211-16  |              |
| 08/27/09                  | Weisinger, Brian J/Patricia L JT  | 687-295 Magnolia       | 077-332-36  |              |
| 10/20/08                  | Wells Trust   | 689-905 Hemlock Way    | 077-252-34  |              |
| 07/30/09                  | Wells Trust   | 687-170 Linden Way     | 077-343-21  |              |
| 06/18/09                  | Westfall Living Trust ETAL  | Cedar/Madrone          | 077-373-14  |              |
| 05/28/08                  | Westlake, Gary R ETAL   | Cedar Way              | 077-283-22  |              |
| 11/19/07                  | White, C.W./Joyce M JT  | 687-760 Lakeview Dr.   | 077-274-28  |              |
| 08/15/08                  | White, Earl Richard Jr/Karron S JT  | 686-840 Sycamore Way   | 077-403-19  |              |
| 05/19/08                  | White, Frank R 1991 Trust   | 501-275 The Strand     | 077-133-07  |              |
| 11/02/07                  | Whitmer, Rudy/Louise  | 687-775 Cedar Way      | 077-283-23  |              |
| 05/28/08                  | Wilder, Arvenna   | 687-700 Ivy Way        | 077-231-03  |              |
| 11/14/07                  | Williams Family Trust   | 686-950 Spalding Rd.   | 077-362-14  |              |
| 04/28/08                  | Williams, Cal R/Catherine S   | 687-020 Fir Way        | 077-388-12  |              |
| 06/11/09                  | Williams, Cal R/Catherine S   | 687-060 Acacia Way     | 077-395-20  |              |
| 10/01/09                  | Williams, Richard L & Patricia C. HWJT  | 687-700 Laurel Way     | 077-234-43  |              |
| 08/31/09                  | Williams, Robert N  | Delwood Way            | 077-381-19  |              |
| 12/13/07                  | Williams, Robert V/Viola Mae  | 687-445 Hemlock Way    | 077-312-28  |              |
| 08/31/09                  | Williams, Robert V/Viola Mae  | 686-770 Delwood Way    | 077-382-16  |              |
| 08/17/09                  | Williams, Robert/Blackwell, Viola Mae   | Hazel Way              | 077-324-43  |              |
| 08/17/09                  | Williams, Robert/Blackwell, Viola Mae   | Chestnut/Madrone       | 077-376-20  |              |
| 09/22/08                  | Williams, Robert/Blackwell, Viola(new owners)                                       | Hemlock Way            | 077-313-08  |              |
| 09/18/09                  | Williamson Larry R  | 687-565 Catalpa Way    | 077-301-25  |              |

**Attachment B**  
**Property Owners Connected to District Community Sewer System**

| <b>Date of Connection</b> | <b>Spalding Residents Connected to the District Disposal System: APPLICANT NAME</b> | <b>Service Address</b> | <b>APN#</b> | <b>Notes</b> |
|---------------------------|---|------------------------|-------------|--------------|
| 10/28/09                  | Williford, George Calvin Trust  | 686-785 Fir Way        | 077-383-36  |              |
| 05/06/09                  | Wilms, Dale/Linda CP  | 687-920 Lakeview Dr.   | 077-274-16  |              |
| 07/22/09                  | Wilson, Donald Dean Liv TR  | Redwood Way            | 077-272-27  |              |
| 08/20/08                  | Wilson, Jack Trust  | 687-625 Catalpa Way    | 077-302-19  |              |
| 09/22/09                  | Wilson, Kenneth/Valeri E  | 686-830 Hemlock Way    | 077-412-17  |              |
| 08/20/08                  | Wilson, Rollans B   | 503-435 Mahogany Way   | 077-302-18  |              |
| 06/11/08                  | Winingar Family 1983 Trust  | 686-830 Elm Way        | 077-383-34  |              |
| 06/01/09                  | Witt, Richard E/Nola A JT   | 687-740 Orchard Way    | 077-191-24  |              |
| 05/14/08                  | Wong, Fay/Bonnie E/Taber, Edward/Judy   | Lakeview Dr.           | 077-273-35  |              |
| 08/22/08                  | Woodward, Robert/Maria 1989 Trust   | 687-700 Hickory Way    | 077-254-21  |              |
| 06/23/08                  | Yee, Gary R/Michael G   | 686-785 Hemlock Way    | 077-412-22  |              |
| 06/24/08                  | Yee, Michael Gregg  | 686-785 Hickory Way    | 077-412-21  |              |
| 11/06/07                  | Yolo, Duke/Terri JT ETAL C/O Cristine, Barry R.                                     | Acorn Way              | 077-393-16  |              |
| 07/24/09                  | Young Family Trust  | 688-010 Hickory Way    | 077-244-22  |              |
| 07/23/08                  | Young, Vera L   | 688-055 Lakeview Rd.   | 077-263-10  |              |
| 10/27/08                  | Younie, Leslie I Jr/Sheri M ETAL TC   | 687-045 Redwood Way    | 077-378-20  |              |
| 08/07/08                  | Yuill, Edward G/Deborah L HW  | Tupelo Way             | 077-141-14  |              |
| 08/07/09                  | Yuill, Edward G/Deborah L HW  | Tupelo Way             | 077-142-13  |              |
| 05/18/10                  | Zuccato, Michael W/Linda J Rev Trust  | 687-650 Cherry Way     | 077-293-10  |              |
| 12/02/08                  | Zunino, Michael A/Sheree A Family Trust   | Lilac Way              | 077-152-23  |              |

## ATTACHMENT C

### ADMINISTRATIVE CIVIL LIABILITY METHODOLOGY

The Complaint alleges that the Discharger failed to comply with multiple cease and desist orders issued by the Lahontan Water Board, which required the Discharger by December 31, 2009, to either connect the Discharger's on-site wastewater disposal systems to the Spalding Community Services District's (District) community sewer system or to properly abandon the Discharger's on-site wastewater disposal systems, in accordance with Lassen County regulations. For the purpose of applying the Enforcement Policy's administrative civil liability methodology, the alleged violation is a non-discharge violation. Because the Complaint only alleges a non-discharge violation, Step Nos. 1 and 2 of the Enforcement Policy's administrative civil liability methodology are not addressed.

#### **Step 3: Initial Liability Determination**

The per-day factor for the violation is **0.55**. This factor is determined by a matrix analysis based upon the Potential for Harm and the Deviation from Applicable Requirements.

- a. The Potential for Harm for the violations is determined to be **moderate**. The Discharger's failure to connect its on-site wastewater disposal systems to the District's sewer system or to properly abandon them allows waste containing nutrients to be discharged to the groundwater of the Eagle Lake basin. Such discharges, should they occur, can introduce nutrients, such as nitrogen and phosphorus, to the groundwater, which flows into Eagle Lake. Nitrogen and phosphorus can increase algal growth and the rate of eutrophication in Eagle Lake, a closed-basin lake. Increased eutrophication can adversely affect the habitat for the Eagle Lake trout, and other aquatic and terrestrial organisms supported by Eagle Lake. Increased algal growth also has the potential to adversely affect the public's water contact recreation (e.g., wading, swimming, water skiing) and non-contact water recreation (e.g., aesthetic enjoyment) of Eagle Lake.

To prevent these types of adverse impacts to Eagle Lake's beneficial uses, the Lahontan Water Board amended its *Water Quality Control Plan for the Lahontan Region* (Basin Plan) in September 1984, to prohibit the discharge of waste containing nutrients to the surface waters and groundwater of the Eagle Lake basin beginning September 14, 1989. The Lahontan Water Board's cease and desist orders issued to the Discharger enforce that Basin Plan prohibition. At a minimum, the Discharger's on-site wastewater disposal systems present threatened discharges of waste containing nutrients that can reasonably be expected to adversely affect Eagle Lake's cold freshwater habitat (COLD), water contact recreation (REC-1), non-contact water recreation (REC-2, and sport fishing (COMM) beneficial uses. It is also reasonable to expect that such impacts are reversible upon ceasing such waste discharges.

Waste discharges from on-site wastewater disposal systems in the Spalding Tract subdivision can also introduce bacteria into the groundwater, which is the local water supply. Many Spalding Tract subdivision property owners have private wells, and past studies have shown that bacteria levels increase in those private wells when nearby on-site wastewater disposal systems are being used. Bacteria contained in domestic wastewater can adversely affect human health when consumed. Such conditions represent an adverse impact to the Eagle Lake groundwater basin's municipal and domestic supply (MUN) beneficial use. This impact can reasonably be expected to occur when waste discharges from on-site wastewater disposal systems occur. Fortunately, past studies have also shown that this impact is relatively short term in nature when the waste discharge ceases. Therefore, violating the cease and desist orders presents a **moderate** threat to beneficial uses that will likely attenuate without acute or chronic effects, once the Discharger has complied with the cease and desist orders.

- b. The Deviation from Applicable Requirements to abandon or connect the septic system is **major**. The reason for the **major** designation is that Water Board staff notified the Discharger of its failure to comply with the cease and desist orders' December 31, 2009 compliance date in a June 28, 2011 Notice of Violation (NOV). The NOV was issued after the Discharger had had approximately 1.5 construction seasons to comply with the cease and desist orders' requirement to either connect the Discharger's on-site wastewater disposal systems to the District's community sewer system or to properly abandon the Discharger's on-site wastewater disposal systems, if appropriate. The remainder of the 2011 construction season has past, and to date, the Discharger has still failed to comply.

There has been ample time to satisfy the requirements of the cease and desist orders since their adoption. The District's community sewer system has been available to connect to since October 2007; however, the Discharger failed to connect or properly abandon the Discharger's on-site wastewater disposal systems and subsequently was issued cease and desist orders in October 2009. The Discharger has now had an additional two full construction seasons since the cease and desist orders were issued to comply with their requirements, but has not.

- c. There are 832 days of violation for the period beginning January 1, 2010 and ending April 11, 2012, the date of drafting Administrative Civil Liability Complaint No. R6T-2012-0027. The statutory maximum amount per day per violation is \$5,000 for each cease and desist order the Discharger has violated. Therefore, 832 days of violation at the statutory maximum per day of \$5,000, yields a maximum initial liability of **\$4,160,000** (832 days x \$5,000/day) for each cease and desist order the Discharger has violated. Applying the Potential for Harm per-day factor of 0.55, and the statutory maximum liability amount for each day of violation, yields an initial liability of **\$2,288,000** (0.55 x 832 days of violation x \$5,000 per day) for each cease and desist order the Discharger has violated.

#### **Step 4: Adjustment Factors**

The Enforcement Policy allows for multi-day violations to be consolidated provided specific criteria are satisfied. The Enforcement Policy also describes three factors related to the violator's conduct that should be considered for modification of the initial liability amount: the violator's culpability; the violator's efforts to clean up or cooperate with regulatory authorities after the violation; and the violator's compliance history. After each of these factors is considered for the violations alleged, the applicable factor should be multiplied by the proposed amount for each violation to determine the revised amount for that violation.

##### a. Multiple Day Violations

The Enforcement Policy provides that, for violations lasting more than 30 days, the Water Board may adjust the per-day basis for civil liability if certain findings are made and provided that the adjusted per-day basis is no less than the per-day economic benefit, if any, resulting from the violation.

The Discharger has failed to comply with its cease and desist orders for 832 days. The continuance of these violations does not result in an economic benefit that can be measured on a daily basis. The economic benefit is the one-time cost of having the on-site wastewater disposal systems either connected to the District's community sewer system or properly abandoned, if appropriate. Therefore, an adjustment can be made.

The Water Board Prosecution Team recommends applying the alternative approach to civil liability calculation provided by the Enforcement Policy. Using this approach, the calculation of days of violation will include the first day of violation, plus one additional day of violation for each five-day period up to the 30th day of violation, and thereafter, plus one additional day of violation for each 30-day period. Using this approach, the total number of days is revised to 33 days of violation.

This results in a Revised Initial Liability Amount as follows:

Revised Initial Liability =  $(0.55) \times (33 \text{ days of violation}) \times (\$5,000) = \mathbf{\$90,750}$  (for each cease and desist order the Discharger has violated).

##### b. Adjustment for Culpability

For culpability, the Enforcement Policy suggests an adjustment resulting in a multiplier between 0.5 to 1.5, with the lower multiplier for accidental incidents, and the higher multiplier for intentional or negligent behavior. In this case, a Culpability multiplier of **1.3** has been selected for the reasons described below:

The Water Board's Prosecution Team has exercised significant discretion in deciding whether to pursue administrative civil liability for violating the cease and desist orders. Doing so is consistent with the Prosecution Team's message to the Water Board and to the community in 2009 that its primary interest was compliance, and that the Prosecution Team understood some were facing various hardships and

would work with property owners towards meeting its compliance objective. After providing approximately 1.5 construction seasons to comply, the Prosecution Team issued a June 28, 2011 Notice of Violation to property owners that had yet to comply with their 2009 cease and desist orders, notifying them that time to comply with the cease and desist orders' requirements without additional enforcement action was running out. In spite of the Prosecution Team's efforts to allow ample time to comply and to notify the Discharger of a pending administrative civil liability complaint, the Discharger has not provided the Prosecution Team with any information indicating a reason for the continuing violations, nor shown any intent to comply.

The Prosecution Team does not have any evidence of willful or intentional negligence in this matter. Therefore, the Prosecution Team does not recommend assigning a value of 1.4 or greater for Culpability, as these values have been reserved for situations where there is evidence of willful or intentional negligence. However, given the lack of response by the Discharger in spite of the amount of time given to comply and notification of the Prosecution Team's intent to pursue administrative civil liability, a value of 1.3 for Culpability is appropriate.

c. Adjustment for Cleanup and Cooperation

For cleanup and cooperation, the Enforcement Policy suggests an adjustment should result in a multiplier between 0.75 and 1.5. A lower multiplier is appropriate for situations where there is a high degree of cleanup and/or cooperation and a higher multiplier is appropriate for situations where cleanup and/or cooperation is minimal or absent. In this case, a Cleanup and Cooperation multiplier of **1.5** has been selected for the reasons described below:

The Discharger has not cooperated with the Water Board on this issue. Even after Water Board staff issued the June 28, 2011 NOV, the Prosecution Team did not observe any attempt by the Discharger to comply. The lack of effort to comply with the cease and desist orders, or even to communicate with the Prosecution Team regarding the reason why compliance has not occurred, warrants a value of 1.5.

d. Adjustment for History of Violations

The Enforcement Policy suggests that where there is a history of repeat violations, a **minimum** multiplier of 1.1 should be used for this factor. In this case, a multiplier of **1.0** has been selected based upon the absence of prior violations of Cease and Desist Order Nos. R6T-2009-0088, R6T-2009-0089, R6T-2009-0090, R6T-2009-0091, R6T-2009-0092, and R6T-2009-0093. A review of the California Integrated Water Quality System (CIWQS) and Water Board files shows that the violations represent the first violations of Cease and Desist Order Nos. R6T-2009-0088, R6T-2009-0089, R6T-2009-0090, R6T-2009-0091, R6T-2009-0092, and R6T-2009-0093. Therefore a multiplier of 1.0 is appropriate, and no adjustment to the above liability amount should be made in response to this factor.

### **Step 5: Determination of Total Base Liability Amount**

The Total Base Liability for the violation is **\$176,962.50** for each cease and desist order the Discharger has violated. The Total Base Liability for the violation is determined by multiplying the Revised Initial Liability by the multipliers associated with each of the Adjustment Factors discussed above.

Total Base Liability = (Revised Initial Liability) X (Culpability) X (Cleanup/Cooperation) X (History of Violations) = (\$90,750) X (1.3) X (1.5) X (1.0) = **\$176,962.50 (for each cease and desist order the Discharger has violated).**

### **Step 6: Ability to Pay and Ability to Continue Business**

The Enforcement Policy provides that if the Water Board has sufficient financial information to assess the violator's ability to pay the Total Base Liability, or to assess the effect of the Total Base Liability on the violator's ability to continue in business, then the Total Base Liability amount may be adjusted downward.

In this case, the Lahontan Water Board Prosecution Team has sufficient information to suggest the Discharger has the ability to pay the proposed liability. The Discharger owns the parcel(s) of land, listed below:

| <b>Assessor's Parcel Number</b> | <b>County</b> | <b>Property Address</b> | <b>Assessed Total Value</b> | <b>Assessment Year</b> |
|---------------------------------|---------------|-------------------------|-----------------------------|------------------------|
| 077-361-23-11                   | Lassen        | 687-145 Spalding Road   | \$183,576                   | 2011                   |
| 077-143-10-11                   | Lassen        | 688-100 Myrtle Way      | \$271,789                   | 2011                   |
| 077-163-06-11                   | Lassen        | 688-150 The Strand      | \$98,344                    | 2011                   |
| 077-271-09-11                   | Lassen        | 687-925 Catalpa Way     | \$50,862                    | 2011                   |
| 077-272-43-11                   | Lassen        | 687-765 Redwood Way     | \$118,246                   | 2011                   |
| 077-133-10-11                   | Lassen        | 688-055 Olive Way       | \$84,743                    | 2011                   |
| 077-271-07-11                   | Lassen        | 687 Cedar Way           | \$129,998                   | 2011                   |
| 077-134-02-11                   | Lassen        | 688-80 Olive Way        | \$398,948                   | 2011                   |
| 077-132-21-11                   | Lassen        | 501 The Strand          | \$174,650                   | 2011                   |
| 077-134-03-11                   | Lassen        | 687 Olive Way           | \$148,795                   | 2011                   |
| 999-577-04-11                   | Lassen        | N/A                     | \$9,100                     | 2011                   |
| 077-141-17-11                   | Lassen        | N/A                     | \$48,549                    | 2011                   |
| 077-273-12-11                   | Lassen        | N/A                     | \$13,598                    | 2011                   |
| 077-263-15-11                   | Lassen        | N/A                     | \$40,797                    | 2011                   |
| 077-263-16-11                   | Lassen        | N/A                     | \$10,333                    | 2011                   |
| 077-261-07-11                   | Lassen        | N/A                     | \$33,911                    | 2011                   |
| 077-152-25-11                   | Lassen        | N/A                     | \$159,998                   | 2011                   |
| 077-141-16-11                   | Lassen        | N/A                     | \$70,745                    | 2011                   |
| 077-261-10-11                   | Lassen        | N/A                     | \$113,042                   | 2011                   |
| 077-213-14-11                   | Lassen        | 687 Chinquepin Way      | \$260,838                   | 2011                   |
| 0103-030-050                    | Solano        | 8189 Olive School Lane  | \$482,545                   | 2011                   |

**Table of Information Continued:**

|               |           |                        |                       |      |
|---------------|-----------|------------------------|-----------------------|------|
| 0103-040-490  | Solano    | 8299 Olive School Lane | \$37,971              | 2011 |
| 0103-030-030  | Solano    | 8185 Olive School Lane | \$109,257             | 2011 |
| 0106-210-330  | Solano    | 7333 Leisure Town Road | \$207,473             | 2011 |
| 125-420-28    | Plumas    | 73794 Delleker S Road  | \$150,920             | 2010 |
| 125-420-58    | Plumas    | 73744 Highway 70       | \$196,196             | 2010 |
| 125-420-56    | Plumas    | N/A                    | \$155,232             | 2010 |
| 032-050-57-10 | El Dorado | N/A                    | \$5,386               | 2011 |
|               |           | <b>TOTAL</b>           | <b>\$3,765,842.00</b> |      |

Given the above assets, it appears the Discharger has the ability to pay the proposed liability.

**Step 7: Other Factors as Justice May Require**

The Enforcement Policy provides that if the Water Board believes that the amount determined using the above factors is inappropriate, the liability amount may be adjusted under the provision for “other factors as justice may require,” if express findings are made. Additionally, the staff costs for investigating the violation and preparing the Complaint should be added to the liability amount.

**a. Adjustments for Other Factors as Justice May Require**

The statutory minimum liability amount for violations under Water Code section 13350 is \$100 per day of violation, unless the regional water board makes express findings setting forth the reasons for its action based upon its consideration of the factors set forth in Water Code section 13327. Based on the date of compliance in the cease and desist orders, days of violations began accruing on January 1, 2010. At the statutory minimum liability of \$100 per day, and a total of 832 days of violation, the result is a minimum liability of **\$83,200**. The Prosecution Team has determined that, in this case, even the minimum liability amount is inappropriate. Staff finds this amount to be an excessive liability for the violations alleged herein, and inappropriate for the following reasons.

Water Board staff reviewed Lassen County Assessor’s Office records for the properties whose owners are subject to the administrative civil liability for the failure to either connect their on-site wastewater disposal system to the District’s sewer system or to properly abandon it. County records for the year 2012 show that the properties range in value from \$17,119 to \$618,391. Two of these properties with the highest values are commercial properties, with values consistent with commercial uses and related improvements (i.e., hotel, restaurant). The remaining properties have an average value of \$73,574. Based on these data alone, the Prosecution Team determined that the minimum statutory liability of \$83,200 is excessive relative to the value of most of the properties whose owners continue to violate their 2009 Cease and Desist Orders. Without any further assessment, the minimum liability appears inappropriate and excessive for its intended purpose.

Additionally, the Prosecution Team's June 28, 2011 Notice of Violation notified the Discharger of the Prosecution Team's intent to issue administrative civil liability complaints and bring them before the Lahontan Water Board at its November 9-10, 2011 Board Meeting. In a continuing effort to encourage compliance, the Prosecution Team stated in the Notice of Violation that it would consider withdrawing the complaint if the Discharger complied with the cease and desist orders prior to the November 9-10, 2011 Board meeting date. The Prosecution Team has consistently stated that compliance has been its primary goal, and the Notice of Violation was providing one last chance to comply with the cease and desist orders without facing additional enforcement action in the form of civil liability.

The Prosecution Team recommends using November 9, 2011 as the basis for developing a more appropriate liability amount, as it is the date the Prosecution Team informed the Discharger that compliance was to be achieved, or imposing administrative civil liability would be pursued. Attachment D provides a methodology spreadsheet based upon November 9, 2011 as the deadline for compliance. The resulting number of days of violations totals 155 days (November 9, 2011 – April 11, 2012). 155 days of violation would result in a minimum liability of **\$15,500** for each cease and desist order the Discharger has violated, based upon the statutory minimum liability of \$100 per day of violation.

Administrative civil liability complaints were issued to property owners of the nearby Stones-Bengard subdivision in 1997 for failing to either connect their on-site wastewater disposal systems to the Stones-Bengard community sewer system or to properly abandon them. In the Stones-Bengard cases, the Water Board issued administrative civil liability complaints proposing that the owners be assessed liability in the amount of **\$6,500**. This was the minimum liability that could be imposed for violating cleanup and abatement orders that had been issued 65 days prior to issuing the administrative civil liability complaints. The cleanup and abatement orders had been issued after the Stones-Bengard property owners had been violating their cease and desist orders issued in 1991 for several years.

The liability amount of \$15,500 for each cease and desist order that has been violated represents a more appropriate amount that is consistent with past and similar enforcement efforts by the Lahontan Water Board in the Eagle Lake basin. The liability amount of \$15,500 provides adequate justice or consequence for the violation as well as a meaningful deterrent to future violations.

b. Adjustment for Staff Costs

The Water Board Prosecution Team staff time incurred to prepare administrative civil liability complaints and supporting information for 25 Spalding Tract subdivision properties is estimated to be 165 hours. Based on an average cost to the State of \$150 per hour, the total staff cost is estimated to be \$24,750. Staff finds it appropriate to spread these costs equitably by dividing the total staff cost equally for each of the 25 properties. On this basis, a staff cost of \$990 must be assessed for each property. As a result, the Adjusted Total Base Liability is recommended to be adjusted upward by **\$990**, bringing the total proposed liability to **\$16,490** for each cease and desist order the Discharger has violated.

### **Step 8: Economic Benefit**

The Enforcement Policy directs the Water Board to determine any Economic Benefit Amount of the violation based upon the best available information. The Enforcement Policy suggests that the Water Board compare the Economic Benefit Amount to the Adjusted Total Base Liability and ensure that the Adjusted Total Base Liability is at a minimum, 10 percent greater than the Economic Benefit Amount. Doing so should create a deterrent effect and will prevent administrative civil liabilities from simply becoming the cost of doing business.

Septic tank abandonment is only an option for properties that do not have structures with plumbing fixtures installed. For properties that have one or more structures with plumbing fixtures installed, connecting the Discharger's on-site wastewater disposal system to the District's community sewer system is required.

The Discharger has realized an economic benefit by failing to connect or abandon the Discharger's on-site wastewater disposal systems as required by Cease and Desist Order Nos. R6T-2009-0088, R6T-2009-0089, R6T-2009-0090, R6T-2009-0091, R6T-2009-0092, and R6T-2009-0093. In order to estimate the economic benefit, Water Board staff subpoenaed records from contractors who have connected and/or properly abandoned on-site wastewater disposal systems in the Spalding Tract subdivision. Based upon a review of the contractor records, the average cost for a property owner to connect an on-site wastewater disposal system to the District's community sewer system is \$4,210, and the average cost to properly abandon an on-site wastewater disposal system is \$836. Therefore, the economic benefit amount realized by Dischargers that have existing structures with plumbing fixtures installed on the property and that must connect to the District's community sewer system is estimated to be **\$4,210**. The economic benefit amount realized by Dischargers with the option of abandonment is estimated to be **\$836**. The Adjusted Total Base Liability Amount is greater than 110 percent of either of these estimated economic benefit amounts, and therefore no adjustment is necessary based on the economic benefit analysis.

### **Step 9: Maximum and Minimum Liability Amounts**

The maximum liability amount the Water Board may assess for the above-referenced violations pursuant to Water Code section 13350, subdivision (e)(1), is \$5,000 per day of violation. Therefore, the maximum liability the Water Board may assess for 832 days of violation (elapsed time since the date of compliance in the cease and desist orders) is **\$4,160,000** for each cease and desist order the Discharger has violated.

The minimum liability amount provided in Water Code section 13350, subdivision (e)(1)(B) is \$100 per day. However, subdivision (f) states that:

“A regional board shall not administratively impose civil liability in accordance with paragraph (1) of subdivision (e) in an amount less than the minimum amount specified, unless the regional board makes express

findings setting forth the reasons for its action based upon the specific factors required to be considered pursuant to Section 13327.”

Water Code section 13327 allows for “*other factors as justice may require*”. The specific factors discussed in Step 7 above (i.e., property values, use of November 9, 2011 as an alternative compliance date, consistency with similar Lahontan Water Board enforcement actions in the Eagle Lake basin) yields 155 days of violation at \$100 per day minimum, for an alternative minimum liability amount of **\$15,500**.

The Enforcement Policy also requires that:

*The adjusted Total Base Liability shall be at least 10 percent higher than the Economic Benefit Amount so that liabilities are not construed as the cost of doing business and that the assessed liability provides a meaningful deterrent to future violations.*

The larger of the two economic benefit amounts (\$4,210) plus ten percent is **\$4,631**, which is less than the alternative statutory minimum cited above and the Total Proposed Liability Amount.

### **Step 10: Final Liability Amount**

The Proposed Liability Amount is **\$16,490** for each cease and desist order the Discharger has violated, based upon the considerations discussed in detail, above. The Discharger has violated six cease and desist orders resulting in a Total Proposed Liability Amount of **\$98,940**.

SCF/adw/T:/ Agenda Items/2012/July/Spalding Tract ACLs/Complaints/\_Att. C\_Spalding Tract ACL-Attachment C, Methodology Discussion (4-18-2012)

File Under: SLT Annex File Room, Spalding Tract, Individual APN numbers

## Attachment D Administrative Civil Liability Methodology Spreadsheet

### Instructions

1. Select Potential Harm for Discharge Violations
2. Select Characteristics of the Discharge
3. Select Susceptibility to Cleanup or Abatement
4. Select Deviation from Standard
5. Click "Determine Harm & per Gallon/Day..."
6. Enter Values into the Yellow highlighted fields

|             |   |
|-------------|---|
| Select Item | Potential Harm for Discharge Violations |
| Select Item | Characteristics of the Discharge        |
| Select Item | Susceptibility of Cleanup or Abatement  |
| Select Item | Deviation from Requirement              |

Discharger Name/ID: Spalding Tract Property Owners, Various APNs

|                                       |   | Violation 1                                   |                |      |
|---------------------------------------|---|---|----------------|------|
| Discharge Violations                  | <b>Step 1</b>                             | Potential Harm Factor (Generated from Button) |                |      |
|                                       | <b>Step 2</b>                             | Per Gallon Factor (Generated from Button)     |                |      |
|                                       |   | Gallons                                       |                |      |
|                                       |   | Statutory / Adjusted Max per Gallon (\$)      |                |      |
|                                       | <b>Total</b>                              |   | \$ -           |      |
|                                       | Non-Discharge Violations                  | <b>Step 3</b>                                 | Per Day Factor | 0.55 |
| Days                                  |   |   | 33             |      |
| Statutory Max per Day                 |   |   | \$ 5,000       |      |
| <b>Total</b>                          |   |   | \$ 90,750.00   |      |
| <b>Initial Amount of the ACL</b>      |   |   | \$ 90,750.00   |      |
| Add'l Factors                         |   | <b>Step 4</b>                                 | Culpability    | 1.3  |
|                                       | Cleanup and Cooperation                   |   | 1.5            |      |
|                                       | History of Violations                     |   | 1              |      |
|                                       | <b>Step 5 Total Base Liability Amount</b> |   | \$ 176,962.50  |      |
| <b>Step 6</b>                         | Ability to Pay & to Continue in Business  | 1   | \$ 176,962.50  |      |
| <b>Step 7</b>                         | Other Factors as Justice May Require      | 15,500  | \$ 15,500.00   |      |
|                                       | Staff Costs                               | \$ 990  | \$ 16,490.00   |      |
| <b>Step 8</b>                         | Economic Benefit                          | \$ 4,210                                      | \$ 16,490.00   |      |
| <b>Step 9</b>                         | Minimum Liability Amount                  | 15,500  |                |      |
|                                       | Maximum Liability Amount                  | \$ 4,160,000                                  |                |      |
| <b>Step 10 Final Liability Amount</b> |   |   | \$ 16,490.00   |      |

### Penalty Day Range Generator

Start Date of Violation= 1/1/10  
End Date of Violation= 4/11/12

Maximum Days Fined (Steps 2 & 3) = 832 Days  
Minimum Days Fined (Steps 2 & 3) = 33 Days

**WAIVER FORM  
FOR ADMINISTRATIVE CIVIL LIABILITY COMPLAINT**

By signing this waiver, I affirm and acknowledge the following:

I am duly authorized to represent Neil, Gerald E. & Janet E. (hereinafter "Discharger") in connection with Administrative Civil Liability Complaint Nos. R6T-2012-0027 (hereinafter the "Complaint"). I am informed that California Water Code section 13323, subdivision (b), states that, "a hearing before the regional board shall be conducted within 90 days after the party has been served [with the complaint]. The person who has been issued a complaint may waive the right to a hearing."

- (Check here if the Discharger waives the hearing requirement and will pay the liability.)**
- a. I hereby waive any right the Discharger may have to a hearing before the Regional Water Board.
  - b. I certify that the Discharger will remit payment for the civil liability imposed in the total amount of **ninety-eight thousand nine hundred forty dollars (\$98,940)** by check that references "ACL Complaint No. R6T-2012-0027" made payable in the amount of **\$98,940** to the "*Waste Discharge Permit Fund.*" Payment must be received by the Regional Water Board by **5:00 p.m. on May 21, 2012** or the Regional Water Board may adopt an Administrative Civil Liability Order requiring payment.
  - c. I understand the payment of the above amount constitutes a proposed settlement of the Complaint, and that any settlement will not become final until after the 30-day public notice and comment period mandated by the State Water Resources Control Board's Water Quality Enforcement Policy expires. Should the Regional Water Board receive significant new information or comments from any source (excluding the Water Board's Prosecution Team) during this comment period, the Regional Water Board's Assistant Executive Officer may withdraw the complaint, return payment, and issue a new complaint. I understand that this proposed settlement is subject to approval by the Regional Water Board, and that the Regional Water Board may consider this proposed settlement in a public meeting or hearing. I also understand that approval of the settlement will result in the Discharger having waived the right to contest the allegations in the Complaint and the imposition of civil liability.
  - d. I understand that payment of the above amount is not a substitute for compliance with applicable laws and that continuing violations of the type alleged in the Complaint may subject the Dischargers to further enforcement, including additional civil liability.

\_\_\_\_\_  
(Print Name and Title)

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Date)

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

**ADMINISTRATIVE CIVIL LIABILITY ORDER NO. R6T-2012-(PROPOSED)**

**IN THE MATTER OF  
ROBINSON, GARY L. FOR VIOLATION OF  
CEASE AND DESIST ORDER NOS. R6T-2009-0115 and R6T-2009-0116,  
SPALDING TRACT SUBDIVISION, LASSEN COUNTY APN NOS. 077-200-02-11 and  
077-200-03-11**

Lassen County

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The California Regional Water Quality Control Board – Lahontan Region (Lahontan Water Board) hereby finds that Robinson, Gary L. has violated Lahontan Water Board Cease and Desist Order Nos. R6T-2009-0115 and R6T-2009-0116. The Lahontan Water Board specifically finds:

**BACKGROUND**

1. Robinson, Gary L. (Discharger) owns Lassen County Assessor Parcel Nos. 077-200-02-11 and 077-200-03-11 in the Spalding Tract subdivision located on the west shore of Eagle Lake, approximately 20 miles northwest of Susanville, California.
2. Based upon Lassen County records and/or Spalding Community Services District (District) records, the Discharger owns and/or operates on-site wastewater disposal systems located at the above-referenced parcels. The Discharger's on-site wastewater disposal systems permit waste containing nutrients to be discharged, and/or threaten a discharge of waste containing nutrients, to waters within the Eagle Lake basin.

**CHRONOLOGY OF EVENTS**

3. In September 1984, pursuant to Water Code section 13243, the Lahontan 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 subdivision to surface waters and groundwater of the Eagle Lake basin after September 14, 1989.
4. On October 22, 2007, the District's community sewer system (system) became operational. As a result, there is now an available method for the Spalding Tract subdivision property owners to comply with the above-referenced Basin Plan prohibition.

5. On October 14, 2009, the Lahontan Water Board adopted Cease and Desist Order Nos. R6T-2009-0115 and R6T-2009-0116 against the Discharger for its on-site wastewater disposal systems located at Lassen County APN Nos. 077-200-02-11 and 077-200-03-11.
6. Cease and Desist Order Nos. R6T-2009-0115 and R6T-2009-0116 require the Discharger, by December 31, 2009, to either (1) connect its on-site wastewater disposal systems to the District's community sewer system, or (2) properly abandon its on-site wastewater disposal systems in accordance with Lassen County regulations. Upon completing one of the two activities, the Discharger is required to submit to the Lahontan Water Board documentation of compliance with the above-referenced Basin Plan prohibition.
7. The Discharger failed to comply with Cease and Desist Order Nos. R6T-2009-0115 and R6T-2009-0116 and on June 28, 2011, the Lahontan Water Board's Prosecution Team issued the Discharger a Notice of Violation citing the ongoing violation.
8. On April 20, 2012, the Assistant Executive Officer issued Complaint No. R6T-2012-0028. On April 30, 2012, the Complaint was resent with all attachments included. The Complaint alleges that the Discharger has violated the requirements of Cease and Desist Order Nos. R6T-2009-0115 and R6T-2009-0116. The Complaint proposes administrative civil liability of **\$32,980**. The Complaint and its attachments are attached to this Order and incorporated by reference (Attachment A).
9. On July 11, 2012, in South Lake Tahoe, California, after notice to the Discharger and all other affected persons and the public, the Lahontan Water Board conducted a public hearing at which evidence was received to consider this Order and the Discharger or its representative(s), had the opportunity to be heard and to contest the allegations in the Complaint.

### REGULATORY CONSIDERATIONS

10. The Lahontan Water Board adopted the *Water Quality Control Plan for the Lahontan Region* (Basin Plan) pursuant to Water code section 13243. The Basin Plan contains the following 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.)
11. On October 14, 2009, the Lahontan Water Board adopted Cease and Desist Order Nos. R6T-2009-0115 and R6T-2009-0116, enforcing the above-referenced Basin Plan prohibition.

## VIOLATIONS

12. The Discharger violated Cease and Desist Order Nos. R6T-2009-0115 and R6T-2009-0116 by failing to satisfy the requirement to comply with the above-referenced Basin Plan prohibition by December 31, 2009. A review of District records and Lahontan Water Board records shows the Discharger has yet to either (1) connect its on-site wastewater disposal systems to the District's system, or (2) has properly abandoned its on-site wastewater disposal systems in accordance with Lassen County regulations. This violation subjects the Discharger to liability pursuant to Water Code section 13350, subdivision (a).

## CALCULATION OF ADMINISTRATIVE CIVIL LIABILITY

13. Pursuant to Water Code section 13350, subdivision (e), civil liability may be imposed administratively on a daily basis in an amount not to exceed five thousand dollars (\$5,000) for each day in which the violation occurs.
14. Pursuant to Water Code section 13327, in determining the amount of civil liability, the Lahontan Water Board is required to take into account the nature, circumstance, extent, and gravity of the violation or violations, whether the discharge is susceptible to cleanup or abatement, the degree of toxicity of the discharge, and, with respect to the violator, the ability to pay, the effect on ability to continue business, any voluntary cleanup efforts undertaken, any prior history of violations, the degree of culpability, economic benefit or savings, if any, resulting from the violation, and other matters as justice may require.
15. On November 17, 2009, the State Water Resources Control Board (State Water Board) adopted Resolution No. 2009-0083 amending the Water Quality Enforcement Policy (Enforcement Policy). The Enforcement Policy was approved by the Office of Administrative Law and became effective on May 20, 2010. The Enforcement Policy establishes a methodology for assessing administrative civil liability. The use of this methodology addresses the factors that are required to be considered when imposing a civil liability as outlined in Water Code section 13327. The entire Enforcement Policy can be found at:

[http://www.waterboards.ca.gov/water\\_issues/programs/enforcement/docs/enf\\_policy\\_final111709.pdf](http://www.waterboards.ca.gov/water_issues/programs/enforcement/docs/enf_policy_final111709.pdf)

16. **Maximum Administrative Civil Liability:** Pursuant to Water Code section 13350, subdivision (e)(1), the total maximum administrative civil liability that may be imposed for the violation in this Order is **\$4,160,000 for each Cease and Desist Order violated.**

**17. Minimum Administrative Civil Liability:** Pursuant to Water Code section 13350, subdivision (e)(1)(B), the minimum administrative civil liability that must be imposed for the violation in this Order is **\$83,200 for each Cease and Desist Order violated**, unless the Lahontan Water Board makes express findings pursuant to Water Code section 13350, subdivision (f).

18. Water Code section 13350, subdivision (f) states that:

“A regional board shall not administratively impose civil liability in accordance with paragraph (1) of subdivision (e) in an amount less than the minimum amount specified, unless the regional board makes express findings setting forth the reasons for its action based upon the specific factors required to be considered pursuant to Section 13327.”

Water Code section 13327 allows for “other factors as justice may require.” The Lahontan Water Board hereby finds that the specific factors discussed in Attachment C, Step 7 of the Complaint (i.e., property values, use of November 9, 2011 as an alternative compliance date, consistency with similar Lahontan Water Board enforcement actions in the Eagle Lake basin), justifies imposing a liability less than the minimum amount cited in Finding No. 17, above.

19. The Enforcement Policy requires that:

“The adjusted Total Base Liability shall be at least 10 percent higher than the Economic Benefit Amount so that liabilities are not construed as the cost of doing business and that the assessed liability provides a meaningful deterrent to future violations.”

The Complaint cites the economic benefit of violating Cease and Desist Order Nos. R6T-2009-0115 and R6T-2009-0116 as \$4,210 (average avoided cost of connecting to the District’s system) for each Cease and Desist Order. The economic benefit plus ten percent is \$4,631, which is less than the alternative minimum administrative civil liability of \$15,500, established in the Complaint. The minimum alternative civil liability amount for this Order will therefore be **\$15,500 for each Cease and Desist Order violated**.

**20. Administrative Civil Liability Determination:** The Lahontan Water Board has applied the Enforcement Policy’s administrative civil liability methodology and considered each of the Water Code section 13327 factors based upon information in the record, including testimonies at the public hearing and information described in greater detail in the Complaint and its attachments. The Lahontan Water Board hereby finds that civil liability should be imposed administratively on the Discharger in the amount of **\$16,490 for each Cease and Desist Order violated**, for a total liability of **\$32,980**, which falls within the allowable range.

### GENERAL

21. This Order only resolves liability that the Discharger incurred for violations specifically alleged in the Complaint. This Order does not relieve the Discharger of liability for any violations not alleged in the Complaint. The Lahontan Water Board retains the authority to assess additional civil liabilities for violations of applicable laws or orders for which civil liabilities have not yet been assessed, or for violations that may subsequently occur.
22. Issuance of this Order is an enforcement action and is, therefore, exempt from the California Environmental Quality Act (Pub. Resources Code § 21000 et seq.), pursuant to California Code of Regulations, title 14, section 15321, subdivision (a)(2).
23. Any person aggrieved by this action of the Lahontan Water Board may petition the State Water Board to review the action in accordance with Water Code section 13320 and California Code of Regulations, title 23, section 2050 and following. The State Water Board must receive the petition by 5:00 p.m., 30 days after the date of this Order, except that if the thirtieth day following the date of this Order falls on a Saturday, Sunday or State holiday, the petition must be received by the State Water Board by 5:00 p.m. on the next business day. Copies of the law and regulations applicable to filing will be provided upon request, and may be found on the Internet at:

[http://www.waterboards.ca.gov/public\\_notices/petitions/water\\_quality](http://www.waterboards.ca.gov/public_notices/petitions/water_quality).

### IT IS HEREBY ORDERED THAT:

1. Administrative civil liability is imposed upon the Discharger in the amount of **\$32,980**.
2. The Discharger shall submit payment with a cashier's check or money order in the full amount of **\$32,980** payable to the State Water Resources Control Board's Waste Discharge Permit Fund within 30 days of the date this Order is adopted.
3. Should the Discharger fail to make the specified payment to the State Water Resources Control Board's Waste Discharge Permit Fund within the time limit specified in this Order, the Lahontan Water Board may enforce this Order by applying for a judgment pursuant to Water Code section 13328. The Lahontan Water Board's Executive Officer is hereby authorized to pursue a judgment pursuant to Water Code section 13328 if the criterion specified in this paragraph is satisfied.

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: ACL Complaint No. R6T-2012-0028

PROPOSED

Lahontan Regional Water Quality Control Board

April 30, 2012

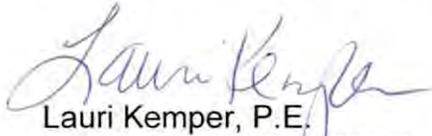
ROBINSON, GARY L  
42027 BOSCELL RD  
FREMONT, CA 94538

**CERTIFIED MAIL: 7009 0820 0001 6638 9205**

**ADMINISTRATIVE CIVIL LIABILITY COMPLAINT NO. R6T-2012-0028 FOR  
ROBINSON, GARY L, SPALDING TRACT SUBDIVISION, LASSEN COUNTY APN  
NOS. 077-200-02-11 AND 077-200-03-11**

Enclosed please find Administrative Civil Liability (ACL) Complaint No. R6T-2012-0028 issued pursuant to California Water code section 13323, alleging violations by Robinson, Gary L., (Discharger) of Cease and Desist Order Nos. R6T-2009-0115 and R6T-2009-0116. Water Board staff noted that the original ACL Complaint dated April 20, 2012 was lacking the final version of Appendix D - ACL Methodology Spreadsheet. For completeness, we are forwarding the correct Attachment D along with the ACL in its entirety. The dates, amounts and all other information in the ACL remain unchanged. Hearing Procedures for this case will soon be forthcoming under separate cover.

If you have any questions regarding this matter, please contact Lisa Scorallo (530) 542-5452, or Scott C. Ferguson at (530) 542-5432.



Lauri Kemper, P.E.  
Assistant Executive Officer

Enclosure: Administrative Civil Liability Complaint No. R6T-2012-0027

cc (w/enc): Regional Board Members  
Harold J. Singer, Executive Officer/Lahontan Regional Water Quality  
Control Board  
Kim Niemeyer, Staff Counsel/State Water Resources Control Board/Office  
of Chief Counsel  
David Boyers, Staff Counsel/State Water Resources Control Board/ Office  
of Enforcement  
Ann Carroll, Staff Counsel/State Water Resources Control Board/ Office of  
Enforcement

ROBINSON, GARY L.

- 2 -

cc (w/o enc): Chris Gallagher, General Manager/Spalding Community Services District  
Virginia Bruce/Spalding Community Services District  
Alan Jones, Director/Lassen County Environmental Health Department  
Kenneth Bunch/Lassen County Assessor  
Maurice Anderson/Lassen County Building Department

SCF/adw/T: 2012 DFT ACL Complaint/Spalding Tract ACL resend (4-26-2012) ROBINSON  
File Under: Spalding Tract ROBINSON, APN Nos. 077-200-02-11 AND 077-200-03-11

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## Lahontan Regional Water Quality Control Board

April 20, 2012

ROBINSON, GARY L.  
42027 BOSCELL ROAD  
FREMONT, CA 94538

**CERTIFIED MAIL: 7099 3220 0007 3471 3104**

### **ADMINISTRATIVE CIVIL LIABILITY COMPLAINT NO. R6T-2012-0028 FOR ROBINSON, GARY L., SPALDING TRACT SUBDIVISION, LASSEN COUNTY APN 077-200-02-11 AND 077-200-03-11**

Enclosed please find Administrative Civil Liability Complaint No. R6T-2012-0028 issued pursuant to California Water Code section 13323, alleging violations by Robinson, Gary L. (Discharger) of Cease and Desist Order Nos. R6T-2009-00115 and R6T-2009-0116. The Complaint alleges that the Discharger failed to either (1) connect its on-site wastewater disposal systems to the Spalding Community Services District's community sewer system, or (2) properly abandon its on-site wastewater disposal systems in accordance with Lassen County regulations by December 31, 2009. The Complaint proposes that the Regional Water Quality Control Board, Lahontan Region (Lahontan Water Board) assess an administrative civil liability against the Discharger in the amount of \$32,980 pursuant to California Water Code section 13350. Also enclosed is a Waiver of Hearing form for this matter.

Unless waived, a hearing before the Lahontan Water Board or a Lahontan Water Board Hearing Panel (Hearing Panel) will be held on **July 11-12, 2012** on this Complaint pursuant to Water Code section 13323. At the hearing, the Lahontan Water Board will consider whether to impose administrative civil liability (as proposed in the Complaint or for a different amount, either higher or lower than proposed, but not to exceed the maximum liability provided for by law), decline the administrative civil liability, or refer the matter to the Attorney General for judicial enforcement.

The Discharger may contest the proposed administrative civil liability at the hearing or, in the alternative, may waive its right to the hearing. Should the Discharger choose to waive its right to a hearing, an authorized agent must sign the enclosed Waiver of Hearing form and return it to the Lahontan Water Board's South Lake Tahoe office by **5:00 p.m. on May 21, 2012**. If the Lahontan Water Board does not receive the waiver and full payment of the liability by this date and time, the matter will be heard before the Lahontan Water Board or a Hearing Panel within 90 days of the Complaint's issuance date. Public hearing procedures will be mailed to the Discharger shortly and an agenda containing the date, time, and location of the hearing will be mailed to the Discharger at least 10 days prior to the hearing date.

If you have any questions regarding this matter, please contact Lisa Scorable (530) 542-5452, or Scott C. Ferguson at (530) 542-5432.



Lauri Kemper, P.E.  
Assistant Executive Officer

Enclosures: 1. Administrative Civil Liability Complaint No. R6T-2012-0028  
2. Waiver of Hearing Form

cc (w/enc): Regional Board Members  
Harold J. Singer, Executive Officer/Lahontan Regional Water Quality Control Board  
Kim Niemeyer, Staff Counsel/State Water Resources Control Board/Office of Chief Counsel  
David Boyers, Staff Counsel/State Water Resources Control Board/Office of Enforcement  
Ann Carroll, Staff Counsel/State Water Resources Control Board/ Office of Enforcement

Cc (w/o enc): Chris Gallagher, General Manager/Spalding Community Services District  
Virginia Bruce/Spalding Community Services District  
Alan Jones, Director/Lassen County Environmental Health Department  
Kenneth Bunch/Lassen County Assessor  
Maurice Anderson/Lassen County Building Department

SCF/adw/T:/Agenda Items/2012/July/Spalding Tract ACLs/Complaints/Cover Letter\_Spalding Tract ACL-Complaint Cover Letter, Robinson (4-20-2012)  
File Under: Spalding Tract Robinson, APN No. 077-200-02-11 and 077-200-03-11

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

|  |   |                                       |
|--|---|---------------------------------------|
| <b>In the Matter of</b>                | ) |                                       |
| <b>Robinson, Gary L.,</b>              | ) | <b>COMPLAINT NO. R6T-2012-0028</b>    |
| <b>Spalding Tract Subdivision,</b>     | ) | <b>FOR</b>                            |
| <b>Lassen County APN 077-200-02-11</b> | ) | <b>ADMINISTRATIVE CIVIL LIABILITY</b> |
| <b>and 077-200-03-11</b>               | ) |                                       |

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**ROBINSON, GARY L. IS HEREBY GIVEN NOTICE THAT:**

1. As a result of failing to either (1) connect the on-site wastewater disposal systems to the Spalding Tract Community Services District's (District) community sewer system, or (2) properly abandon the on-site wastewater disposal systems in accordance with Lassen County regulations, Robinson, Gary L. (Discharger) is alleged to have violated Cease and Desist Order Nos. R6T-2009-0115 and R6T-2009-0116, for which the California Regional Water Quality Control Board, Lahontan Region (Lahontan Water Board) may impose administrative civil liabilities pursuant to Water Code section 13350. This Administrative Civil Liability Complaint (Complaint) is issued under authority of Water Code section 13323.
2. Unless waived, a hearing on this Complaint will be held before the Lahontan Water Board on July 11-12, 2012, at 971 Silver Dollar Avenue, South Lake Tahoe, California. At the hearing, the Lahontan Water Board will consider whether to affirm, reject, or modify (either increase or decrease) the proposed civil liability up to the maximum penalty provided for by law, or refer the matter to the Attorney General's Office for recovery of judicial liability. The Discharger or its representative will have an opportunity to be heard and to contest the allegations in this Complaint and the imposition of civil liability. An agenda for the meeting will be available at [http://www.waterboards.ca.gov/lahontan/board\\_info/agenda/](http://www.waterboards.ca.gov/lahontan/board_info/agenda/) not less than 10 days before the hearing date.
3. The Discharger can waive its right to a hearing to contest the allegations contained in this Complaint by submitting a signed waiver and paying the civil liability in full or by taking other actions as described in the attached waiver form. If this matter proceeds to hearing, the Lahontan Water Board's Prosecution Team reserves the right to seek an increase in the civil liability amount to cover the costs of enforcement incurred subsequent to the issuance of this Complaint through the hearing.

## ALLEGATIONS

4. The Discharger owns Assessor Parcel Nos. 077-200-02-11 and 077-200-03-11 in the Spalding Tract subdivision located on the west shore of Eagle Lake, approximately 20 miles northwest of Susanville, California. See Attachment A – Vicinity Map.
5. Based upon a review of Lassen County records, the Discharger owns and/or operate(s) on-site wastewater disposal systems located at the above-referenced parcels. The existence of on-site wastewater disposal systems that have not been properly abandoned at these locations permits waste containing nutrients to be discharged, and/or threatens a discharge of waste containing nutrients, to waters within the Eagle Lake Basin.
6. In September 1984, pursuant to Water Code section 13243, the Water Board amended the *Water Quality Control Plan for the Lahontan Region* (Basin Plan) to prohibit the discharge of sewage to on-site wastewater disposal systems in the Spalding Tract 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 p. 4.1-4.)
7. On October 22, 2007, the District's community sewer system (system) became operational. As a result, there is now an available method for the Spalding Tract subdivision property owners to comply with the Basin Plan prohibition cited above.
8. On October 14, 2009, the Lahontan Water Board adopted Cease and Desist Order Nos. R6T-2009-0115 and R6T-2009-0116 for Lassen County APN Nos. 077-200-02-11 and 077-200-03-11, respectively, to establish a time schedule for the Discharger to comply with the Basin Plan prohibition cited in Finding 6 above.
9. Cease and Desist Order Nos. R6T-2009-0115 and R6T-2009-0116 required the Discharger, by December 31, 2009, to either (1) connect its on-site wastewater disposal systems to the District's community sewer system, or (2) properly abandon its on-site wastewater disposal systems in accordance with Lassen County regulations. Upon completing one of the two activities, the Discharger was required to submit documentation of compliance with the Basin Plan prohibition cited in Finding 6 above to the Lahontan Water Board.
10. The Discharger failed to comply with Cease and Desist Order Nos. R6T-2009-0115 and R6T-2009-0116 and on June 28, 2011, the Lahontan Water Board's Prosecution Team issued the Discharger a Notice of Violation citing the ongoing violation.

11. The June 28, 2011 Notice of Violation notified the Discharger of the Prosecution Team's intent to issue an Administrative Civil Liability Complaint to be considered by the Lahontan Water Board at its November 9-10, 2011 meeting.
12. The June 28, 2011 Notice of Violation informed the Discharger that the Prosecution Team would consider withdrawing the Administrative Civil Liability Complaint if the Discharger complied with its Cease and Desist Orders prior to the November 9-10, 2011 meeting.
13. Based upon a review of the District's records (Attachment B to this Complaint), the Discharger has not connected its on-site wastewater disposal systems to the District's community sewer system as of April 11, 2012, and the Lahontan Water Board has not received documentation from the Discharger and/or from Lassen County that the Discharger properly abandoned its on-site wastewater disposal systems as of April 11, 2012. Therefore, the Discharger is in violation of Cease and Desist Order Nos. R6T-2009-0115 and R6T-2009-0116.
14. As of the date of drafting of this Complaint, April 11, 2012, the Discharger has been in violation of Cease and Desist Order Nos. R6T-2009-0115 and R6T-2009-0116 for 832 days.

**WATER CODE SECTION UPON WHICH ADMINISTRATIVE CIVIL LIABILITY IS  
BEING ASSESSED FOR THE ALLEGED VIOLATIONS**

15. Pursuant to Water Code section 13350, subdivision (a), any person who violates any cease and desist order issued by a regional board, is subject to administrative civil liability.
16. Pursuant to Water Code section 13350, subdivision (e), civil liability may be imposed administratively on a daily basis in an amount not to exceed five thousand dollars (\$5,000) for each day in which the violation occurs.

**FACTORS CONSIDERED IN DETERMINING ADMINISTRATIVE CIVIL LIABILITY**

17. Pursuant to Water Code section 13327, in determining the amount of civil liability, the Lahontan Water Board is required to take into account the nature, circumstance, extent, and gravity of the violation or violations, whether the discharge is susceptible to cleanup or abatement, the degree of toxicity of the discharge, and, with respect to the violator, the ability to pay, the effect on ability to continue business, any voluntary cleanup efforts undertaken, any prior history of violations, the degree of culpability, economic benefit or savings, if any, resulting from the violation, and other matters as justice may require.
18. On November 17, 2009, the State Water Resources Control Board (State Water Board) adopted Resolution No. 2009-0083 amending the Water Quality Enforcement

Policy (Enforcement Policy). The Enforcement Policy was approved by the Office of Administrative Law and became effective on May 20, 2010. The Enforcement Policy establishes a methodology for assessing administrative civil liability. The use of this methodology addresses the factors that are required to be considered when imposing a civil liability as outlined in Water Code section 13327. The entire Enforcement Policy can be found at:

[http://www.waterboards.ca.gov/water\\_issues/programs/enforcement/docs/enf\\_policy\\_final111709.pdf](http://www.waterboards.ca.gov/water_issues/programs/enforcement/docs/enf_policy_final111709.pdf)

19. The required factors have been considered for the violations alleged herein using the methodology in the Enforcement Policy, as explained in detail in Attachment C, which is attached hereto and incorporated herein by this reference.

#### **MAXIMUM ADMINISTRATIVE CIVIL LIABILITY**

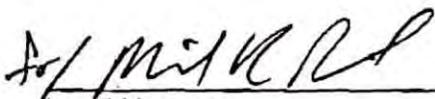
20. Pursuant to Water Code section 13350, subdivision (e), the total maximum administrative civil liability that may be imposed for the violations alleged in this Complaint is **\$4,160,000 per cease and desist order violated**, as described in Attachments C and D, which are attached hereto and incorporated herein by this reference.

#### **PROPOSED ADMINISTRATIVE CIVIL LIABILITY**

21. Based on consideration of the above facts, the applicable law, and after applying the administrative civil liability methodology as described in Attachments C and D, the Assistant Executive Officer of the Lahontan Water Board proposes that civil liability be imposed administratively on the Discharger in the amount of \$16,490.00 per cease and desist order violated, for a total liability of **\$32,980.00**.

#### **CALIFORNIA ENVIRONMENTAL QUALITY ACT**

22. Issuance of this Complaint is an enforcement action and is, therefore, exempt from the California Environmental Quality Act (Pub. Resources Code § 21000 et seq.), pursuant to California Code of Regulations, title 14, section 15321, subdivision (a)(2).
23. Notwithstanding the issuance of this Complaint, the Lahontan Water Board retains the authority to assess additional civil liability for violations of the requirements of Cease and Desist Order Nos. R6T-2009-0115 and R6T-2009-0116 for which liability has not yet been assessed or for violations that may occur subsequent to the issuance of this Complaint.

  
Lauri Kemper  
Assistant Executive Officer

4-20-12  
Date

Attachments:

- A. Vicinity Map
- B. Property Owners Connected to District Community Sewer System
- C. Administrative Civil Liability Methodology
- D. Administrative Civil Liability Methodology Spreadsheet

SCF/adw/T:/Agenda Items/2012/July/Spalding Tract ACLs/Complaints/Spalding Tract ACL-Complaint, Robinson (4-20-2012)  
File Under: Spalding Tract - Robinson, APN 077-200-02-11 and 077-200-03-11



# SPALDING TRACT

## SUSANVILLE

15-16

**Attachment B**  
**Property Owners Connected to District Community Sewer System**

| <b>Date of Connection</b> | <b>Spalding Residents Connected to the District Disposal System: APPLICANT NAME</b> | <b>Service Address</b>            | <b>APN#</b>      | <b>Notes</b> |
|---------------------------|---|-----------------------------------|------------------|--------------|
| 09/10/09                  | Abrams, Shirley H 1992 Rev TR   | 687-725 Spruce Way                | 077-193-32       |              |
| 04/03/08                  | Adams Family Trust  | Laurel Way                        | 077-343-17       |              |
| 08/01/08                  | Adams Family Trust Agreement  | 687-285 Juniper                   | 077-354-25       |              |
| 06/09/08                  | Aguiano, Jose R ETAL  | Magnolia Way                      | 077-334-13       |              |
| 06/04/08                  | Allen, Glen & Ida Rev. Trust  | 686-730 Catalpa Way               | 077-374-19       |              |
| 07/31/08                  | Alvarez Charles R.  | 688-100 Ivy Way                   | 077-221-16       |              |
| 08/06/08                  | Aman, Lisa Marie  | 503-555 Mahogany Way              | 077-301-23       |              |
| 05/21/09                  | American Legion Eagle Lake Post 162   | 687-935 Spruce Way                | 077-193-34       |              |
| 11/02/07                  | Anderson, Christopher J./J.A  | 687-815 Cedar Way                 | 077-283-24       |              |
| 04/14/08                  | Anderson, Dale A& Virginia A Revoc. Trust   | 687-590 Hazel Way                 | 077-331-30       |              |
| 03/18/08                  | Anderson, James L/Sherri A CP   | Hazel/Maple                       | 077-211-19       |              |
| 05/30/08                  | Anderson, Lee A Faye Z. JT.   | 686-855 Acorn Way                 | 077-392-14       |              |
| 05/08/08                  | Armstrong Family Trust  | 687-450 Magnolia Way              | 077-334-21       |              |
| 09/24/08                  | Armstrong Living Trust  | 687-384 Sycamore                  | 077-311-45       |              |
| 04/22/08                  | Armstrong, Dale A.& Myrna A.  | 688-050 Sycamore                  | 077-241-20       |              |
| 06/11/08                  | Armstrong, Robert T/Mabel E   | 688-035 Laurel Way                | 077-223-21       |              |
| 05/16/08                  | Arnold, Michael Wayne/Katherine Diane Rev TR  | RV Park-The Strand/ <b>Tank 1</b> | 077-182-09       |              |
| 11/16/11                  | Arnold, Michael Wayne/Katherine Diane Rev TR  | RV Park-The Strand/ <b>Tank 2</b> | 077-182-09       |              |
| 04/30/09                  | Arnold, Michael Wayne/Katherine Diane Rev TR  | RV Park-The Strand/ <b>Tank 4</b> | 077-181-12       |              |
| 11/02/07                  | Arons, Gerald J/Louise C  | 502-630 Mahogany Way              | 077-234-36       |              |
| 09/03/09                  | Artinian, Perry Exemption TR  | 502-475 The Strand                | 077-151-23       |              |
| 10/24/07                  | Atteberry David Ned & Vera Louse Jt.  | 686-930 Cherry Way                | 077-371-19       |              |
| 04/17/08                  | Atteberry, Harley/Lawanda   | 686-765 Fir Way                   | 077-383-39       |              |
| 07/29/09                  | Aubrey, Randall D/Valerie JDVA  | 686-795 Bamboo Way                | 077-393-23       |              |
| 10/06/08                  | Baer, Ronald L & Scott-Baer, Daleen E   | Juniper Way                       | 077-231-26       |              |
| 11/13/09                  | Bailey Trust ETAL   | Laurel Way                        | 077-234-10,22,07 |              |
| 12/08/08                  | Bailey, Irene   | 687-725 Hazel Way                 | 077-234-41       |              |
| 09/05/08                  | Baker, Joseph A. & Donna G.   | 686-905 Sycamore Way              | 077-402-14       |              |
| 02/12/08                  | Baker, Joseph A. & Donna G. JT.   | 686-905 Sycamore Way              | 077-402-23       |              |
| 05/09/08                  | Baker, Victor O./ Marguerite J.   | 687-010 Hollywod Way              | 077-363-18       |              |
| 03/31/08                  | Ballard, Richard H & Bobbie L   | 687-760 Laurel Way                | 077-233-56       |              |
| 02/19/10                  | Barker, Jeffrey   | Bamboo Way                        | 077-394-20       |              |
| 12/02/08                  | Barnes Family Trust Agreement   | 687-870 Juniper Way               | 077-232-33       |              |
| 06/02/08                  | Barnett Stephen R. & Joann W.   | 687-100 Bamboo Way                | 077-397-31       |              |
| 04/08/08                  | Barris, Patrick H/Gloria J.T.   | Walnut Way                        | 077-171-35       |              |
| 10/07/08                  | Barrows, Donald A/Barrows, Linda K TC   | 687-115 Cherry Way                | 077-388-23       |              |
| 08/12/08                  | Bateson, Clarence Owen/Susan Elizabeth  | 687-560 Fir Way                   | 077-292-09       |              |
| 08/05/08                  | Bechhold Family Trust   | The Strand/Hollywood Way          | 077-241-11       |              |
| 04/15/08                  | Beck Ronald N. & Gwen M JT.   | 686-840 Redwood Way               | 077-401-20       |              |
| 05/19/08                  | Beckett Family Living Trust   | 686-755 Catalpa Way               | 077-373-18       |              |
| 09/16/08                  | Beckett Family Living Trust   | 686-775 Catalpa Way               | 077-373-21       |              |
| 09/25/08                  | Beckett Family Living Trust   | 686-830 Catalpa Way               | 077-374-27       |              |
| 07/10/08                  | Beckman, Ronald G/Natalie J JT  | 687-100 Delwood Way               | 077-386-12       |              |
| 10/09/08                  | Belingeri Dennis D. & Stacy & Ziegler Paul M. JT.                                   | 688-090 Linden Way                | 077-223-24       |              |
| 06/12/09                  | Bell, Max K/Lynn D JT   | 686-755 Chestnut Way              | 077-371-08       |              |
| 06/18/08                  | Bemus Joseph M.& Susan C. CP.   | 686-855 Catalpa Way               | 077-373-20       |              |
| 10/14/08                  | Bennett, Thomas Lee/Bennett, Robin Rae  | 686-825 Sycamore Way              | 077-402-20       |              |
| 07/09/08                  | Bergthhold, Robert D/Terri HW   | 687-840 Almond Way                | 077-174-27       |              |
| 08/12/08                  | Betts, F Gregory/Doris B Family Trust   | Walnut Way                        | 077-161-22       |              |
| 08/27/09                  | Bilsborough, Craig/Linda JT   | 686-885 Fir Way                   | 077-383-35       |              |
| 07/17/09                  | Birkes Charles W. Marilyn   | 687-475 Juniper Way               | 077-322-04       |              |
| 05/18/09                  | Birlem, Richard/Salena JT   | 688-125 Juniper Way               | 077-221-17       |              |
| 12/22/09                  | Bishow, Raymond L.  | Hickory Way                       | 077-254-28       |              |
| 12/04/09                  | Bixby, William D/Ann R CPRS   | 687-825 Linden Way                | 077-232-41       |              |
| 03/27/08                  | Blackwell, Glenn R/Jeanette JR  | 687-130 Linden Way                | 077-342-16       |              |

**Attachment B**  
**Property Owners Connected to District Community Sewer System**

| <b>Date of Connection</b> | <b>Spalding Residents Connected to the District Disposal System: APPLICANT NAME</b> | <b>Service Address</b> | <b>APN#</b> | <b>Notes</b>   |
|---------------------------|---|------------------------|-------------|----------------|
| 10/29/08                  | Bloom, Kenneth D/Janis ETAL   | 687-285 Hickory        | 077-352-17  |                |
|                           | Bobbitt, Galen/Monique ETAL *   | 687-354 Juniper Way    | 077-354-24  | * Disconnected |
| 04/30/09                  | Boggs, Michael L/Christie Ann JT  | Laurel Way             | 077-224-26  |                |
| 06/11/08                  | Bollmann Richard M & Jacque A. JT.  | 686-835 Delwood Way    | 077-381-17  |                |
| 07/06/08                  | Boucher Family Trust  | 687-745 Tulip Way      | 077-194-42  |                |
| 07/21/08                  | Bowman, Joe E ETAL  | 687-740 Lakeview Dr.   | 077-274-31  |                |
| 09/18/08                  | Boyles, Valton  | 688-040 Manzanita Way  | 077-141-15  |                |
| 10/06/08                  | Brazil, Joseph Souza/Velma Lee Living Trust   | 687-675 Orchard Way    | 077-214-28  |                |
| 06/06/08                  | Brazil, Larry E   | 387-920 Hollywood Way  | 077-312-06  |                |
| 07/21/08                  | Bresin Family Revocable Living Trust  | Chinquepin Way         | 077-204-06  |                |
| 06/03/09                  | Brewster, George & Cheryl Family Trust  | Pinon/Sycamore         | 077-362-32  |                |
| 07/03/08                  | Bricker Living Trust  | 687-005 Catalpa Way    | 077-377-16  |                |
| 08/13/08                  | Bricker Living Trust  | 687-015 Catalpa Way    | 077-377-15  |                |
| 07/10/08                  | Briggs Living Trust   | 687-465 Hazel Way      | 077-324-32  |                |
| 05/13/08                  | Brines Family Trust   | 687-990 Almond Way     | 077-151-15  |                |
| 06/27/08                  | Brochon Martial Henry & Deillia Ann JT.   | Redwood Way            | 077-273-33  |                |
| 11/06/07                  | Brown, Robert G.  | 503-155 Mahogany Way   | 077-304-56  |                |
| 06/06/08                  | Bruce Family Trust  | 687-015 Ivy Way        | 077-353-28  |                |
| 06/26/09                  | Buechler, Vigil D Revocable Trust   | 68-805 Magnolia Way    | 077-216-04  |                |
| 07/28/08                  | Bullock, Arnold E/Bullock Viola J TR  | 687-995 Hemlock Way    | 077-242-24  |                |
| 12/01/09                  | Burkirk, Jeffery O/Margaret A JT  | Chestnut Way           | 077-371-06  |                |
| 03/04/08                  | Burleson, Vicki L   | 687-150 Hickory Way    | 077-353-23  |                |
| 04/08/08                  | Bush, Angelina L  | 687-020 Cedar Way      | 077-377-08  |                |
| 09/05/08                  | Bush, James, K/Debra M JT   | 688-120 Hemlock Way    | 077-243-09  |                |
| 06/05/09                  | Butler, Pamela Lynn   | Chestnut Way           | 077-376-17  |                |
| 04/12/10                  | Cady, Douglas & Lisa JT   | 687-630 Hazel Way      | 077-331-41  |                |
| 09/18/09                  | Cal, Family Living Trust  | Lakeview Dr.           | 077-362-36  |                |
| 02/15/08                  | Callison Living Trust   | Cedar Way              | 077-283-15  |                |
| 04/24/08                  | Campbell, Stuart B & Paula S  | 530-225 The Strand     | 077-241-26  |                |
| 07/10/09                  | Caron, Jean A. & Yvonne N. HWCP   | 687-590 Sycamore Way   | 077-311-40  |                |
| 06/25/08                  | Carrell, Robert G & Melcena Family Trust Etal                                       | 687-305 Spalding RD.   | 077-303-37  |                |
| 11/13/09                  | Carver, Kenneth/Strongman, Linda  | 687-205 Hazel Way      | 077-324-50  |                |
| 08/22/09                  | Castaneda, David & Donna JT   | 686-720 Delwood Way    | 077-382-09  |                |
| 08/21/09                  | Chan Family Trust   | 684-745 Orchard Way    | 077-214-18  |                |
| 01/15/10                  | Chandler, Diane   | 687-600 Redwood Way    | 077-303-27  |                |
| 10/25/07                  | Chappel, Sherry   | 687-875 Linden Way     | 077-232-31  |                |
| 05/01/08                  | Chatterley, Robert E & Bertha A. JT   | 687-320 Hazel Way      | 077-331-52  |                |
| 09/23/09                  | Cheng, Rovina Y   | 687-290 Juniper Way    | 077-322-12  |                |
| 07/06/11                  | Chuck, Mitchell/EKT Properties  | 687-995 Redwood Way    | 077-262-13  |                |
| 05/28/08                  | Clark, Donald L/Gina M JT   | 687-805 Sycamore Way   | 077-274-30  |                |
| 02/17/10                  | Clark, Mark L & Reatha Pauline JT   | Tamarack Way           | 077-173-35  |                |
| 08/20/09                  | Clark, William Jacob  | Tulip Way              | 077-161-18  |                |
| 04/10/08                  | Clayton, Robert James   | 687-015 Redwood Way    | 077-378-22  |                |
| 09/08/08                  | Claytor, Ronald/Kathryn TC  | 688-000 Lakeview Dr.   | 077-264-19  |                |
| 08/25/08                  | Clough Family Tr.   | 682-920 Juniper Way    | 077-232-44  |                |
| 01/29/09                  | Clowers, Herbert F ETAL   | Larch Way/The Strand   | 077-132-18  |                |
| 08/31/09                  | Coffey, Kenneth W/Dorothy J   | 686-850 Delwood Way    | 077-382-13  |                |
| 03/26/08                  | Coleman, Stephanie M ETAL   | 687-795 Chinquepin Way | 077-213-05  |                |
| 09/22/08                  | Colgan Family Trust   | Sycamore Way           | 077-363-19  |                |
| 07/11/11                  | Contreras, Robert SR. & Cyndi L.JT.   | Juniper Way            | 077-232-42  |                |
| 12/12/07                  | Cook Family Trust   | 688-085 Hickory Way    | 077-243-23  |                |
| 12/09/08                  | Cook, Richard W JR/Donna J CPS  | Hickory Way            | 077-244-23  |                |
| 12/31/07                  | Corey, Clifford & Jeanne CPRS   | 687-440 Hemlock Way    | 077-313-18  |                |
| 09/11/08                  | Councilman Family Trust   | Hollywood Way          | 077-252-25  |                |
| 06/25/10                  | Crete, Joseph C & Terri JT  | Acorn Way              | 077-393-14  |                |
| 08/16/08                  | Crowe, Paul L. & Arlene M. TR   | 687-890 Ivy way        | 077-231-32  |                |

**Attachment B**  
**Property Owners Connected to District Community Sewer System**

| <b>Date of Connection</b> | <b>Spalding Residents Connected to the District Disposal System: APPLICANT NAME</b> | <b>Service Address</b> | <b>APN#</b> | <b>Notes</b> |
|---------------------------|---|------------------------|-------------|--------------|
| 08/26/08                  | Culjis, Lana S  | 686-975 Chestnut Way   | 077-375-19  |              |
| 09/21/09                  | Cunnington, Roger   | Walnut Way             | 077-171-36  |              |
| 08/17/09                  | Cunnington, Roger ETAL  | Hazel Way              | 077-331-40  |              |
| 03/24/08                  | Cunnington, Ronald & Lloy CP  | 688-085 Tulip Way      | 077-184-19  |              |
| 06/11/08                  | Curley, Richard D/Judith A CP   | 686-785 Cypress Way    | 077-394-11  |              |
| 06/18/08                  | Curran, David M. & Carol L. JT  | 688-060 Hemlock Way    | 077-243-22  |              |
| 04/20/09                  | Curry, Richard A/Michelle J   | 503-400 Madrone Way    | 077-374-23  |              |
| 04/20/09                  | Curry, Richard A/Michelle J   | Fir Way                | 077-383-37  |              |
| 12/06/07                  | Dallimore, Rosaline & Richard P. WHCP   | 688-025 Mimosa Way     | 077-142-19  |              |
| 04/18/08                  | Davey Roland A & Rose Marie   | 689-110 Spalding Rd.   | 077-362-38  |              |
| 07/16/09                  | Davis, G L or J A   | 688/145 Laurel Way     | 077-223-27  |              |
| 08/03/09                  | Davis, G L/J A Rev Liv TR   | Tulip Way              | 077-171-27  |              |
| 10/07/09                  | Davis, Patricia Candis  | Laurel Way             | 077-223-23  |              |
| 06/30/11                  | Davis, Robert & Annitta JT  | 687-770 Hollywood Way  | 077-252-04  |              |
| 05/15/09                  | Dawson, Gray/Julie CPRS   | 688-000 Tulip Way      | 077-161-03  |              |
| 02/28/08                  | Deaver, Howard R/Brown Carol S JT   | 687-280 Magnolia Way   | 077-334-01  |              |
| 07/01/08                  | Degli-Esposti, Robert F & Deanna J Fam Rev Liv                                      | 687-800 Hickory Way    | 077-254-26  |              |
| 04/20/09                  | Dempsey, Tom  | 387-760 Walnut Way     | 077-172-23  |              |
| 12/13/07                  | Denny Leland J & Santos, Linda Ann JT   | 687-710 hemlock Way    | 077-253-34  |              |
| 04/15/09                  | Denny, Lowell G & Denny, Christian P. JT  | 687-635 Hazel Way      | 077-324-46  |              |
| 05/21/08                  | Dettloff, Susan E & Michael D CP  | 687-010 Cedar Way      | 077-377-11  |              |
| 05/14/08                  | Devine, Robert William/Doreen Anne HWJT   | Hollywood/Madrone      | 077-411-20  |              |
| 04/18/08                  | Diefenderfer Family Trust   | Lilac Way              | 077-153-21  |              |
| 06/11/09                  | Dietrich, Bonnie K  | 520-687 Sycamore Way   | 077-311-06  |              |
| 06/19/08                  | Dingess, Terry L/Ernestine S JT   | 687-0145 Hickory Way   | 077-352-30  |              |
| 04/14/08                  | DiPonti, Robert & Dolores M PMB 166 Suite 7   | 687-580 Maple Way      | 077-332-56  |              |
| 05/20/09                  | Dittmar, Donald D/Carolyn Y   | 687-775 Maple Way      | 077-211-17  |              |
| 10/09/08                  | Doll Revocable Inter Vivos TR   | Spalding/Pinion        | 077-362-33  |              |
| 08/27/08                  | Donnell, Avis C Living Trust  | 687-560 Ivy Way        | 077-231-35  |              |
| 05/01/08                  | Doss, L.A./Linda JT   | 688-000 Hickory Way    | 077-244-32  |              |
| 09/19/08                  | Doty, Dennis W & Flynn-Doty, Diana HW   | 687-155 Hickory Way    | 077-353-24  |              |
| 11/02/07                  | Dowdy, Russell  | Cedar Way              | 077-271-18  |              |
| 09/15/08                  | Dreiss Family Trust   | 687-105 Fir Way        | 077-387-10  |              |
| 06/02/08                  | Drew, James E/Henderson, Karen  | 688-090 Oak Way        | 077-132-20  |              |
| 08/03/08                  | Driggs Family Trust   | Acorn Way              | 077-395-26  |              |
| 07/02/08                  | Duchi, Angelo A. & S. Ronda   | Hazel Way/The Strand   | 077-224-27  |              |
| 08/13/08                  | Dunlap Angela K & Walsmith George JA  | 687-880 Hazel Way      | 077-215-11  |              |
| 11/19/07                  | Eagle Lake Community Church   | 687-905 Lakeview Dr.   | 077-273-41  |              |
| 07/01/09                  | Eakin, Janice L   | 686-730 Hickory Way    | 077-413-15  |              |
| 06/12/09                  | Ehn, Charles M & Mayme A.   | 688-085 Hemlock way    | 077-242-12  |              |
| 09/12/08                  | Eldred Family Trust   | 686-925 Acacia Way     | 077-391-19  |              |
| 08/01/08                  | Ellasces, Frank K Sr/Michell D Vaughn JT ETAL                                       | Cedar Way              | 077-373-23  |              |
| 06/04/08                  | Elvin, Henry J/Mary M TR  | Bamboo Way             | 077-394-17  |              |
| 07/16/08                  | Erlewine, Edward F & Mary I 1992 Rev Family   | 688-090 Redwood Way    | 077-263-14  |              |
| 10/16/08                  | Estes, Kenneth P/Mary L JT  | Magnolia Way           | 077-216-10  |              |
| 10/24/07                  | Evans, Ronald R & Janet L. JT   | 687-750 Hickory Way    | 077-254-32  |              |
| 03/14/08                  | Fagundes, John P/Laurie M   | 503-555 Madrone        | 077-381-13  |              |
| 11/27/07                  | Fahringer, Pearline   | 687-945 Tulip Way      | 077-194-44  |              |
| 07/03/09                  | Farley, Fred E  | 687-010 Delwood Way    | 077-386-19  |              |
| 09/11/08                  | Farmer, Jerrel H. & Farmer, Maude M Rev.  | 686-125 Delwood Way    | 077-381-07  |              |
| 10/14/08                  | Farris Family Trust 1998 Rev. TR  | Bamboo Way             | 077-397-28  |              |
| 10/27/08                  | Farris, Gloria C.   | Cherry Way             | 077-282-09  |              |
| 07/01/08                  | Fauvelle, Mark D.   | 686-850 Cedar Way      | 077-373-19  |              |
| 07/13/09                  | Feist, Robert J   | Hickory Way            | 077-253-36  |              |
| 08/07/09                  | Feist, Robert J   | 687-915 Laurel Way     | 077-233-38  |              |

**Attachment B**  
**Property Owners Connected to District Community Sewer System**

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|---------------------------|---|------------------------|-------------|--------------|
| 06/11/09                  | Fenner, Theodore R/Anita B JT   | Sycamore               | 077-264-17  |              |
| 07/18/08                  | Ferrier, William T/Laurette K JT  | 687-990 Ivy Way        | 077-221-18  |              |
| 12/19/07                  | Field, Shirley L Family Trust   | Acorn Way              | 077-396-18  |              |
| 04/09/08                  | Field, Shirley L Family Trust   | Acorn Way              | 077-396-17  |              |
| 03/05/08                  | Fies, William J JR. Trust Agreement   | Hickory Way            | 077-244-30  |              |
| 03/24/08                  | Fischer, Charles B. & Janet A. Trust  | Tulip Way              | 077-194-29  |              |
| 04/23/09                  | Fiske, Willard A/Deanna M   | Catalpa Way/The Strand | 077-262-07  |              |
| 05/02/08                  | Flandreau, Claude-Anne 2005 TR  | 687-245 Sycamore Way   | 077-362-35  |              |
| 06/06/08                  | Flannagan, James S. TR  | 686-925 Madrone Way    | 077-351-23  |              |
| 11/14/07                  | Fortier, Gerald & Tracy JT  | 687-900 Tamarack Way   | 077-174-18  |              |
| 04/07/10                  | Foulk, Benjamin L   | Linden Way             | 077-222-21  |              |
| 10/03/08                  | Fredenburg, Kenneth D   | 687-800 Hazel Way      | 077-211-15  |              |
| 10/26/07                  | Frey, Heinz Robert & Lieselotte JT  | 688-040 Lakeview Dr    | 077-264-07  |              |
| 08/28/09                  | Gaines, Theodore 1996 Trust   | The Strand             | 077-221-06  |              |
| 11/26/07                  | Gallagher Family TR   | 687-980 Linden Way     | 077-223-28  |              |
| 10/25/07                  | Garcia Family Trust   | 686-995 Chestnut       | 077-375-10  |              |
| 05/26/09                  | Garcia, Larry Michael Sherre A HWJT   | 688-035 Hollywood Way  | 077-241-23  |              |
| 05/26/09                  | Garcia, Larry Michael/Sherre A  | Hollywood Way          | 077-241-24  |              |
| 10/02/09                  | Gardner, Jane E   | 688-100 Linden Way     | 077-223-25  |              |
| 12/11/07                  | Garland, John M.& Regina K. JT  | 687-820 Ivy Way        | 077-231-27  |              |
| 08/05/09                  | Gates, Donald F/Charlene  | Chestnut/Cherry        | 077-293-12  |              |
| 11/13/09                  | Geer, Glen  | Laurel Way             | 077-233-53  |              |
| 05/27/09                  | George, Byron W/Beverly A   | Sycamore Way           | 077-251-46  |              |
| 11/02/07                  | Glenden, Jack Terrence/Helen Lathe Family Trust                                     | 687-600 Cedar Way      | 077-301-19  |              |
| 04/24/08                  | Glenn, James H. Irrevocable Trust   | 687-960 Sycamore       | 077-241-22  |              |
| 05/07/08                  | Glenn, Leon H.  | 688-030 Sycamore Way   | 077-241-25  |              |
| 09/09/11                  | Goddard, Philip W   | 687-950 Cedar Way      | 077-261-08  |              |
| 04/07/08                  | Godde, Lawrence A. & Godde, Geraldine D   | Lakeview Dr.           | 077-273-39  |              |
| 09/12/08                  | Golden Gary/Erma E Trust  | 686-125 Almond Way     | 077-164-20  |              |
| 04/21/08                  | Gomez, Joe I & Olivia ETAL  | 687-315 Hazel Way      | 077-324-47  |              |
| 05/08/09                  | Goodenow, Rev Robert/Susan Mae CPRS   | Juniper Way            | 077-221-24  |              |
| 05/01/09                  | Goodwin, Stephen D/Susan E JT   | 686-975 Spalding Rd    | 077-361-27  |              |
| 04/21/08                  | Goyette,Vern & Porrasi, Cecilia TC  | 077-232-23 Linden Way  | 077-232-23  |              |
| 05/14/08                  | Grajczyk, Gary R. & E. Louise   | 687-320 Hollywood Way  | 077-312-26  |              |
| 04/27/09                  | Graton, Diane Alan/Kari Michelle  | 687-305 Laurel Way     | 077-323-33  |              |
| 06/09/08                  | Gregorius, Benedict & Sheila Francine JT  | 687-985 Chinquepin Way | 077-217-10  |              |
| 05/09/08                  | Grout, George/Zona JT   | 688-105 Hazel Way      | 077-224-11  |              |
| 05/28/08                  | Haddox, Caroline ETAL   | 687-740 Walnut Way     | 077-172-25  |              |
| 06/03/08                  | Hague Donald & Edith E HW/Hague, Montana May  | 686-810 Acorn Way      | 077-393-25  |              |
| 11/12/09                  | Haines, Cidne J. ETAL   | Hemlock Way            | 077-351-03  |              |
| 09/05/08                  | Hallas, Charles/Rosalie Living Trust  | 688-125 Hickory Way    | 077-243-24  |              |
| 07/16/08                  | Harper Family Trust   | Chestnut Way           | 077-371-10  |              |
| 11/21/07                  | Harrison, Richard K/Julie A   | Linden Way             | 077-233-46  |              |
| 08/26/08                  | Harvey Family Trust   | 687-930 Hazel Way      | 077-215-12  |              |
| 04/25/09                  | Hasty, Clarence/Virginia Revoc Liv Tr   | 687-775 Orchard Way    | 077-214-29  |              |
| 08/23/11                  | Hasty, Clarence/Virginia Revoc Liv Tr   | Laurel/Palm            | 077-344-15  |              |
| 04/29/08                  | Healy,Thomas &Delores Etal %Robert, OB  | 687-640 Linden Way     | 077-323-36  |              |
| 06/18/08                  | Helmer, Nason James/Gail Ann Rev TR   | 686-800 Chestnut Way   | 077-372-20  |              |
| 03/18/08                  | Hembree , Stephanie L   | Maple Way              | 077-212-15  |              |
| 08/28/08                  | Henrickson, Joseph G III/Marilyn HWJT   | 687-025 Spalding Rd.   | 077-361-19  |              |
| 08/20/08                  | Henrickson, Joseph G III/Marilyn JT   | 503-475 Madrone Way    | 077-373-13  |              |
| 05/02/08                  | Henson John E & Evelyn A Trust  | 503-150 Pinion Way     | 077-304-52  |              |
| 10/25/07                  | Herfi, David Lee & Cynthia Louise JT  | Lakeview Dr.           | 077-274-20  |              |
| 04/20/09                  | Heritage Land Co  | Redwood Way            | 077-262-18  |              |

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|---------------------------|---|----------------------------|------------------|--------------|
| 07/22/09                  | Heritage Land Co  | Elm Way                    | 077-383-20       |              |
| 07/23/09                  | Heritage Land Co  | Elm Way                    | 077-383-31       |              |
| 08/12/09                  | Heritage Land Co  | 686-920 Spalding Rd.       | 077-362-28       |              |
| 04/21/10                  | Heritage Land Co  | Acacia Way                 | 077-392-19       |              |
| 04/22/08                  | Herrbach, Clarence E/Herrbach, Rae B  | 686-760 Sycamore Way       | 077-403-20       |              |
| 08/21/09                  | Herrick Family Trust  | 687-595 Hazel Way          | 077-324-45       |              |
| 04/09/08                  | Hiehle, Dustin L & Georgia JT   | 687-005 Cedar Way          | 077-376-24       |              |
| 05/27/09                  | Hindbaugh, Ronald P.Earline M JT  | 687-945 Sycamore Way       | 077-274-18       |              |
| 05/28/09                  | Hindbaugh, Ronald P.Earline M JT  | 687-900 Sycamore Way       | 077-251-34       |              |
| 06/01/09                  | Hindbaugh, Ronald P.Earline M JT  | 687-490 Sycamore Way       | 077-311-41       |              |
| 09/26/08                  | Hindersheid, Dave/Cecelia   | 687-755 Juniper Way        | 077-231-23       |              |
| 07/28/08                  | Holland, Paul Reginald/Flor Rev Liv Trust   | Strand/Willow/Walnut       | 077-162-05,06,07 |              |
| 04/02/08                  | Hopwood, Kenneth/Jayne H ETAL All AS JT   | 686-950 Sycamore Way       | 077-363-15       |              |
| 04/07/08                  | Hosking Robert R/Margaret   | 687-040 Cedar Way          | 077-377-09       |              |
| 05/15/08                  | House, David J/Chrisandra M CPS   | 687-765 Orchard Way        | 077-214-17       |              |
| 10/01/08                  | House, James/Diana JT(Vista Reverse 8 LLC)  | 688-045 Redwood Way        | 077-262-14       |              |
| 06/04/09                  | House, Jesse P/Dolores M House TR   | Hollywood/Madrone/Sycamore | 077-363-29       |              |
| 08/21/08                  | Howes James W. & Elizabeth  | 687-670 Catalpa Way        | 077-272-01       |              |
| 06/03/08                  | Hunter, John L & Dorothy A JT   | 687-505 Hollywood Way      | 077-311-37       |              |
| 04/09/08                  | Illia Family Trust  | 687-300 Sycamore           | 077-311-23       |              |
| 06/25/08                  | Ito, Douglas Y ETAL   | Hickory Way                | 077-353-27       |              |
| 04/14/08                  | Jackson Family Trust  | 686-920 Redwood Way        | 007-401-05       |              |
| 09/23/08                  | James Timothy & Louise JT.  | 687-065 Acorn Way          | 077-395-16       |              |
| 03/31/08                  | James, Daniel L. & Diane L. JT  | 687-350 Hazel Way          | 077-331-43       |              |
| 10/19/11                  | Jamison, Dwight M & Carol L   | 687-780 Orchard Way        | 077-191-29       |              |
| 09/29/08                  | Jarvis Family Trust   | 686-760 Chestnut Way       | 077-372-19       |              |
| 10/22/09                  | Jeffrey, James  | 686-990 Catalpa Way        | 077-378-24       |              |
| 05/28/09                  | Jennings, Robert H/Pamela A   | Hazel Way                  | 077-224-23       |              |
| 06/09/08                  | Jessop, Merl & Sondra L. Etal   | Chinquepin Way             | 077-214-23       |              |
| 06/09/08                  | Jessop, Merl & Sondra L. Etal   | Chinquepin Way             | 077-214-26       |              |
| 06/09/08                  | Jessop, Merl K & Sondra L. JT.  | Chinquepin Way             | 077-214-15       |              |
| 06/02/08                  | Johnson, John E. & Darlene M.   | 687-815 Hazel Way          | 077-234-40       |              |
| 09/18/09                  | Johnston Family Trust ETAL  | 687-045 Hickory Way        | 077-352-19       |              |
| 06/18/08                  | Jones, James E.   | 876-715 Hollywood Way      | 077-251-20       |              |
| 04/24/08                  | Jones, Jerry Lee/Marsha S Fam TR  | 687-995 Sycamore Way       | 077-264-18       |              |
| 11/06/07                  | Jordon Norbert & Ruth E JT  | 687-705 Spruce Way         | 077-193-19       |              |
| 05/01/09                  | K C Investments   | 686-945 Cedar Way          | 077-376-22       |              |
| 08/25/08                  | Kaiser , Bruce & Voorheis , Thelma JT   | Hollywood Way              | 077-242-18       |              |
| 05/09/08                  | Keehn, Thomas J (Monroe new owner)  | 687-110 Tulip Way          | 077-184-20       |              |
| 06/19/08                  | Keller, Nelda Ray Revocable Living Trust  | 687-585 Hollywood Way      | 007-311-44       |              |
| 06/06/08                  | Kelly , Paul D. & Deborah K. JT.  | Laurel Way                 | 007-234-39       |              |
| 08/21/09                  | Kelly Family Trust  | Ridge Way                  | 077-151-24       |              |
| 06/02/08                  | Kerr Living Trust   | 686-800 Bamboo Way         | 077-394-16       |              |
| 06/26/09                  | Killingsworth, Gregory J/Lynn M JT  | 688-005 Lilac Way          | 077-152-19       |              |
| 02/26/08                  | Kimbal ,Dana S & Quilici, Janet K. JT   | 687-000 Acorn Way          | 077-396-08       |              |
| 11/02/07                  | Kimura, Roy Michio & Kimura, Anne Tr.   | 687-608 Ivy Way            | 077-231-31       |              |
| 04/15/08                  | Kinder, Stanley K   | Linden Way                 | 077-222-20       |              |
| 06/23/08                  | King, Douglas G/Taura D   | Willow Way                 | 077-162-14       |              |
| 09/05/08                  | King, Douglas G/Taura D   | Hollywood Way              | 077-251-42       |              |
| 08/15/08                  | King, Robert  | 686-835 Hollywood Way      | 077-403-18       |              |
| 12/03/09                  | Kish, Leonore M.  | Chinquepin Way             | 077-204-15       |              |
| 06/18/08                  | Kneeland, Paul J  | 686-990 Hickory Way        | 077-353-11       |              |
| 07/03/09                  | Knifong Lester D. & Lodellee Revocable Living Trust                                 | 687-155 Hickory Way        | 077-352-31       |              |
| 09/17/08                  | Koch Living Trust   | 687-280 Hickory Way        | 077-353-20       |              |
| 10/21/09                  | Koch, Linda C Revo Live TR  | Chestnut Way               | 077-283-16       |              |

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|---------------------------|---|------------------------|-------------|--------------|
| 06/02/08                  | Koehly, Joseph & Mercedes   | 687-240 Laurel Way     | 077-344-14  |              |
| 04/24/08                  | Kolbet, Richard N/Knapp Lucille   | 687-855 Catalpa Way    | 077-271-23  |              |
| 09/12/08                  | Kottke Family Trust   | 687-950 Catalpa Way    | 077-272-42  |              |
| 05/01/08                  | Krupp Family Revocable Trust  | 687-710 Sycamore       | 077-251-39  |              |
| 10/23/07                  | Kvidera, Michael C. & Marilyn Living Trust  | 686-985 Redwood Way    | 077-378-23  |              |
| 12/17/09                  | Larimore, Harry A/Beatrice A JT   | 686-915 Cypress Way    | 077-397-33  |              |
| 04/04/08                  | Larson Larry Lee/Hazel M CP   | 687-975 Sycamore Way   | 077-362-30  |              |
| 07/28/09                  | Lashmet, Harry T  | 688-040 Laurel Way     | 077-224-25  |              |
| 07/29/09                  | Lashmet, Harry T  | Laurel Way             | 077-224-24  |              |
| 11/01/07                  | Lavarias , Jim B. & Vera A. CP  | 688-020 Juniper Way    | 077-222-17  |              |
| 05/01/09                  | Lawrence, John Paul/Lee Davis McGlenn   | Elm Way                | 077-387-18  |              |
| 09/09/08                  | Lawson Family 1997 Trust  | Linden Way             | 077-323-40  |              |
| 11/29/07                  | Lay Gene W. & Merle A. CRPS   | Acorn Way              | 077-393-17  |              |
| 06/03/08                  | Lay Gene W. & Merle A. JT   | 686-875 Acacia Way     | 077-391-17  |              |
| 11/05/10                  | Lee, Irwin/Riva   | 687-875 Willow Way     | 077-172-24  |              |
| 08/08/08                  | Lemon , Earl L. & Evelyn L. Trust   | 688-040 Hollywood Way  | 077-242-25  |              |
| 08/04/08                  | Lemon Grant L. & Kenny, Lenore M HW   | 687-960 Hemlock Way    | 077-243-26  |              |
| 04/22/09                  | Leonard, William R Jr/Cynthia A HWJT  | 688-160 Juniper Way    | 077-222-13  |              |
| 07/04/08                  | Leonard, William R/Cynthia A JT   | 686-955 Spalding Rd.   | 077-361-24  |              |
| 08/07/09                  | Leonard, William R/Cynthia A JT   | 687-245 Linden Way     | 077-342-11  |              |
| 06/23/08                  | Leonhardt, Larry/Priscilla CPRS   | 68-730 Chestnut Way    | 077-372-18  |              |
| 04/16/09                  | LeRoy, Doreene  | 687-630 Maple Way      | 077-332-45  |              |
| 04/20/09                  | LeRoy, John David   | 686-925 Spalding Rd.   | 077-401-04  |              |
| 09/08/11                  | Lewis, William Joe & Lewis, David Gene  | Poplar/Palmetto        | 077-192-29  |              |
| 05/28/08                  | Liggett, Raymond E  | 686-885 Bamboo Way     | 077-393-21  |              |
| 12/28/11                  | Lindenberg Living Trust   | 687-710 Linden Way     | 077-233-54  |              |
| 04/09/08                  | Long Lloyd E. & Inez M & David & Susan JT   | Hollywood Way          | 077-241-19  |              |
| 05/28/08                  | Longe Gary, Alan & Virginia Jt  | 687-740 Catalpa Way    | 077-272-25  |              |
| 06/26/09                  | Loy, Regina M-Original Dt of hook-up - 9/08   | 687-730 Catalpa Way    | 077-272-41  |              |
| 09/18/08                  | Luchetti 2002 Family Trust  | 686-825 Catalpa Way    | 077-373-11  |              |
| 09/09/08                  | Lunardi, Joseph I/Doris R Rev Int Sur TR  | 686-950 Fir Way        | 077-388-15  |              |
| 07/16/08                  | Machado Manual R. Rose M JT   | 688-050 Redwood Way    | 077-263-09  |              |
| 10/08/09                  | Macias, Raymond/Marjorie A  | 687-910 Walnut Way     | 077-172-16  |              |
| 06/18/08                  | MacKay, William E/Terry E   | Hemlock Way            | 077-252-26  |              |
| 11/11/08                  | Madden, Roy P/Dannette A JT   | 686-725 Elm Way        | 077-382-07  |              |
| 06/06/08                  | Magioncalda Frank Etal  | 687-665 Hemlock Way    | 077-252-29  |              |
| 04/29/09                  | Marcillac, George E 2005 TR   | Tulip Way              | 077-194-12  |              |
| 12/11/07                  | Marlatt Daniel & Mardel JT.   | Hazel Way              | 077-234-13  |              |
| 07/06/08                  | Marquis, Trina J/Sheldon, Brian K JT  | 687-905 Catalpa Way    | 077-271-22  |              |
| 08/20/10                  | Martinelli, Mike/Paula & Schmitt Family Trust                                       | Tamarack Way           | 077-173-16  |              |
| 06/26/09                  | Martinus, Paul W Family Trust ETAL  | Hemlock Way            | 077-253-24  |              |
| 11/29/07                  | Marzorini Ray E. Tanya L  | 687-805 Maple Way      | 077-215-09  |              |
| 08/12/08                  | Marzorini Ray E. Tanya L  | 687-788 Ivy Way        | 077-231-34  |              |
| 06/25/08                  | Marzorini, Ray E & Tanya CP   | 687-840 Spruce Way     | 077-194-28  |              |
| 06/13/11                  | Masterson Family Trust ETAL   | 687-740 Tamarack Way   | 077-173-30  |              |
| 08/17/09                  | Matassa Family Trust  | Cherry Way             | 077-371-12  |              |
| 09/16/09                  | Matthias, Paul L/Donna JT   | Walnut Way             | 277-161-20  |              |
| 04/07/08                  | McCabe William H. Danny TC  | Sycamore Way           | 077-362-11  |              |
| 08/27/08                  | McDaniel, Harvey & Gloria Family Trust  | 687-810 Juniper Way    | 077-232-27  |              |
| 10/09/08                  | McEachern, James A/Carol M  | Bamboo Way             | 077-396-11  |              |
| 05/21/09                  | McGrew, William/Esther  | Lakeview Dr.           | 077-304-63  |              |
| 08/14/09                  | McKean, Robert E  | 686-880 Cypress Way    | 077-381-20  |              |
| 05/21/08                  | Mckenzie, Ralph & Laura B JT  | Acacia Way             | 077-392-17  |              |
| 09/22/09                  | McMillen, Tanya L/Jerry L   | 687-785 Ivy Way        | 077-254-29  |              |
| 07/20/09                  | McNamara, Kenneth J Sr/Diane M JT   | 687-270 Ivy Way        | 077-321-11  |              |
| 08/06/09                  | Medlyn, Robert/Julie  | 687-655 Chestnut Ave   | 077-293-13  |              |

**Attachment B**  
**Property Owners Connected to District Community Sewer System**

| <b>Date of Connection</b> | <b>Spalding Residents Connected to the District Disposal System: APPLICANT NAME</b> | <b>Service Address</b> | <b>APN#</b> | <b>Notes</b> |
|---------------------------|---|------------------------|-------------|--------------|
| 07/11/08                  | Mellor, Brian S/Linda K JT  | 687-695 Orchard Way    | 077-214-27  |              |
| 05/10/10                  | Menard, Carole  | 687-635 Hollywood Way  | 077-311-12  |              |
| 12/12/07                  | Mendes Jonnie. Jr. & Birtie   | 687-660 Hemlock Way    | 077-253-20  |              |
| 06/06/08                  | Menzies Richard L & Charlene J.   | 686-835 Sycamore Way   | 077-402-17  |              |
| 04/17/08                  | Merkel Family Trust   | 687-615 Maple Way      | 077-331-49  |              |
| 10/08/08                  | Merrill Family Bypass Trust   | Linden Way             | 077-233-31  |              |
| 04/10/10                  | Merritt, Robert L & Joan L (Travis)   | Cypress Way            | 077-394-15  |              |
| 09/05/08                  | Michel Robert H.  | 686-895 Acorn Way      | 077-392-16  |              |
| 04/24/08                  | Middendorf, Thomas M/Mary E   | 687-829 Catalpa Way    | 077-271-24  |              |
| 11/19/08                  | Miller 2001 Revocable Trust   | 687-910 Tulip Way      | 077-171-32  |              |
| 11/19/08                  | Miller Family 2001 Rev Trust  | 687-890 Tulip Way      | 077-171-33  |              |
| 11/08/07                  | Miller, Arnold D. & Geraldine   | 687-500 Spalding Rd.   | 077-304-60  |              |
| 05/07/08                  | Miller, Michael H/Sue JT (New Owner Ruden)  | 687-070 Hollywood Way  | 077-363-23  |              |
| 08/08/08                  | Milliken, Ronald J/Zelma Mae Family Trust   | 688-110 Hollywood Way  | 077-242-10  |              |
| 10/23/07                  | Mingham Brain & Jane Family Trust   | 687-840 Tamarack Way   | 077-174-06  |              |
| 05/01/08                  | Mingham Family Trust  | 687-850 Willow Way     | 077-173-36  |              |
| 05/07/08                  | Mingham Family Trust  | 687-800 Willow Way     | 077-173-25  |              |
| 08/06/09                  | Mircetich, John/Jane JT   | 687-865 Laurel Way     | 077-233-55  |              |
| 07/30/08                  | Monahan, Daniel D   | 687-100 Hemlock Way    | 077-352-22  |              |
| 02/28/08                  | Montgomery Chester G & Lawanda J Jt   | 688-040 Hemlock Way    | 077-243-25  |              |
| 05/07/08                  | Montgomery David Mary R JT  | 687-120 Hollywood Way  | 077-351-24  |              |
| 10/23/07                  | Monticelli John F. Jeannie Mar  | 687-105 Acacia Way     | 077-391-04  |              |
| 08/28/08                  | Moore, Robert E. Flossie F.   | 687-800 Juniper Way    | 077-232-29  |              |
| 10/25/07                  | Morales, Lloyd  | 686-735 Acacia Way     | 077-391-13  |              |
| 06/09/08                  | Moreno, Ruben L   | 687-605 Magnolia way   | 077-332-48  |              |
| 05/13/08                  | Morgan Frances Pearl & Robert L Jt.   | 687-950 Spruce Way     | 077-194-43  |              |
| 07/23/08                  | Morris, Norman R. & Verna J CP.   | 687-915 Hazel Hay      | 077-234-42  |              |
| 06/27/08                  | Morrow, John C/S Delphine   | 686-860 Catalpa Way    | 077-374-22  |              |
| 03/17/08                  | Muller France F. & Nellie JT  | 687-400 Sycamore Way   | 077-311-30  |              |
| 05/07/10                  | Muller, Thomas J & Roberta L  | Cypress Way            | 077-381-16  |              |
| 10/30/09                  | Muse, Frank/Kathie  | The Strand/Spruce      | 077-184-25  |              |
| 07/28/08                  | Narramore, Gregory W/Joanne A JT  | 686-975 Hollywood Way  | 077-363-27  |              |
| 09/30/09                  | Neely, Tom Becky/Neely, Darin/Yvette  | Sycamore Way           | 077-304-57  |              |
| 05/09/08                  | Neil Gerald L. & Janet JT   | 687-675 Chinquapin Way | 077-213-14  |              |
| 07/08/09                  | Neil, Gerald E/Janet E JT   | Olive Way              | 077-134-02  |              |
| 05/05/10                  | Neil, Gerald E/Janet E JT   | The Strand/Oak Way     | 077-132-21  |              |
| 08/07/09                  | Neil, Gerald E/Janet E JT (New Owner Keehn)   | Maple Way              | 077-212-16  |              |
| 10/07/08                  | Neil, Gerald E/Janet E JT (New Owner Schmidt)                                       | Catalpa Way            | 077-261-11  |              |
| 07/10/09                  | Nelson, John A/ Nancy L Revoc & Nelson Family 2002                                  | Hollywood Way          | 077-251-27  |              |
| 11/26/07                  | Nelson, Kenneth A/Rhonda L J.T.   | 687-835 Cedar Way      | 077-283-18  |              |
| 06/18/09                  | Neville Donald O. & Jeanette C. 1994 Trust  | 688-065 Laurel Way     | 077-223-26  |              |
| 11/26/07                  | Newman, James Edgar/Newman, James Bruce   | 687-480 Spalding Rd.   | 077-304-61  |              |
| 11/30/07                  | Niles Family Trust %Niles, Ralph & Rita   | Tamarack Way           | 077-164-16  |              |
| 08/12/08                  | Norris Family Trust % Norris Betty E. Trust   | Hemlock Way            | 077-253-25  |              |
| 04/21/08                  | Novey, Joanne M/Lisa Marie JT   | 688-100 Oak Way        | 077-131-16  |              |
| 07/02/08                  | Noxon, Timothy E/Maribeth   | 687-835 Redwood Way    | 077-272-22  |              |
| 05/14/08                  | Nunes Family Trust  | Hollywood Way          | 077-312-22  |              |
| 10/15/07                  | Odle, Curtis I/Denise C   | 687-550 Hollywood Way  | 077-312-33  |              |
| 06/24/08                  | Oliver Jerald A   | Sycamore Way           | 077-403-15  |              |
| 05/10/10                  | Oliver, Jeffery W/Lena  | Hemlock Way            | 077-411-18  |              |
| 06/01/10                  | Oliver, Jeffrey W & Lena D JT   | Hemlock Way            | 077-411-19  |              |
| 08/21/08                  | Oliver, Phillip H & Ilean C. & James R. & Col.                                      | Redwood Way            | 077-303-29  |              |
| 08/25/08                  | Olson Family Trust  | 687-905 Redwood Way    | 077-272-38  |              |
| 10/31/07                  | Osborn, Daniel D/Suzanne M  | 503-220 Mahogany Way   | 077-273-22  |              |
| 07/28/08                  | Panart, Augustine D Z/Panart Paula F TR   | Juniper Way            | 077-321-12  |              |

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|---------------------------|---|------------------------|-------------|--------------|
| 11/02/07                  | Parker 1995 Family Trust  | Delwood Way            | 077-381-11  |              |
| 09/28/08                  | Parker, Rex A/Denise A JT   | 686-830 Delwood Way    | 077-382-17  |              |
| 09/04/08                  | Parker, Rex a/Katherine Trust   | 686-830 Elm Way        | 077-383-38  |              |
| 10/23/09                  | Parker, Theodore/Patricia   | 686-725 Fir Way        | 077-383-40  |              |
| 10/23/09                  | Parker, Theodore/Patricia   | 686-835 Elm Way        | 077-382-15  |              |
| 09/11/08                  | Pastorino, Norman F./House, Monica J.T.   | 686-735 Lakeview Dr    | 077-401-07  |              |
| 09/03/08                  | Patrick Fam TR  | 688-105 Linden Way     | 077-222-22  |              |
| 10/09/08                  | Patrick, Michael B  | 687-980 Mimosa Way     | 077-143-08  |              |
| 07/10/08                  | Pavese Family Trust   | 687-020 Delwood Way    | 077-386-21  |              |
| 03/27/08                  | Pearson, James C/Sandra L   | Cherry/Mahogany        | 077-281-01  |              |
| 03/27/08                  | Pearson, James S/Sandra L Fmly TR   | Chestnut/Strand        | 077-283-13  |              |
| 05/28/08                  | Peay Family Trust   | 688-085 Ivy Way        | 077-244-33  |              |
| 09/08/08                  | Pennington, David/Suzanne JT  | 687-940 Willow Way     | 077-173-17  |              |
| 11/23/07                  | Pindar, Lynn/Pindar, Lynnette   | Lilac Way              | 077-153-14  |              |
| 07/04/08                  | Popperwell, W Trust   | Madrone/Catalpa        | 077-377-19  |              |
| 04/29/08                  | Portz Family Revocable Trust  | 687-675 Hazel Way      | 077-234-37  |              |
| 03/03/08                  | Potter Caroleen C   | 503-025 Madrone Way    | 077-413-14  |              |
| 08/06/08                  | Potter, R. Craig/Jessie A   | 687-890 Hollywood      | 077-252-22  |              |
| 02/20/08                  | Potter, Timothy J/Lorene L  | Redwood Way            | 077-272-46  |              |
| 11/18/09                  | Pratt, William H/Marjorie L TC ETAL   | 687-305 Hollywood Way  | 077-311-33  |              |
| 04/09/08                  | Purcell, A.W./Norma E   | 687-105 Acorn Way      | 077-395-17  |              |
| 04/29/08                  | Rabo, Ronald R/Shirley E J.T.   | 687-607 Maple Way      | 077-331-48  |              |
| 10/28/09                  | Ramos, Daniel J/Kathryn S   | 687-740 Palmetto       | 077-192-38  |              |
| 09/27/08                  | Rasnic, John L  | 687-285 Linden Way     | 077-322-10  |              |
| 08/11/08                  | Ray Family Trust  | 686-790 Hollywood Way  | 077-411-17  |              |
| 09/08/08                  | Rebideaux, Randy L/Laurene J JT   | 686-925 Cherry Way     | 077-384-11  |              |
| 04/10/08                  | Rodas, Joseph m/H. Leota J.T.   | 687-785 Juniper Way    | 077-231-24  |              |
| 07/28/09                  | Rogers, Michael W.  | 687-120 Linden Way     | 077-343-20  |              |
| 08/18/08                  | Rohner, Alvin Thomas/Kay Louise Trust   | 687-000 Elm Way        | 077-387-17  |              |
| 09/05/08                  | Rohner, Alvin Thomas/Kay Louise Trust   | 686-950 Delwood Way    | 077-386-18  |              |
| 05/12/09                  | Rohner, Kay L Revocable Trust   | 686-925 Elm Way        | 077-382-19  |              |
| 05/18/09                  | Rohner, Kay L Revocable Trust   | 687-005 Delwood Way    | 077-385-17  |              |
| 04/07/10                  | Roloff, Scott & Lilibeth  | 686-990 Chestnut Way   | 077-376-14  |              |
| 06/11/08                  | Rose, Ernest W/Nancy L J.T.   | 686-880 Bamboo Way     | 077-394-13  |              |
| 04/14/08                  | Rose, William N./Carol Leah   | 687-550 Lakeview Dr.   | 077-304-62  |              |
| 07/09/08                  | Rosselott Living Trust  | 687-805 Linden Way     | 077-232-38  |              |
| 10/01/09                  | Rounsaville, Joseph W/Etta Mae Trust  | 687-580 Cherry Way     | 077-293-11  |              |
| 06/09/10                  | Rudluff, Caroline M Trust c/o Patricia Rudluff-Jennings                             | Maple Way              | 077-201-04  |              |
| 06/09/10                  | Rudluff, Caroline M Trust c/o Patricia Rudluff-Jennings                             | Almond Way             | 077-174-17  |              |
| 06/15/09                  | Rynerson, Roger Clinton   | 687-785 Ivy Way        | 077-334-16  |              |
| 11/16/07                  | Sain, David P   | 687-200 Hickory Way    | 077-353-26  |              |
| 07/18/08                  | Saulisberry TTEE Fam TR/Saulisberry 1992 Fam  | 687-770 Maple Way      | 077-212-20  |              |
| 04/12/12                  | Schmidt, Kenneth  | 687-015 Acacia Way     | 077-391-07  |              |
| 10/24/07                  | Schmidt, Marlene  | 687-785 Hickory Way    | 077-253-30  |              |
| 07/12/08                  | Schofield, Robert E/Schofield, Ryan E JT  | 687-765 Chinquepin Way | 077-213-16  |              |
| 07/27/10                  | Schumacher, Armin/Bock Christina JT   | 687-185 Spalding Rd.   | 077-361-22  |              |
| 12/12/07                  | Scott, Vicky I (New Owner Pensco Trust)   | 680-470 Hollywood Way  | 077-312-31  |              |
| 05/19/09                  | Seaters, Marion Kathleen  | 687-365 Maple Way      | 077-331-50  |              |
| 10/28/09                  | Sebastiani, Piero ETAL Revocable Trust  | Redwood Way            | 077-273-36  |              |
| 10/28/09                  | Sebastiani, Piero ETAL Revocable Trust  | Lakeview Dr.           | 077-273-37  |              |
| 10/06/08                  | Seifert, Kenneth J/Frances B CP   | 686-865 Redwood Way    | 077-374-25  |              |
| 04/21/09                  | Shafer, Paul W/Virginia S.  | 687-630 Sycamore Way   | 077-311-19  |              |
| 08/22/08                  | Shaffer, Datha/Shaffer/Sandra J JT  | 687-900 Linden Way     | 077-233-39  |              |

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|---------------------------|---|---------------------------|-------------|----------------|
| 09/22/08                  | Shanks, Clarence M/C Lillian Living Trust   | 687-850 Hollywood Way     | 077-252-33  |                |
| 08/08/08                  | Shult, Edward H/Margaret F  | 688-030 Willow Way        | 077-163-15  |                |
| 06/02/08                  | Sibley William Robert & Joan Frances JT   | Madrone/Bamboo            | 077-397-27  |                |
| 03/01/08                  | Sickles, Myron A/Elaine C   | 687-295 Maple Way         | 077-331-26  |                |
| 03/16/10                  | Siders, Kathryn D   | 687-670 Cedar Way         | 077-271-20  |                |
| 09/05/09                  | Sievers, William/Jeanette   | 687-155 Ivy Way           | 077-353-25  |                |
| 03/09/09                  | Silva, Eugene D   | 687-530 Hollywood Way     | 077-312-14  |                |
| 05/15/08                  | Simon, Paul R/Morene L TR   | 687-780 Tamarack Way      | 077-174-31  |                |
| 04/01/08                  | Simon, Robert M/Rita M  | 687-020 Juniper Way       | 077-341-07  |                |
| 09/09/08                  | Smalley, Robert J Jr/Smalley Marla J. Trust   | 687-015 Elm Way           | 077-386-17  |                |
| 04/17/08                  | Smith Living Trust %Smith, Lowell & Joyce   | 687-595 Maple Way         | 077-331-47  |                |
| 10/06/08                  | Smith Stanley B & Martin, Sally   | 686-995 Elm Way           | 077-386-16  |                |
| 07/29/08                  | Smith, Brenda Jean/Janus, Mary Kathleen   | 687-095 Delwood Way       | 077-385-10  |                |
| 09/03/09                  | Smith, Darlene N ETAL   | Willow Way                | 077-172-01  |                |
| 08/05/08                  | Smith, Daryl E/Margie J/Smith, Robert J JT  | 687-020 Cypress Way       | 077-385-16  |                |
| 06/09/08                  | Smith, Gregg S/Ordile, Tara Leisa TC  | Bamboo Way                | 077-396-10  |                |
| 12/03/09                  | Smith, John/Alice 1995 Liv Tr   | Hickory Way               | 077-253-27  |                |
| 09/12/08                  | Smith, Robert J   | 688-995 Bamboo            | 077-396-12  |                |
| 07/28/08                  | Smith, Thomas Lee/Paula Kay Joint Living Trust                                      | 686-985 Cypress Way       | 077-397-17  |                |
| 09/02/08                  | Smith, Vicky L/Smith, Robert J JT   | 687-090 Cypress Way       | 077-385-11  |                |
| 06/13/08                  | Sneary, Bonnie J  | 687-980 Cedar Way         | 077-271-12  |                |
| 04/28/08                  | Snyder, James V/Loretta C   | 686-955 Cherry Way        | 077-388-20  |                |
| 02/15/08                  | Snyder, Norman E/Fleckenstein Trudy   | 687-815 Chestnut Way      | 077-282-06  |                |
| 06/24/08                  | Soderlund, William T/Joann A JR   | 686-990 Cherry Way        | 077-375-06  |                |
| 03/05/08                  | Solis, Jesus H/Rose Marie *   | 387-320 Hemlock Way       | 077-313-17  | * Disconnected |
| 11/05/07                  | Solis, Raymond R/Kristy P CP  | 680-970 Cherry Way        | 077-375-12  |                |
| 10/05/11                  | Soohodolsky Family Trust  | 687-710 Spruce Way        | 077-194-41  |                |
| 11/19/07                  | Sorensen, Lynn Richard/Janice Rae HWJT  | Hemlock Way               | 077-313-10  |                |
| 09/05/08                  | Sorensen, Keld/Jeanne Trust   | 501-955 The Strand        | 077-143-12  |                |
| 03/01/08                  | Spalding CSD  | 502-907 Mahogany Way      | 077-320-05  |                |
| 10/23/07                  | Spalding Marina   | The Strand                | 077-030-04  |                |
| 09/05/08                  | Spediacci, Clifford K/Shirley A JT  | 687-690 Juniper Way       | 077-232-48  |                |
| 09/25/08                  | Spencer, Reubennette 1987 TR  | 687-540 Linden Way        | 077-323-44  |                |
| 05/21/08                  | Stanley, Vernon F/Theda TR  | Magnolia Way/Division Way | 077-217-03  |                |
| 05/21/08                  | Stanley, Vernon F/Theda TR  | Magnolia Way              | 077-217-05  |                |
| 05/21/08                  | Stanley, Vernon F/Theda TR  | 687-885 Chinquepin Way    | 077-217-06  |                |
| 09/21/09                  | Stebbins, Loretta   | 687-925 Linden Way        | 077-232-43  |                |
| 12/03/07                  | Steffens, John R/Barbara/Fogal, Russell E/Th  | 687-300 Laurel Way        | 077-324-34  |                |
| 10/29/08                  | Steinocher, Daniel G/Linda L JT   | 687-830 Cedar Way         | 077-271-14  |                |
| 12/15/09                  | Steinocher, Daniel G/Linda L JT   | 687-920 Hickory Way       | 077-254-27  |                |
| 12/19/07                  | Stelzriede, Michael/Cathryn C JT  | Ridge Way                 | 077-151-22  |                |
| 11/08/07                  | Stent, Bob/Sandra JR/Weddell, Jeanette R.   | Spalding Rd.              | 077-303-33  |                |
| 05/28/08                  | Stephens Family Trust   | Tamarack Way              | 077-163-16  |                |
| 03/18/10                  | Stimmell, James B.  | 686-770 Cypress Way       | 007-381-14  |                |
| 09/15/08                  | Stout, Clarence&Audrey  | Maple Way                 | 077-282-14  |                |
| 12/12/07                  | Strickland, Robert & David JT   | 688-030 Tulip Way         | 077-161-14  |                |
| 04/18/08                  | Suchan, Alex/Lois   | 686-820 Fir Way           | 077-384-14  |                |
| 06/02/08                  | Sullivan Family Revoc Trust   | 687-990 Walnut Way        | 077-162-17  |                |
| 04/29/08                  | Sullivan, William A/Joanne M J.T.   | 387-290 Maple Way         | 077-332--49 |                |
| 08/25/09                  | Swager, William A & Patricia A CPRS   | 387-150 Hemlock Way       | 077-352-24  |                |
| 10/20/08                  | Taylor, James R/Shirley L JT  | Delwood Way               | 077-386-20  |                |
| 10/16/09                  | Taylor, Robert S. Rev Living TR   | 687-025 Catalpa Way       | 077-377-17  |                |
| 09/04/08                  | Tetrault Family 2000 Trust  | Juniper/Linden            | 077-322-14  |                |
| 05/21/08                  | Thomas, Theodore J/Diana M CPRS   | 688-085 Larch Way         | 077-132-15  |                |
| 10/29/09                  | Thomas, Trevor P.Lauretta R   | 687-075 Hemlock           | 077-351-21  |                |
| 07/14/08                  | Thompson Family Trust ETAL  | 688-030 Tupelo Way        | 077-142-16  |                |

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|---------------------------|---|------------------------|-------------|--------------|
| 05/10/10                  | Tobin, Louis J/Peacock, Betsy A HWJT  | 687-700 Orchard Way    | 077-191-27  |              |
| 05/01/08                  | Todd, Clifford E Jr   | Maple Way              | 077-331-51  |              |
| 11/02/07                  | Todd, Dennis/Andrea   | Cedar Way              | 077-271-15  |              |
| 04/22/08                  | Togni, Arnold/Dolly TR  | 698-105 Ivy Way        | 077-221-15  |              |
| 07/23/08                  | Togni, Arnold/Dolly TR  | 688-105 Ivy Way        | 077-244-29  |              |
| 06/11/08                  | Tomasini Family Trust   | 687-895 Hollywood Way  | 077-251-33  |              |
| 03/15/08                  | Torchin, Ali Chan B & Reinelde M  | 687-430 Hollywood Way  | 077-312-32  |              |
| 05/14/09                  | Tracy, Richard T/Sheri L JT   | Hollywood/Hemlock      | 077-351-04  |              |
| 07/18/08                  | Traver, Jess S III/Frances D JT   | Laurel Way             | 077-323-46  |              |
| 04/03/08                  | Turek, Raymond W/Lois M JT  | 687-040 Cherry Way     | 077-375-14  |              |
| 03/06/08                  | Turner, Lucy D  | 686-835 Cherry Way     | 077-384-17  |              |
| 09/21/11                  | Valine, Adelia Michelle   | 367-370 Spalding Road  | 077-304-65  |              |
| 04/02/08                  | Van Tassel Fam Trust  | 687-130 Spalding Rd.   | 077-362-37  |              |
| 05/15/08                  | Vaughn, Lee/Leni A HW/Calilan, James D JT   | 687-625 Spalding Rd.   | 077-303-30  |              |
| 07/13/09                  | Velez, S., Sanchez, A. C./I. Garat JR ETAL  | Hollywood Way          | 077-403-27  |              |
| 07/21/08                  | Verrengia Family Trust  | 687-585 Cherry Way     | 077-292-07  |              |
| 06/12/09                  | Vineyard Living Trust   | 687-745 Lakeview Dr.   | 077-273-27  |              |
| 07/31/09                  | Walker, Evan J/Walker Jerry K TC  | Juniper/Ivy/Pinon      | 077-354-26  |              |
| 07/16/09                  | Walker, Rebecca   | 686-760 Catalpa Way    | 077-374-02  |              |
| 08/27/09                  | Walker, Rudolph Soyka/Rebecca JT  | 686-760 Catalpa Way    | 077-274-26  |              |
| 09/29/09                  | Walker, Rudolph Soyka/Rebecca JT  | 503-150 Mahogany Way   | 077-274-25  |              |
| 10/09/09                  | Walsh, Paul C/Janice A JT   | Almond Way             | 077-151-21  |              |
| 09/12/09                  | Walsh, Paul Clark ETAL  | 688-025 Almond Way     | 077-151-18  |              |
| 10/23/07                  | Walton Family Trust   | 688-010 Tamarack Way   | 077-164-22  |              |
| 11/07/07                  | Ward, Carlos V/Grace G 1996 Revoc Living Trust Agree                                | 687-635 Sycamore Way   | 077-304-54  |              |
| 07/01/08                  | Ward, Carlos V/Grace G Rev Liv TR   | Madrone Way            | 077-378-28  |              |
| 07/03/08                  | Ward, Carlos V/Grace G Revocable Living Trust                                       | 686-955 Redwood Way    | 077-378-27  |              |
| 04/15/08                  | Ward, Kenneth V/Lorna JT  | Sycamore Way           | 077-304-55  |              |
| 12/03/07                  | Watson, William J Jr./Sonjo M CP  | 687-055 Cedar Way      | 077-376-23  |              |
| 12/06/07                  | Watts, James C/Lorene J JT  | 503-155 Madrone Way    | 077-411-16  |              |
| 05/09/08                  | Watts, James C/Lorene T JT  | 688-125 Spruce Way     | 077-183-16  |              |
| 11/14/07                  | Weaver Family Trust   | 687-915 Ivy Way        | 077-254-24  |              |
| 04/18/09                  | Webb Living Tr  | Chestnut Way           | 077-294-14  |              |
| 04/22/09                  | Webb Living Trust   | 687-745 Maple Way      | 077-211-16  |              |
| 08/27/09                  | Weisinger, Brian J/Patricia L JT  | 687-295 Magnolia       | 077-332-36  |              |
| 10/20/08                  | Wells Trust   | 689-905 Hemlock Way    | 077-252-34  |              |
| 07/30/09                  | Wells Trust   | 687-170 Linden Way     | 077-343-21  |              |
| 06/18/09                  | Westfall Living Trust ETAL  | Cedar/Madrone          | 077-373-14  |              |
| 05/28/08                  | Westlake, Gary R ETAL   | Cedar Way              | 077-283-22  |              |
| 11/19/07                  | White, C.W./Joyce M JT  | 687-760 Lakeview Dr.   | 077-274-28  |              |
| 08/15/08                  | White, Earl Richard Jr/Karron S JT  | 686-840 Sycamore Way   | 077-403-19  |              |
| 05/19/08                  | White, Frank R 1991 Trust   | 501-275 The Strand     | 077-133-07  |              |
| 11/02/07                  | Whitmer, Rudy/Louise  | 687-775 Cedar Way      | 077-283-23  |              |
| 05/28/08                  | Wilder, Arvenna   | 687-700 Ivy Way        | 077-231-03  |              |
| 11/14/07                  | Williams Family Trust   | 686-950 Spalding Rd.   | 077-362-14  |              |
| 04/28/08                  | Williams, Cal R/Catherine S   | 687-020 Fir Way        | 077-388-12  |              |
| 06/11/09                  | Williams, Cal R/Catherine S   | 687-060 Acacia Way     | 077-395-20  |              |
| 10/01/09                  | Williams, Richard L & Patricia C. HWJT  | 687-700 Laurel Way     | 077-234-43  |              |
| 08/31/09                  | Williams, Robert N  | Delwood Way            | 077-381-19  |              |
| 12/13/07                  | Williams, Robert V/Viola Mae  | 687-445 Hemlock Way    | 077-312-28  |              |
| 08/31/09                  | Williams, Robert V/Viola Mae  | 686-770 Delwood Way    | 077-382-16  |              |
| 08/17/09                  | Williams, Robert/Blackwell, Viola Mae   | Hazel Way              | 077-324-43  |              |
| 08/17/09                  | Williams, Robert/Blackwell, Viola Mae   | Chestnut/Madrone       | 077-376-20  |              |
| 09/22/08                  | Williams, Robert/Blackwell, Viola(new owners)                                       | Hemlock Way            | 077-313-08  |              |
| 09/18/09                  | Williamson Larry R  | 687-565 Catalpa Way    | 077-301-25  |              |

**Attachment B**  
**Property Owners Connected to District Community Sewer System**

| <b>Date of Connection</b> | <b>Spalding Residents Connected to the District Disposal System: APPLICANT NAME</b> | <b>Service Address</b> | <b>APN#</b> | <b>Notes</b> |
|---------------------------|---|------------------------|-------------|--------------|
| 10/28/09                  | Williford, George Calvin Trust  | 686-785 Fir Way        | 077-383-36  |              |
| 05/06/09                  | Wilms, Dale/Linda CP  | 687-920 Lakeview Dr.   | 077-274-16  |              |
| 07/22/09                  | Wilson, Donald Dean Liv TR  | Redwood Way            | 077-272-27  |              |
| 08/20/08                  | Wilson, Jack Trust  | 687-625 Catalpa Way    | 077-302-19  |              |
| 09/22/09                  | Wilson, Kenneth/Valeri E  | 686-830 Hemlock Way    | 077-412-17  |              |
| 08/20/08                  | Wilson, Rollans B   | 503-435 Mahogany Way   | 077-302-18  |              |
| 06/11/08                  | Winingar Family 1983 Trust  | 686-830 Elm Way        | 077-383-34  |              |
| 06/01/09                  | Witt, Richard E/Nola A JT   | 687-740 Orchard Way    | 077-191-24  |              |
| 05/14/08                  | Wong, Fay/Bonnie E/Taber, Edward/Judy   | Lakeview Dr.           | 077-273-35  |              |
| 08/22/08                  | Woodward, Robert/Maria 1989 Trust   | 687-700 Hickory Way    | 077-254-21  |              |
| 06/23/08                  | Yee, Gary R/Michael G   | 686-785 Hemlock Way    | 077-412-22  |              |
| 06/24/08                  | Yee, Michael Gregg  | 686-785 Hickory Way    | 077-412-21  |              |
| 11/06/07                  | Yolo, Duke/Terri JT ETAL C/O Cristine, Barry R.                                     | Acorn Way              | 077-393-16  |              |
| 07/24/09                  | Young Family Trust  | 688-010 Hickory Way    | 077-244-22  |              |
| 07/23/08                  | Young, Vera L   | 688-055 Lakeview Rd.   | 077-263-10  |              |
| 10/27/08                  | Younie, Leslie I Jr/Sheri M ETAL TC   | 687-045 Redwood Way    | 077-378-20  |              |
| 08/07/08                  | Yuill, Edward G/Deborah L HW  | Tupelo Way             | 077-141-14  |              |
| 08/07/09                  | Yuill, Edward G/Deborah L HW  | Tupelo Way             | 077-142-13  |              |
| 05/18/10                  | Zuccato, Michael W/Linda J Rev Trust  | 687-650 Cherry Way     | 077-293-10  |              |
| 12/02/08                  | Zunino, Michael A/Sheree A Family Trust   | Lilac Way              | 077-152-23  |              |

## ATTACHMENT C

### ADMINISTRATIVE CIVIL LIABILITY METHODOLOGY

The Complaint alleges that the Discharger failed to comply with multiple cease and desist orders issued by the Lahontan Water Board, which required the Discharger by December 31, 2009, to either connect the Discharger's on-site wastewater disposal systems to the Spalding Community Services District's (District) community sewer system or to properly abandon the Discharger's on-site wastewater disposal systems, in accordance with Lassen County regulations. For the purpose of applying the Enforcement Policy's administrative civil liability methodology, the alleged violation is a non-discharge violation. Because the Complaint only alleges a non-discharge violation, Step Nos. 1 and 2 of the Enforcement Policy's administrative civil liability methodology are not addressed.

#### Step 3: Initial Liability Determination

The per-day factor for the violation is **0.55**. This factor is determined by a matrix analysis based upon the Potential for Harm and the Deviation from Applicable Requirements.

- a. The Potential for Harm for the violations is determined to be **moderate**. The Discharger's failure to connect its on-site wastewater disposal systems to the District's sewer system or to properly abandon them allows waste containing nutrients to be discharged to the groundwater of the Eagle Lake basin. Such discharges, should they occur, can introduce nutrients, such as nitrogen and phosphorus, to the groundwater, which flows into Eagle Lake. Nitrogen and phosphorus can increase algal growth and the rate of eutrophication in Eagle Lake, a closed-basin lake. Increased eutrophication can adversely affect the habitat for the Eagle Lake trout, and other aquatic and terrestrial organisms supported by Eagle Lake. Increased algal growth also has the potential to adversely affect the public's water contact recreation (e.g., wading, swimming, water skiing) and non-contact water recreation (e.g., aesthetic enjoyment) of Eagle Lake.

To prevent these types of adverse impacts to Eagle Lake's beneficial uses, the Lahontan Water Board amended its *Water Quality Control Plan for the Lahontan Region* (Basin Plan) in September 1984, to prohibit the discharge of waste containing nutrients to the surface waters and groundwater of the Eagle Lake basin beginning September 14, 1989. The Lahontan Water Board's cease and desist orders issued to the Discharger enforce that Basin Plan prohibition. At a minimum, the Discharger's on-site wastewater disposal systems present threatened discharges of waste containing nutrients that can reasonably be expected to adversely affect Eagle Lake's cold freshwater habitat (COLD), water contact recreation (REC-1), non-contact water recreation (REC-2, and sport fishing (COMM) beneficial uses. It is also reasonable to expect that such impacts are reversible upon ceasing such waste discharges.

Waste discharges from on-site wastewater disposal systems in the Spalding Tract subdivision can also introduce bacteria into the groundwater, which is the local water supply. Many Spalding Tract subdivision property owners have private wells, and past studies have shown that bacteria levels increase in those private wells when nearby on-site wastewater disposal systems are being used. Bacteria contained in domestic wastewater can adversely affect human health when consumed. Such conditions represent an adverse impact to the Eagle Lake groundwater basin's municipal and domestic supply (MUN) beneficial use. This impact can reasonably be expected to occur when waste discharges from on-site wastewater disposal systems occur. Fortunately, past studies have also shown that this impact is relatively short term in nature when the waste discharge ceases. Therefore, violating the cease and desist orders presents a **moderate** threat to beneficial uses that will likely attenuate without acute or chronic effects, once the Discharger has complied with the cease and desist orders.

- b. The Deviation from Applicable Requirements to abandon or connect the septic system is **major**. The reason for the **major** designation is that Water Board staff notified the Discharger of its failure to comply with the cease and desist orders' December 31, 2009 compliance date in a June 28, 2011 Notice of Violation (NOV). The NOV was issued after the Discharger had had approximately 1.5 construction seasons to comply with the cease and desist orders' requirement to either connect the Discharger's on-site wastewater disposal systems to the District's community sewer system or to properly abandon the Discharger's on-site wastewater disposal systems, if appropriate. The remainder of the 2011 construction season has past, and to date, the Discharger has still failed to comply.

There has been ample time to satisfy the requirements of the cease and desist orders since their adoption. The District's community sewer system has been available to connect to since October 2007; however, the Discharger failed to connect or properly abandon the Discharger's on-site wastewater disposal systems and subsequently was issued cease and desist orders in October 2009. The Discharger has now had an additional two full construction seasons since the cease and desist orders were issued to comply with their requirements, but has not.

- c. There are 832 days of violation for the period beginning January 1, 2010 and ending April 11, 2012, the date of drafting Administrative Civil Liability Complaint No. R6T-2012-0028. The statutory maximum amount per day per violation is \$5,000 for each cease and desist order the Discharger has violated. Therefore, 832 days of violation at the statutory maximum per day of \$5,000, yields a maximum initial liability of **\$4,160,000** (832 days x \$5,000/day) for each cease and desist order the Discharger has violated. Applying the Potential for Harm per-day factor of 0.55, and the statutory maximum liability amount for each day of violation, yields an initial liability of **\$2,288,000** (0.55 x 832 days of violation x \$5,000 per day) for each cease and desist order the Discharger has violated.

#### **Step 4: Adjustment Factors**

The Enforcement Policy allows for multi-day violations to be consolidated provided specific criteria are satisfied. The Enforcement Policy also describes three factors related to the violator's conduct that should be considered for modification of the initial liability amount: the violator's culpability; the violator's efforts to clean up or cooperate with regulatory authorities after the violation; and the violator's compliance history. After each of these factors is considered for the violations alleged, the applicable factor should be multiplied by the proposed amount for each violation to determine the revised amount for that violation.

##### a. Multiple Day Violations

The Enforcement Policy provides that, for violations lasting more than 30 days, the Water Board may adjust the per-day basis for civil liability if certain findings are made and provided that the adjusted per-day basis is no less than the per-day economic benefit, if any, resulting from the violation.

The Discharger has failed to comply with its cease and desist orders for 832 days. The continuance of these violations does not result in an economic benefit that can be measured on a daily basis. The economic benefit is the one-time cost of having the on-site wastewater disposal systems either connected to the District's community sewer system or properly abandoned, if appropriate. Therefore, an adjustment can be made.

The Water Board Prosecution Team recommends applying the alternative approach to civil liability calculation provided by the Enforcement Policy. Using this approach, the calculation of days of violation will include the first day of violation, plus one additional day of violation for each five-day period up to the 30th day of violation, and thereafter, plus one additional day of violation for each 30-day period. Using this approach, the total number of days is revised to 33 days of violation.

This results in a Revised Initial Liability Amount as follows:

Revised Initial Liability =  $(0.55) \times (33 \text{ days of violation}) \times (\$5,000) = \mathbf{\$90,750}$  (for each cease and desist order the Discharger has violated).

##### b. Adjustment for Culpability

For culpability, the Enforcement Policy suggests an adjustment resulting in a multiplier between 0.5 to 1.5, with the lower multiplier for accidental incidents, and the higher multiplier for intentional or negligent behavior. In this case, a Culpability multiplier of **1.3** has been selected for the reasons described below:

The Water Board's Prosecution Team has exercised significant discretion in deciding whether to pursue administrative civil liability for violating the cease and desist orders. Doing so is consistent with the Prosecution Team's message to the Water Board and to the community in 2009 that its primary interest was compliance, and that the Prosecution Team understood some were facing various hardships and

would work with property owners towards meeting its compliance objective. After providing approximately 1.5 construction seasons to comply, the Prosecution Team issued a June 28, 2011 Notice of Violation to property owners that had yet to comply with their 2009 cease and desist orders, notifying them that time to comply with the cease and desist orders' requirements without additional enforcement action was running out. In spite of the Prosecution Team's efforts to allow ample time to comply and to notify the Discharger of a pending administrative civil liability complaint, the Discharger has not provided the Prosecution Team with any information indicating a reason for the continuing violations, nor shown any intent to comply.

The Prosecution Team does not have any evidence of willful or intentional negligence in this matter. Therefore, the Prosecution Team does not recommend assigning a value of 1.4 or greater for Culpability, as these values have been reserved for situations where there is evidence of willful or intentional negligence. However, given the lack of response by the Discharger in spite of the amount of time given to comply and notification of the Prosecution Team's intent to pursue administrative civil liability, a value of 1.3 for Culpability is appropriate.

c. Adjustment for Cleanup and Cooperation

For cleanup and cooperation, the Enforcement Policy suggests an adjustment should result in a multiplier between 0.75 and 1.5. A lower multiplier is appropriate for situations where there is a high degree of cleanup and/or cooperation and a higher multiplier is appropriate for situations where cleanup and/or cooperation is minimal or absent. In this case, a Cleanup and Cooperation multiplier of **1.5** has been selected for the reasons described below:

The Discharger has not cooperated with the Water Board on this issue. Even after Water Board staff issued the June 28, 2011 NOV, the Prosecution Team did not observe any attempt by the Discharger to comply. The lack of effort to comply with the cease and desist orders, or even to communicate with the Prosecution Team regarding the reason why compliance has not occurred, warrants a value of 1.5.

d. Adjustment for History of Violations

The Enforcement Policy suggests that where there is a history of repeat violations, a **minimum** multiplier of 1.1 should be used for this factor. In this case, a multiplier of **1.0** has been selected based upon the absence of prior violations of Cease and Desist Order Nos. R6T-2009-0115 and R6T-2009-0116. A review of the California Integrated Water Quality System (CIWQS) and Water Board files shows that the violations represent the first violations of Cease and Desist Order Nos. R6T-2009-0115 and R6T-2009-0116. Therefore a multiplier of 1.0 is appropriate, and no adjustment to the above liability amount should be made in response to this factor.

**Step 5: Determination of Total Base Liability Amount**

The Total Base Liability for the violation is **\$176,962.50** for each cease and desist order the Discharger has violated. The Total Base Liability for the violation is determined by

multiplying the Revised Initial Liability by the multipliers associated with each of the Adjustment Factors discussed above.

Total Base Liability = (Revised Initial Liability) X (Culpability) X (Cleanup/Cooperation) X (History of Violations) = (\$90,750) X (1.3) X (1.5) X (1.0) = **\$176,962.50 (for each cease and desist order the Discharger has violated).**

### **Step 6: Ability to Pay and Ability to Continue Business**

The Enforcement Policy provides that if the Water Board has sufficient financial information to assess the violator's ability to pay the Total Base Liability, or to assess the effect of the Total Base Liability on the violator's ability to continue in business, then the Total Base Liability amount may be adjusted downward.

In this case, the Lahontan Water Board Prosecution Team has sufficient information to suggest the Discharger has the ability to pay the proposed liability. The Discharger owns the parcel(s) of land, listed below:

| Assessor's Parcel Number | County      | Property Address       | Assessed Total Value  | Assessment Year |
|--------------------------|-------------|------------------------|-----------------------|-----------------|
| 077-200-02-11            | Lassen      | 687-015 Acacia Way     | \$432,319             | 2011            |
| 077-200-03-11            | Lassen      | N/A                    | \$618,391             | 2011            |
| 531-0220-010             | Alameda     | 42011 Boscell Road     | \$4,438,919           | 2011            |
| 531-0220-011             | Alameda     | 42027 Boscell Road     | \$2,011,601           | 2011            |
| 830-17-058               | Santa Clara | 2560 Bridle Path Drive | \$1,731,307           | 2011            |
|                          |             | <b>TOTAL</b>           | <b>\$9,232,537.00</b> |                 |

Given the above assets, it appears the Discharger has the ability to pay the proposed liability.

### **Step 7: Other Factors as Justice May Require**

The Enforcement Policy provides that if the Water Board believes that the amount determined using the above factors is inappropriate, the liability amount may be adjusted under the provision for "other factors as justice may require," if express findings are made. Additionally, the staff costs for investigating the violation and preparing the Complaint should be added to the liability amount.

#### **a. Adjustments for Other Factors as Justice May Require**

The statutory minimum liability amount for violations under Water Code section 13350 is \$100 per day of violation, unless the regional water board makes express findings setting forth the reasons for its action based upon its consideration of the factors set forth in Water Code section 13327. Based on the date of compliance in the cease and desist orders, days of violations began accruing on January 1, 2010. At the statutory minimum liability of \$100 per day, and a total of 832 days of violation, the result is a minimum liability of **\$83,200**. The Prosecution Team has determined that, in this case, even the minimum liability amount is inappropriate.

Staff finds this amount to be an excessive liability for the violations alleged herein, and inappropriate for the following reasons.

Water Board staff reviewed Lassen County Assessor's Office records for the properties whose owners are subject to the administrative civil liability for the failure to either connect their on-site wastewater disposal system to the District's sewer system or to properly abandon it. County records for the year 2012 show that the properties range in value from \$17,119 to \$618,391. Two of these properties with the highest values are commercial properties, with values consistent with commercial uses and related improvements (i.e., hotel, restaurant). The remaining properties have an average value of \$73,574. Based on these data alone, the Prosecution Team determined that the minimum statutory liability of \$83,200 is excessive relative to the value of most of the properties whose owners continue to violate their 2009 Cease and Desist Orders. Without any further assessment, the minimum liability appears inappropriate and excessive for its intended purpose.

Additionally, the Prosecution Team's June 28, 2011 Notice of Violation notified the Discharger of the Prosecution Team's intent to issue administrative civil liability complaints and bring them before the Lahontan Water Board at its November 9-10, 2011 Board Meeting. In a continuing effort to encourage compliance, the Prosecution Team stated in the Notice of Violation that it would consider withdrawing the complaint if the Discharger complied with the cease and desist orders prior to the November 9-10, 2011 Board meeting date. The Prosecution Team has consistently stated that compliance has been its primary goal, and the Notice of Violation was providing one last chance to comply with the cease and desist orders without facing additional enforcement action in the form of civil liability.

The Prosecution Team recommends using November 9, 2011 as the basis for developing a more appropriate liability amount, as it is the date the Prosecution Team informed the Discharger that compliance was to be achieved, or imposing administrative civil liability would be pursued. Attachment D provides a methodology spreadsheet based upon November 9, 2011 as the deadline for compliance. The resulting number of days of violations totals 155 days (November 9, 2011 – April 11, 2012). 155 days of violation would result in a minimum liability of **\$15,500** for each cease and desist order the Discharger has violated, based upon the statutory minimum liability of \$100 per day of violation.

Administrative civil liability complaints were issued to property owners of the nearby Stones-Bengard subdivision in 1997 for failing to either connect their on-site wastewater disposal systems to the Stones-Bengard community sewer system or to properly abandon them. In the Stones-Bengard cases, the Water Board issued administrative civil liability complaints proposing that the owners be assessed liability in the amount of **\$6,500**. This was the minimum liability that could be imposed for violating cleanup and abatement orders that had been issued 65 days prior to issuing the administrative civil liability complaints. The cleanup and abatement orders had been issued after the Stones-Bengard property owners had been violating their cease and desist orders issued in 1991 for several years.

The liability amount of \$15,500 for each cease and desist order that has been violated represents a more appropriate amount that is consistent with past and similar enforcement efforts by the Lahontan Water Board in the Eagle Lake basin. The liability amount of \$15,500 provides adequate justice or consequence for the violation as well as a meaningful deterrent to future violations.

b. Adjustment for Staff Costs

The Water Board Prosecution Team staff time incurred to prepare administrative civil liability complaints and supporting information for 25 Spalding Tract subdivision properties is estimated to be 165 hours. Based on an average cost to the State of \$150 per hour, the total staff cost is estimated to be \$24,750. Staff finds it appropriate to spread these costs equitably by dividing the total staff cost equally for each of the 25 properties. On this basis, a staff cost of \$990 must be assessed for each property. As a result, the Adjusted Total Base Liability is recommended to be adjusted upward by **\$990**, bringing the total proposed liability to **\$16,490** for each cease and desist order the Discharger has violated.

**Step 8: Economic Benefit**

The Enforcement Policy directs the Water Board to determine any Economic Benefit Amount of the violation based upon the best available information. The Enforcement Policy suggests that the Water Board compare the Economic Benefit Amount to the Adjusted Total Base Liability and ensure that the Adjusted Total Base Liability is at a minimum, 10 percent greater than the Economic Benefit Amount. Doing so should create a deterrent effect and will prevent administrative civil liabilities from simply becoming the cost of doing business.

Septic tank abandonment is only an option for properties that do not have structures with plumbing fixtures installed. For properties that have one or more structures with plumbing fixtures installed, connecting the Discharger's on-site wastewater disposal system to the District's community sewer system is required.

The Discharger has realized an economic benefit by failing to connect or abandon the Discharger's on-site wastewater disposal systems as required by Cease and Desist Order Nos. R6T-2009-0115 and R6T-2009-0116. In order to estimate the economic benefit, Water Board staff subpoenaed records from contractors who have connected and/or properly abandoned on-site wastewater disposal systems in the Spalding Tract subdivision. Based upon a review of the contractor records, the average cost for a property owner to connect an on-site wastewater disposal system to the District's community sewer system is \$4,210, and the average cost to properly abandon an on-site wastewater disposal system is \$836. Therefore, the economic benefit amount realized by Dischargers that have existing structures with plumbing fixtures installed on the property and that must connect to the District's community sewer system is estimated to be **\$4,210**. The economic benefit amount realized by Dischargers with the option of abandonment is estimated to be **\$836**. The Adjusted Total Base Liability Amount is greater than 110 percent of either of these estimated economic benefit amounts, and therefore no adjustment is necessary based on the economic benefit analysis.

### **Step 9: Maximum and Minimum Liability Amounts**

The maximum liability amount the Water Board may assess for the above-referenced violations pursuant to Water Code section 13350, subdivision (e)(1), is \$5,000 per day of violation. Therefore, the maximum liability the Water Board may assess for 832 days of violation (elapsed time since the date of compliance in the cease and desist orders) is **\$4,160,000** for each cease and desist order the Discharger has violated.

The minimum liability amount provided in Water Code section 13350, subdivision (e)(1)(B) is \$100 per day. However, subdivision (f) states that:

“A regional board shall not administratively impose civil liability in accordance with paragraph (1) of subdivision (e) in an amount less than the minimum amount specified, unless the regional board makes express findings setting forth the reasons for its action based upon the specific factors required to be considered pursuant to Section 13327.”

Water Code section 13327 allows for “*other factors as justice may require*”. The specific factors discussed in Step 7 above (i.e., property values, use of November 9, 2011 as an alternative compliance date, consistency with similar Lahontan Water Board enforcement actions in the Eagle Lake basin) yields 155 days of violation at \$100 per day minimum, for an alternative minimum liability amount of **\$15,500**.

The Enforcement Policy also requires that:

*The adjusted Total Base Liability shall be at least 10 percent higher than the Economic Benefit Amount so that liabilities are not construed as the cost of doing business and that the assessed liability provides a meaningful deterrent to future violations.*

The larger of the two economic benefit amounts (\$4,210) plus ten percent is **\$4,631**, which is less than the alternative statutory minimum cited above and the Total Proposed Liability Amount.

### **Step 10: Final Liability Amount**

The Proposed Liability Amount is **\$16,490** for each cease and desist order the Discharger has violated, based upon the considerations discussed in detail, above. The Discharger has violated two cease and desist orders resulting in a Total Proposed Liability Amount of **\$32,980**.

## Attachment D Administrative Civil Liability Methodology Spreadsheet

### Instructions

1. Select Potential Harm for Discharge Violations
2. Select Characteristics of the Discharge
3. Select Susceptibility to Cleanup or Abatement
4. Select Deviation from Standard
5. Click "Determine Harm & per Gallon/Day..."
6. Enter Values into the Yellow highlighted fields

|             |   |
|-------------|---|
| Select Item | Potential Harm for Discharge Violations |
| Select Item | Characteristics of the Discharge        |
| Select Item | Susceptibility of Cleanup or Abatement  |
| Select Item | Deviation from Requirement              |

Discharger Name/ID: Spalding Tract Property Owners, Various APNs

|                                       |   | Violation 1                                   |                |      |
|---------------------------------------|---|---|----------------|------|
| Discharge Violations                  | <b>Step 1</b>                             | Potential Harm Factor (Generated from Button) |                |      |
|                                       | <b>Step 2</b>                             | Per Gallon Factor (Generated from Button)     |                |      |
|                                       |   | Gallons                                       |                |      |
|                                       |   | Statutory / Adjusted Max per Gallon (\$)      |                |      |
|                                       | <b>Total</b>                              |   | \$ -           |      |
|                                       | Non-Discharge Violations                  | <b>Step 3</b>                                 | Per Day Factor | 0.55 |
| Days                                  |   |   | 33             |      |
| Statutory Max per Day                 |   |   | \$ 5,000       |      |
| <b>Total</b>                          |   |   | \$ 90,750.00   |      |
| <b>Initial Amount of the ACL</b>      |   |   | \$ 90,750.00   |      |
| Add'l Factors                         |   | <b>Step 4</b>                                 | Culpability    | 1.3  |
|                                       | Cleanup and Cooperation                   |   | 1.5            |      |
|                                       | History of Violations                     |   | 1              |      |
|                                       | <b>Step 5 Total Base Liability Amount</b> |   | \$ 176,962.50  |      |
| <b>Step 6</b>                         | Ability to Pay & to Continue in Business  | 1   | \$ 176,962.50  |      |
| <b>Step 7</b>                         | Other Factors as Justice May Require      | 15,500  | \$ 15,500.00   |      |
|                                       | Staff Costs                               | \$ 990  | \$ 16,490.00   |      |
| <b>Step 8</b>                         | Economic Benefit                          | \$ 4,210                                      | \$ 16,490.00   |      |
| <b>Step 9</b>                         | Minimum Liability Amount                  | 15,500  |                |      |
|                                       | Maximum Liability Amount                  | \$ 4,160,000                                  |                |      |
| <b>Step 10 Final Liability Amount</b> |   |   | \$ 16,490.00   |      |

### Penalty Day Range Generator

Start Date of Violation= 1/1/10

End Date of Violation= 4/11/12

Maximum Days Fined (Steps 2 & 3) = 832 Days

Minimum Days Fined (Steps 2 & 3) = 33 Days

**WAIVER FORM  
FOR ADMINISTRATIVE CIVIL LIABILITY COMPLAINT**

By signing this waiver, I affirm and acknowledge the following:

I am duly authorized to represent Robinson, Gary L. (hereinafter "Discharger") in connection with Administrative Civil Liability Complaint No. R6T-2012-0028 (hereinafter the "Complaint"). I am informed that California Water Code section 13323, subdivision (b), states that, "a hearing before the regional board shall be conducted within 90 days after the party has been served [with the complaint]. The person who has been issued a complaint may waive the right to a hearing."

- (Check here if the Discharger waives the hearing requirement and will pay the liability.)**
- a. I hereby waive any right the Discharger may have to a hearing before the Regional Water Board.
  - b. I certify that the Discharger will remit payment for the civil liability imposed in the total amount of **thirty-two thousand nine hundred eighty dollars (\$32,980)** by check that references "ACL Complaint No. R6T-2012-0024" made payable in the amount of **\$32,980** to the "*Waste Discharge Permit Fund.*" Payment must be received by the Regional Water Board by **5:00 p.m. on May 21, 2012** or the Regional Water Board may adopt an Administrative Civil Liability Order requiring payment.
  - c. I understand the payment of the above amount constitutes a proposed settlement of the Complaint, and that any settlement will not become final until after the 30-day public notice and comment period mandated by the State Water Resources Control Board's Water Quality Enforcement Policy expires. Should the Regional Water Board receive significant new information or comments from any source (excluding the Water Board's Prosecution Team) during this comment period, the Regional Water Board's Assistant Executive Officer may withdraw the complaint, return payment, and issue a new complaint. I understand that this proposed settlement is subject to approval by the Regional Water Board, and that the Regional Water Board may consider this proposed settlement in a public meeting or hearing. I also understand that approval of the settlement will result in the Discharger having waived the right to contest the allegations in the Complaint and the imposition of civil liability.
  - d. I understand that payment of the above amount is not a substitute for compliance with applicable laws and that continuing violations of the type alleged in the Complaint may subject the Dischargers to further enforcement, including additional civil liability.

\_\_\_\_\_  
(Print Name and Title)

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Date)

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

**ADMINISTRATIVE CIVIL LIABILITY ORDER NO. R6T-2012-(PROPOSED)**

**IN THE MATTER OF  
SUTTON, DENNIS J. & ETAL DEBORAH L. JT FOR VIOLATION OF CEASE AND  
DESIST ORDER NO. R6T-2009-0126, SPALDING TRACT SUBDIVISION,  
LASSEN COUNTY APN 077-271-19-11**

\_\_\_\_\_Lassen County\_\_\_\_\_

The California Regional Water Quality Control Board – Lahontan Region (Lahontan Water Board) hereby finds that Sutton, Dennis J. & ETAL Deborah L. JT has violated Lahontan Water Board Cease and Desist Order No. R6T-2009-0126. The Lahontan Water Board specifically finds that:

**BACKGROUND**

1. Sutton, Dennis J. & ETAL Deborah L. JT (Discharger) owns Lassen County Assessor Parcel No. 077-271-19-11 in the Spalding Tract subdivision located on the west shore of Eagle Lake, approximately 20 miles northwest of Susanville, California.
2. Based upon Lassen County records and/or Spalding Community Services District (District) records, the Discharger had owned and/or operated an on-site wastewater disposal system located at the above-referenced parcel prior to May 31, 2012. The Discharger's on-site wastewater disposal system permitted waste containing nutrients to be discharged, and/or threatened a discharge of waste containing nutrients, to waters within the Eagle Lake basin prior to May 31, 2012.

**CHRONOLOGY OF EVENTS**

3. In September 1984, pursuant to Water Code section 13243, the Lahontan Water Board amended the *Water Quality Control Plan for the Lahontan Region* (Basin Plan) to prohibit the discharge of wastes containing nutrients from the Spalding Tract subdivision to surface waters and groundwater of the Eagle Lake basin after September 14, 1989.
4. On October 22, 2007, the District's community sewer system (system) became operational. As a result, there is now an available method for the Spalding Tract subdivision property owners to comply with the above-referenced Basin Plan prohibition.

5. On October 14, 2009, the Lahontan Water Board adopted Cease and Desist Order No. R6T-2009-0126 against the Discharger for its on-site wastewater disposal system located at Lassen County APN No. 077-271-19-11.
6. Cease and Desist Order No. R6T-2009-0126 requires the Discharger, by December 31, 2009, to either (1) connect its on-site wastewater disposal system to the District's community sewer system, or (2) properly abandon its on-site wastewater disposal system in accordance with Lassen County regulations. Upon completing one of the two activities, the Discharger is required to submit to the Lahontan Water Board documentation of compliance with the above-referenced Basin Plan prohibition.
7. The Discharger failed to comply with Cease and Desist Order No. R6T-2009-0126 and on June 28, 2011, the Lahontan Water Board's Prosecution Team issued the Discharger a Notice of Violation citing the ongoing violation.
8. On April 20, 2012, the Assistant Executive Officer issued Complaint No. R6T-2012-0030. The Complaint alleges that the Discharger has violated the requirements of Cease and Desist Order No. R6T-2009-0126. The Complaint proposes administrative civil liability of **\$16,490**. The Complaint and its attachments are attached to this Order and incorporated by reference (Attachment A).
9. On June 1, 2012, Lahontan Water Board staff received information from the District documenting that the Discharger had connected its on-site wastewater disposal system to the District's system on May 31, 2012. An excerpt of the District's June 1, 2012 correspondence with Lahontan Water Board staff is attached to this Order and incorporated by reference (Attachment B).
10. On July 11, 2012, in South Lake Tahoe, California, after notice to the Discharger and all other affected persons and the public, the Lahontan Water Board conducted a public hearing at which evidence was received to consider this Order and the Discharger or its representative(s), had the opportunity to be heard and to contest the allegations in the Complaint.

### **REGULATORY CONSIDERATIONS**

11. The Lahontan Water Board adopted the *Water Quality Control Plan for the Lahontan Region* (Basin Plan) pursuant to Water Code section 13243. The Basin Plan contains the following 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.)

12. On October 14, 2009, the Lahontan Water Board adopted Cease and Desist Order No. R6T-2009-0126, enforcing the above-referenced Basin Plan prohibition.

### VIOLATIONS

13. The Discharger violated Cease and Desist Order No. R6T-2009-0126 by failing to satisfy the requirement to comply with the above-referenced Basin Plan prohibition by December 31, 2009. A review of District records and Lahontan Water Board records shows the Discharger did not connect its on-site wastewater disposal system to the District's system until May 31, 2012. This violation subjects the Discharger to liability pursuant to Water Code section 13350, subdivision (a).

### CALCULATION OF ADMINISTRATIVE CIVIL LIABILITY

14. Pursuant to Water Code section 13350, subdivision (e)(1), civil liability may be imposed administratively on a daily basis in an amount not to exceed five thousand dollars (\$5,000) for each day in which the violation occurs.
15. Pursuant to Water Code section 13327, in determining the amount of civil liability, the Lahontan Water Board is required to take into account the nature, circumstance, extent, and gravity of the violation or violations, whether the discharge is susceptible to cleanup or abatement, the degree of toxicity of the discharge, and, with respect to the violator, the ability to pay, the effect on ability to continue business, any voluntary cleanup efforts undertaken, any prior history of violations, the degree of culpability, economic benefit or savings, if any, resulting from the violation, and other matters as justice may require.
16. On November 17, 2009, the State Water Resources Control Board (State Water Board) adopted Resolution No. 2009-0083 amending the Water Quality Enforcement Policy (Enforcement Policy). The Enforcement Policy was approved by the Office of Administrative Law and became effective on May 20, 2010. The Enforcement Policy establishes a methodology for assessing administrative civil liability. The use of this methodology addresses the factors that are required to be considered when imposing a civil liability as outlined in Water Code section 13327. The entire Enforcement Policy can be found at:
- [http://www.waterboards.ca.gov/water\\_issues/programs/enforcement/docs/enf\\_policy\\_final111709.pdf](http://www.waterboards.ca.gov/water_issues/programs/enforcement/docs/enf_policy_final111709.pdf)
17. **Maximum Administrative Civil Liability:** Pursuant to Water Code section 13350, subdivision (e)(1), the total maximum administrative civil liability that may be imposed for the violation in this Order is **\$4,160,000**.
18. **Minimum Administrative Civil Liability:** Pursuant to Water Code section 13350, subdivision (e)(1)(B), the minimum administrative civil liability that must be imposed

for the violation in this Order is **\$83,200**, unless the Lahontan Water Board makes express findings pursuant to Water Code section 13350, subdivision (f).

19. Water Code section 13350, subdivision (f) states that:

“A regional board shall not administratively impose civil liability in accordance with paragraph (1) of subdivision (e) in an amount less than the minimum amount specified, unless the regional board makes express findings setting forth the reasons for its action based upon the specific factors required to be considered pursuant to Section 13327.”

Water Code section 13327 allows for “other factors as justice may require.” The Lahontan Water Board hereby finds that the specific factors discussed in Attachment C, Step 7 of the Complaint (i.e., property values, use of November 9, 2011 as an alternative compliance date, consistency with similar Lahontan Water Board enforcement actions in the Eagle Lake basin), in combination with the Discharger complying with the Basin Plan prohibition as of May 31, 2012, justifies imposing a liability less than the minimum amount cited in Finding No. 19, above.

20. The Enforcement Policy requires that:

“The adjusted Total Base Liability shall be at least 10 percent higher than the Economic Benefit Amount so that liabilities are not construed as the cost of doing business and that the assessed liability provides a meaningful deterrent to future violations.”

The Complaint cites the economic benefit of violating Cease and Desist Order No. R6T-2009-0126 as \$4,210 (average cost of connecting to the District’s system). The Discharger has come into compliance with the Basin Plan prohibition by connecting to the District’s system, since the Complaint was issued. Therefore, it is appropriate to base the Discharger’s economic benefit upon a delayed cost, rather than an avoided cost. The Discharger’s economic benefit based upon a delayed cost analysis is \$343. The economic benefit plus ten percent is \$377.30. The Lahontan Water Board hereby finds that the revised minimum administrative civil liability for this Order is **\$373.30**, based upon consideration of the specific factors discussed in Attachment C, Step 7 of the Complaint, the Discharger complying with the Basin Plan prohibition as of May 31, 2012, and the Enforcement Policy.

21. **Administrative Civil Liability Determination:** Complaint No. R6T-2012-0030 recommends an administrative civil liability of **\$16,490**, based upon the Lahontan Water Board Prosecution Team’s application of the Enforcement Policy’s administrative civil liability methodology. The Discharger has come into compliance with the Basin Plan prohibition since the Complaint was issued. The Lahontan Water Board hereby finds that complying with the Basin Plan prohibition justifies reducing, but not eliminating, the liability amount from that recommended by the Complaint. The reduced liability reflects

the Lahontan Water Boards primary objective of achieving compliance with the Basin Plan prohibition, while creating an incentive to comply for other Spalding Tract property owners who continue to violate the Basin Plan prohibition and Cease and Desist Orders that have been issued to them.

22. The Lahontan Water Board has applied the Enforcement Policy's administrative civil liability methodology and considered each of the Water Code 13327 factors based upon information in the record, including testimonies at the public hearing, information described in greater detail in the Complaint and its attachments, and the Discharger complying with the Basin Plan prohibition beginning May 31, 2012. The Lahontan Water Board hereby finds that civil liability should be imposed administratively on the Discharger in the amount of **\$1,367**, which falls within the allowable range. This amount is based upon the economic benefit realized by the Discharger (\$343), plus ten percent of the economic benefit (\$34.30), plus Lahontan Water Board staff cost of preparing the Complaint (\$990).

### GENERAL

23. This Order only resolves liability that the Discharger incurred for violations specifically alleged in the Complaint. This Order does not relieve the Discharger of liability for any violations not alleged in the Complaint. The Lahontan Water Board retains the authority to assess additional civil liabilities for violations of applicable laws or orders for which civil liabilities have not yet been assessed, or for violations that may subsequently occur.
24. Issuance of this Order is an enforcement action and is, therefore, exempt from the California Environmental Quality Act (Pub. Resources Code § 21000 et seq.), pursuant to California Code of Regulations, title 14, section 15321, subdivision (a)(2).
25. Any person aggrieved by this action of the Lahontan Water Board may petition the State Water Board to review the action in accordance with Water Code section 13320 and California Code of Regulations, title 23, section 2050 and following. The State Water Board must receive the petition by 5:00 p.m., 30 days after the date of this Order, except that if the thirtieth day following the date of this Order falls on a Saturday, Sunday or State holiday, the petition must be received by the State Water Board by 5:00 p.m. on the next business day. Copies of the law and regulations applicable to filing will be provided upon request, and may be found on the Internet at:

[http://www.waterboards.ca.gov/public\\_notices/petitions/water\\_quality](http://www.waterboards.ca.gov/public_notices/petitions/water_quality)

### IT IS HEREBY ORDERED THAT:

1. Administrative civil liability is imposed upon the Discharger in the amount of **\$1,367**.

2. The Discharger shall submit payment with a cashier's check or money order in the full amount of **\$1,367** payable to the State Water Resources Control Board's Waste Discharge Permit Fund within 30 days of the date this Order is adopted.
3. Should the Discharger fail to make the specified payment to the State Water Resources Control Board's Waste Discharge Permit Fund within the time limit specified in this Order, the Lahontan Water Board may enforce this Order by applying for a judgment pursuant to Water Code section 13328. The Lahontan Water Board's Executive Officer is hereby authorized to pursue a judgment pursuant to Water Code section 13328 if the criterion specified in this paragraph is satisfied.

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

Attachments:

- A. ACL Complaint No. R6T-2012-0030 (and attachments)
- B. Excerpt from June 1, 2012 Spalding Tract Community Services District's electronic mail and attachment to Lahontan Water Board staff

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## Lahontan Regional Water Quality Control Board

April 20, 2012

SUTTON, DENNIS J. & ETAL  
DEBORAH L. JT  
685 ELM STREET  
SUSANVILLE, CA 96130

**CERTIFIED MAIL: 7099 3220 0007 3471 3067**

### **ADMINISTRATIVE CIVIL LIABILITY COMPLAINT NO. R6T-2012-0030 FOR SUTTON, DENNIS J. & ETAL DEBORAH L. JT, SPALDING TRACT SUBDIVISION, LASSEN COUNTY APN 077-271-19-11**

Enclosed please find Administrative Civil Liability Complaint No. R6T-2012-0030 issued pursuant to California Water code section 13323, alleging violations by Sutton, Dennis J & ETAL Deborah L. JT (Discharger) of Cease and Desist Order No. R6T-2009-0126. The Complaint alleges that the Discharger failed to either (1) connect its on-site wastewater disposal system to the Spalding Community Services District's community sewer system, or (2) properly abandon its on-site wastewater disposal system in accordance with Lassen County regulations by December 31, 2009. The Complaint proposes that the Regional Water Quality Control Board, Lahontan Region (Lahontan Water Board) assess an administrative civil liability against the Discharger in the amount of \$16,490 pursuant to California Water Code section 13350. Also enclosed is a Waiver of Hearing form for this matter.

Unless waived, a hearing before the Lahontan Water Board or a Lahontan Water Board Hearing Panel (Hearing Panel) will be held on **July 11-12, 2012** on this Complaint pursuant to Water Code section 13323. At the hearing, the Lahontan Water Board will consider whether to impose administrative civil liability (as proposed in the Complaint or for a different amount, either higher or lower than proposed, but not to exceed the maximum liability provided for by law), decline the administrative civil liability, or refer the matter to the Attorney General for judicial enforcement.

The Discharger may contest the proposed administrative civil liability at the hearing or, in the alternative, may waive its right to the hearing. Should the Discharger choose to waive its right to a hearing, an authorized agent must sign the enclosed Waiver of Hearing form and return it to the Lahontan Water Board's South Lake Tahoe office by **5:00 p.m. on May 21, 2012**. If the Lahontan Water Board does not receive the waiver and full payment of the liability by this date and time, the matter will be heard before the Lahontan Water Board or a Hearing Panel within 90 days of the Complaint's issuance date. Public hearing procedures will be mailed to the Discharger shortly and an agenda containing the date, time, and location of the hearing will be mailed to the Discharger at least 10 days prior to the hearing date.

If you have any questions regarding this matter, please contact Lisa Scorable (530) 542-5452, or Scott C. Ferguson at (530) 542-5432.



Lauri Kemper, P.E.  
Assistant Executive Officer

Enclosures: 1. Administrative Civil Liability Complaint No. R6T-2012-0030  
2. Waiver of Hearing Form

cc (w/enc): Regional Board Members  
Harold J. Singer, Executive Officer/Lahontan Regional Water Quality Control Board  
Kim Niemeyer, Staff Counsel/State Water Resources Control Board/Office of Chief Counsel  
David Boyers, Staff Counsel/State Water Resources Control Board/Office of Enforcement  
Ann Carroll, Staff Counsel/State Water Resources Control Board/ Office of Enforcement

Cc (w/o enc): Chris Gallagher, General Manager/Spalding Community Services District  
Virginia Bruce/Spalding Community Services District  
Alan Jones, Director/Lassen County Environmental Health Department  
Kenneth Bunch/Lassen County Assessor  
Maurice Anderson/Lassen County Building Department

SCF/adw/T: Agenda Items/2012/July/Spalding Tract ACL-R6T-2012-0030/Complaint Cover Letter-(4-6-2012)SCF  
File Under: Spalding Tract\_Sutton, APN No. 077-271-19-11

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

|  |   |                                       |
|--|---|---------------------------------------|
| <b>In the Matter of</b>                | ) |                                       |
| <b>Sutton, Dennis J. &amp; ETAL</b>    | ) | <b>COMPLAINT NO. R6T-2012-0030</b>    |
| <b>Deborah L. JT,</b>                  | ) | <b>FOR</b>                            |
| <b>Spalding Tract Subdivision,</b>     | ) | <b>ADMINISTRATIVE CIVIL LIABILITY</b> |
| <b>Lassen County APN 077-271-19-11</b> | ) |                                       |

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**SUTTON, DENNIS J. & ETAL DEBORAH L. JT IS HEREBY GIVEN NOTICE THAT:**

1. As a result of failing to either (1) connect the on-site wastewater disposal system to the Spalding Tract Community Services District's (District) community sewer system, or (2) properly abandon the on-site wastewater disposal system in accordance with Lassen County regulations, Sutton, Dennis J & ETAL Deborah L. JT (Discharger) is alleged to have violated Cease and Desist Order No. R6T-2009-0126 for which the California Regional Water Quality Control Board, Lahontan Region (Lahontan Water Board) may impose administrative civil liabilities pursuant to Water Code section 13350. This Administrative Civil Liability Complaint (Complaint) is issued under authority of Water Code section 13323.
2. Unless waived, a hearing on this Complaint will be held before the Lahontan Water Board on July 11-12, 2012, at 971 Silver Dollar Avenue, South Lake Tahoe, California. At the hearing, the Lahontan Water Board will consider whether to affirm, reject, or modify (either increase or decrease) the proposed civil liability up to the maximum penalty provided for by law, or refer the matter to the Attorney General's Office for recovery of judicial liability. The Discharger or its representative will have an opportunity to be heard and to contest the allegations in this Complaint and the imposition of civil liability. An agenda for the meeting will be available at [http://www.waterboards.ca.gov/lahontan/board\\_info/agenda/](http://www.waterboards.ca.gov/lahontan/board_info/agenda/) not less than 10 days before the hearing date.
3. The Discharger can waive its right to a hearing to contest the allegations contained in this Complaint by submitting a signed waiver and paying the civil liability in full or by taking other actions as described in the attached waiver form. If this matter proceeds to hearing, the Lahontan Water Board's Prosecution Team reserves the right to seek an increase in the civil liability amount to cover the costs of enforcement incurred subsequent to the issuance of this Complaint through the hearing.

## ALLEGATIONS

4. The Discharger owns Assessor Parcel No. 077-271-19-11 in the Spalding Tract subdivision located on the west shore of Eagle Lake, approximately 20 miles northwest of Susanville, California. See Attachment A – Vicinity Map.
5. Based upon a review of Lassen County records, the Discharger owns and/or operate(s) an on-site wastewater disposal system located at the above-referenced parcel. The existence of an on-site wastewater disposal system that has not been properly abandoned at this location permits waste containing nutrients to be discharged, and/or threatens a discharge of waste containing nutrients, to waters within the Eagle Lake Basin.
6. In September 1984, pursuant to Water Code section 13243, the Water Board amended the *Water Quality Control Plan for the Lahontan Region* (Basin Plan) to prohibit the discharge of sewage to on-site wastewater disposal systems in the Spalding Tract 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 p. 4.1-4.)
7. On October 22, 2007, the District's community sewer system (system) became operational. As a result, there is now an available method for the Spalding Tract subdivision property owners to comply with the Basin Plan prohibition cited above.
8. On October 14, 2009, the Lahontan Water Board adopted Cease and Desist Order No. R6T-2009-0126 for Lassen County APN No. 077-271-19-11 to establish a time schedule for the Discharger to comply with the Basin Plan prohibition cited in Finding 6 above.
9. Cease and Desist Order No. R6T-2009-0126 required the Discharger, by December 31, 2009, to either (1) connect its on-site wastewater disposal system to the District's community sewer system, or (2) properly abandon its on-site wastewater disposal system in accordance with Lassen County regulations. Upon completing one of the two activities, the Discharger was required to submit documentation of compliance with the Basin Plan prohibition cited in Finding 6 above to the Lahontan Water Board.
10. The Discharger failed to comply with Cease and Desist Order No. R6T-2009-0126 and on June 28, 2011, the Lahontan Water Board's Prosecution Team issued the Discharger a Notice of Violation citing the ongoing violation.

11. The June 28, 2011 Notice of Violation notified the Discharger of the Prosecution Team's intent to issue an Administrative Civil Liability Complaint to be considered by the Lahontan Water Board at its November 9-10, 2011 meeting.
12. The June 28, 2011 Notice of Violation informed the Discharger that the Prosecution Team would consider withdrawing the Administrative Civil Liability Complaint if the Discharger complied with its Cease and Desist Order prior to the November 9-10, 2011 meeting.
13. Based upon a review of the District's records (Attachment B to this Complaint), the Discharger has not connected its on-site wastewater disposal system to the District's community sewer system as of April 11, 2012, and the Lahontan Water Board has not received documentation from the Discharger and/or from Lassen County that the Discharger properly abandoned its on-site wastewater disposal system as of April 11, 2012. Therefore, the Discharger is in violation of Cease and Desist Order No. R6T-2009-0126.
14. As of the date of drafting of this Complaint, April 11, 2012, the Discharger has been in violation of Cease and Desist Order No. R6T-2009-0126 for 832 days.

**WATER CODE SECTION UPON WHICH ADMINISTRATIVE CIVIL LIABILITY IS  
BEING ASSESSED FOR THE ALLEGED VIOLATIONS**

15. Pursuant to Water Code section 13350, subdivision (a), any person who violates any cease and desist order issued by a regional board, is subject to administrative civil liability.
16. Pursuant to Water Code section 13350, subdivision (e), civil liability may be imposed administratively on a daily basis in an amount not to exceed five thousand dollars (\$5,000) for each day in which the violation occurs.

**FACTORS CONSIDERED IN DETERMINING ADMINISTRATIVE CIVIL LIABILITY**

17. Pursuant to Water Code section 13327, in determining the amount of civil liability, the Lahontan Water Board is required to take into account the nature, circumstance, extent, and gravity of the violation or violations, whether the discharge is susceptible to cleanup or abatement, the degree of toxicity of the discharge, and, with respect to the violator, the ability to pay, the effect on ability to continue business, any voluntary cleanup efforts undertaken, any prior history of violations, the degree of culpability, economic benefit or savings, if any, resulting from the violation, and other matters as justice may require.
18. On November 17, 2009, the State Water Resources Control Board (State Water Board) adopted Resolution No. 2009-0083 amending the Water Quality Enforcement Policy (Enforcement Policy). The Enforcement Policy was approved by the Office of Administrative Law and became effective on May 20, 2010. The Enforcement Policy

establishes a methodology for assessing administrative civil liability. The use of this methodology addresses the factors that are required to be considered when imposing a civil liability as outlined in Water Code section 13327. The entire Enforcement Policy can be found at:

[http://www.waterboards.ca.gov/water\\_issues/programs/enforcement/docs/enf\\_policy\\_final111709.pdf](http://www.waterboards.ca.gov/water_issues/programs/enforcement/docs/enf_policy_final111709.pdf)

19. The required factors have been considered for the violations alleged herein using the methodology in the Enforcement Policy, as explained in detail in Attachment C, which is attached hereto and incorporated herein by this reference.

#### **MAXIMUM ADMINISTRATIVE CIVIL LIABILITY**

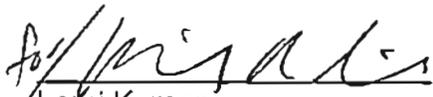
20. Pursuant to Water Code section 13350, subdivision (e), the total maximum administrative civil liability that may be imposed for the violations alleged in this Complaint is **\$4,160,000**, as described in Attachments C and D, which are attached hereto and incorporated herein by this reference.

#### **PROPOSED ADMINISTRATIVE CIVIL LIABILITY**

21. Based on consideration of the above facts, the applicable law, and after applying the administrative civil liability methodology as described in Attachments C and D, the Assistant Executive Officer of the Lahontan Water Board proposes that civil liability be imposed administratively on the Discharger in the amount of **\$16,490.00**.

#### **CALIFORNIA ENVIRONMENTAL QUALITY ACT**

22. Issuance of this Complaint is an enforcement action and is, therefore, exempt from the California Environmental Quality Act (Pub. Resources Code § 21000 et seq.), pursuant to California Code of Regulations, title 14, section 15321, subdivision (a)(2).
23. Notwithstanding the issuance of this Complaint, the Lahontan Water Board retains the authority to assess additional civil liability for violations of the requirements of Cease and Desist Order No. R6T-2009-0126 for which liability has not yet been assessed or for violations that may occur subsequent to the issuance of this Complaint.

  
Lauri Kemper  
Assistant Executive Officer

4.20-12  
Date

Attachments:

- A. Vicinity Map
- B. Property Owners Connected to District Community Sewer System
- C. Administrative Civil Liability Methodology
- D. Administrative Civil Liability Methodology Spreadsheet

# ATTACHMENT A - VICINITY MAP



**Attachment B**  
**Property Owners Connected to District Community Sewer System**

| <b>Date of Connection</b> | <b>Spalding Residents Connected to the District Disposal System: APPLICANT NAME</b> | <b>Service Address</b>            | <b>APN#</b>      | <b>Notes</b> |
|---------------------------|---|-----------------------------------|------------------|--------------|
| 09/10/09                  | Abrams, Shirley H 1992 Rev TR   | 687-725 Spruce Way                | 077-193-32       |              |
| 04/03/08                  | Adams Family Trust  | Laurel Way                        | 077-343-17       |              |
| 08/01/08                  | Adams Family Trust Agreement  | 687-285 Juniper                   | 077-354-25       |              |
| 06/09/08                  | Aguiano, Jose R ETAL  | Magnolia Way                      | 077-334-13       |              |
| 06/04/08                  | Allen, Glen & Ida Rev. Trust  | 686-730 Catalpa Way               | 077-374-19       |              |
| 07/31/08                  | Alvarez Charles R.  | 688-100 Ivy Way                   | 077-221-16       |              |
| 08/06/08                  | Aman, Lisa Marie  | 503-555 Mahogany Way              | 077-301-23       |              |
| 05/21/09                  | American Legion Eagle Lake Post 162   | 687-935 Spruce Way                | 077-193-34       |              |
| 11/02/07                  | Anderson, Christopher J./J.A  | 687-815 Cedar Way                 | 077-283-24       |              |
| 04/14/08                  | Anderson, Dale A& Virginia A Revoc. Trust   | 687-590 Hazel Way                 | 077-331-30       |              |
| 03/18/08                  | Anderson, James L/Sherri A CP   | Hazel/Maple                       | 077-211-19       |              |
| 05/30/08                  | Anderson, Lee A Faye Z. JT.   | 686-855 Acorn Way                 | 077-392-14       |              |
| 05/08/08                  | Armstrong Family Trust  | 687-450 Magnolia Way              | 077-334-21       |              |
| 09/24/08                  | Armstrong Living Trust  | 687-384 Sycamore                  | 077-311-45       |              |
| 04/22/08                  | Armstrong, Dale A.& Myrna A.  | 688-050 Sycamore                  | 077-241-20       |              |
| 06/11/08                  | Armstrong, Robert T/Mabel E   | 688-035 Laurel Way                | 077-223-21       |              |
| 05/16/08                  | Arnold, Michael Wayne/Katherine Diane Rev TR  | RV Park-The Strand/ <b>Tank 1</b> | 077-182-09       |              |
| 11/16/11                  | Arnold, Michael Wayne/Katherine Diane Rev TR  | RV Park-The Strand/ <b>Tank 2</b> | 077-182-09       |              |
| 04/30/09                  | Arnold, Michael Wayne/Katherine Diane Rev TR  | RV Park-The Strand/ <b>Tank 4</b> | 077-181-12       |              |
| 11/02/07                  | Arons, Gerald J/Louise C  | 502-630 Mahogany Way              | 077-234-36       |              |
| 09/03/09                  | Artinian, Perry Exemption TR  | 502-475 The Strand                | 077-151-23       |              |
| 10/24/07                  | Atteberry David Ned & Vera Louse Jt.  | 686-930 Cherry Way                | 077-371-19       |              |
| 04/17/08                  | Atteberry, Harley/Lawanda   | 686-765 Fir Way                   | 077-383-39       |              |
| 07/29/09                  | Aubrey, Randall D/Valerie JDVA  | 686-795 Bamboo Way                | 077-393-23       |              |
| 10/06/08                  | Baer, Ronald L & Scott-Baer, Daleen E   | Juniper Way                       | 077-231-26       |              |
| 11/13/09                  | Bailey Trust ETAL   | Laurel Way                        | 077-234-10,22,07 |              |
| 12/08/08                  | Bailey, Irene   | 687-725 Hazel Way                 | 077-234-41       |              |
| 09/05/08                  | Baker, Joseph A. & Donna G.   | 686-905 Sycamore Way              | 077-402-14       |              |
| 02/12/08                  | Baker, Joseph A. & Donna G. JT.   | 686-905 Sycamore Way              | 077-402-23       |              |
| 05/09/08                  | Baker, Victor O./ Marguerite J.   | 687-010 Hollywod Way              | 077-363-18       |              |
| 03/31/08                  | Ballard, Richard H & Bobbie L   | 687-760 Laurel Way                | 077-233-56       |              |
| 02/19/10                  | Barker, Jeffrey   | Bamboo Way                        | 077-394-20       |              |
| 12/02/08                  | Barnes Family Trust Agreement   | 687-870 Juniper Way               | 077-232-33       |              |
| 06/02/08                  | Barnett Stephen R. & Joann W.   | 687-100 Bamboo Way                | 077-397-31       |              |
| 04/08/08                  | Barris, Patrick H/Gloria J.T.   | Walnut Way                        | 077-171-35       |              |
| 10/07/08                  | Barrows, Donald A/Barrows, Linda K TC   | 687-115 Cherry Way                | 077-388-23       |              |
| 08/12/08                  | Bateson, Clarence Owen/Susan Elizabeth  | 687-560 Fir Way                   | 077-292-09       |              |
| 08/05/08                  | Bechhold Family Trust   | The Strand/Hollywood Way          | 077-241-11       |              |
| 04/15/08                  | Beck Ronald N. & Gwen M JT.   | 686-840 Redwood Way               | 077-401-20       |              |
| 05/19/08                  | Beckett Family Living Trust   | 686-755 Catalpa Way               | 077-373-18       |              |
| 09/16/08                  | Beckett Family Living Trust   | 686-775 Catalpa Way               | 077-373-21       |              |
| 09/25/08                  | Beckett Family Living Trust   | 686-830 Catalpa Way               | 077-374-27       |              |
| 07/10/08                  | Beckman, Ronald G/Natalie J JT  | 687-100 Delwood Way               | 077-386-12       |              |
| 10/09/08                  | Belingeri Dennis D. & Stacy & Ziegler Paul M. JT.                                   | 688-090 Linden Way                | 077-223-24       |              |
| 06/12/09                  | Bell, Max K/Lynn D JT   | 686-755 Chestnut Way              | 077-371-08       |              |
| 06/18/08                  | Bemus Joseph M.& Susan C. CP.   | 686-855 Catalpa Way               | 077-373-20       |              |
| 10/14/08                  | Bennett, Thomas Lee/Bennett, Robin Rae  | 686-825 Sycamore Way              | 077-402-20       |              |
| 07/09/08                  | Bergthhold, Robert D/Terri HW   | 687-840 Almond Way                | 077-174-27       |              |
| 08/12/08                  | Betts, F Gregory/Doris B Family Trust   | Walnut Way                        | 077-161-22       |              |
| 08/27/09                  | Bilsborough, Craig/Linda JT   | 686-885 Fir Way                   | 077-383-35       |              |
| 07/17/09                  | Birkes Charles W. Marilyn   | 687-475 Juniper Way               | 077-322-04       |              |
| 05/18/09                  | Birlem, Richard/Salena JT   | 688-125 Juniper Way               | 077-221-17       |              |
| 12/22/09                  | Bishow, Raymond L.  | Hickory Way                       | 077-254-28       |              |
| 12/04/09                  | Bixby, William D/Ann R CPRS   | 687-825 Linden Way                | 077-232-41       |              |
| 03/27/08                  | Blackwell, Glenn R/Jeanette JR  | 687-130 Linden Way                | 077-342-16       |              |

**Attachment B**  
**Property Owners Connected to District Community Sewer System**

| <b>Date of Connection</b> | <b>Spalding Residents Connected to the District Disposal System: APPLICANT NAME</b> | <b>Service Address</b> | <b>APN#</b> | <b>Notes</b>   |
|---------------------------|---|------------------------|-------------|----------------|
| 10/29/08                  | Bloom, Kenneth D/Janis ETAL   | 687-285 Hickory        | 077-352-17  |                |
|                           | Bobbitt, Galen/Monique ETAL *   | 687-354 Juniper Way    | 077-354-24  | * Disconnected |
| 04/30/09                  | Boggs, Michael L/Christie Ann JT  | Laurel Way             | 077-224-26  |                |
| 06/11/08                  | Bollmann Richard M & Jacque A. JT.  | 686-835 Delwood Way    | 077-381-17  |                |
| 07/06/08                  | Boucher Family Trust  | 687-745 Tulip Way      | 077-194-42  |                |
| 07/21/08                  | Bowman, Joe E ETAL  | 687-740 Lakeview Dr.   | 077-274-31  |                |
| 09/18/08                  | Boyles, Valton  | 688-040 Manzanita Way  | 077-141-15  |                |
| 10/06/08                  | Brazil, Joseph Souza/Velma Lee Living Trust   | 687-675 Orchard Way    | 077-214-28  |                |
| 06/06/08                  | Brazil, Larry E   | 387-920 Hollywood Way  | 077-312-06  |                |
| 07/21/08                  | Bresin Family Revocable Living Trust  | Chinquepin Way         | 077-204-06  |                |
| 06/03/09                  | Brewster, George & Cheryl Family Trust  | Pinon/Sycamore         | 077-362-32  |                |
| 07/03/08                  | Bricker Living Trust  | 687-005 Catalpa Way    | 077-377-16  |                |
| 08/13/08                  | Bricker Living Trust  | 687-015 Catalpa Way    | 077-377-15  |                |
| 07/10/08                  | Briggs Living Trust   | 687-465 Hazel Way      | 077-324-32  |                |
| 05/13/08                  | Brines Family Trust   | 687-990 Almond Way     | 077-151-15  |                |
| 06/27/08                  | Brochon Martial Henry & Deillia Ann JT.   | Redwood Way            | 077-273-33  |                |
| 11/06/07                  | Brown, Robert G.  | 503-155 Mahogany Way   | 077-304-56  |                |
| 06/06/08                  | Bruce Family Trust  | 687-015 Ivy Way        | 077-353-28  |                |
| 06/26/09                  | Buechler, Vigil D Revocable Trust   | 68-805 Magnolia Way    | 077-216-04  |                |
| 07/28/08                  | Bullock, Arnold E/Bullock Viola J TR  | 687-995 Hemlock Way    | 077-242-24  |                |
| 12/01/09                  | Burkirk, Jeffery O/Margaret A JT  | Chestnut Way           | 077-371-06  |                |
| 03/04/08                  | Burleson, Vicki L   | 687-150 Hickory Way    | 077-353-23  |                |
| 04/08/08                  | Bush, Angelina L  | 687-020 Cedar Way      | 077-377-08  |                |
| 09/05/08                  | Bush, James, K/Debra M JT   | 688-120 Hemlock Way    | 077-243-09  |                |
| 06/05/09                  | Butler, Pamela Lynn   | Chestnut Way           | 077-376-17  |                |
| 04/12/10                  | Cady, Douglas & Lisa JT   | 687-630 Hazel Way      | 077-331-41  |                |
| 09/18/09                  | Cal, Family Living Trust  | Lakeview Dr.           | 077-362-36  |                |
| 02/15/08                  | Callison Living Trust   | Cedar Way              | 077-283-15  |                |
| 04/24/08                  | Campbell, Stuart B & Paula S  | 530-225 The Strand     | 077-241-26  |                |
| 07/10/09                  | Caron, Jean A. & Yvonne N. HWCP   | 687-590 Sycamore Way   | 077-311-40  |                |
| 06/25/08                  | Carrell, Robert G & Melcena Family Trust Etal                                       | 687-305 Spalding RD.   | 077-303-37  |                |
| 11/13/09                  | Carver, Kenneth/Strongman, Linda  | 687-205 Hazel Way      | 077-324-50  |                |
| 08/22/09                  | Castaneda, David & Donna JT   | 686-720 Delwood Way    | 077-382-09  |                |
| 08/21/09                  | Chan Family Trust   | 684-745 Orchard Way    | 077-214-18  |                |
| 01/15/10                  | Chandler, Diane   | 687-600 Redwood Way    | 077-303-27  |                |
| 10/25/07                  | Chappel, Sherry   | 687-875 Linden Way     | 077-232-31  |                |
| 05/01/08                  | Chatterley, Robert E & Bertha A. JT   | 687-320 Hazel Way      | 077-331-52  |                |
| 09/23/09                  | Cheng, Rovina Y   | 687-290 Juniper Way    | 077-322-12  |                |
| 07/06/11                  | Chuck, Mitchell/EKT Properties  | 687-995 Redwood Way    | 077-262-13  |                |
| 05/28/08                  | Clark, Donald L/Gina M JT   | 687-805 Sycamore Way   | 077-274-30  |                |
| 02/17/10                  | Clark, Mark L & Reatha Pauline JT   | Tamarack Way           | 077-173-35  |                |
| 08/20/09                  | Clark, William Jacob  | Tulip Way              | 077-161-18  |                |
| 04/10/08                  | Clayton, Robert James   | 687-015 Redwood Way    | 077-378-22  |                |
| 09/08/08                  | Claytor, Ronald/Kathryn TC  | 688-000 Lakeview Dr.   | 077-264-19  |                |
| 08/25/08                  | Clough Family Tr.   | 682-920 Juniper Way    | 077-232-44  |                |
| 01/29/09                  | Clowers, Herbert F ETAL   | Larch Way/The Strand   | 077-132-18  |                |
| 08/31/09                  | Coffey, Kenneth W/Dorothy J   | 686-850 Delwood Way    | 077-382-13  |                |
| 03/26/08                  | Coleman, Stephanie M ETAL   | 687-795 Chinquepin Way | 077-213-05  |                |
| 09/22/08                  | Colgan Family Trust   | Sycamore Way           | 077-363-19  |                |
| 07/11/11                  | Contreras, Robert SR. & Cyndi L. JT.  | Juniper Way            | 077-232-42  |                |
| 12/12/07                  | Cook Family Trust   | 688-085 Hickory Way    | 077-243-23  |                |
| 12/09/08                  | Cook, Richard W JR/Donna J CPS  | Hickory Way            | 077-244-23  |                |
| 12/31/07                  | Corey, Clifford & Jeanne CPRS   | 687-440 Hemlock Way    | 077-313-18  |                |
| 09/11/08                  | Councilman Family Trust   | Hollywood Way          | 077-252-25  |                |
| 06/25/10                  | Crete, Joseph C & Terri JT  | Acorn Way              | 077-393-14  |                |
| 08/16/08                  | Crowe, Paul L. & Arlene M. TR   | 687-890 Ivy way        | 077-231-32  |                |

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|---------------------------|---|------------------------|-------------|--------------|
| 08/26/08                  | Culjis, Lana S  | 686-975 Chestnut Way   | 077-375-19  |              |
| 09/21/09                  | Cunnington, Roger   | Walnut Way             | 077-171-36  |              |
| 08/17/09                  | Cunnington, Roger ETAL  | Hazel Way              | 077-331-40  |              |
| 03/24/08                  | Cunnington, Ronald & Lloy CP  | 688-085 Tulip Way      | 077-184-19  |              |
| 06/11/08                  | Curley, Richard D/Judith A CP   | 686-785 Cypress Way    | 077-394-11  |              |
| 06/18/08                  | Curran, David M. & Carol L. JT  | 688-060 Hemlock Way    | 077-243-22  |              |
| 04/20/09                  | Curry, Richard A/Michelle J   | 503-400 Madrone Way    | 077-374-23  |              |
| 04/20/09                  | Curry, Richard A/Michelle J   | Fir Way                | 077-383-37  |              |
| 12/06/07                  | Dallimore, Rosaline & Richard P. WHCP   | 688-025 Mimosa Way     | 077-142-19  |              |
| 04/18/08                  | Davey Roland A & Rose Marie   | 689-110 Spalding Rd.   | 077-362-38  |              |
| 07/16/09                  | Davis, G L or J A   | 688/145 Laurel Way     | 077-223-27  |              |
| 08/03/09                  | Davis, G L/J A Rev Liv TR   | Tulip Way              | 077-171-27  |              |
| 10/07/09                  | Davis, Patricia Candis  | Laurel Way             | 077-223-23  |              |
| 06/30/11                  | Davis, Robert & Annitta JT  | 687-770 Hollywood Way  | 077-252-04  |              |
| 05/15/09                  | Dawson, Gray/Julie CPRS   | 688-000 Tulip Way      | 077-161-03  |              |
| 02/28/08                  | Deaver, Howard R/Brown Carol S JT   | 687-280 Magnolia Way   | 077-334-01  |              |
| 07/01/08                  | Degli-Esposti, Robert F & Deanna J Fam Rev Liv                                      | 687-800 Hickory Way    | 077-254-26  |              |
| 04/20/09                  | Dempsey, Tom  | 387-760 Walnut Way     | 077-172-23  |              |
| 12/13/07                  | Denny Leland J & Santos, Linda Ann JT   | 687-710 hemlock Way    | 077-253-34  |              |
| 04/15/09                  | Denny, Lowell G & Denny, Christian P. JT  | 687-635 Hazel Way      | 077-324-46  |              |
| 05/21/08                  | Dettloff, Susan E & Michael D CP  | 687-010 Cedar Way      | 077-377-11  |              |
| 05/14/08                  | Devine, Robert William/Doreen Anne HWJT   | Hollywood/Madrone      | 077-411-20  |              |
| 04/18/08                  | Diefenderfer Family Trust   | Lilac Way              | 077-153-21  |              |
| 06/11/09                  | Dietrich, Bonnie K  | 520-687 Sycamore Way   | 077-311-06  |              |
| 06/19/08                  | Dingess, Terry L/Ernestine S JT   | 687-0145 Hickory Way   | 077-352-30  |              |
| 04/14/08                  | DiPonti, Robert & Dolores M PMB 166 Suite 7   | 687-580 Maple Way      | 077-332-56  |              |
| 05/20/09                  | Dittmar, Donald D/Carolyn Y   | 687-775 Maple Way      | 077-211-17  |              |
| 10/09/08                  | Doll Revocable Inter Vivos TR   | Spalding/Pinion        | 077-362-33  |              |
| 08/27/08                  | Donnell, Avis C Living Trust  | 687-560 Ivy Way        | 077-231-35  |              |
| 05/01/08                  | Doss, L.A./Linda JT   | 688-000 Hickory Way    | 077-244-32  |              |
| 09/19/08                  | Doty, Dennis W & Flynn-Doty, Diana HW   | 687-155 Hickory Way    | 077-353-24  |              |
| 11/02/07                  | Dowdy, Russell  | Cedar Way              | 077-271-18  |              |
| 09/15/08                  | Dreiss Family Trust   | 687-105 Fir Way        | 077-387-10  |              |
| 06/02/08                  | Drew, James E/Henderson, Karen  | 688-090 Oak Way        | 077-132-20  |              |
| 08/03/08                  | Driggs Family Trust   | Acorn Way              | 077-395-26  |              |
| 07/02/08                  | Duchi, Angelo A. & S. Ronda   | Hazel Way/The Strand   | 077-224-27  |              |
| 08/13/08                  | Dunlap Angela K & Walsmith George JA  | 687-880 Hazel Way      | 077-215-11  |              |
| 11/19/07                  | Eagle Lake Community Church   | 687-905 Lakeview Dr.   | 077-273-41  |              |
| 07/01/09                  | Eakin, Janice L   | 686-730 Hickory Way    | 077-413-15  |              |
| 06/12/09                  | Ehn, Charles M & Mayme A.   | 688-085 Hemlock way    | 077-242-12  |              |
| 09/12/08                  | Eldred Family Trust   | 686-925 Acacia Way     | 077-391-19  |              |
| 08/01/08                  | Ellasces, Frank K Sr/Michell D Vaughn JT ETAL                                       | Cedar Way              | 077-373-23  |              |
| 06/04/08                  | Elvin, Henry J/Mary M TR  | Bamboo Way             | 077-394-17  |              |
| 07/16/08                  | Erlewine, Edward F & Mary I 1992 Rev Family   | 688-090 Redwood Way    | 077-263-14  |              |
| 10/16/08                  | Estes, Kenneth P/Mary L JT  | Magnolia Way           | 077-216-10  |              |
| 10/24/07                  | Evans, Ronald R & Janet L. JT   | 687-750 Hickory Way    | 077-254-32  |              |
| 03/14/08                  | Fagundes, John P/Laurie M   | 503-555 Madrone        | 077-381-13  |              |
| 11/27/07                  | Fahringer, Pearline   | 687-945 Tulip Way      | 077-194-44  |              |
| 07/03/09                  | Farley, Fred E  | 687-010 Delwood Way    | 077-386-19  |              |
| 09/11/08                  | Farmer, Jerrel H. & Farmer, Maude M Rev.  | 686-125 Delwood Way    | 077-381-07  |              |
| 10/14/08                  | Farris Family Trust 1998 Rev. TR  | Bamboo Way             | 077-397-28  |              |
| 10/27/08                  | Farris, Gloria C.   | Cherry Way             | 077-282-09  |              |
| 07/01/08                  | Fauvelle, Mark D.   | 686-850 Cedar Way      | 077-373-19  |              |
| 07/13/09                  | Feist, Robert J   | Hickory Way            | 077-253-36  |              |
| 08/07/09                  | Feist, Robert J   | 687-915 Laurel Way     | 077-233-38  |              |

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|---------------------------|---|------------------------|-------------|--------------|
| 06/11/09                  | Fenner, Theodore R/Anita B JT   | Sycamore               | 077-264-17  |              |
| 07/18/08                  | Ferrier, William T/Laurette K JT  | 687-990 Ivy Way        | 077-221-18  |              |
| 12/19/07                  | Field, Shirley L Family Trust   | Acorn Way              | 077-396-18  |              |
| 04/09/08                  | Field, Shirley L Family Trust   | Acorn Way              | 077-396-17  |              |
| 03/05/08                  | Fies, William J JR. Trust Agreement   | Hickory Way            | 077-244-30  |              |
| 03/24/08                  | Fischer, Charles B. & Janet A. Trust  | Tulip Way              | 077-194-29  |              |
| 04/23/09                  | Fiske, Willard A/Deanna M   | Catalpa Way/The Strand | 077-262-07  |              |
| 05/02/08                  | Flandreau, Claude-Anne 2005 TR  | 687-245 Sycamore Way   | 077-362-35  |              |
| 06/06/08                  | Flannagan, James S. TR  | 686-925 Madrone Way    | 077-351-23  |              |
| 11/14/07                  | Fortier, Gerald & Tracy JT  | 687-900 Tamarack Way   | 077-174-18  |              |
| 04/07/10                  | Fouk, Benjamin L  | Linden Way             | 077-222-21  |              |
| 10/03/08                  | Fredenburg, Kenneth D   | 687-800 Hazel Way      | 077-211-15  |              |
| 10/26/07                  | Frey, Heinz Robert & Lieselotte JT  | 688-040 Lakeview Dr    | 077-264-07  |              |
| 08/28/09                  | Gaines, Theodore 1996 Trust   | The Strand             | 077-221-06  |              |
| 11/26/07                  | Gallagher Family TR   | 687-980 Linden Way     | 077-223-28  |              |
| 10/25/07                  | Garcia Family Trust   | 686-995 Chestnut       | 077-375-10  |              |
| 05/26/09                  | Garcia, Larry Michael Sherre A HWJT   | 688-035 Hollywood Way  | 077-241-23  |              |
| 05/26/09                  | Garcia, Larry Michael/Sherre A  | Hollywood Way          | 077-241-24  |              |
| 10/02/09                  | Gardner, Jane E   | 688-100 Linden Way     | 077-223-25  |              |
| 12/11/07                  | Garland, John M.& Regina K. JT  | 687-820 Ivy Way        | 077-231-27  |              |
| 08/05/09                  | Gates, Donald F/Charlene  | Chestnut/Cherry        | 077-293-12  |              |
| 11/13/09                  | Geer, Glen  | Laurel Way             | 077-233-53  |              |
| 05/27/09                  | George, Byron W/Beverly A   | Sycamore Way           | 077-251-46  |              |
| 11/02/07                  | Glenden, Jack Terrence/Helen Lathe Family Trust                                     | 687-600 Cedar Way      | 077-301-19  |              |
| 04/24/08                  | Glenn, James H. Irrevocable Trust   | 687-960 Sycamore       | 077-241-22  |              |
| 05/07/08                  | Glenn, Leon H.  | 688-030 Sycamore Way   | 077-241-25  |              |
| 09/09/11                  | Goddard, Philip W   | 687-950 Cedar Way      | 077-261-08  |              |
| 04/07/08                  | Godde, Lawrence A. & Godde, Geraldine D   | Lakeview Dr.           | 077-273-39  |              |
| 09/12/08                  | Golden Gary/Erma E Trust  | 686-125 Almond Way     | 077-164-20  |              |
| 04/21/08                  | Gomez, Joe I & Olivia ETAL  | 687-315 Hazel Way      | 077-324-47  |              |
| 05/08/09                  | Goodenow, Rev Robert/Susan Mae CPRS   | Juniper Way            | 077-221-24  |              |
| 05/01/09                  | Goodwin, Stephen D/Susan E JT   | 686-975 Spalding Rd    | 077-361-27  |              |
| 04/21/08                  | Goyette,Vern & Porrasi, Cecilia TC  | 077-232-23 Linden Way  | 077-232-23  |              |
| 05/14/08                  | Grajczyk, Gary R. & E. Louise   | 687-320 Hollywood Way  | 077-312-26  |              |
| 04/27/09                  | Graton, Diane Alan/Kari Michelle  | 687-305 Laurel Way     | 077-323-33  |              |
| 06/09/08                  | Gregorius, Benedict & Sheila Francine JT  | 687-985 Chinquepin Way | 077-217-10  |              |
| 05/09/08                  | Grout, George/Zona JT   | 688-105 Hazel Way      | 077-224-11  |              |
| 05/28/08                  | Haddox, Caroline ETAL   | 687-740 Walnut Way     | 077-172-25  |              |
| 06/03/08                  | Hague Donald & Edith E HW/Hague, Montana May  | 686-810 Acorn Way      | 077-393-25  |              |
| 11/12/09                  | Haines, Cidne J. ETAL   | Hemlock Way            | 077-351-03  |              |
| 09/05/08                  | Hallas, Charles/Rosalie Living Trust  | 688-125 Hickory Way    | 077-243-24  |              |
| 07/16/08                  | Harper Family Trust   | Chestnut Way           | 077-371-10  |              |
| 11/21/07                  | Harrison, Richard K/Julie A   | Linden Way             | 077-233-46  |              |
| 08/26/08                  | Harvey Family Trust   | 687-930 Hazel Way      | 077-215-12  |              |
| 04/25/09                  | Hasty, Clarence/Virginia Revoc Liv Tr   | 687-775 Orchard Way    | 077-214-29  |              |
| 08/23/11                  | Hasty, Clarence/Virginia Revoc Liv Tr   | Laurel/Palm            | 077-344-15  |              |
| 04/29/08                  | Healy,Thomas &Delores Etal %Robert, OB  | 687-640 Linden Way     | 077-323-36  |              |
| 06/18/08                  | Helmer, Nason James/Gail Ann Rev TR   | 686-800 Chestnut Way   | 077-372-20  |              |
| 03/18/08                  | Hembree , Stephanie L   | Maple Way              | 077-212-15  |              |
| 08/28/08                  | Henrickson, Joseph G III/Marilyn HWJT   | 687-025 Spalding Rd.   | 077-361-19  |              |
| 08/20/08                  | Henrickson, Joseph G III/Marilyn JT   | 503-475 Madrone Way    | 077-373-13  |              |
| 05/02/08                  | Henson John E & Evelyn A Trust  | 503-150 Pinion Way     | 077-304-52  |              |
| 10/25/07                  | Herfi, David Lee & Cynthia Louise JT  | Lakeview Dr.           | 077-274-20  |              |
| 04/20/09                  | Heritage Land Co  | Redwood Way            | 077-262-18  |              |

**Attachment B**  
**Property Owners Connected to District Community Sewer System**

| <b>Date of Connection</b> | <b>Spalding Residents Connected to the District Disposal System: APPLICANT NAME</b> | <b>Service Address</b>     | <b>APN#</b>      | <b>Notes</b> |
|---------------------------|---|----------------------------|------------------|--------------|
| 07/22/09                  | Heritage Land Co  | Elm Way                    | 077-383-20       |              |
| 07/23/09                  | Heritage Land Co  | Elm Way                    | 077-383-31       |              |
| 08/12/09                  | Heritage Land Co  | 686-920 Spalding Rd.       | 077-362-28       |              |
| 04/21/10                  | Heritage Land Co  | Acacia Way                 | 077-392-19       |              |
| 04/22/08                  | Herrbach, Clarence E/Herrbach, Rae B  | 686-760 Sycamore Way       | 077-403-20       |              |
| 08/21/09                  | Herrick Family Trust  | 687-595 Hazel Way          | 077-324-45       |              |
| 04/09/08                  | Hiehle, Dustin L & Georgia JT   | 687-005 Cedar Way          | 077-376-24       |              |
| 05/27/09                  | Hindbaugh, Ronald P.Earline M JT  | 687-945 Sycamore Way       | 077-274-18       |              |
| 05/28/09                  | Hindbaugh, Ronald P.Earline M JT  | 687-900 Sycamore Way       | 077-251-34       |              |
| 06/01/09                  | Hindbaugh, Ronald P.Earline M JT  | 687-490 Sycamore Way       | 077-311-41       |              |
| 09/26/08                  | Hindersheid, Dave/Cecelia   | 687-755 Juniper Way        | 077-231-23       |              |
| 07/28/08                  | Holland, Paul Reginald/Flor Rev Liv Trust   | Strand/Willow/Walnut       | 077-162-05,06,07 |              |
| 04/02/08                  | Hopwood, Kenneth/Jayne H ETAL All AS JT   | 686-950 Sycamore Way       | 077-363-15       |              |
| 04/07/08                  | Hosking Robert R/Margaret   | 687-040 Cedar Way          | 077-377-09       |              |
| 05/15/08                  | House, David J/Chrisandra M CPS   | 687-765 Orchard Way        | 077-214-17       |              |
| 10/01/08                  | House, James/Diana JT(Vista Reverse 8 LLC)  | 688-045 Redwood Way        | 077-262-14       |              |
| 06/04/09                  | House, Jesse P/Dolores M House TR   | Hollywood/Madrone/Sycamore | 077-363-29       |              |
| 08/21/08                  | Howes James W. & Elizabeth  | 687-670 Catalpa Way        | 077-272-01       |              |
| 06/03/08                  | Hunter, John L & Dorothy A JT   | 687-505 Hollywood Way      | 077-311-37       |              |
| 04/09/08                  | Illia Family Trust  | 687-300 Sycamore           | 077-311-23       |              |
| 06/25/08                  | Ito, Douglas Y ETAL   | Hickory Way                | 077-353-27       |              |
| 04/14/08                  | Jackson Family Trust  | 686-920 Redwood Way        | 007-401-05       |              |
| 09/23/08                  | James Timothy & Louise JT.  | 687-065 Acorn Way          | 077-395-16       |              |
| 03/31/08                  | James, Daniel L. & Diane L. JT  | 687-350 Hazel Way          | 077-331-43       |              |
| 10/19/11                  | Jamison, Dwight M & Carol L   | 687-780 Orchard Way        | 077-191-29       |              |
| 09/29/08                  | Jarvis Family Trust   | 686-760 Chestnut Way       | 077-372-19       |              |
| 10/22/09                  | Jeffrey, James  | 686-990 Catalpa Way        | 077-378-24       |              |
| 05/28/09                  | Jennings, Robert H/Pamela A   | Hazel Way                  | 077-224-23       |              |
| 06/09/08                  | Jessop, Merl & Sondra L. Etal   | Chinquepin Way             | 077-214-23       |              |
| 06/09/08                  | Jessop, Merl & Sondra L. Etal   | Chinquepin Way             | 077-214-26       |              |
| 06/09/08                  | Jessop, Merl K & Sondra L. JT.  | Chinquepin Way             | 077-214-15       |              |
| 06/02/08                  | Johnson, John E. & Darlene M.   | 687-815 Hazel Way          | 077-234-40       |              |
| 09/18/09                  | Johnston Family Trust ETAL  | 687-045 Hickory Way        | 077-352-19       |              |
| 06/18/08                  | Jones, James E.   | 876-715 Hollywood Way      | 077-251-20       |              |
| 04/24/08                  | Jones, Jerry Lee/Marsha S Fam TR  | 687-995 Sycamore Way       | 077-264-18       |              |
| 11/06/07                  | Jordon Norbert & Ruth E JT  | 687-705 Spruce Way         | 077-193-19       |              |
| 05/01/09                  | K C Investments   | 686-945 Cedar Way          | 077-376-22       |              |
| 08/25/08                  | Kaiser , Bruce & Voorheis , Thelma JT   | Hollywood Way              | 077-242-18       |              |
| 05/09/08                  | Keehn, Thomas J (Monroe new owner)  | 687-110 Tulip Way          | 077-184-20       |              |
| 06/19/08                  | Keller, Nelda Ray Revocable Living Trust  | 687-585 Hollywood Way      | 007-311-44       |              |
| 06/06/08                  | Kelly , Paul D. & Deborah K. JT.  | Laurel Way                 | 007-234-39       |              |
| 08/21/09                  | Kelly Family Trust  | Ridge Way                  | 077-151-24       |              |
| 06/02/08                  | Kerr Living Trust   | 686-800 Bamboo Way         | 077-394-16       |              |
| 06/26/09                  | Killingsworth, Gregory J/Lynn M JT  | 688-005 Lilac Way          | 077-152-19       |              |
| 02/26/08                  | Kimbal ,Dana S & Quilici, Janet K. JT   | 687-000 Acorn Way          | 077-396-08       |              |
| 11/02/07                  | Kimura, Roy Michio & Kimura, Anne Tr.   | 687-608 Ivy Way            | 077-231-31       |              |
| 04/15/08                  | Kinder, Stanley K   | Linden Way                 | 077-222-20       |              |
| 06/23/08                  | King, Douglas G/Taura D   | Willow Way                 | 077-162-14       |              |
| 09/05/08                  | King, Douglas G/Taura D   | Hollywood Way              | 077-251-42       |              |
| 08/15/08                  | King, Robert  | 686-835 Hollywood Way      | 077-403-18       |              |
| 12/03/09                  | Kish, Leonore M.  | Chinquepin Way             | 077-204-15       |              |
| 06/18/08                  | Kneeland, Paul J  | 686-990 Hickory Way        | 077-353-11       |              |
| 07/03/09                  | Knifong Lester D. & Lodellee Revocable Living Trust                                 | 687-155 Hickory Way        | 077-352-31       |              |
| 09/17/08                  | Koch Living Trust   | 687-280 Hickory Way        | 077-353-20       |              |
| 10/21/09                  | Koch, Linda C Revo Live TR  | Chestnut Way               | 077-283-16       |              |

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| <b>Date of Connection</b> | <b>Spalding Residents Connected to the District Disposal System: APPLICANT NAME</b> | <b>Service Address</b> | <b>APN#</b> | <b>Notes</b> |
|---------------------------|---|------------------------|-------------|--------------|
| 06/02/08                  | Koehly, Joseph & Mercedes   | 687-240 Laurel Way     | 077-344-14  |              |
| 04/24/08                  | Kolbet, Richard N/Knapp Lucille   | 687-855 Catalpa Way    | 077-271-23  |              |
| 09/12/08                  | Kottke Family Trust   | 687-950 Catalpa Way    | 077-272-42  |              |
| 05/01/08                  | Krupp Family Revocable Trust  | 687-710 Sycamore       | 077-251-39  |              |
| 10/23/07                  | Kvidera, Michael C. & Marilyn Living Trust  | 686-985 Redwood Way    | 077-378-23  |              |
| 12/17/09                  | Larimore, Harry A/Beatrice A JT   | 686-915 Cypress Way    | 077-397-33  |              |
| 04/04/08                  | Larson Larry Lee/Hazel M CP   | 687-975 Sycamore Way   | 077-362-30  |              |
| 07/28/09                  | Lashmet, Harry T  | 688-040 Laurel Way     | 077-224-25  |              |
| 07/29/09                  | Lashmet, Harry T  | Laurel Way             | 077-224-24  |              |
| 11/01/07                  | Lavarias , Jim B. & Vera A. CP  | 688-020 Juniper Way    | 077-222-17  |              |
| 05/01/09                  | Lawrence, John Paul/Lee Davis McGlenn   | Elm Way                | 077-387-18  |              |
| 09/09/08                  | Lawson Family 1997 Trust  | Linden Way             | 077-323-40  |              |
| 11/29/07                  | Lay Gene W. & Merle A. CRPS   | Acorn Way              | 077-393-17  |              |
| 06/03/08                  | Lay Gene W. & Merle A. JT   | 686-875 Acacia Way     | 077-391-17  |              |
| 11/05/10                  | Lee, Irwin/Riva   | 687-875 Willow Way     | 077-172-24  |              |
| 08/08/08                  | Lemon , Earl L. & Evelyn L. Trust   | 688-040 Hollywood Way  | 077-242-25  |              |
| 08/04/08                  | Lemon Grant L. & Kenny, Lenore M HW   | 687-960 Hemlock Way    | 077-243-26  |              |
| 04/22/09                  | Leonard, William R Jr/Cynthia A HWJT  | 688-160 Juniper Way    | 077-222-13  |              |
| 07/04/08                  | Leonard, William R/Cynthia A JT   | 686-955 Spalding Rd.   | 077-361-24  |              |
| 08/07/09                  | Leonard, William R/Cynthia A JT   | 687-245 Linden Way     | 077-342-11  |              |
| 06/23/08                  | Leonhardt, Larry/Priscilla CPRS   | 68-730 Chestnut Way    | 077-372-18  |              |
| 04/16/09                  | LeRoy, Doreene  | 687-630 Maple Way      | 077-332-45  |              |
| 04/20/09                  | LeRoy, John David   | 686-925 Spalding Rd.   | 077-401-04  |              |
| 09/08/11                  | Lewis, William Joe & Lewis, David Gene  | Poplar/Palmetto        | 077-192-29  |              |
| 05/28/08                  | Liggett, Raymond E  | 686-885 Bamboo Way     | 077-393-21  |              |
| 12/28/11                  | Lindenberg Living Trust   | 687-710 Linden Way     | 077-233-54  |              |
| 04/09/08                  | Long Lloyd E. & Inez M & David & Susan JT   | Hollywood Way          | 077-241-19  |              |
| 05/28/08                  | Longe Gary, Alan & Virginia Jt  | 687-740 Catalpa Way    | 077-272-25  |              |
| 06/26/09                  | Loy, Regina M-Original Dt of hook-up - 9/08   | 687-730 Catalpa Way    | 077-272-41  |              |
| 09/18/08                  | Luchetti 2002 Family Trust  | 686-825 Catalpa Way    | 077-373-11  |              |
| 09/09/08                  | Lunardi, Joseph I/Doris R Rev Int Sur TR  | 686-950 Fir Way        | 077-388-15  |              |
| 07/16/08                  | Machado Manual R. Rose M JT   | 688-050 Redwood Way    | 077-263-09  |              |
| 10/08/09                  | Macias, Raymond/Marjorie A  | 687-910 Walnut Way     | 077-172-16  |              |
| 06/18/08                  | MacKay, William E/Terry E   | Hemlock Way            | 077-252-26  |              |
| 11/11/08                  | Madden, Roy P/Dannette A JT   | 686-725 Elm Way        | 077-382-07  |              |
| 06/06/08                  | Magioncalda Frank Etal  | 687-665 Hemlock Way    | 077-252-29  |              |
| 04/29/09                  | Marcillac, George E 2005 TR   | Tulip Way              | 077-194-12  |              |
| 12/11/07                  | Marlatt Daniel & Mardel JT.   | Hazel Way              | 077-234-13  |              |
| 07/06/08                  | Marquis, Trina J/Sheldon, Brian K JT  | 687-905 Catalpa Way    | 077-271-22  |              |
| 08/20/10                  | Martinelli, Mike/Paula & Schmitt Family Trust                                       | Tamarack Way           | 077-173-16  |              |
| 06/26/09                  | Martinus, Paul W Family Trust ETAL  | Hemlock Way            | 077-253-24  |              |
| 11/29/07                  | Marzorini Ray E. Tanya L  | 687-805 Maple Way      | 077-215-09  |              |
| 08/12/08                  | Marzorini Ray E. Tanya L  | 687-788 Ivy Way        | 077-231-34  |              |
| 06/25/08                  | Marzorini, Ray E & Tanya CP   | 687-840 Spruce Way     | 077-194-28  |              |
| 06/13/11                  | Masterson Family Trust ETAL   | 687-740 Tamarack Way   | 077-173-30  |              |
| 08/17/09                  | Matassa Family Trust  | Cherry Way             | 077-371-12  |              |
| 09/16/09                  | Matthias, Paul L/Donna JT   | Walnut Way             | 277-161-20  |              |
| 04/07/08                  | McCabe William H. Danny TC  | Sycamore Way           | 077-362-11  |              |
| 08/27/08                  | McDaniel, Harvey & Gloria Family Trust  | 687-810 Juniper Way    | 077-232-27  |              |
| 10/09/08                  | McEachern, James A/Carol M  | Bamboo Way             | 077-396-11  |              |
| 05/21/09                  | McGrew, William/Esther  | Lakeview Dr.           | 077-304-63  |              |
| 08/14/09                  | McKean, Robert E  | 686-880 Cypress Way    | 077-381-20  |              |
| 05/21/08                  | Mckenzie, Ralph & Laura B JT  | Acacia Way             | 077-392-17  |              |
| 09/22/09                  | McMillen, Tanya L/Jerry L   | 687-785 Ivy Way        | 077-254-29  |              |
| 07/20/09                  | McNamara, Kenneth J Sr/Diane M JT   | 687-270 Ivy Way        | 077-321-11  |              |
| 08/06/09                  | Medlyn, Robert/Julie  | 687-655 Chestnut Ave   | 077-293-13  |              |

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|---------------------------|---|------------------------|-------------|--------------|
| 07/11/08                  | Mellor, Brian S/Linda K JT  | 687-695 Orchard Way    | 077-214-27  |              |
| 05/10/10                  | Menard, Carole  | 687-635 Hollywood Way  | 077-311-12  |              |
| 12/12/07                  | Mendes Jonnie. Jr. & Birtie   | 687-660 Hemlock Way    | 077-253-20  |              |
| 06/06/08                  | Menzies Richard L & Charlene J.   | 686-835 Sycamore Way   | 077-402-17  |              |
| 04/17/08                  | Merkel Family Trust   | 687-615 Maple Way      | 077-331-49  |              |
| 10/08/08                  | Merrill Family Bypass Trust   | Linden Way             | 077-233-31  |              |
| 04/10/10                  | Merritt, Robert L & Joan L (Travis)   | Cypress Way            | 077-394-15  |              |
| 09/05/08                  | Michel Robert H.  | 686-895 Acorn Way      | 077-392-16  |              |
| 04/24/08                  | Middendorf, Thomas M/Mary E   | 687-829 Catalpa Way    | 077-271-24  |              |
| 11/19/08                  | Miller 2001 Revocable Trust   | 687-910 Tulip Way      | 077-171-32  |              |
| 11/19/08                  | Miller Family 2001 Rev Trust  | 687-890 Tulip Way      | 077-171-33  |              |
| 11/08/07                  | Miller, Arnold D. & Geraldine   | 687-500 Spalding Rd.   | 077-304-60  |              |
| 05/07/08                  | Miller, Michael H/Sue JT (New Owner Ruden)  | 687-070 Hollywood Way  | 077-363-23  |              |
| 08/08/08                  | Milliken, Ronald J/Zelma Mae Family Trust   | 688-110 Hollywood Way  | 077-242-10  |              |
| 10/23/07                  | Mingham Brain & Jane Family Trust   | 687-840 Tamarack Way   | 077-174-06  |              |
| 05/01/08                  | Mingham Family Trust  | 687-850 Willow Way     | 077-173-36  |              |
| 05/07/08                  | Mingham Family Trust  | 687-800 Willow Way     | 077-173-25  |              |
| 08/06/09                  | Mircetich, John/Jane JT   | 687-865 Laurel Way     | 077-233-55  |              |
| 07/30/08                  | Monahan, Daniel D   | 687-100 Hemlock Way    | 077-352-22  |              |
| 02/28/08                  | Montgomery Chester G & Lawanda J Jt   | 688-040 Hemlock Way    | 077-243-25  |              |
| 05/07/08                  | Montgomery David Mary R JT  | 687-120 Hollywood Way  | 077-351-24  |              |
| 10/23/07                  | Monticelli John F. Jeannie Mar  | 687-105 Acacia Way     | 077-391-04  |              |
| 08/28/08                  | Moore, Robert E. Flossie F.   | 687-800 Juniper Way    | 077-232-29  |              |
| 10/25/07                  | Morales, Lloyd  | 686-735 Acacia Way     | 077-391-13  |              |
| 06/09/08                  | Moreno, Ruben L   | 687-605 Magnolia way   | 077-332-48  |              |
| 05/13/08                  | Morgan Frances Pearl & Robert L Jt.   | 687-950 Spruce Way     | 077-194-43  |              |
| 07/23/08                  | Morris, Norman R. & Verna J CP.   | 687-915 Hazel Hay      | 077-234-42  |              |
| 06/27/08                  | Morrow, John C/S Delphine   | 686-860 Catalpa Way    | 077-374-22  |              |
| 03/17/08                  | Muller France F. & Nellie JT  | 687-400 Sycamore Way   | 077-311-30  |              |
| 05/07/10                  | Muller, Thomas J & Roberta L  | Cypress Way            | 077-381-16  |              |
| 10/30/09                  | Muse, Frank/Kathie  | The Strand/Spruce      | 077-184-25  |              |
| 07/28/08                  | Narramore, Gregory W/Joanne A JT  | 686-975 Hollywood Way  | 077-363-27  |              |
| 09/30/09                  | Neely, Tom Becky/Neely, Darin/Yvette  | Sycamore Way           | 077-304-57  |              |
| 05/09/08                  | Neil Gerald L. & Janet JT   | 687-675 Chinquapin Way | 077-213-14  |              |
| 07/08/09                  | Neil, Gerald E/Janet E JT   | Olive Way              | 077-134-02  |              |
| 05/05/10                  | Neil, Gerald E/Janet E JT   | The Strand/Oak Way     | 077-132-21  |              |
| 08/07/09                  | Neil, Gerald E/Janet E JT (New Owner Keehn)   | Maple Way              | 077-212-16  |              |
| 10/07/08                  | Neil, Gerald E/Janet E JT (New Owner Schmidt)                                       | Catalpa Way            | 077-261-11  |              |
| 07/10/09                  | Nelson, John A/ Nancy L Revoc & Nelson Family 2002                                  | Hollywood Way          | 077-251-27  |              |
| 11/26/07                  | Nelson, Kenneth A/Rhonda L J.T.   | 687-835 Cedar Way      | 077-283-18  |              |
| 06/18/09                  | Neville Donald O. & Jeanette C. 1994 Trust  | 688-065 Laurel Way     | 077-223-26  |              |
| 11/26/07                  | Newman, James Edgar/Newman, James Bruce   | 687-480 Spalding Rd.   | 077-304-61  |              |
| 11/30/07                  | Niles Family Trust %Niles, Ralph & Rita   | Tamarack Way           | 077-164-16  |              |
| 08/12/08                  | Norris Family Trust % Norris Betty E. Trust   | Hemlock Way            | 077-253-25  |              |
| 04/21/08                  | Novey, Joanne M/Lisa Marie JT   | 688-100 Oak Way        | 077-131-16  |              |
| 07/02/08                  | Noxon, Timothy E/Maribeth   | 687-835 Redwood Way    | 077-272-22  |              |
| 05/14/08                  | Nunes Family Trust  | Hollywood Way          | 077-312-22  |              |
| 10/15/07                  | Odle, Curtis I/Denise C   | 687-550 Hollywood Way  | 077-312-33  |              |
| 06/24/08                  | Oliver Jerald A   | Sycamore Way           | 077-403-15  |              |
| 05/10/10                  | Oliver, Jeffery W/Lena  | Hemlock Way            | 077-411-18  |              |
| 06/01/10                  | Oliver, Jeffrey W & Lena D JT   | Hemlock Way            | 077-411-19  |              |
| 08/21/08                  | Oliver, Phillip H & Ilean C. & James R. & Col.                                      | Redwood Way            | 077-303-29  |              |
| 08/25/08                  | Olson Family Trust  | 687-905 Redwood Way    | 077-272-38  |              |
| 10/31/07                  | Osborn, Daniel D/Suzanne M  | 503-220 Mahogany Way   | 077-273-22  |              |
| 07/28/08                  | Panart, Augustine D Z/Panart Paula F TR   | Juniper Way            | 077-321-12  |              |

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|---------------------------|---|------------------------|-------------|--------------|
| 11/02/07                  | Parker 1995 Family Trust  | Delwood Way            | 077-381-11  |              |
| 09/28/08                  | Parker, Rex A/Denise A JT   | 686-830 Delwood Way    | 077-382-17  |              |
| 09/04/08                  | Parker, Rex a/Katherine Trust   | 686-830 Elm Way        | 077-383-38  |              |
| 10/23/09                  | Parker, Theodore/Patricia   | 686-725 Fir Way        | 077-383-40  |              |
| 10/23/09                  | Parker, Theodore/Patricia   | 686-835 Elm Way        | 077-382-15  |              |
| 09/11/08                  | Pastorino, Norman F./House, Monica J.T.   | 686-735 Lakeview Dr    | 077-401-07  |              |
| 09/03/08                  | Patrick Fam TR  | 688-105 Linden Way     | 077-222-22  |              |
| 10/09/08                  | Patrick, Michael B  | 687-980 Mimosa Way     | 077-143-08  |              |
| 07/10/08                  | Pavese Family Trust   | 687-020 Delwood Way    | 077-386-21  |              |
| 03/27/08                  | Pearson, James C/Sandra L   | Cherry/Mahogany        | 077-281-01  |              |
| 03/27/08                  | Pearson, James S/Sandra L Fmly TR   | Chestnut/Strand        | 077-283-13  |              |
| 05/28/08                  | Peay Family Trust   | 688-085 Ivy Way        | 077-244-33  |              |
| 09/08/08                  | Pennington, David/Suzanne JT  | 687-940 Willow Way     | 077-173-17  |              |
| 11/23/07                  | Pindar, Lynn/Pindar, Lynnette   | Lilac Way              | 077-153-14  |              |
| 07/04/08                  | Popperwell, W Trust   | Madrone/Catalpa        | 077-377-19  |              |
| 04/29/08                  | Portz Family Revocable Trust  | 687-675 Hazel Way      | 077-234-37  |              |
| 03/03/08                  | Potter Caroleen C   | 503-025 Madrone Way    | 077-413-14  |              |
| 08/06/08                  | Potter, R. Craig/Jessie A   | 687-890 Hollywood      | 077-252-22  |              |
| 02/20/08                  | Potter, Timothy J/Lorene L  | Redwood Way            | 077-272-46  |              |
| 11/18/09                  | Pratt, William H/Marjorie L TC ETAL   | 687-305 Hollywood Way  | 077-311-33  |              |
| 04/09/08                  | Purcell, A.W./Norma E   | 687-105 Acorn Way      | 077-395-17  |              |
| 04/29/08                  | Rabo, Ronald R/Shirley E J.T.   | 687-607 Maple Way      | 077-331-48  |              |
| 10/28/09                  | Ramos, Daniel J/Kathryn S   | 687-740 Palmetto       | 077-192-38  |              |
| 09/27/08                  | Rasnic, John L  | 687-285 Linden Way     | 077-322-10  |              |
| 08/11/08                  | Ray Family Trust  | 686-790 Hollywood Way  | 077-411-17  |              |
| 09/08/08                  | Rebideaux, Randy L/Laurene J JT   | 686-925 Cherry Way     | 077-384-11  |              |
| 04/10/08                  | Rodas, Joseph m/H. Leota J.T.   | 687-785 Juniper Way    | 077-231-24  |              |
| 07/28/09                  | Rogers, Michael W.  | 687-120 Linden Way     | 077-343-20  |              |
| 08/18/08                  | Rohner, Alvin Thomas/Kay Louise Trust   | 687-000 Elm Way        | 077-387-17  |              |
| 09/05/08                  | Rohner, Alvin Thomas/Kay Louise Trust   | 686-950 Delwood Way    | 077-386-18  |              |
| 05/12/09                  | Rohner, Kay L Revocable Trust   | 686-925 Elm Way        | 077-382-19  |              |
| 05/18/09                  | Rohner, Kay L Revocable Trust   | 687-005 Delwood Way    | 077-385-17  |              |
| 04/07/10                  | Roloff, Scott & Lilibeth  | 686-990 Chestnut Way   | 077-376-14  |              |
| 06/11/08                  | Rose, Ernest W/Nancy L J.T.   | 686-880 Bamboo Way     | 077-394-13  |              |
| 04/14/08                  | Rose, William N./Carol Leah   | 687-550 Lakeview Dr.   | 077-304-62  |              |
| 07/09/08                  | Rosselott Living Trust  | 687-805 Linden Way     | 077-232-38  |              |
| 10/01/09                  | Rounsaville, Joseph W/Etta Mae Trust  | 687-580 Cherry Way     | 077-293-11  |              |
| 06/09/10                  | Rudluff, Caroline M Trust c/o Patricia Rudluff-Jennings                             | Maple Way              | 077-201-04  |              |
| 06/09/10                  | Rudluff, Caroline M Trust c/o Patricia Rudluff-Jennings                             | Almond Way             | 077-174-17  |              |
| 06/15/09                  | Rynerson, Roger Clinton   | 687-785 Ivy Way        | 077-334-16  |              |
| 11/16/07                  | Sain, David P   | 687-200 Hickory Way    | 077-353-26  |              |
| 07/18/08                  | Saulisberry TTEE Fam TR/Saulisberry 1992 Fam  | 687-770 Maple Way      | 077-212-20  |              |
| 04/12/12                  | Schmidt, Kenneth  | 687-015 Acacia Way     | 077-391-07  |              |
| 10/24/07                  | Schmidt, Marlene  | 687-785 Hickory Way    | 077-253-30  |              |
| 07/12/08                  | Schofield, Robert E/Schofield, Ryan E JT  | 687-765 Chinquepin Way | 077-213-16  |              |
| 07/27/10                  | Schumacher, Armin/Bock Christina JT   | 687-185 Spalding Rd.   | 077-361-22  |              |
| 12/12/07                  | Scott, Vicky I (New Owner Pensco Trust)   | 680-470 Hollywood Way  | 077-312-31  |              |
| 05/19/09                  | Seaters, Marion Kathleen  | 687-365 Maple Way      | 077-331-50  |              |
| 10/28/09                  | Sebastiani, Piero ETAL Revocable Trust  | Redwood Way            | 077-273-36  |              |
| 10/28/09                  | Sebastiani, Piero ETAL Revocable Trust  | Lakeview Dr.           | 077-273-37  |              |
| 10/06/08                  | Seifert, Kenneth J/Frances B CP   | 686-865 Redwood Way    | 077-374-25  |              |
| 04/21/09                  | Shafer, Paul W/Virginia S.  | 687-630 Sycamore Way   | 077-311-19  |              |
| 08/22/08                  | Shaffer, Datha/Shaffer/Sandra J JT  | 687-900 Linden Way     | 077-233-39  |              |

**Attachment B**  
**Property Owners Connected to District Community Sewer System**

| <b>Date of Connection</b> | <b>Spalding Residents Connected to the District Disposal System: APPLICANT NAME</b> | <b>Service Address</b>    | <b>APN#</b> | <b>Notes</b>   |
|---------------------------|---|---------------------------|-------------|----------------|
| 09/22/08                  | Shanks, Clarence M/C Lillian Living Trust   | 687-850 Hollywood Way     | 077-252-33  |                |
| 08/08/08                  | Shult, Edward H/Margaret F  | 688-030 Willow Way        | 077-163-15  |                |
| 06/02/08                  | Sibley William Robert & Joan Frances JT   | Madrone/Bamboo            | 077-397-27  |                |
| 03/01/08                  | Sickles, Myron A/Elaine C   | 687-295 Maple Way         | 077-331-26  |                |
| 03/16/10                  | Siders, Kathryn D   | 687-670 Cedar Way         | 077-271-20  |                |
| 09/05/09                  | Sievers, William/Jeanette   | 687-155 Ivy Way           | 077-353-25  |                |
| 03/09/09                  | Silva, Eugene D   | 687-530 Hollywood Way     | 077-312-14  |                |
| 05/15/08                  | Simon, Paul R/Morene L TR   | 687-780 Tamarack Way      | 077-174-31  |                |
| 04/01/08                  | Simon, Robert M/Rita M  | 687-020 Juniper Way       | 077-341-07  |                |
| 09/09/08                  | Smalley, Robert J Jr/Smalley Marla J. Trust   | 687-015 Elm Way           | 077-386-17  |                |
| 04/17/08                  | Smith Living Trust %Smith, Lowell & Joyce   | 687-595 Maple Way         | 077-331-47  |                |
| 10/06/08                  | Smith Stanley B & Martin, Sally   | 686-995 Elm Way           | 077-386-16  |                |
| 07/29/08                  | Smith, Brenda Jean/Janus, Mary Kathleen   | 687-095 Delwood Way       | 077-385-10  |                |
| 09/03/09                  | Smith, Darlene N ETAL   | Willow Way                | 077-172-01  |                |
| 08/05/08                  | Smith, Daryl E/Margie J/Smith, Robert J JT  | 687-020 Cypress Way       | 077-385-16  |                |
| 06/09/08                  | Smith, Gregg S/Ordile, Tara Leisa TC  | Bamboo Way                | 077-396-10  |                |
| 12/03/09                  | Smith, John/Alice 1995 Liv Tr   | Hickory Way               | 077-253-27  |                |
| 09/12/08                  | Smith, Robert J   | 688-995 Bamboo            | 077-396-12  |                |
| 07/28/08                  | Smith, Thomas Lee/Paula Kay Joint Living Trust                                      | 686-985 Cypress Way       | 077-397-17  |                |
| 09/02/08                  | Smith, Vicky L/Smith, Robert J JT   | 687-090 Cypress Way       | 077-385-11  |                |
| 06/13/08                  | Sneary, Bonnie J  | 687-980 Cedar Way         | 077-271-12  |                |
| 04/28/08                  | Snyder, James V/Loretta C   | 686-955 Cherry Way        | 077-388-20  |                |
| 02/15/08                  | Snyder, Norman E/Fleckenstein Trudy   | 687-815 Chestnut Way      | 077-282-06  |                |
| 06/24/08                  | Soderlund, William T/Joann A JR   | 686-990 Cherry Way        | 077-375-06  |                |
| 03/05/08                  | Solis, Jesus H/Rose Marie *   | 387-320 Hemlock Way       | 077-313-17  | * Disconnected |
| 11/05/07                  | Solis, Raymond R/Kristy P CP  | 680-970 Cherry Way        | 077-375-12  |                |
| 10/05/11                  | Soohodolsky Family Trust  | 687-710 Spruce Way        | 077-194-41  |                |
| 11/19/07                  | Sorensen, Lynn Richard/Janice Rae HWJT  | Hemlock Way               | 077-313-10  |                |
| 09/05/08                  | Sorensen, Keld/Jeanne Trust   | 501-955 The Strand        | 077-143-12  |                |
| 03/01/08                  | Spalding CSD  | 502-907 Mahogany Way      | 077-320-05  |                |
| 10/23/07                  | Spalding Marina   | The Strand                | 077-030-04  |                |
| 09/05/08                  | Spediacci, Clifford K/Shirley A JT  | 687-690 Juniper Way       | 077-232-48  |                |
| 09/25/08                  | Spencer, Reubennette 1987 TR  | 687-540 Linden Way        | 077-323-44  |                |
| 05/21/08                  | Stanley, Vernon F/Theda TR  | Magnolia Way/Division Way | 077-217-03  |                |
| 05/21/08                  | Stanley, Vernon F/Theda TR  | Magnolia Way              | 077-217-05  |                |
| 05/21/08                  | Stanley, Vernon F/Theda TR  | 687-885 Chinquepin Way    | 077-217-06  |                |
| 09/21/09                  | Stebbins, Loretta   | 687-925 Linden Way        | 077-232-43  |                |
| 12/03/07                  | Steffens, John R/Barbara/Fogal, Russell E/Th  | 687-300 Laurel Way        | 077-324-34  |                |
| 10/29/08                  | Steinocher, Daniel G/Linda L JT   | 687-830 Cedar Way         | 077-271-14  |                |
| 12/15/09                  | Steinocher, Daniel G/Linda L JT   | 687-920 Hickory Way       | 077-254-27  |                |
| 12/19/07                  | Stelzriede, Michael/Cathryn C JT  | Ridge Way                 | 077-151-22  |                |
| 11/08/07                  | Stent, Bob/Sandra JR/Weddell, Jeanette R.   | Spalding Rd.              | 077-303-33  |                |
| 05/28/08                  | Stephens Family Trust   | Tamarack Way              | 077-163-16  |                |
| 03/18/10                  | Stimmell, James B.  | 686-770 Cypress Way       | 007-381-14  |                |
| 09/15/08                  | Stout, Clarence&Audrey  | Maple Way                 | 077-282-14  |                |
| 12/12/07                  | Strickland, Robert & David JT   | 688-030 Tulip Way         | 077-161-14  |                |
| 04/18/08                  | Suchan, Alex/Lois   | 686-820 Fir Way           | 077-384-14  |                |
| 06/02/08                  | Sullivan Family Revoc Trust   | 687-990 Walnut Way        | 077-162-17  |                |
| 04/29/08                  | Sullivan, William A/Joanne M J.T.   | 387-290 Maple Way         | 077-332--49 |                |
| 08/25/09                  | Swager, William A & Patricia A CPRS   | 387-150 Hemlock Way       | 077-352-24  |                |
| 10/20/08                  | Taylor, James R/Shirley L JT  | Delwood Way               | 077-386-20  |                |
| 10/16/09                  | Taylor, Robert S. Rev Living TR   | 687-025 Catalpa Way       | 077-377-17  |                |
| 09/04/08                  | Tetrault Family 2000 Trust  | Juniper/Linden            | 077-322-14  |                |
| 05/21/08                  | Thomas, Theodore J/Diana M CPRS   | 688-085 Larch Way         | 077-132-15  |                |
| 10/29/09                  | Thomas, Trevor P.Lauretta R   | 687-075 Hemlock           | 077-351-21  |                |
| 07/14/08                  | Thompson Family Trust ETAL  | 688-030 Tupelo Way        | 077-142-16  |                |

**Attachment B**  
**Property Owners Connected to District Community Sewer System**

| <b>Date of Connection</b> | <b>Spalding Residents Connected to the District Disposal System: APPLICANT NAME</b> | <b>Service Address</b> | <b>APN#</b> | <b>Notes</b> |
|---------------------------|---|------------------------|-------------|--------------|
| 05/10/10                  | Tobin, Louis J/Peacock, Betsy A HWJT  | 687-700 Orchard Way    | 077-191-27  |              |
| 05/01/08                  | Todd, Clifford E Jr   | Maple Way              | 077-331-51  |              |
| 11/02/07                  | Todd, Dennis/Andrea   | Cedar Way              | 077-271-15  |              |
| 04/22/08                  | Togni, Arnold/Dolly TR  | 698-105 Ivy Way        | 077-221-15  |              |
| 07/23/08                  | Togni, Arnold/Dolly TR  | 688-105 Ivy Way        | 077-244-29  |              |
| 06/11/08                  | Tomasini Family Trust   | 687-895 Hollywood Way  | 077-251-33  |              |
| 03/15/08                  | Torchin, Ali Chan B & Reinelde M  | 687-430 Hollywood Way  | 077-312-32  |              |
| 05/14/09                  | Tracy, Richard T/Sheri L JT   | Hollywood/Hemlock      | 077-351-04  |              |
| 07/18/08                  | Traver, Jess S III/Frances D JT   | Laurel Way             | 077-323-46  |              |
| 04/03/08                  | Turek, Raymond W/Lois M JT  | 687-040 Cherry Way     | 077-375-14  |              |
| 03/06/08                  | Turner, Lucy D  | 686-835 Cherry Way     | 077-384-17  |              |
| 09/21/11                  | Valine, Adelia Michelle   | 367-370 Spalding Road  | 077-304-65  |              |
| 04/02/08                  | Van Tassel Fam Trust  | 687-130 Spalding Rd.   | 077-362-37  |              |
| 05/15/08                  | Vaughn, Lee/Leni A HW/Calilan, James D JT   | 687-625 Spalding Rd.   | 077-303-30  |              |
| 07/13/09                  | Velez, S., Sanchez, A. C./I. Garat JR ETAL  | Hollywood Way          | 077-403-27  |              |
| 07/21/08                  | Verrengia Family Trust  | 687-585 Cherry Way     | 077-292-07  |              |
| 06/12/09                  | Vineyard Living Trust   | 687-745 Lakeview Dr.   | 077-273-27  |              |
| 07/31/09                  | Walker, Evan J/Walker Jerry K TC  | Juniper/Ivy/Pinon      | 077-354-26  |              |
| 07/16/09                  | Walker, Rebecca   | 686-760 Catalpa Way    | 077-374-02  |              |
| 08/27/09                  | Walker, Rudolph Soyka/Rebecca JT  | 686-760 Catalpa Way    | 077-274-26  |              |
| 09/29/09                  | Walker, Rudolph Soyka/Rebecca JT  | 503-150 Mahogany Way   | 077-274-25  |              |
| 10/09/09                  | Walsh, Paul C/Janice A JT   | Almond Way             | 077-151-21  |              |
| 09/12/09                  | Walsh, Paul Clark ETAL  | 688-025 Almond Way     | 077-151-18  |              |
| 10/23/07                  | Walton Family Trust   | 688-010 Tamarack Way   | 077-164-22  |              |
| 11/07/07                  | Ward, Carlos V/Grace G 1996 Revoc Living Trust Agree                                | 687-635 Sycamore Way   | 077-304-54  |              |
| 07/01/08                  | Ward, Carlos V/Grace G Rev Liv TR   | Madrone Way            | 077-378-28  |              |
| 07/03/08                  | Ward, Carlos V/Grace G Revocable Living Trust                                       | 686-955 Redwood Way    | 077-378-27  |              |
| 04/15/08                  | Ward, Kenneth V/Lorna JT  | Sycamore Way           | 077-304-55  |              |
| 12/03/07                  | Watson, William J Jr./Sonjo M CP  | 687-055 Cedar Way      | 077-376-23  |              |
| 12/06/07                  | Watts, James C/Lorene J JT  | 503-155 Madrone Way    | 077-411-16  |              |
| 05/09/08                  | Watts, James C/Lorene T JT  | 688-125 Spruce Way     | 077-183-16  |              |
| 11/14/07                  | Weaver Family Trust   | 687-915 Ivy Way        | 077-254-24  |              |
| 04/18/09                  | Webb Living Tr  | Chestnut Way           | 077-294-14  |              |
| 04/22/09                  | Webb Living Trust   | 687-745 Maple Way      | 077-211-16  |              |
| 08/27/09                  | Weisinger, Brian J/Patricia L JT  | 687-295 Magnolia       | 077-332-36  |              |
| 10/20/08                  | Wells Trust   | 689-905 Hemlock Way    | 077-252-34  |              |
| 07/30/09                  | Wells Trust   | 687-170 Linden Way     | 077-343-21  |              |
| 06/18/09                  | Westfall Living Trust ETAL  | Cedar/Madrone          | 077-373-14  |              |
| 05/28/08                  | Westlake, Gary R ETAL   | Cedar Way              | 077-283-22  |              |
| 11/19/07                  | White, C.W./Joyce M JT  | 687-760 Lakeview Dr.   | 077-274-28  |              |
| 08/15/08                  | White, Earl Richard Jr/Karron S JT  | 686-840 Sycamore Way   | 077-403-19  |              |
| 05/19/08                  | White, Frank R 1991 Trust   | 501-275 The Strand     | 077-133-07  |              |
| 11/02/07                  | Whitmer, Rudy/Louise  | 687-775 Cedar Way      | 077-283-23  |              |
| 05/28/08                  | Wilder, Arvenna   | 687-700 Ivy Way        | 077-231-03  |              |
| 11/14/07                  | Williams Family Trust   | 686-950 Spalding Rd.   | 077-362-14  |              |
| 04/28/08                  | Williams, Cal R/Catherine S   | 687-020 Fir Way        | 077-388-12  |              |
| 06/11/09                  | Williams, Cal R/Catherine S   | 687-060 Acacia Way     | 077-395-20  |              |
| 10/01/09                  | Williams, Richard L & Patricia C. HWJT  | 687-700 Laurel Way     | 077-234-43  |              |
| 08/31/09                  | Williams, Robert N  | Delwood Way            | 077-381-19  |              |
| 12/13/07                  | Williams, Robert V/Viola Mae  | 687-445 Hemlock Way    | 077-312-28  |              |
| 08/31/09                  | Williams, Robert V/Viola Mae  | 686-770 Delwood Way    | 077-382-16  |              |
| 08/17/09                  | Williams, Robert/Blackwell, Viola Mae   | Hazel Way              | 077-324-43  |              |
| 08/17/09                  | Williams, Robert/Blackwell, Viola Mae   | Chestnut/Madrone       | 077-376-20  |              |
| 09/22/08                  | Williams, Robert/Blackwell, Viola(new owners)                                       | Hemlock Way            | 077-313-08  |              |
| 09/18/09                  | Williamson Larry R  | 687-565 Catalpa Way    | 077-301-25  |              |

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**Property Owners Connected to District Community Sewer System**

| <b>Date of Connection</b> | <b>Spalding Residents Connected to the District Disposal System: APPLICANT NAME</b> | <b>Service Address</b> | <b>APN#</b> | <b>Notes</b> |
|---------------------------|---|------------------------|-------------|--------------|
| 10/28/09                  | Williford, George Calvin Trust  | 686-785 Fir Way        | 077-383-36  |              |
| 05/06/09                  | Wilms, Dale/Linda CP  | 687-920 Lakeview Dr.   | 077-274-16  |              |
| 07/22/09                  | Wilson, Donald Dean Liv TR  | Redwood Way            | 077-272-27  |              |
| 08/20/08                  | Wilson, Jack Trust  | 687-625 Catalpa Way    | 077-302-19  |              |
| 09/22/09                  | Wilson, Kenneth/Valeri E  | 686-830 Hemlock Way    | 077-412-17  |              |
| 08/20/08                  | Wilson, Rollans B   | 503-435 Mahogany Way   | 077-302-18  |              |
| 06/11/08                  | Winingar Family 1983 Trust  | 686-830 Elm Way        | 077-383-34  |              |
| 06/01/09                  | Witt, Richard E/Nola A JT   | 687-740 Orchard Way    | 077-191-24  |              |
| 05/14/08                  | Wong, Fay/Bonnie E/Taber, Edward/Judy   | Lakeview Dr.           | 077-273-35  |              |
| 08/22/08                  | Woodward, Robert/Maria 1989 Trust   | 687-700 Hickory Way    | 077-254-21  |              |
| 06/23/08                  | Yee, Gary R/Michael G   | 686-785 Hemlock Way    | 077-412-22  |              |
| 06/24/08                  | Yee, Michael Gregg  | 686-785 Hickory Way    | 077-412-21  |              |
| 11/06/07                  | Yolo, Duke/Terri JT ETAL C/O Cristine, Barry R.                                     | Acorn Way              | 077-393-16  |              |
| 07/24/09                  | Young Family Trust  | 688-010 Hickory Way    | 077-244-22  |              |
| 07/23/08                  | Young, Vera L   | 688-055 Lakeview Rd.   | 077-263-10  |              |
| 10/27/08                  | Younie, Leslie I Jr/Sheri M ETAL TC   | 687-045 Redwood Way    | 077-378-20  |              |
| 08/07/08                  | Yuill, Edward G/Deborah L HW  | Tupelo Way             | 077-141-14  |              |
| 08/07/09                  | Yuill, Edward G/Deborah L HW  | Tupelo Way             | 077-142-13  |              |
| 05/18/10                  | Zuccato, Michael W/Linda J Rev Trust  | 687-650 Cherry Way     | 077-293-10  |              |
| 12/02/08                  | Zunino, Michael A/Sheree A Family Trust   | Lilac Way              | 077-152-23  |              |

## ATTACHMENT C

### ADMINISTRATIVE CIVIL LIABILITY METHODOLOGY

The Complaint alleges that the Discharger failed to comply with a cease and desist order issued by the Lahontan Water Board, which required the Discharger by December 31, 2009, to either connect the Discharger's on-site wastewater disposal system to the Spalding Community Services District's (District) community sewer system or to properly abandon the Discharger's on-site wastewater disposal system, in accordance with Lassen County regulations. For the purpose of applying the Enforcement Policy's administrative civil liability methodology, the alleged violation is a non-discharge violation. Because the Complaint only alleges a non-discharge violation, Step Nos. 1 and 2 of the Enforcement Policy's administrative civil liability methodology are not addressed.

#### **Step 3: Initial Liability Determination**

The per-day factor for the violation is **0.55**. This factor is determined by a matrix analysis based upon the Potential for Harm and the Deviation from Applicable Requirements.

- a. The Potential for Harm for the violation is determined to be **moderate**. The Discharger's failure to connect its on-site wastewater disposal system to the District's sewer system or to properly abandon it allows waste containing nutrients to be discharged to the groundwater of the Eagle Lake basin. Such discharges, should they occur, can introduce nutrients, such as nitrogen and phosphorus, to the groundwater, which flows into Eagle Lake. Nitrogen and phosphorus can increase algal growth and the rate of eutrophication in Eagle Lake, a closed-basin lake. Increased eutrophication can adversely affect the habitat for the Eagle Lake trout, and other aquatic and terrestrial organisms supported by Eagle Lake. Increased algal growth also has the potential to adversely affect the public's water contact recreation (e.g., wading, swimming, water skiing) and non-contact water recreation (e.g., aesthetic enjoyment) of Eagle Lake.

To prevent these types of adverse impacts to Eagle Lake's beneficial uses, the Lahontan Water Board amended its *Water Quality Control Plan for the Lahontan Region* (Basin Plan) in September 1984, to prohibit the discharge of waste containing nutrients to the surface waters and groundwater of the Eagle Lake basin beginning September 14, 1989. The Lahontan Water Board's cease and desist order issued to the Discharger enforces that Basin Plan prohibition. At a minimum, the Discharger's on-site wastewater disposal system presents a threatened discharge of waste containing nutrients that can reasonably be expected to adversely affect Eagle Lake's cold freshwater habitat (COLD), water contact recreation (REC-1), non-contact water recreation (REC-2, and sport fishing (COMM) beneficial uses. It is also reasonable to expect that such impacts are reversible upon ceasing such waste discharges.

Waste discharges from on-site wastewater disposal systems in the Spalding Tract subdivision can also introduce bacteria into the groundwater, which is the local water supply. Many Spalding Tract subdivision property owners have private wells, and past studies have shown that bacteria levels increase in those private wells when nearby on-site wastewater disposal systems are being used. Bacteria contained in domestic wastewater can adversely affect human health when consumed. Such conditions represent an adverse impact to the Eagle Lake groundwater basin's municipal and domestic supply (MUN) beneficial use. This impact can reasonably be expected to occur when waste discharges from on-site wastewater disposal systems occur. Fortunately, past studies have also shown that this impact is relatively short term in nature when the waste discharge ceases. Therefore, violating the cease and desist order presents a **moderate** threat to beneficial uses that will likely attenuate without acute or chronic effects, once the Discharger has complied with the cease and desist order.

- b. The Deviation from Applicable Requirements to abandon or connect the septic system is **major**. The reason for the **major** designation is that Water Board staff notified the Discharger of its failure to comply with the cease and desist order's December 31, 2009 compliance date in a June 28, 2011 Notice of Violation (NOV). The NOV was issued after the Discharger had had approximately 1.5 construction seasons to comply with the cease and desist order's requirement to either connect the Discharger's on-site wastewater disposal system to the District's community sewer system or to properly abandon the Discharger's on-site wastewater disposal system, if appropriate. The remainder of the 2011 construction season has past, and to date, the Discharger has still failed to comply.

There has been ample time to satisfy the requirements of the cease and desist order since its adoption. The District's community sewer system has been available to connect to since October 2007; however, the Discharger failed to connect or properly abandon the Discharger's on-site wastewater disposal system and subsequently was issued a cease and desist order in October 2009. The Discharger has now had an additional two full construction seasons since the cease and desist order was issued to comply with its requirements, but has not.

- c. There are 832 days of violation for the period beginning January 1, 2010 and ending April 11, 2012, the date of drafting Administrative Civil Liability Complaint No.R6T-2012-0030. The statutory maximum amount per day per violation is \$5,000. Therefore, 832 days of violation at the statutory maximum per day of \$5,000, yields a maximum initial liability of **\$4,160,000** (832 days x \$5,000/day). Applying the Potential for Harm per-day factor of 0.55, and the statutory maximum liability amount for each day of violation, yields an initial liability of **\$2,288,000** (0.55 x 832 days of violation x \$5,000 per day).

#### **Step 4: Adjustment Factors**

The Enforcement Policy allows for multi-day violations to be consolidated provided specific criteria are satisfied. The Enforcement Policy also describes three factors related to the violator's conduct that should be considered for modification of the initial

liability amount: the violator's culpability; the violator's efforts to clean up or cooperate with regulatory authorities after the violation; and the violator's compliance history. After each of these factors is considered for the violations alleged, the applicable factor should be multiplied by the proposed amount for each violation to determine the revised amount for that violation.

a. Multiple Day Violations

The Enforcement Policy provides that, for violations lasting more than 30 days, the Water Board may adjust the per-day basis for civil liability if certain findings are made and provided that the adjusted per-day basis is no less than the per-day economic benefit, if any, resulting from the violation.

The Discharger has failed to comply with its cease and desist order for 832 days. The continuance of these violations does not result in an economic benefit that can be measured on a daily basis. The economic benefit is the one-time cost of having the on-site wastewater disposal system either connected to the District's community sewer system or properly abandoned, if appropriate. Therefore, an adjustment can be made.

The Water Board Prosecution Team recommends applying the alternative approach to civil liability calculation provided by the Enforcement Policy. Using this approach, the calculation of days of violation will include the first day of violation, plus one additional day of violation for each five-day period up to the 30th day of violation, and thereafter, plus one additional day of violation for each 30-day period. Using this approach, the total number of days is revised to 33 days of violation.

This results in a Revised Initial Liability Amount as follows:

$$\text{Revised Initial Liability} = (0.55) \times (33 \text{ days of violation}) \times (\$5,000) = \mathbf{\$90,750}$$

b. Adjustment for Culpability

For culpability, the Enforcement Policy suggests an adjustment resulting in a multiplier between 0.5 to 1.5, with the lower multiplier for accidental incidents, and the higher multiplier for intentional or negligent behavior. In this case, a Culpability multiplier of **1.3** has been selected for the reasons described below:

The Water Board's Prosecution Team has exercised significant discretion in deciding whether to pursue administrative civil liability for violating the cease and desist order. Doing so is consistent with the Prosecution Team's message to the Water Board and to the community in 2009 that its primary interest was compliance, and that the Prosecution Team understood some were facing various hardships and would work with property owners towards meeting its compliance objective. After providing approximately 1.5 construction seasons to comply, the Prosecution Team issued a June 28, 2011 Notice of Violation to property owners that had yet to comply with their 2009 cease and desist orders, notifying them that time to comply with the cease and desist orders' requirements without additional enforcement action was running out. In spite of the Prosecution Team's efforts to allow ample time to comply

and to notify the Discharger of a pending administrative civil liability complaint, the Discharger has not provided the Prosecution Team with any information indicating a reason for the continuing violations, nor shown any intent to comply.

The Prosecution Team does not have any evidence of willful or intentional negligence in this matter. Therefore, the Prosecution Team does not recommend assigning a value of 1.4 or greater for Culpability, as these values have been reserved for situations where there is evidence of willful or intentional negligence. However, given the lack of response by the Discharger in spite of the amount of time given to comply and notification of the Prosecution Team's intent to pursue administrative civil liability, a value of 1.3 for Culpability is appropriate.

c. Adjustment for Cleanup and Cooperation

For cleanup and cooperation, the Enforcement Policy suggests an adjustment should result in a multiplier between 0.75 and 1.5. A lower multiplier is appropriate for situations where there is a high degree of cleanup and/or cooperation and a higher multiplier is appropriate for situations where cleanup and/or cooperation is minimal or absent. In this case, a Cleanup and Cooperation multiplier of **1.5** has been selected for the reasons described below:

The Discharger has not cooperated with the Water Board on this issue. Even after Water Board staff issued the June 28, 2011 NOV, the Prosecution Team did not observe any attempt by the Discharger to comply. The lack of effort to comply with the cease and desist order, or even to communicate with the Prosecution Team regarding the reason why compliance has not occurred, warrants a value of 1.5.

d. Adjustment for History of Violations

The Enforcement Policy suggests that where there is a history of repeat violations, a **minimum** multiplier of 1.1 should be used for this factor. In this case, a multiplier of **1.0** has been selected based upon the absence of prior violations of Cease and Desist Order No. R6T-2009-0126. A review of the California Integrated Water Quality System (CIWQS) and Water Board files shows that the Violation represents the first violation of Cease and Desist Order No. R6T-2009-0126. Therefore a multiplier of 1.0 is appropriate, and no adjustment to the above liability amount should be made in response to this factor.

**Step 5: Determination of Total Base Liability Amount**

The Total Base Liability for the violation is **\$176,962.50**. The Total Base Liability for the violation is determined by multiplying the Revised Initial Liability by the multipliers associated with each of the Adjustment Factors discussed above.

Total Base Liability = (Revised Initial Liability) X (Culpability) X (Cleanup/Cooperation) X (History of Violations) = (\$90,750) X (1.3) X (1.5) X (1.0) = **\$176,962.50**.

**Step 6: Ability to Pay and Ability to Continue Business**

The Enforcement Policy provides that if the Water Board has sufficient financial information to assess the violator’s ability to pay the Total Base Liability, or to assess the effect of the Total Base Liability on the violator’s ability to continue in business, then the Total Base Liability amount may be adjusted downward.

In this case, the Lahontan Water Board Prosecution Team has sufficient information to suggest the Discharger has the ability to pay the proposed liability. The Discharger owns the parcel(s) of land, listed below:

| Assessor’s Parcel Number | County | Property Address    | Assessed Total Value | Assessment Year |
|--------------------------|--------|---------------------|----------------------|-----------------|
| 077-271-19-11            | Lassen | 687-675 Catalpa Way | \$34,611             | 2011            |
| 107-071-01-11            | Lassen | 411 Richmond Road   | \$74,877             | 2011            |
| 107-124-11-11            | Lassen | 685 Elm Street      | \$95,100             | 2011            |
|                          |        | <b>TOTAL</b>        | <b>\$204,588.00</b>  |                 |

Given the above assets, it appears the Discharger has the ability to pay the proposed liability.

**Step 7: Other Factors as Justice May Require**

The Enforcement Policy provides that if the Water Board believes that the amount determined using the above factors is inappropriate, the liability amount may be adjusted under the provision for “other factors as justice may require,” if express findings are made. Additionally, the staff costs for investigating the violation and preparing the Complaint should be added to the liability amount.

a. Adjustments for Other Factors as Justice May Require

The statutory minimum liability amount for violations under Water Code section 13350 is \$100 per day of violation, unless the regional water board makes express findings setting forth the reasons for its action based upon its consideration of the factors set forth in Water Code section 13327. Based on the date of compliance in the cease and desist order, days of violations began accruing on January 1, 2010. At the statutory minimum liability of \$100 per day, and a total of 832 days of violation, the result is a minimum liability of **\$83,200**. The Prosecution Team has determined that, in this case, even the minimum liability amount is inappropriate. Staff finds this amount to be an excessive liability for the violations alleged herein, and inappropriate for the following reasons.

Water Board staff reviewed Lassen County Assessor’s Office records for the properties whose owners are subject to the administrative civil liability for the failure to either connect their on-site wastewater disposal system to the District’s sewer system or to properly abandon it. County records for the year 2012 show that the properties range in value from \$17,119 to \$618,391. Two of these properties with the highest values are commercial properties, with values consistent with

commercial uses and related improvements (i.e., hotel, restaurant). The remaining properties have an average value of \$73,574. Based on these data alone, the Prosecution Team determined that the minimum statutory liability of \$83,200 is excessive relative to the value of most of the properties whose owners continue to violate their 2009 Cease and Desist Orders. Without any further assessment, the minimum liability appears inappropriate and excessive for its intended purpose.

Additionally, the Prosecution Team's June 28, 2011 Notice of Violation notified the Discharger of the Prosecution Team's intent to issue administrative civil liability complaints and bring them before the Lahontan Water Board at its November 9-10, 2011 Board Meeting. In a continuing effort to encourage compliance, the Prosecution Team stated in the Notice of Violation that it would consider withdrawing the complaint if the Discharger complied with the cease and desist order prior to the November 9-10, 2011 Board meeting date. The Prosecution Team has consistently stated that compliance has been its primary goal, and the Notice of Violation was providing one last chance to comply with the cease and desist order without facing additional enforcement action in the form of civil liability.

The Prosecution Team recommends using November 9, 2011 as the basis for developing a more appropriate liability amount, as it is the date the Prosecution Team informed the Discharger that compliance was to be achieved, or imposing administrative civil liability would be pursued. Attachment D provides a methodology spreadsheet based upon November 9, 2011 as the deadline for compliance. The resulting number of days of violations totals 155 days (November 9, 2011 – April 11, 2012). 155 days of violation would result in a minimum liability of **\$15,500**, based upon the statutory minimum liability of \$100 per day of violation.

Administrative civil liability complaints were issued to property owners of the nearby Stones-Bengard subdivision in 1997 for failing to either connect their on-site wastewater disposal systems to the Stones-Bengard community sewer system or to properly abandon them. In the Stones-Bengard cases, the Water Board issued administrative civil liability complaints proposing that the owners be assessed liability in the amount of **\$6,500**. This was the minimum liability that could be imposed for violating cleanup and abatement orders that had been issued 65 days prior to issuing the administrative civil liability complaints. The cleanup and abatement orders had been issued after the Stones-Bengard property owners had been violating their cease and desist orders issued in 1991 for several years.

The liability amount of \$15,500 represents a more appropriate amount that is consistent with past and similar enforcement efforts by the Lahontan Water Board in the Eagle Lake basin. The liability amount of \$15,500 provides adequate justice or consequence for the violation as well as a meaningful deterrent to future violations.

b. Adjustment for Staff Costs

The Water Board Prosecution Team staff time incurred to prepare administrative civil liability complaints and supporting information for 25 Spalding Tract subdivision properties is estimated to be 165 hours. Based on an average cost to the State of \$150 per hour, the total staff cost is estimated to be \$24,750. Staff finds it

appropriate to spread these costs equitably by dividing the total staff cost equally for each of the 25 properties. On this basis, a staff cost of \$990 must be assessed for each property. As a result, the Adjusted Total Base Liability is recommended to be adjusted upward by **\$990**, bringing the total proposed liability to **\$16,490**.

### **Step 8: Economic Benefit**

The Enforcement Policy directs the Water Board to determine any Economic Benefit Amount of the violation based upon the best available information. The Enforcement Policy suggests that the Water Board compare the Economic Benefit Amount to the Adjusted Total Base Liability and ensure that the Adjusted Total Base Liability is at a minimum, 10 percent greater than the Economic Benefit Amount. Doing so should create a deterrent effect and will prevent administrative civil liabilities from simply becoming the cost of doing business.

Septic tank abandonment is only an option for properties that do not have structures with plumbing fixtures installed. For properties that have one or more structures with plumbing fixtures installed, connecting the Discharger's on-site wastewater disposal system to the District's community sewer system is required.

The Discharger has realized an economic benefit by failing to connect or abandon the Discharger's on-site wastewater disposal system as required by Cease and Desist Order No. R6T-2009 0126. In order to estimate the economic benefit, Water Board staff subpoenaed records from contractors who have connected and/or properly abandoned on-site wastewater disposal systems in the Spalding Tract subdivision. Based upon a review of the contractor records, the average cost for a property owner to connect an on-site wastewater disposal system to the District's community sewer system is \$4,210, and the average cost to properly abandon an on-site wastewater disposal system is \$836. Therefore, the economic benefit amount realized by Dischargers that have existing structures with plumbing fixtures installed on the property and that must connect to the District's community sewer system is estimated to be **\$4,210**. The economic benefit amount realized by Dischargers with the option of abandonment is estimated to be **\$836**. The Adjusted Total Base Liability Amount is greater than 110 percent of either of these estimated economic benefit amounts, and therefore no adjustment is necessary based on the economic benefit analysis.

### **Step 9: Maximum and Minimum Liability Amounts**

The maximum liability amount the Water Board may assess for the above-referenced violations pursuant to Water Code section 13350, subdivision (e)(1), is \$5,000 per day of violation. Therefore, the maximum liability the Water Board may assess for 832 days of violation (elapsed time since the date of compliance in the cease and desist order) is **\$4,160,000**.

The minimum liability amount provided in Water Code section 13350, subdivision (e)(1)(B) is \$100 per day. However, subdivision (f) states that:

"A regional board shall not administratively impose civil liability in accordance with paragraph (1) of subdivision (e) in an amount less than

the minimum amount specified, unless the regional board makes express findings setting forth the reasons for its action based upon the specific factors required to be considered pursuant to Section 13327.”

Water Code section 13327 allows for “*other factors as justice may require*”. The specific factors discussed in Step 7 above (i.e., property values, use of November 9, 2011 as an alternative compliance date, consistency with similar Lahontan Water Board enforcement actions in the Eagle Lake basin) yields 155 days of violation at \$100 per day minimum, for an alternative minimum liability amount of **\$15,500**.

The Enforcement Policy also requires that:

*The adjusted Total Base Liability shall be at least 10 percent higher than the Economic Benefit Amount so that liabilities are not construed as the cost of doing business and that the assessed liability provides a meaningful deterrent to future violations.*

The larger of the two economic benefit amounts (\$4,210) plus ten percent is **\$4,631**, which is less than the alternative statutory minimum cited above and the Total Proposed Liability Amount.

#### **Step 10: Final Liability Amount**

The Total Proposed Liability Amount is **\$16,490** based upon the considerations discussed in detail, above.

## Attachment D Administrative Civil Liability Methodology Spreadsheet

### Instructions

1. Select Potential Harm for Discharge Violations
2. Select Characteristics of the Discharge
3. Select Susceptibility to Cleanup or Abatement
4. Select Deviation from Standard
5. Click "Determine Harm & per Gallon/Day..."
6. Enter Values into the Yellow highlighted fields

|             |   |
|-------------|---|
| Select Item | Potential Harm for Discharge Violations |
| Select Item | Characteristics of the Discharge        |
| Select Item | Susceptibility of Cleanup or Abatement  |
| Select Item | Deviation from Requirement              |

Discharger Name/ID: Spalding Tract Property Owners, Various APNs

|                                       |   | Violation 1                                   |                |      |
|---------------------------------------|---|---|----------------|------|
| Discharge Violations                  | <b>Step 1</b>                             | Potential Harm Factor (Generated from Button) |                |      |
|                                       | <b>Step 2</b>                             | Per Gallon Factor (Generated from Button)     |                |      |
|                                       |   | Gallons                                       |                |      |
|                                       |   | Statutory / Adjusted Max per Gallon (\$)      |                |      |
|                                       | <b>Total</b>                              |   | \$ -           |      |
|                                       | Non-Discharge Violations                  | <b>Step 3</b>                                 | Per Day Factor | 0.55 |
| Days                                  |   |   | 33             |      |
| Statutory Max per Day                 |   |   | \$ 5,000       |      |
| <b>Total</b>                          |   |   | \$ 90,750.00   |      |
| <b>Initial Amount of the ACL</b>      |   |   | \$ 90,750.00   |      |
| Add'l Factors                         |   | <b>Step 4</b>                                 | Culpability    | 1.3  |
|                                       | Cleanup and Cooperation                   |   | 1.5            |      |
|                                       | History of Violations                     |   | 1              |      |
|                                       | <b>Step 5 Total Base Liability Amount</b> |   | \$ 176,962.50  |      |
| <b>Step 6</b>                         | Ability to Pay & to Continue in Business  | 1   | \$ 176,962.50  |      |
| <b>Step 7</b>                         | Other Factors as Justice May Require      | 15,500  | \$ 15,500.00   |      |
|                                       | Staff Costs                               | \$ 990  | \$ 16,490.00   |      |
| <b>Step 8</b>                         | Economic Benefit                          | \$ 4,210                                      | \$ 16,490.00   |      |
| <b>Step 9</b>                         | Minimum Liability Amount                  | 15,500  |                |      |
|                                       | Maximum Liability Amount                  | \$ 4,160,000                                  |                |      |
| <b>Step 10 Final Liability Amount</b> |   |   | \$ 16,490.00   |      |

### Penalty Day Range Generator

Start Date of Violation= 1/1/10

End Date of Violation= 4/11/12

Maximum Days Fined (Steps 2 & 3) = 832 Days

Minimum Days Fined (Steps 2 & 3) = 33 Days

**WAIVER FORM  
FOR ADMINISTRATIVE CIVIL LIABILITY COMPLAINT**

By signing this waiver, I affirm and acknowledge the following:

I am duly authorized to represent Sutton, Dennis J. & ETAL, Deborah L. JT (hereinafter "Discharger") in connection with Administrative Civil Liability Complaint No. R6T-2012-0030 (hereinafter the "Complaint"). I am informed that California Water Code section 13323, subdivision (b), states that, "a hearing before the regional board shall be conducted within 90 days after the party has been served [with the complaint]. The person who has been issued a complaint may waive the right to a hearing."

- (Check here if the Discharger waives the hearing requirement and will pay the liability.)**
- a. I hereby waive any right the Discharger may have to a hearing before the Regional Water Board.
  - b. I certify that the Discharger will remit payment for the civil liability imposed in the total amount of **sixteen thousand four hundred ninety dollars (\$16,490)** by check that references "ACL Complaint No. R6T-2012-0030" made payable in the amount of **\$16,490** to the "*Waste Discharge Permit Fund.*" Payment must be received by the Regional Water Board by **5:00 p.m. on May 21, 2012** or the Regional Water Board may adopt an Administrative Civil Liability Order requiring payment.
  - c. I understand the payment of the above amount constitutes a proposed settlement of the Complaint, and that any settlement will not become final until after the 30-day public notice and comment period mandated by the State Water Resources Control Board's Water Quality Enforcement Policy expires. Should the Regional Water Board receive significant new information or comments from any source (excluding the Water Board's Prosecution Team) during this comment period, the Regional Water Board's Assistant Executive Officer may withdraw the complaint, return payment, and issue a new complaint. I understand that this proposed settlement is subject to approval by the Regional Water Board, and that the Regional Water Board may consider this proposed settlement in a public meeting or hearing. I also understand that approval of the settlement will result in the Discharger having waived the right to contest the allegations in the Complaint and the imposition of civil liability.
  - d. I understand that payment of the above amount is not a substitute for compliance with applicable laws and that continuing violations of the type alleged in the Complaint may subject the Dischargers to further enforcement, including additional civil liability.

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(Print Name and Title)

---

(Signature)

---

(Date)

|     | A        | B  | C                           | D          | E    | F | G                                  |
|-----|----------|--|-----------------------------|------------|------|---|------------------------------------|
| 611 |          | <b>Spalding Sewer Hookups - January 2011</b>   |                             |            |      |   |                                    |
| 612 |          | NONE   |                             |            |      |   |                                    |
| 613 |          | <b>Spalding Sewer Hookups - February 2011</b>  |                             |            |      |   |                                    |
| 614 |          | NONE   |                             |            |      |   |                                    |
| 615 |          | <b>Spalding Sewer Hookups - March 2011</b>     |                             |            |      |   |                                    |
| 616 |          | NONE   |                             |            |      |   |                                    |
| 617 |          | <b>Spalding Sewer Hookups - April 2011</b>     |                             |            |      |   |                                    |
| 618 |          | NONE   |                             |            |      |   |                                    |
| 619 |          | <b>Spalding Sewer Hookups - May 2011</b>       |                             |            |      |   |                                    |
| 620 |          | NONE   |                             |            |      |   |                                    |
| 621 |          | <b>Spalding Sewer Hookups - June 2011</b>      |                             |            |      |   |                                    |
| 622 | 06/13/11 | Masterson Family Trust ETAL                    | 687-740 Tamarack Way        | 077-173-30 | 100  |   |                                    |
| 623 | 06/30/11 | Davis, Robert & Annitta JT                     | 687-770 Hollywood Way       | 077-252-04 | 381  |   |                                    |
| 624 |          | <b>Spalding Sewer Hookups - July 2011</b>      |                             |            |      |   |                                    |
| 625 | 07/06/11 | Chuck, Mitchell/EKT Properties                 | 687-995 Redwood Way         | 077-262-13 | 440  |   |                                    |
| 626 | 07/11/11 | Contreras, Robert SR.& Cyndi L.JT.             | Juniper Way                 | 077-232-42 | 289  |   |                                    |
| 627 |          | <b>Spalding Sewer Hookups - August 2011</b>    |                             |            |      |   |                                    |
| 628 | 08/23/11 | Hasty, Clarence/Virginia Revoc Liv Tr          | Laurel/Palm                 | 077-344-15 | 576  |   |                                    |
| 629 | 08/30/11 | Evans, Dave M.                                 | 530-135 Pinon Way           | 077-351-30 | 739  |   |                                    |
| 630 |          | <b>Spalding Sewer Hookups - September 2011</b> |                             |            |      |   |                                    |
| 631 | 09/08/11 | Lewis, William Joe & Lewis, David Gene         | Poplar/Palmetto             | 077-192-29 | 169  |   |                                    |
| 632 | 09/09/11 | Goddard, Philip W                              | 687-950 Cedar Way           | 077-261-08 | 475  |   |                                    |
| 633 | 09/21/11 | Valine, Adelia Michelle                        | 367-370 Spalding Road       | 077-304-65 | 686  |   |                                    |
| 634 |          | <b>Spalding Sewer Hookups - October 2011</b>   |                             |            |      |   |                                    |
| 635 | 10/05/11 | Soohodolsky Family Trust                       | 687-710 Spruce Way          | 077-194-41 | 149  |   |                                    |
| 636 | 10/19/11 | Jamison, Dwight M & Carol L                    | 687-780 Orchard Way         | 077-191-29 | 176  |   |                                    |
| 637 |          | <b>Spalding Sewer Hookups - November 2011</b>  |                             |            |      |   |                                    |
| 638 | 11/16/11 | Arnold, Michael Wayne/Katherine Diane Rev TR   | RV Park - The Strand/Tank 2 | 077-182-09 | 167  |   |                                    |
| 639 |          | <b>Spalding Sewer Hookups - December 2011</b>  |                             |            |      |   |                                    |
| 640 | 12/28/11 | Lindenberg Living Trust                        | 687-710 Linden Way          | 077-233-54 | 277  |   |                                    |
| 641 |          | <b>Spalding Sewer Hookups - January 2012</b>   |                             |            |      |   |                                    |
| 642 |          | NONE   |                             |            |      |   |                                    |
| 643 |          | <b>Spalding Sewer Hookups - February 2012</b>  |                             |            |      |   |                                    |
| 644 |          | NONE   |                             |            |      |   |                                    |
| 645 |          | <b>Spalding Sewer Hookups - March 2012</b>     |                             |            |      |   |                                    |
| 646 |          | NONE   |                             |            |      |   |                                    |
| 647 |          | <b>Spalding Sewer Hookups - April 2012</b>     |                             |            |      |   |                                    |
| 648 | 04/12/12 | Schmidt, Kenneth                               | 687-015 Acacia Way          | 077-391-07 | 1014 |   |                                    |
| 649 | 04/23/12 | Bobbitt, Galen/Monique ETAL                    | 687-354 Juniper Way         | 077-354-24 | 621  |   | Officially Connected to the system |
| 650 |          | <b>Spalding Sewer Hookups - May 2012</b>       |                             |            |      |   |                                    |
| 651 | 05/31/12 | Sutton, Dennis J/ETAL Deborah L JT             | 687-675 Catalpa Way         | 077-271-19 | 470  |   |                                    |
| 652 |          | <b>Spalding Sewer Hookups - June 2012</b>      |                             |            |      |   |                                    |
| 653 | 06/01/12 | Estes, Kenneth P/Mary L. JT                    | 687-810 Linden Way          | 077-233-47 | 1028 |   |                                    |
| 654 |          |  |                             |            |      |   |                                    |

**Scott Ferguson - Re: ACL COMPLAINT NO. R6T-2012-0030 DENNIS J. AND DEBORAH L. SUTTON**

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**From:** Lauri Kemper  
**To:** gillys@frontiernet.net  
**Date:** 5/15/2012 5:43 PM  
**Subject:** Re: ACL COMPLAINT NO. R6T-2012-0030 DENNIS J. AND DEBORAH L. SUTTON  
**CC:** Singer, Harold; Ferguson, Scott; Boyers, David; Niemeyer, Kim; Carroll, Ann; Curtis, Chuck; Scorable, Lisa

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Thank you for your email and the information provided. I will consult with our legal counsel on the best way to handle materials within our files. By way of this email, I request that Scott send you a copy of the materials requested.

You can be assured that your email will be placed in our files and become part of the record for this matter and we will add you to our mailing list for this matter.

Harold Singer is no longer our Executive Officer. The Lahontan Water Board's Executive Officer is Patty Kouyoumdjian.

Lauri Kemper

Lauri Kemper, P.E.  
Assistant Executive Officer  
Lahontan Regional Water Quality Control Board  
2501 Lake Tahoe Boulevard  
South Lake Tahoe, CA 96150

530-542-5436  
lkemper@waterboards.ca.gov

For more information regarding the Lahontan Water Board, please visit our website at <http://www.waterboards.ca.gov/lahontan/>

>>> John & Jamie Gilly 05/15/12 5:37 PM >>>  
Ms. Laurie Kemper and Mr. Harold Singer,

I am contacting you on behalf of my parents Dennis J and Deborah L Sutton in regards to their property located at 687-675 Catalpa Way in Susanville CA.

I am handling the matter in regards to the complaint involving the Spaulding Community Services District/ Lahontan Regional Water Quality Board due to my parents being disabled and it has come to my attention that you were erroneously contacted via e-mail by a Sally or James Rorie attempting to intervene on behalf of either my parents or Adyne Neuhardt/Neuhardt Family Trust on or around May 10, 2012.

These people have NO business whatsoever being involved in this matter and in fact have complicated the matter more than necessary. I have been in touch with Scott Ferguson with Lahontan Water Board and he is aware of the current situation and that I am the only person to be contacted or to make any decisions regarding this matter. The Rorie's have posed as "property owners" dating back to 2007 and even forged my parents signatures on documents involving the Spaulding CSD.

I respectfully request that the letter sent via e-mail to the Lahonton Water Board on or around May 10, 2012 be removed from this file along with any other documents you may have received from them and that Sally and/or James Rorie or Adyne Neuhardt have no information regarding this matter. As well, I request that a copy the the letter that was erroneously sent to you along with any and all other documents from these parties be forwarded to this email or to fax # 530-257-3059.

Please feel free to contact me at any time regarding this matter at 530-310-1850.

Sincerely,

Jamie L. Sutton-Gilly  
for Dennis J. and Deborah L Sutton

Lahontan Regional Water Quality Board  
2501 Lake Tahoe Blvd.  
South Tahoe, CA 96150  
ATTN: Scott Ferguson  
**VIA FACSIMILE 530-544-2271 and USPS**



Re: Sutton Spaulding Property - septic

May 18, 2012

Dear Mr. Ferguson,

Per our conversation on 5/16/2012, I am writing this letter to explain the issues that have been brought to my attention in the last few days. As we spoke about during our phone conversation, I (Jamie Sutton-Gilly, daughter of Dennis and Debbie Sutton) am now, and will be from this day forward, the contact regarding my parents' property located in Spaulding. The following is a short timeline of the events that have occurred and have rendered my father unable to take care of such property:

In 2007 - my father, Dennis J. Sutton, suffered a massive stroke. Due to this stroke he has short term memory loss, etc. and has been unable to care for himself, on his own.

In 2008 it was brought to our attention that James Rorie was posing as the property owner of such property mentioned above, located in Spaulding. At the time, James went to the Spaulding Sewer District, identified himself as my father, Dennis Sutton, and changed the contact information to his own. In order to do this he forged my mother, Debbie Sutton's, name and did the same on the application for the permit.

October of 2008 – The fees were paid to Spaulding CSD and a new contract was signed by my dad (Dennis Sutton). The actual owner's information was added again at that time. We also notified Spaulding CSD that James Rorie was not the owner of the property and was to have no involvement. That he was a guest that had permission to use the property for recreation.

In 2009 – A cease and desist order was received, in which a copy was given to the Rorie family and they were told "do not use the trailer" that sits on the property. Also, at this time we had contacted a contractor to do the work needed to hook the sewer up as required by the Spaulding CSD. Thinking that it was being taken care of and dealing with ongoing medical issues that my father was having, it was not on my mind much. We found out some time later that the "owner" (James Rorie, again posing as my father over the phone) had told him

File: Spaulding Tract - Sutton, APN 077-271-19-11 16-38

not to do the work and that he wasn't interested in connecting to the new sewage system.

There are times when, due to my dad's condition (post stroke), that he hides mail, at times doesn't understand what he is reading or get's nervous about what it says or is and will throw it away before I (as Power of Attorney) can see it. There are also times when mail has been intercepted by other members of the family that live at their address. This was the case with the latest correspondence and notice of hearing. I just happened to find it when down at my parents house checking on things.

With people posing as the owner, such as James Rorie, and having some of the documents delivered to his house, or mail being intercepted by other family members living there, we were under the impression that it had already been done. An example of the misrepresentation; in the last week since receiving the notice of hearing and fines, Mr. Rorie has been in touch with Spaulding CSD, for unknown reason. It has now been addressed and they have been advised that he was unauthorized and acting in bad faith when he forged signatures and cancelled construction that we had scheduled.

Upon receipt, I contacted IMPACT construction and scheduled the work to be completed in the next few weeks. We have, and always had, full intention of hooking up to the sewer system as required.

In conclusion, we ask that fines that have accrued over the past 4 years be waived due to Spaulding CSD's failure to verify the identity of the actual owner of the property and allowing Mr. Rorie to forge signatures and make decisions, on numerous occasions.

If you should have any further questions or concerns, please do not hesitate to contact me or Artis Rachel Redding (916-813-1305), whom I have authorized to speak in my absence or unavailability.

Sincerely,



Jamie Sutton-Gilly  
530-310-1850 Cell  
530-257-8581 Home

10/20/2008 14:29

530825326

SPALDING C S D

PAGE 02

Pg 1 of 2

SPALDING COMMUNITY SERVICES DISTRICT SEWER CONNECTION PERMIT APPLICATION

|                     |                      |                                     |                |               |
|---------------------|----------------------|-------------------------------------|----------------|---------------|
| APPLICANT COMPLETES | Inspection Requests: | (530) 825-3258                      | ASSESSMENT NO: | 470           |
|                     | OWNER:               | Sutton, Dennis & ETAL Deborah Z. JT | TELEPHONE NO:  | 257-5739      |
|                     | SERVICE ADDRESS:     | 687-675 CATALPA - SUSANVILLE        | PERMIT NO:     | 000568        |
|                     | MAILING ADDRESS:     | 1085 Elm St Susanville CA - 96130   | LICENSE NO:    |               |
|                     | CONTRACTOR:          |                                     | TELEPHONE NO:  | FEE: \$160.00 |

Assessor's Parcel # (APN): 077-271-19 Type of Work: Tank  Lateral  Other

Existing Improvements: House  Septic  Well  None

Type of House: Site Built  Mobile  Manufactured Home  Bldg Site Designation #: 08-05607

**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 therefor 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 reinstate 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 be commenced under the 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 a 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.

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 become against said District.

Date: 15 OCT 2008  
 Signature of Applicant: *Dennis Sutton*

**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 at 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: \_\_\_\_\_

Signature of Owner or Authorized Agent: *Dennis Sutton* Date: 15 OCT 2008

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

Number: \_\_\_\_\_ Expiration Date: \_\_\_\_\_

WORK OF UNDER \$100,000 VALUATION IS EXEMPT FROM ABOVE

I hereby make application for permit to execute the work as outlined herein 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.

Called 9/9/09 Deb

DATE FAXED: 10/20/08 TIME \_\_\_\_\_ Lassen County to Return to District within 5 days.

**LASSEN COUNTY PLANNING DIVISION**

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

DEED REFERENCE: BOOK 0405 PAGE 641 YEAR \_\_\_\_\_ DOC# \_\_\_\_\_ INITIAL *7m*

ZONING R-1-D BUILDING SITE DESIGNATION # 2008-05607

INCREMENTAL SEPTIC TANK/SEWER AGREEMENT:

DATE REC'D 10-15-08 INITIAL *7m*

DATE: 10-21-08 SIGNATURE: \_\_\_\_\_ FOR: \_\_\_\_\_

Accepted by Lassen County: \_\_\_\_\_ Date: 10-21-08

Date Permit Issued: 9/9/09 Authorized District Official: *[Signature]* 16-40

Pg 2 of 2  
County of Lassen  


# DEPARTMENT OF COMMUNITY DEVELOPMENT

- PLANNING
- BUILDING INSPECTION
- ECONOMIC DEVELOPMENT
- HOUSING AUTHORITY
- CODE ENFORCEMENT
- MINING

**ROBERT K. SORVAAG, Director**  
**JOSEPH J. BERTOTTI, Assistant Director**  
**STEVE FULLER, Building Official**  
 707 Nevada Street, Suite 5  
 Susanville, CA 96130-3912

## INCREMENTAL SEPTIC SYSTEM SERVICE AGREEMENT

☎ (530) 251-8289  
 Facs (530) 251-8373

Zoning & Building  
 Inspection Requests  
 ☎ (530) 257-LAND

The issuance of this septic tank/leachfield permit is intended to allow incremental development of the parcel identified below. This permit allows for the installation only. This system shall not be connected to any structure, mobile home, or recreational vehicle unless a separate permit has been issued by the Lassen County Building Division.

By signing this agreement, the owner and/or his/her agent acknowledges and understands that the unauthorized use of this incremental development system is a violation of Lassen County Code, Title 12, Chapter 12.24.040. Any such violation shall cause this and any additional permits issued to said property to be suspended or revoked and is subject to the penalties under the provisions of Lassen County Code Chapter 12.04.080.

Permission is hereby granted to install a septic tank/leachfield under the conditions of this agreement. This permit is not transferable from one owner to another.

Name of Owner of Record: Sutton, Dennis J / FRAD Deborah L Jt  
 Mailing Address: 685 Elm St Susanville CA 96130  
 Job Site Address: CATALPA - SUSANVILLE, CA 96130  
 Building Permit Number: N/A  
 Assessor's Parcel Number: 077-271-19

### Intended Use of Septic System Service?

- To serve future residence  To serve future commercial/industrial use   
 Recreational Use  Other  \_\_\_\_\_

Reason why septic system service is needed at this time: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

15 OCT 2008  
 Date

Dennis J Sutton  
 Signature of Owner

# Spalding Community Service District Customer QuickReport

11:17 AM

05/16/2012

## All Transactions

| Type                                       | Date       | Num        | Memo  | Amount |
|--|------------|------------|---|--------|
| <b>Button, Dennis J/Deborah L (271-19)</b> |            |            |   |        |
| Invoice                                    | 01/05/2009 | Inv 1308   | <i>Operation &amp; Maintenance</i>              | 75.00  |
| Stmt Charge                                | 02/08/2009 | 1308       | VOID: Delinquency Charge 31-60 days 10%         | 0.00   |
| Payment                                    | 02/20/2009 | 0000006633 |   | 82.50  |
| Invoice                                    | 04/01/2009 | 1910       | <i>O+M</i>                                      | 75.00  |
| Stmt Charge                                | 05/02/2009 | 1910       | Delinquency Charge 31-60 days 10%               | 6.75   |
| Stmt Charge                                | 06/01/2009 | 470        | Delinquency Charge Over 60 Days - 1/2 % Per Mo. | 0.37   |
| Stmt Charge                                | 07/01/2009 | 1910       | Delinquency Charge Over 90 days - 1/2 % per Mo. | 0.37   |
| Invoice                                    | 07/01/2009 | 2504       | <i>O+M</i>                                      | 75.00  |
| Payment                                    | 07/17/2009 | 2988       |   | 149.99 |
| Invoice                                    | 07/19/2009 | 2576       | <i>O+M</i>                                      | 150.00 |
| Payment                                    | 07/20/2009 | 5501       |   | 75.00  |
| Payment                                    | 07/20/2009 | 9284024    |   | 150.00 |
| Invoice                                    | 10/01/2009 | 3109       | <i>O+M</i>                                      | 75.00  |
| Invoice                                    | 01/01/2010 | 3730       |   | 75.00  |
| Stmt Charge                                | 02/19/2010 | 3730STM    | Delinquency Charge 31-60 days 10%               | 7.50   |
| Invoice                                    | 04/01/2010 | 4337STM    | <i>O+M</i>                                      | 75.00  |
| Invoice                                    | 06/14/2010 | FC 498     | Finance Charge                                  | 7.60   |
| Payment                                    | 05/24/2010 | 3185       |   | 157.50 |
| Invoice                                    | 07/01/2010 | 4968STM    | <i>O+M</i>                                      | 75.00  |
| Payment                                    | 07/28/2010 | 3228       |   | 75.00  |
| Invoice                                    | 10/01/2010 | 5578STM    | <i>O+M</i>                                      | 75.00  |
| Payment                                    | 10/11/2010 | 3268       |   | 82.50  |
| Invoice                                    | 01/01/2011 | 1586       | <i>O+M</i>                                      | 75.00  |
| Payment                                    | 01/24/2011 | 1586       |   | 75.00  |
| Invoice                                    | 04/01/2011 | 40533      | <i>O+M</i>                                      | 75.00  |
| Payment                                    | 04/08/2011 | 3388       |   | 75.00  |
| Invoice                                    | 07/01/2011 | 05042543   | <i>O+M</i>                                      | 75.00  |
| Invoice                                    | 08/08/2011 | FC 973     | Finance Charge                                  | 7.50   |
| Stmt Charge                                | 10/01/2011 |            | Operation & Maintenance for 3 months            | 75.00  |
| Payment                                    | 10/14/2011 | 3508       |   | 167.50 |
| Stmt Charge                                | 01/04/2012 |            | Operation & Maintenance for 3 months            | 75.00  |
| Payment                                    | 01/23/2012 | 3668       |   | 150.00 |
| Stmt Charge                                | 04/01/2012 |            | Operation & Maintenance for 3 months            | 75.00  |

### SPALDING COMMUNITY SERVICES DISTRICT SEWER CONNECTION PERMIT APPLICATION

# 470

APPLICANT COMPLETE:

|   |   |
|---|---|
| Inspection Requests: <u>No</u>                          | (830) 825-0004<br>8AM to 11AM Monday-Thur |
| OWNER:<br><u>Sutton Dennis J. ETAL + Deborah L. J</u>   |   |
| SERVICE ADDRESS:<br><u>685 Elm St Susanville CA</u>     |   |
| MAILING ADDRESS:<br><u>P.O. Box 625 Irons Valley CA</u> |   |
| CONTRACTOR:   |   |
| MAILING ADDRESS:  |   |

← Name changed / crossed out / corrected by Spalding CSD on 9/14/12

ASSESSMENT NO

PERMIT NO:

FEE: \$150.00

Assessor's Parcel # (APN): 077-271-19 Type of Work:  Tank  Lateral  Other

Existing Improvements:  House  Septic  Well  None

Type of House:  Site Built  Mobile  Manufactured Home Bldg Site Designation #: 08-05607

#### APPLICANT COMPLETES

EXPIRE  
code a  
permit  
work I  
"been"  
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of, and  
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I specify  
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any  
Any pa  
which  
under  
state  
to the  
I have  
and one  
complete  
contract  
course  
I/we ag  
or its agents against reimburse, judgments, costs and expenses which may in any way accrue  
against said District.

This document was in our records too. But, As you see there was never a Sewer Permit number assigned.

#### OWNER/CONTRACTOR COMPLETES

I am a State Licensed Contractor, Lic. No. \_\_\_\_\_ Lic. Class \_\_\_\_\_  I am subcontracted and claim exemption from the Contractors Law for the following reason: \_\_\_\_\_

I, as owner of the property, or my employee with wages as their sole compensation, will do the work, and the signature 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: \_\_\_\_\_

Owner, contractor or authorized agent  
IN COMPLIANCE WITH SECTION 3804, 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 hereby 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-INSURANCE CERTIFICATE

Number: \_\_\_\_\_ Expiration Date: \_\_\_\_\_  
WORK OF UNDER \$100.00 VALUATION IS EXEMPT FROM ABOVE

I hereby apply application for permit to execute the work as outlined herein and described in accompanying plan, drawings and specifications which are made a part hereunto subject to all provisions of Federal, State and (

Signature of Owner or Authorized Agent: D. Sutton

← Faked Signature

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

**Office Use Only** FAXED SEP 8 0 2008 LASSEN COUNTY PLANNING DIVISION  
"A BUILDING SITE DESIGNATION MUST BE COMPLETED AND RECORDED BEFORE A BUILDING PERMIT WILL BE ISSUED."

DEED REFERENCE: BOOK 0405 PAGE 641 YEAR \_\_\_\_\_ DOC.# \_\_\_\_\_ INITIAL Z

ZONING R-1-D BUILDING SITE DESIGNATION # 2008-05607

INCREMENTAL SEPTIC TANK/SEWER AGREEMENT:

DATE REC'D \_\_\_\_\_ INITIAL \_\_\_\_\_

DATE: \_\_\_\_\_ SIGNATURE \_\_\_\_\_

Accepted by Lassen County [Signature] Date 10-07-08

Permit Issued \_\_\_\_\_ Authorized District Official \_\_\_\_\_

mail off 3-19-0816-45  
R.C.D.#

**Scott Ferguson - Spalding Tract-Sutton Property**

---

**From:** Scott Ferguson  
**To:** gillys@frontiernet.net  
**Date:** 5/23/2012 3:24 PM  
**Subject:** Spalding Tract-Sutton Property  
**CC:** Boyers, David; Carroll, Ann; Curtis, Chuck; Kemper, Lauri; Kouyoumdjian, Patty; Scqralle, Lisa; Singer, Harold

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Ms. Gilly,

I am following up on your May 15, 2012 email to Ms. Lauri Kemper and Mr. Harold Singer. I have not been able to locate the email from either Sally or James Rorie that you state was sent on or around May 10, 2012. I am continuing to look for it. If and when the email at issue is located, I will send you a copy of the email and any attachments it may have. For your information, the Water Board is required to place such correspondence in its files; however, as Ms. Kemper stated in her May 15, 2012 email to you, your email will also be placed in the Water Board's files for the Spalding Tract Sutton property (APN 077-271-19-11). Water Board staff is also in receipt of your May 18, 2012 letter (received via facsimile May 18, 2012) and that too will be placed in the Water Board's files for the above-referenced property.

In your May 15, 2012 email and May 18, 2012 letter, you identify yourself as the person the Water Board is to correspond with regarding the above-referenced property and that you have Power of Attorney for your parents. Please submit documentation regarding your Power of Attorney status for your parents, Dennis and Debbie Sutton, and/or documentation from your parents that they have authorized you to be their contact regarding the above-referenced property.

Finally, Water Board staff needs a mailing address for you, in order to send you future correspondence regarding the Spalding Tract Sutton property and upcoming hearing at the Water Board's July 11-12, 2012 meeting.

Please contact me at (530) 542-5432 or email me at [Sferguson@waterboards.ca.gov](mailto:Sferguson@waterboards.ca.gov) if you have any questions regarding these matters. Thank you.

Scott C. Ferguson, P.E.  
Enforcement and Special Projects Unit  
Lahontan Regional Water Quality Control Board  
530-542-5432  
[Sferguson@waterboards.ca.gov](mailto:Sferguson@waterboards.ca.gov)

File: Spalding Tract - Sutton, APN 077-271-19-11

**Scott Ferguson - Fw: Permission to represent Spaulding Property - Sutton**

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**From:** John & Jamie Gilly <gillys@frontiernet.net>  
**To:** <Sferguson@waterboards.ca.gov>  
**Date:** 5/24/2012 8:01 AM  
**Subject:** Fw: Permission to represent Spaulding Property - Sutton

---

Hi Scott,

Here is the letter I received from my Mother this morning. She is out of the area so she emailed it to me. I will be faxing the POA for my Dad this morning. Please give me a call on my Cell at 310-1850 when you receive so I know you have it.

Thank you for your help  
Jamie

----- Original Message -----

**From:** Debbie Sutton  
**To:** Jamie & John Gilly  
**Sent:** Thursday, May 24, 2012 5:16 AM  
**Subject:** Permission to represent

Attention Scott Ferguson and all involved in the Spaulding property action.

I Deborah L. Sutton, give my daughter, Jamie L. Gilly permission in my absences to give, receive and make decisions in the matter regarding the action of our Spaulding property.

As well, she has Power of Attorney on her Father, Dennis J. Sutton, in my absense and I give her permission to invoke those rights at this time.

If any further information is needed, please contact Jamie as we will not be back in the area until, June 3, 2012. If I need to be reached before this time, you can call my cell phone at (530) 310-5121.

Respectfully,

Deborah L. Sutton

File: Spaulding Tract - Sutton, APN 077-271-19-11

LAS ✓  
SCF ✓

To: Lahontan Water Board Fax: 544-2271

Date: 5.24.12 Time: 9:40am Attn: Scott Ferguson

Regarding: Sutton - Spaulding Claim or SS# \_\_\_\_\_

Reason: Here is a copy of the power of attorney and a copy of the email I forwarded to you earlier today. Please let me know if you need anything else.

Thank you! Jamie Sutton-Gilly

Sending a total of 18 pages, including this page

This facsimile transmission and/or the documents accompanying it may contain confidential information belonging to the sender which is protected by the physician/patient privilege. The information is intended only for the use of the individual or entity named above. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution, or taking of any action in reliance to the contents of this information is strictly prohibited by law. If you have received this transmission in error, please immediately notify us by telephone to arrange for return of the documents. Thank You.

## **John & Jamie Gilly**

---

**From:** "John & Jamie Gilly" <gillys@frontiernet.net>  
**To:** <Sferguson@waterboards.ca.gov>  
**Sent:** Thursday, May 24, 2012 8:00 AM  
**Subject:** Fw: Permission to represent Spaulding Property - Sutton

Hi Scott,

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Jamie

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As well, she has Power of Attorney on her Father, Dennis J. Sutton, in my absense and I give her permission to invoke those rights at this time.

If any further information is needed, please contact Jamie as we will not be back in the area until, June 3, 2012. If I need to be reached before this time, you can call my cell phone at (530) 310-5121.

Respectfully,

Deborah L. Sutton

5/24/2012

RECORDING REQUESTED BY AND RETURN TO:

Deborah L. Sutton  
685 Elm St.  
Susanville, CA. 96130

OFFICIAL RECORDS  
Julie Bustamante, County  
Clerk-Recorder  
Lassen County, CA

**DURABLE POWER OF ATTORNEY OF  
DENNIS JAMES SUTTON**

**Introductory Provision.** I, DENNIS JAMES SUTTON, hereby appoint my wife, DEBORAH SUTTON, who resides within the County of Lassen, State of California, to serve as my Agent to exercise alone or jointly the powers and discretions set forth below.

**Alternate Agent.** In the event that DEBORAH SUTTON is unable or unwilling to act as my Agent, then JAMIE GILLY shall act with all rights and responsibilities given to my original Agent.

**Statement of Intent to Create Durable Power of Attorney Under State Statute.** By this instrument I intend to create a Durable Power of Attorney under California law.

**Delegation of All Powers Lawful to Delegate.** I herewith delegate to my Agent each and every power that I may lawfully delegate, subject only to those limitations specifically set forth in this instrument.

**ARTICLE I  
ASSET POWERS**

**Introduction.** My Agent is authorized in my Agent's sole and absolute discretion from time to time and at any time, with respect to any and all of my property and interests in property, real, personal, intangible and mixed, as follows:

1. **Power to Sell.** To sell any and every kind of property that I may own now or in the future, real, personal, intangible and/or mixed, including without being limited to

contingent and expectant interests, marital rights and any rights of survivorship incident to joint tenancy or tenancy by the entirety, on such terms and conditions and security as my Agent shall deem appropriate and to grant options with respect to sales thereof; to make such disposition of the proceeds of such sale or sales, including expending such proceeds for my benefit, as my Agent shall deem appropriate

2. **Power to Buy.** To buy every kind of property, real, personal, intangible and/or mixed, on such terms and conditions as my Agent shall deem appropriate; to obtain options with respect to such purchases; to arrange for appropriate disposition, use, safekeeping and/or insuring of any such property; to buy United States Government bonds redeemable at par in payment of the federal estate tax imposed at my death; to borrow money for the purposes described herein and to secure such borrowings in such manner as my Agent shall deem appropriate; to use any credit card held in my name to make such purchases and to sign such charge slips as may be necessary to use such credit cards; to repay from any funds belonging to me any money borrowed and to pay for any purchases made or cash advanced using credit cards issued to me.
3. **Power to Invest.** To invest and reinvest all or any part of my property in any property or interests, including undivided interests, in property, real, personal, intangible and/or mixed, wherever located, including without being limited to securities of all kinds, stocks of corporations regardless of class, interests in limited partnerships, real estate or any interest in real estate whether or not productive at the time of investment, commodities contracts of all kinds, interests in trusts, investment trusts, whether of the open and/or closed fund types, and participation in common, collective or pooled trust funds or annuity contracts without being limited by any statute or rule of law concerning investments by fiduciaries; to sell, including short sales, and terminate any investments whether made by me or my Agent; to establish, utilize and terminate savings and money market accounts with financial institutions of all kinds; to establish, utilize and terminate accounts with securities brokers and in such accounts, to make short sales and to buy on margin and, for such purposes, my Agent may pledge any securities so held or purchased with such brokers as security for loans and advances made to the account; to establish, utilize and terminate agency accounts with corporate fiduciaries; to employ, compensate and terminate the services of financial and investment advisors and consultants.
4. **Power to Manage Real Property.** With respect to real property, including but not limited to any real property I may hereafter acquire or receive and my personal residence, my Agent is authorized to lease, sublease, release; to eject and remove tenants or other persons from, and recover possession of by all lawful means; to accept real property as a gift or as security for a loan; to collect, sue for, receive and receipt for rents and profits and to conserve, invest or utilize any and all of such rents, profits and receipts for the purposes described in this paragraph; to do any act of management and conservation, to pay, compromise, or to contest tax assessments and to apply for refunds in connection therewith; to employ laborers; to subdivide, develop, dedicate to public use without consideration, and/or dedicate easements over; to maintain, protect, repair, preserve,

insure, build on, demolish, alter or improve all or any part thereof; to obtain or vacate plats and adjust boundaries; to adjust differences in valuation on exchange or partition by giving or receiving consideration; to release or partially release real property from a lien; to sell and to buy real property; to mortgage and/or convey by deed of trust or otherwise encumber any real property now or hereafter owned by me, whether acquired by me or for me by my Agent.

5. **Power to Manage Personal Property.** With respect to personal property; to lease, sublease, and release; to recover possession of by all lawful means; to collect, sue for, receive and receipt for rents and profits therefrom; to maintain, protect, repair, preserve, insure, alter or improve all or any part thereof; to sell and to buy the same or other personal property; to mortgage or grant deeds of trust, pledge and/or grant other security interests in any personal property or intangibles now or hereafter owned by me, whether acquired by me or for me by my Agent.
  
6. **Power to Operate Businesses.** To continue the operation of any business (including a ranch or farm) belonging to me or in which I have a substantial interest, for such time and in such manner as my Agent shall deem appropriate, including but not limited to hiring and discharging my employees, paying my employees' salaries and providing for employee benefits, employing legal, accounting, financial and other consultants; continuing, modifying, terminating, renegotiating and extending any contractual arrangements with any person, firm, association or corporation whatsoever made by me or on my behalf; executing business tax returns and other government forms required to be filed by my business, paying all business related expenses, transacting all kinds of business for me in my name and on my behalf, contributing additional capital to the business, changing the name and/or the form of the business, incorporating the business, entering into such partnership agreement with other persons as my Agent shall deem appropriate, joining in any plan of reorganization, consolidation or merger of such business, selling, liquidating or closing out such business at such time and on such terms as my Agent shall deem appropriate and representing me in establishing the value of any business under "Buy-out" or "Buy-Sell" agreements to which I may be a party; to create, continue or terminate retirement plans with respect to such business and to make contributions which may be required by such plans; to borrow and pledge business assets; to exercise any right, power, privilege or option I may have or may claim under any contract of partnership whether as a general, special or limited partner; to modify or terminate my interest on such terms and conditions as my Agent may deem appropriate; to enforce the terms of any such partnership agreement for my protection, whether by action, proceeding or otherwise as my Agent shall deem appropriate; to defend, submit to arbitration, settle or compromise any action or other legal proceeding to which I am a party because of my membership in such partnership.
  
7. **Power to Exercise Rights in Securities.** To exercise all rights with respect to corporate securities which I now own or may hereafter acquire, including the right to sell, grant security interests in and to buy the same or different securities; to establish, utilize and

terminate brokerage accounts, including margin accounts; to make such payments as my Agent deems necessary, appropriate, incidental or convenient to the owning and holding of such securities; to receive, retain, expend for my benefit, invest and reinvest or make such disposition of as my Agent shall deem appropriate all additional securities, cash or property, including the proceeds from the sales of my securities, to which I may be or become entitled by reason of my ownership of any securities; to vote at all meetings of security holders, regular or special; to lend money to any corporation in which I hold any shares and to guarantee or endorse loans made to such corporation by third parties.

8. **Power to Demand and Receive.** To demand, arbitrate, settle, sue for, collect, receive, deposit, expend for my benefit, reinvest or make such other appropriate disposition of as my Agent deems appropriate, all cash, rights to the payment of cash, property, real, personal, intangible and/or mixed, debts, dues rights, accounts, legacies, bequests, devises, dividends, annuities, rights and/or benefits to which I am now or may in the future become entitled, regardless of the identity of the individual or public or private entity involved, including but not limited to benefits payable to or for my benefit by any governmental agency or body, such as Supplemental Social Security (SSI), Medicaid, Medicare, and Social Security Disability Insurance (SSDI) and for the purposes of receiving Social Security benefits, my Agent is herewith appointed my "Representative Payee"; to utilize all lawful means and methods to recover such assets and/or rights, qualify me for such benefits and claim such benefits on my behalf, and to compromise claims and grant discharges in regard to the matters described herein; to utilize all lawful means and methods to recover such assets and/or rights, qualify me for such benefits and claim such benefits on my behalf. The authority herein granted shall include but not be limited to converting my assets into assets that do not disqualify me from receiving such benefits or divesting me of such assets. In any divestment actions or asset conversions, I direct that my Agent, to the extent reasonably possible, avoid disrupting the dispositive provisions of any estate plan of mine known to my Agent whether or not such estate plan is embodied in a will, a trust, non-probate property, or otherwise. If it is necessary to disrupt such plan, then my Agent is directed to use my Agent's best efforts to restore such plan as and when the opportunity to do so is available to my Agent. If a transfer of cash by my Agent is made to a pecuniary legatee under my will, my Agent shall ensure that such transfer is deemed a satisfaction of such legacy, pro tanto.
9. **Power to Exercise Elective Share Rights.** To elect to take against any will and conveyances of any person, if appropriate; to retain any property which I have the right to elect to retain; to file petitions pertaining to the election, including petitions to extend the time for electing and petitions for orders, decrees and judgments; and to take all other actions that my Agent deems appropriate in order to effectuate the election; provided, however, that if any such actions by my Agent require the approval of any court, my Agent is authorized to seek such approval.
10. **Power with Respect to Employment Benefits.** To create and contribute to an employee benefit plan, including a plan for a self-employed individual, for my benefit; to elect



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retirement on my behalf; to select any payment option under any IRA or employee benefit plan in which I am a participant, including plans for self-employed individuals, or to change options I have selected; to make voluntary contributions to such plans; to make "roll-overs" of plan benefits into other retirement plans; to apply for and receive payments and benefits; to waive rights given to nonemployee spouses under state or federal law; to borrow money and purchase assets therefrom and sell assets thereto, if authorized by any such plans; to make revocable and irrevocable beneficiary designations and to change revocable beneficiary designations; to consent and/or waive consent in connection with the designation of beneficiaries and the selection of joint and survivor annuities under any employee benefit plan.

11. **Power with Respect to Bank Accounts.** To establish accounts of all kinds, including checking and savings, for me with financial institutions of any kinds, including but not limited to banks and thrift institutions; to modify, terminate, make deposits to and write checks on or make withdrawals from and grant security interests in all accounts in my name or with respect to which I am an authorized signatory, except accounts held by me in a fiduciary capacity, whether or not any such account was established by me or for me by my Agent, to negotiate, endorse or transfer any checks or other instruments with respect to any such accounts; to contract for any services rendered by any bank or financial institution, and to execute, on my behalf as principal, agency or power of attorney forms furnished by any bank with respect to accounts with such bank, appointing as my Agent or any other person or persons.
12. **Power with Respect to Safe-Deposit Boxes.** To contract with any institution for the maintenance of a safe-deposit box in my name; to have access to all safe-deposit boxes in my name or with respect to which I am an authorized signatory, whether or not the contract for such safe-deposit box was executed by me, either alone or jointly with others, or by my Agent in my name; to add to and remove from the contents of any such safe deposit box and to terminate any and all contracts for such boxes.
13. **Power with Respect to Legal and Other Actions.** To institute, supervise, prosecute, defend, intervene in, abandon, compromise, arbitrate, settle, dismiss, and appeal from any and all legal, equitable, judicial or administrative hearings, actions, suits, proceedings, attachments, arrests or distresses, involving me in any way, including but not limited to claims by or against me arising out of property damages or personal injuries suffered by or caused by me or under such circumstances that the loss resulting therefrom will or may be imposed on me and otherwise engage in litigation involving me, my property or any interest of mine, including any property or interest or person for which or whom I have or may have any responsibility.
14. **Power to Borrow Money (Including Insurance Policy Loans).** To borrow money from any lender for my account on such terms and conditions as my Agent shall deem appropriate and to secure such borrowing by the granting of security interests in any property or interests in property which I may now or hereafter own; to borrow money on

any life insurance policies owned by me on my life for any purpose and to grant a security interest in such policy to secure any such loans, including the assignment and delivery of any such policies as security; and no insurance company shall be under any obligation whatsoever to determine the need for such loan or the application of the proceeds by my Agent.

15. **Power to Create, Fund, Amend and Terminate Trusts Solely for the Benefit of the Principal.** To execute a revocable trust agreement with such trustee or trustees as my Agent shall select, and such trust shall provide that all income and principal shall be paid to me, to some person for my benefit or applied for my benefit in such amounts as I or my Agent shall request or as the trustee or trustees shall determine, and that on my death any remaining income and principal shall be paid to my personal representative, and that the trust may be revoked or amended by me or my Agent at any time and from time to time; provided, however, that any amendment by my Agent must be such that by law or under the provisions of this instrument such amendment could have been included in the original trust agreement; to deliver and convey any or all of my assets to the trustee or trustees thereof; to add any or all of my assets to such a trust already in existence at the time of the creation of this instrument or created by me at any time thereafter; and for the purpose of funding any trust, to enter and remove any of my assets from any safe-deposit box of mine, whether the box is registered in my name alone or jointly with one or more persons and my Agent may be sole trustee of the trust or one of several trustees.
16. **Power to Fund Trusts Created by the Principal.** To transfer from time to time and at any time to the trustee or trustees of any revocable trust agreement created by me before or after the execution of this instrument, as to which trust I am, during my lifetime, a primary income and principal beneficiary, any and all of my cash, property or interests in property, including any rights to receive income from any source; and for this purpose to enter and remove from any safe-deposit box of mine, whether the box is registered in my name alone or jointly with one or more other persons, any of my assets and to execute such instruments, documents and papers to effect the transfers described herein as may be necessary, appropriate, incidental or convenient; to make such transfers absolutely in fee simple or for my lifetime only with the remainder or reversion of the property so transferred, remaining in me so that such property will be disposed of at my death by my will or by the intestacy laws of the state in which I shall die a resident.
17. **Power to Withdraw Funds from Trusts.** To withdraw and/or receive the income or corpus of any trust over which I may have a right of receipt or withdrawal; to request and receive the income or corpus of any trust with respect to which the trustee thereof has the discretionary power to make distributions to or on my behalf, and to execute and deliver to such trustee or trustees a receipt and release or similar document for the income or corpus so received; to exercise in whole or in part, release or let lapse any power of appointment held by me, whether general or special, or any power of amendment or revocation under any trust including any trust with respect to which I may exercise any such power only with the consent of another person, even if my Agent is such other

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person, whether or not such power of appointment was created by me, subject, however, to any restrictions on such exercise imposed on my Agent and set forth in other provisions of this instrument.

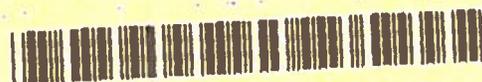
18. **Power to Renounce and Resign from Fiduciary Positions.** To renounce any fiduciary position to which I have been or may be appointed or elected, including but not limited to personal representative, trustee, guardian, attorney-in-fact, and officer or director of a corporation; and any governmental or political office or position to which I have been or may be elected or appointed; to resign any such positions in which capacity I am presently serving; to file an accounting with a court of competent jurisdiction or settle on a receipt and release or such other informal method as my Agent shall deem appropriate.
19. **Power to Disclaim, Renounce, Release, or Abandon Property Interests.** To renounce and disclaim any property or interest in property or powers to which for any reason and by any means I may become entitled, whether by gift, testate or intestate succession; to release or abandon any property or interest in property or powers which I may now or hereafter own, including any interests in or rights over trusts, including the right to alter, amend, revoke or terminate, and to exercise any right to claim an elective share in any estate or under any will. In exercising such discretion, my Agent shall consider any reduction in estate or inheritance taxes that may be due on my death, and the effect of such renunciation or disclaimer on persons interested in my estate and persons who would receive the renounced or disclaimed property; provided, however, that my Agent shall make no disclaimer that is expressly prohibited by other provisions of this instrument.
20. **Power with Respect to Insurance.** To purchase, maintain, surrender, collect, or cancel (a) life insurance or annuities of any kind on my life or the life of any one in whom I have an insurable interest, (b) liability insurance protecting me and my estate against third party claims, (c) hospital insurance, medical insurance, Medicare supplement insurance, custodial care insurance, and disability income insurance for me or any of my dependents, and (d) casualty insurance insuring assets of mine against loss or damage due to fire, theft or other commonly insured risk; to pay all insurance premiums, to select any options under such policies; to increase coverage under any such policy, to borrow against any such policy, to pursue all insurance claims on my behalf, to adjust insurance losses, and the foregoing powers shall apply to private and public plans, including but not limited to Medicare, Medicaid, SSI and Worker's Compensation; to designate and change beneficiaries of insurance policies insuring my life and beneficiaries under any annuity contract in which I have an interest.
21. **Power with Respect to Taxes.** To represent me in all tax matters; to prepare, sign, and file federal, state, and/or local income, gift and other tax returns of all kinds, including, where appropriate, joint returns, FICA returns, payroll tax returns, claims for refunds, requests for extensions of time to file returns and/or pay taxes, extensions and waivers of applicable periods of limitation, protests and petitions to administrative agencies or courts, including the tax court, regarding tax matters, and any and all other tax related



documents, including but not limited to consents and agreements under Section 2032A of the Internal Revenue Code or any successor section thereto and consents to split gifts, closing agreements and any power of attorney form required by the Internal Revenue Service and/or any state and/or local taxing authority with respect to any tax year; to pay taxes due, collect and make such disposition of refunds as my Agent shall deem appropriate, post bonds, receive confidential information and contest deficiencies determined by the Internal Revenue Service and/or any state and/or local taxing authority; to exercise any elections I may have under federal, state or local tax law; to allocate any generation-skipping tax exemption to which I am entitled, and generally to represent me or obtain professional representation for me in all tax matters and proceedings of all kinds and for all periods before all officers of the Internal Revenue Service and state and local authorities and in any and all courts; to engage, compensate and discharge attorneys, accountants and other tax and financial advisers and consultants to represent and/or assist me in connection with any and all tax matters involving or in any way related to me or any property in which I have or may have an interest or responsibility; and on my behalf to execute IRS Form 2848 and appoint my Agent or any suitable person selected by my Agent as my representative before the Internal Revenue Service.

22. **Power to Make Gifts.** To make gifts, grants or other transfers without consideration either outright or in trust (including the forgiveness of indebtedness), to such person or organizations as my Agent shall select but the recipients of any such gifts shall be limited to: heirs at law; provided, however, that my Agent shall not make any gifts that are not excluded from gift tax by my federal gift tax annual exclusion (unless I am married and my spouse has agreed to consent to "gift-splitting" under Section 2513 of the Internal Revenue Code in which case such gifts shall not exceed the amount that may be excluded from the federal gift tax by the federal gift tax annual exclusions available to my spouse and me) and this annual right shall be noncumulative and shall lapse at the end of each calendar year; provided, however, my Agent shall not make any gifts to my Agent, my Agent's creditors, or the creditors of my Agent's estate, nor to any person whom my Agent has any obligation to support; to make payments for the medical expenses of any descendant of mine; if I am married to consent to the splitting of gifts under Section 2513 of the Internal Revenue Code and any successor sections thereto and/or similar provisions of any state or local gift tax laws; to prepare, execute and file any gift tax return required by any such gift and pay any gift tax that may arise by reason of such gift; provided, however, that gifts made by my Agent to a charitable, scientific, or educational institution or organization must qualify for a charitable deduction under the income and gift tax provisions of the Internal Revenue Code as from time to time amended.

23. **Power to Provide Support to Others.** To support and/or continue to support any person whom I have undertaken to support or to whom I may owe an obligation of support, in the same manner and in accordance with the same standard of living as I may have provided in the past, adjusted if necessary by circumstances and inflation, including but not limited to the payment of real property taxes, payments on loans secured by my residence, maintenance of my residence, food, clothing and shelter, health care, dental and



psychiatric care, normal vacations and travel expenses and education, including education at vocational and trade schools, training in music, stage, arts and sports, special training provided at institutions for the mentally or physically handicapped, undergraduate and graduate study in any field at public or private universities, colleges or other institutions of higher learning, and in providing for such education to pay for tuition, books and incidental charges made by the educational institutions, travel costs to and from such institutions, room and board, and a reasonable amount of spending money.

24. **Power to Make Loans.** To lend money and property at such interest rate, if any, and on such terms and conditions, and with such security, if any, as my Agent may deem appropriate; to renew, extend, and modify any such loans or loans that I may have previously made; to guarantee the obligations of any such person; to consent to the renewal, extension and modification of such obligations; provided, however, that my Agent shall not lend my money or property to my Agent, but this provision shall not be interpreted to require that any loan made by me personally, and not on my behalf by any agent, to my Agent, must be repaid earlier than (i) its scheduled maturity date or (ii) in case of a demand note, that demand for payment be made unreasonably.

## ARTICLE II CARE AND CONTROL OF THE PERSON

**Introduction.** My Agent is authorized in my Agent's sole and absolute discretion from time to time and at any time, with respect to the control and management of my person, as follows:

25. **Power to Provide for Principal's Support.** To do all acts necessary for maintaining my customary standard of living, to provide a place of residence by purchase, lease or other arrangement, or by payment of the operating costs of my existing place of residence, including interest, amortization payments, repairs and taxes, to provide normal domestic help for the operation of my household, to provide clothing, transportation, medicine, food and incidentals, and if necessary to make all necessary arrangements, contractual or otherwise, for me at any hospital, hospice, nursing home, convalescent home or similar establishment, or in my own residence should I desire it, and to assure that all of my essential needs are provided for at such a facility or in my own residence, as the case may be. If in the judgment of my Agent I will never be able to return to my place of residence from a hospital, hospice, nursing home, convalescent home or similar establishment, to lease, sublease or assign my interest as lessee in any lease or protect or sell or otherwise dispose of my place of residence, investing the proceeds of any such sale as my Agent deems appropriate, for such price and on such terms, conditions and security, if any, as my Agent shall deem appropriate; and to store and safeguard or sell for such price and on such terms, conditions and security, if any, as my Agent shall deem appropriate or otherwise dispose of any items of tangible personal property remaining in my place of residence which my Agent believes I will never need again, and pay all costs thereof. As an alternative to such storage and safeguarding, to transfer custody and possession, but not title, for such storage and safekeeping of any such tangible personal property of mine



to the person, if any, named in my will or any trust as the recipient of such property entitled to receive such property on my death.

26. **Power to Provide for Recreation and Travel.** To provide opportunities for me to engage in recreational and sports activities, including travel, as my health permits.
27. **Power to Provide for Spiritual or Religious Needs.** To provide for the presence and involvement of religious clergy or spiritual leaders in my care, provide them access to me at all times, maintain my memberships in religious or spiritual organizations or arrange for membership in such groups, and enhance my opportunities to derive comfort and spiritual satisfaction from such activities, including religious books, tapes and other materials.
28. **Power to Provide for Companionship.** To provide for such companionship for me as will meet my needs and preferences at a time when I am disabled or otherwise unable to arrange for such companionship myself.
29. **Power to Make Advance Funeral Arrangements.** To make advance arrangements for my funeral and burial, including the purchase of a burial plot and marker, and such other related arrangements as my Agent shall deem appropriate; if I have not previously done so myself.
30. **Prohibition of Anatomical Gifts.** To oppose and prevent the donation or use of any of my organs, tissues, or body parts for any purpose whatever, and my Agent is directed to take such action as may be necessary to prevent such donation or use.
31. **Power to Change Domicile.** To establish a new residency or domicile for me, from time to time and at any time, within or without the state, and within or without the United States, for such purposes as my Agent shall deem appropriate, including but not limited to any purpose for which this instrument was created.

### ARTICLE III INCIDENTAL POWERS

**Introduction.** In connection with the exercise of the powers and discretions herein described, my Agent is fully authorized and empowered to perform any acts and things and to execute and deliver any documents, instruments, affidavits, certificates, and papers necessary or appropriate, to such exercise or exercises, including without limitation the following:

32. **Resort to Courts.** To seek on my behalf and at my expense:
  - a. a declaratory judgment from any court of competent jurisdiction interpreting the validity of this instrument and any of the acts authorized by this instrument, but

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such declaratory judgment shall not be necessary in order for my Agent to perform any act authorized by this instrument.

- b. a mandatory injunction requiring compliance with my Agent's instructions by any person, organization, corporation, or other entity obligated to comply with instructions given by me.
  - c. actual and punitive damages and the recoverable costs, fees and expenses of such litigation, against any person, organization, corporation or other entity obligated to comply with instructions given by me who negligently or willfully fails or refuses to follow such instructions.
33. **Hire and Fire - All Personnel.** To employ, compensate and discharge such domestic, health care and professional personnel including lawyers, accountants, doctors, nurses, brokers, financial consultants, advisors, consultants, companions, servants and employees as my Agent deems appropriate.
34. **Sign Documents and Incur Costs in Implementing the Agent's Instructions.** To sign, execute, endorse, seal, acknowledge, deliver and file or record instruments and documents, including but not limited to contracts, agreements and conveyances of real and personal property, instruments granting and perfecting security instruments and obligations, orders for the payment of money, receipts, releases, waivers, elections, vouchers, consents, satisfactions and certificates. In addition, any Agent of mine who has the authority to incur costs on my behalf may render the bills for such costs to any Agent of mine who has been granted the authority to pay such costs or to any trustee of any revocable living trust of mine, or guardian, committee or conservator who has authority to pay such costs I request that costs be paid promptly. Any recipient thereof (i.e. my Agent with authority to pay or my trustee) shall promptly such costs.
35. **Payment of Medical Expenses.** My Agent is directed to pay, or cause to be paid, all bills incurred and presented by any agent representing me under a Durable Power of Attorney for Health Care.
36. **Borrow, Spend, Liquidate, Secure.** To expend my funds and to liquidate my property or to borrow money to produce such funds and to secure any such borrowings with security interests in any property, real, personal, or intangible that I may now or hereafter own.
37. **Power to Do Miscellaneous Acts.** To open, read, respond to and redirect my mail; to represent me before the U.S. Postal Service in all matters relating to mail service; to establish, cancel, continue or initiate my membership in organizations and associations of all kinds, to take and give or deny custody of all of my important documents, including but not limited to my will, codicils, trust agreements, deeds, leases, life insurance policies, contracts and securities and, bearing in mind the confidential nature of such

documents, to disclose or refuse to disclose such documents; to obtain and release or deny information or records of all kinds relating to me, to any interest of mine or to any person for whom I am responsible; to house or provide for housing, support and maintenance of any animals or other living creatures that I may own and to contract for and pay the expenses of their proper veterinary care and treatment; and if the care and maintenance of such animals or other living creatures shall become unreasonably expensive or burdensome in my Agent's opinion, to irrevocably transfer such animals to some person or persons willing to care for and maintain them.

#### ARTICLE IV DURABILITY PROVISION

**Immediate Power.** This power of attorney shall not be affected by my subsequent disability or incapacity, or lapse of time.

#### ARTICLE V MISCELLANEOUS PROVISIONS

38. **Revocation, Amendment and Resignation.** This instrument may be amended or revoked by me at any time by the execution by me of a written instrument of revocation or amendment, delivered to my Agent and to all Alternate Agents. If this instrument has been filed or recorded in the public records, then the instrument of revocation or amendment shall be filed or recorded in the same public records. My Agent and any Alternate Agent may resign by the execution of a written resignation delivered to me or, if I am mentally incapacitated, by delivery to any person with whom I am residing or who has the care and custody of me or, in the case of an Agent's resignation, by delivery to the Alternate Agent.
39. **Substitute/Successor Agent Appointed by Court.** If at any time there is no person serving as Agent named herein, my successor or substitute Agent shall be some suitable person or institution, appointed by the court having jurisdiction over this instrument, ex parte, without the necessity of a hearing.
40. **Appointment of Ancillary Agent.** If at any time my Agent deems it necessary or desirable in my Agent's discretion to appoint one or more Agents to act in another jurisdiction under this power of attorney (such Agent or Agents being hereinafter referred to in the aggregate as my "Ancillary Agent") my Agent from time to time and at any time may appoint one or more such Ancillary Agents. In making such appointment my Agent may execute and deliver such documents and instruments including living wills, Declarations of Desire for Natural Death, Health Care Declarations or Powers of Attorney as may be necessary, desirable, convenient or proper to effectuate any such ancillary appointment, and my Agent may grant to any Ancillary Agent, some or all of the powers and duties and authorities granted to my Agent hereunder, but may not grant to any such



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Ancillary Agent powers which are inconsistent with or different from those powers granted to my Agent hereunder.

41. **Agent's Resignation and Selection of Substitute.** If my Agent desires to resign as my Agent, and there is no successor Agent named in this instrument who is willing and able to serve as my Agent, and I am incapacitated at the time of such resignation, then on such resignation my Agent is authorized and empowered to appoint a substitute Agent to act and serve as my Agent, such appointment to be made in a written instrument that shall be (i) signed by my Agent, (ii) delivered to my substitute Agent, and (iii) attached to this instrument.
42. **Agent's Death, Incapacity, or Resignation and Selection of Substitute.** At any time after my incapacity, my Agent at any time may appoint a future successor Agent to act and serve as my Agent in the event that my Agent shall die or become mentally incapacitated or shall resign prior to my death, and my Agent at any time during my Agent's service as Agent may also revoke any such appointment theretofore made by my Agent, provided, however, that my Agent may not revoke, modify or supersede any appointment of a successor Agent made by me in this power of attorney. Any appointment made by my Agent shall be made in a written instrument that shall (i) specify the event or events on which such substitution shall become effective, (ii) be signed by my Agent, (iii) be delivered to my substitute Agent, and (iv) be attached to this instrument.
43. **Counterpart Originals.** If this instrument has been executed in multiple counterpart originals, each such counterpart original shall have equal force and effect.
44. **Photocopies.** My Agent is authorized to make photocopies of this instrument as frequently and in such quantity as my Agent shall deem appropriate. Each photocopy shall have the same force and effect as any original.
45. **Binding Effect.** This instrument and actions taken by my Agent properly authorized hereunder shall be binding on me, my estate and my personal representative.

## ARTICLE VI DECLARATIONS OF THE PRINCIPAL

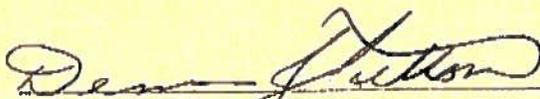
**Introduction.** As Principal, I make the following declarations relevant to my execution of this Durable Power of Attorney:

46. **Employment and Assistance of Attorney.** I have employed Michele Verderosa, Attorney at Law, to prepare this instrument according to my desires and intentions expressed to my attorney.

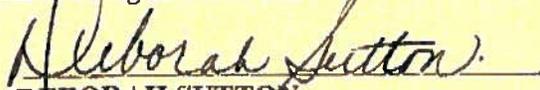
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47. **Principal's Review and Acceptance of the Durable Power of Attorney.** The provisions that my attorney has included in this instrument, including but not limited to those referred to in this Article, were discussed with me by my attorney and I have expressly approved the inclusion of such provisions in this instrument.
48. **Legal Advice About Powers of Attorney Generally.** My attorney has explained to me the purposes of this instrument and, in general, both the applicable law and the consequences of signing it or not signing it. After being so advised, I have executed this document.
49. **Acceptance of Risk.** I have carefully considered the risks involved in creating this Durable Power of Attorney, and the alternatives to a Durable Power of Attorney, as explained to me by my attorney. I have determined that accepting such risks offers benefits to me that I desire, and I therefore accept such risks.

IN WITNESS WHEREOF, I have executed this Durable Power of Attorney this 26 day of January, 2008.

  
DENNIS J. SUTTON  
Principal

**Acknowledgment and Acceptance by Agent.** The undersigned acknowledges and accepts appointment as Agent and agrees to serve as Agent under this instrument.

  
DEBORAH SUTTON



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**CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT**

State of California

County of LAGSEN

On Jan 26, 2008 before me,

JACK L. HELSEL, Notary  
Here Insert Name and Title of the Officer

personally appeared \_\_\_\_\_

DEANAS JAMES SWINEN  
Name(s) of Signer(s)

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 the entity upon behalf of which the person(s) acted, executed the instrument.



Place Notary Seal Above

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.

Signature \_\_\_\_\_

Jack L. Helsel  
Signature of Notary Public

**OPTIONAL**

*Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.*

**Description of Attached Document**

Title or Type of Document: \_\_\_\_\_

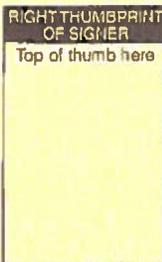
Document Date: \_\_\_\_\_ Number of Pages: \_\_\_\_\_

Signer(s) Other Than Named Above: \_\_\_\_\_

**Capacity(ies) Claimed by Signer(s)**

Signer's Name: \_\_\_\_\_

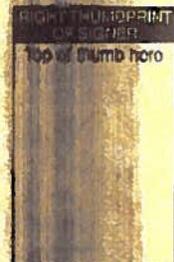
- Individual
- Corporate Officer — Title(s): \_\_\_\_\_
- Partner —  Limited  General
- Attorney in Fact
- Trustee
- Guardian or Conservator
- Other: \_\_\_\_\_



Signer Is Representing: \_\_\_\_\_

Signer's Name: \_\_\_\_\_

- Individual
- Corporate Officer — Title(s): \_\_\_\_\_
- Partner —  Limited  General
- Attorney in Fact
- Trustee
- Guardian or Conservator
- Other: \_\_\_\_\_



Signer Is Representing: \_\_\_\_\_



**CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT**

State of California

County of LASSEN

On Jan 16 2008 before me, JACK L. HELSEL, Notary  
Date From Insert Name and Title of the Officer

personally appeared \_\_\_\_\_  
Name(s) of Signer(s)  
DEBORAH JUTON

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 the 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.

Signature Jack L. Helsel  
Signature of Notary Public

Place Notary Seal Above

**OPTIONAL**

*Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.*

**Description of Attached Document**

Title or Type of Document: \_\_\_\_\_

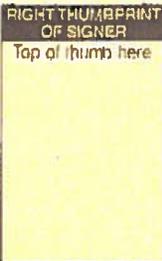
Document Date: \_\_\_\_\_ Number of Pages: \_\_\_\_\_

Signer(s) Other Than Named Above: \_\_\_\_\_

**Capacity(ies) Claimed by Signer(s)**

Signer's Name: \_\_\_\_\_

- Individual
- Corporate Officer — Title(s): \_\_\_\_\_
- Partner —  Limited  General
- Attorney in Fact
- Trustee
- Guardian or Conservator
- Other: \_\_\_\_\_



Signer Is Representing: \_\_\_\_\_

Signer's Name: \_\_\_\_\_

- Individual
- Corporate Officer — Title(s): \_\_\_\_\_
- Partner —  Limited  General
- Attorney in Fact
- Trustee
- Guardian or Conservator
- Other: \_\_\_\_\_



Signer Is Representing: \_\_\_\_\_



**Scott Ferguson - Fwd: Dennis Sutton Notice of Hearing for Spalding Tract**

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**From:** Harold Singer  
**To:** John & Jamie Gilly <gillys@frontiernet.net>  
**Date:** 5/26/2012 11:49 AM  
**Subject:** Fwd: Dennis Sutton Notice of Hearing for Spalding Tract  
**CC:** Ferguson, Scott; Kemper, Lauri; Kouyoumdjian, Patty; Niemeyer, Kim

---

Jamie L. Sutton-Gilly

Here is the e-mail you requested.

If you have additional questions or comments, please contact Patty Kouyoumdjian, Executive Officer or Kim Niemeyer, Board Attorney.

harold singer

>>> Sally Rorie <james\_sallyrorie@msn.com> 5/10/2012 3:33 PM >>>  
To Whom It May Concern,

I am sending this email in response to the notice sent to us, Dennis J and Deborah L Sutton ETAL, from the Lahontan Regional Water Quality Control Board, regarding the Administrative Civil Liability Complaint. We would like a very simple hearing in regards to this matter. I want NO Formal Hearing. My name is also on the Deed: R. Adyne Neuhardt. I will be the one attending the informal hearing as the other joint owners are not able to attend because of health issues. Correspondence is best via regular letter mail for me, you may also send response to this email address in addition to a regular letter. Thank you.

R. Adyne Neuhardt  
685 Elm St.  
Susanville, Ca. 96130  
530-257-5739

File: Spalding Tract - Sutton, APN 077-271-19-11

## Scott Ferguson - Re: Dennis Sutton Notice of Hearing for Spalding Tract

---

**From:** John & Jamie Gilly <gillys@frontiernet.net>  
**To:** Scott Ferguson <SFerguson@waterboards.ca.gov>  
**Date:** 5/26/2012 7:08 PM  
**Subject:** Re: Dennis Sutton Notice of Hearing for Spalding Tract  
**CC:** Kim Niemeyer <KNiemeyer@waterboards.ca.gov>, Lauri Kemper <LKemper@waterboards.ca.gov>, Patty Kouyoumdjian <PKouyoumdjian@waterboards.ca.gov>

---

Thank you Harold.

As Power of Attorney for my Father I request that all correspondence regarding this matter be sent to my home address. I believe that you now have Power of Attorney on file and a letter of Permission to Represent for my Mother. Again I would like to reiterate that James and Sally Rorie have no connection to this property, Legal or otherwise, and I would appreciate that NO information be forwarded to them VIA E-Mail, USPS or phone conversation. If you have any questions please feel free to contact me at any time.

Thank you for your help in this matter. I do appreciate everything.

Jamie Sutton-Gilly  
 640 Elm St  
 Susanville, CA 96130  
 530-310-1850

----- Original Message -----

**From:** Harold Singer  
**To:** John & Jamie Gilly <gillys@frontiernet.net>  
**Cc:** Kim Niemeyer ; Lauri Kemper ; Patty Kouyoumdjian ; Scott Ferguson  
**Sent:** Saturday, May 26, 2012 11:49 AM  
**Subject:** Fwd: Dennis Sutton Notice of Hearing for Spalding Tract

Jamie L. Sutton-Gilly

Here is the e-mail you requested.

If you have additional questions or comments, please contact Patty Kouyoumdjian, Executive Officer or Kim Niemeyer, Board Attorney.

harold singer

>>> Sally Rorie <james\_sallyrorie@msn.com> 5/10/2012 3:33 PM >>>  
 To Whom It May Concern,

File: Spalding Tract - Sutton, APN 077-271-19-11

file://C:\Documents and Settings\staff\Local Settings\Temp\XPgrpwisw\4FC12A19Region... 16-65 5/29/2012

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

**ADMINISTRATIVE CIVIL LIABILITY ORDER NO. R6T-2012-(PROPOSED)**

**IN THE MATTER OF  
WINTERS, LAUREL G. FOR VIOLATION OF CEASE AND DESIST ORDER  
NO. R6T-2009-0130, SPALDING TRACT SUBDIVISION,  
LASSEN COUNTY APN NO. 077-162-03-11**

\_\_\_\_\_  
Lassen County

The California Regional Water Quality Control Board – Lahontan Region (Lahontan Water Board) hereby finds that Winters, Laurel G. has violated Lahontan Water Board Cease and Desist Order No. R6T-2009-0130. The Lahontan Water Board specifically finds:

**BACKGROUND**

1. Winters, Laurel G. (Discharger) owns Lassen County Assessor Parcel No. 077-162-03-11 in the Spalding Tract subdivision located on the west shore of Eagle Lake, approximately 20 miles northwest of Susanville, California.
2. Based upon Lassen County records and/or Spalding Community Services District (District) records, the Discharger owns and/or operates an on-site wastewater disposal system located at the above-referenced parcel. The Discharger's on-site wastewater disposal system permits waste containing nutrients to be discharged, and/or threatens a discharge of waste containing nutrients, to waters within the Eagle Lake basin.

**CHRONOLOGY OF EVENTS**

3. In September 1984, pursuant to Water Code section 13243, the Lahontan 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 subdivision to surface waters and groundwater of the Eagle Lake basin after September 14, 1989.
4. On October 22, 2007, the District's community sewer system (system) became operational. As a result, there is now an available method for the Spalding Tract subdivision property owners to comply with the above-referenced Basin Plan prohibition.

5. On October 14, 2009, the Lahontan Water Board adopted Cease and Desist Order No. R6T-2009-0130 against the Discharger for its on-site wastewater disposal system located at Lassen County APN No. 077-162-03-11.
6. Cease and Desist Order No. R6T-2009-0130 requires the Discharger, by December 31, 2009, to either (1) connect its on-site wastewater disposal system to the District's community sewer system, or (2) properly abandon its on-site wastewater disposal system in accordance with Lassen County regulations. Upon completing one of the two activities, the Discharger is required to submit to the Lahontan Water Board documentation of compliance with the above-referenced Basin Plan prohibition.
7. The Discharger failed to comply with Cease and Desist Order No. R6T-2009-0130 and on June 28, 2011, the Lahontan Water Board's Prosecution Team issued the Discharger a Notice of Violation citing the ongoing violation.
8. On April 20, 2012, the Assistant Executive Officer issued Complaint No. R6T-2012-0031. The Complaint alleges that the Discharger has violated the requirements of Cease and Desist Order No. R6T-2009-0130. The Complaint proposes administrative civil liability of **\$16,490**. The Complaint and its attachments are attached to this Order and incorporated by reference (Attachment A).
9. On July 11, 2012, in South Lake Tahoe, California, after notice to the Discharger and all other affected persons and the public, the Lahontan Water Board conducted a public hearing at which evidence was received to consider this Order and the Discharger or its representative(s), had the opportunity to be heard and to contest the allegations in the Complaint.

### REGULATORY CONSIDERATIONS

10. The Lahontan Water Board adopted the *Water Quality Control Plan for the Lahontan Region* (Basin Plan) pursuant to Water code section 13243. The Basin Plan contains the following 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.)

11. On October 14, 2009, the Lahontan Water Board adopted Cease and Desist Order No. R6T-2009-0130, enforcing the above-referenced Basin Plan prohibition.

### VIOLATIONS

12. The Discharger violated Cease and Desist Order No. R6T-2009-0130 by failing to satisfy the requirement to comply with the above-referenced Basin Plan prohibition

by December 31, 2009. A review of District records and Lahontan Water Board records shows the Discharger has yet to either (1) connect its on-site wastewater disposal system to the District's system, or (2) has properly abandoned its on-site wastewater disposal system in accordance with Lassen County regulations. This violation subjects the Discharger to liability pursuant to Water Code section 13350, subdivision (a).

### CALCULATION OF ADMINISTRATIVE CIVIL LIABILITY

13. Pursuant to Water Code section 13350, subdivision (e), civil liability may be imposed administratively on a daily basis in an amount not to exceed five thousand dollars (\$5,000) for each day in which the violation occurs.
14. Pursuant to Water Code section 13327, in determining the amount of civil liability, the Lahontan Water Board is required to take into account the nature, circumstance, extent, and gravity of the violation or violations, whether the discharge is susceptible to cleanup or abatement, the degree of toxicity of the discharge, and, with respect to the violator, the ability to pay, the effect on ability to continue business, any voluntary cleanup efforts undertaken, any prior history of violations, the degree of culpability, economic benefit or savings, if any, resulting from the violation, and other matters as justice may require.
15. On November 17, 2009, the State Water Resources Control Board (State Water Board) adopted Resolution No. 2009-0083 amending the Water Quality Enforcement Policy (Enforcement Policy). The Enforcement Policy was approved by the Office of Administrative Law and became effective on May 20, 2010. The Enforcement Policy establishes a methodology for assessing administrative civil liability. The use of this methodology addresses the factors that are required to be considered when imposing a civil liability as outlined in Water Code section 13327. The entire Enforcement Policy can be found at:  
  
[http://www.waterboards.ca.gov/water\\_issues/programs/enforcement/docs/enf\\_policy\\_final111709.pdf](http://www.waterboards.ca.gov/water_issues/programs/enforcement/docs/enf_policy_final111709.pdf)
16. **Maximum Administrative Civil Liability:** Pursuant to Water Code section 13350, subdivision (e)(1), the total maximum administrative civil liability that may be imposed for the violation in this Order is **\$4,160,000**.
17. **Minimum Administrative Civil Liability:** Pursuant to Water Code section 13350, subdivision (e)(1)(B), the minimum administrative civil liability that must be imposed for the violation in this Order is **\$83,200**, unless the Lahontan Water Board makes express findings pursuant to Water Code section 13350, subdivision (f).
18. Water Code section 13350, subdivision (f) states that:

“A regional board shall not administratively impose civil liability in accordance with paragraph (1) of subdivision (e) in an amount less than the minimum amount specified, unless the regional board makes express findings setting forth the reasons for its action based upon the specific factors required to be considered pursuant to Section 13327.”

Water Code section 13327 allows for “other factors as justice may require.” The Lahontan Water Board hereby finds that the specific factors discussed in Attachment C, Step 7 of the Complaint (i.e., property values, use of November 9, 2011 as an alternative compliance date, consistency with similar Lahontan Water Board enforcement actions in the Eagle Lake basin), justifies imposing a liability less than the minimum amount cited in Finding No. 17, above.

19. The Enforcement Policy requires that:

“The adjusted Total Base Liability shall be at least 10 percent higher than the Economic Benefit Amount so that liabilities are not construed as the cost of doing business and that the assessed liability provides a meaningful deterrent to future violations.”

The Complaint cites the economic benefit of violating Cease and Desist Order No. R6T-2009-0130 as \$4,210 (average avoided cost of connecting to the District’s system). The economic benefit plus ten percent is \$4,631, which is less than the alternative minimum administrative civil liability of \$15,500, established in the Complaint. The minimum alternative civil liability amount for this Order will therefore be **\$15,500**.

**20. Administrative Civil Liability Determination:** The Lahontan Water Board has applied the Enforcement Policy’s administrative civil liability methodology and considered each of the Water Code section 13327 factors based upon information in the record, including testimonies at the public hearing and information described in greater detail in the Complaint and its attachments. The Lahontan Water Board hereby finds that civil liability should be imposed administratively on the Discharger in the amount of **\$16,490**, which falls within the allowable range.

### GENERAL

21. This Order only resolves liability that the Discharger incurred for violations specifically alleged in the Complaint. This Order does not relieve the Discharger of liability for any violations not alleged in the Complaint. The Lahontan Water Board retains the authority to assess additional civil liabilities for violations of applicable laws or orders for which civil liabilities have not yet been assessed, or for violations that may subsequently occur.

22. Issuance of this Order is an enforcement action and is, therefore, exempt from the California Environmental Quality Act (Pub. Resources Code § 21000 et seq.), pursuant to California Code of Regulations, title 14, section 15321, subdivision (a)(2).
23. Any person aggrieved by this action of the Lahontan Water Board may petition the State Water Board to review the action in accordance with Water Code section 13320 and California Code of Regulations, title 23, section 2050 and following. The State Water Board must receive the petition by 5:00 p.m., 30 days after the date of this Order, except that if the thirtieth day following the date of this Order falls on a Saturday, Sunday or State holiday, the petition must be received by the State Water Board by 5:00 p.m. on the next business day. Copies of the law and regulations applicable to filing will be provided upon request, and may be found on the Internet at:

[http://www.waterboards.ca.gov/public\\_notices/petitions/water\\_quality](http://www.waterboards.ca.gov/public_notices/petitions/water_quality).

**IT IS HEREBY ORDERED THAT:**

1. Administrative civil liability is imposed upon the Discharger in the amount of **\$16,490**.
2. The Discharger shall submit payment with a cashier's check or money order in the full amount of **\$16,490** payable to the State Water Resources Control Board's Waste Discharge Permit Fund within 30 days of the date this Order is adopted.
3. Should the Discharger fail to make the specified payment to the State Water Resources Control Board's Waste Discharge Permit Fund within the time limit specified in this Order, the Lahontan Water Board may enforce this Order by applying for a judgment pursuant to Water Code section 13328. The Lahontan Water Board's Executive Officer is hereby authorized to pursue a judgment pursuant to Water Code section 13328 if the criterion specified in this paragraph is satisfied.

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: ACL Complaint No. R6T-2012-0031

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## Lahontan Regional Water Quality Control Board

April 20, 2012

WINTERS, LAUREL G.  
10945 WOODCHUCK CT.  
PENN VALLEY, CA 95946

**CERTIFIED MAIL: 7099 3220 0007 3471 3074**

### **ADMINISTRATIVE CIVIL LIABILITY COMPLAINT NO. R6T-2012-0031 FOR WINTERS, LAUREL G., SPALDING TRACT SUBDIVISION, LASSEN COUNTY APN 077-162-03-11**

Enclosed please find Administrative Civil Liability Complaint No. R6T-2012-0031 issued pursuant to California Water code section 13323, alleging violations by Winters, Laurel G. (Discharger) of Cease and Desist Order No. R6T-2009-0130. The Complaint alleges that the Discharger failed to either (1) connect its on-site wastewater disposal system to the Spalding Community Services District's community sewer system, or (2) properly abandon its on-site wastewater disposal system in accordance with Lassen County regulations by December 31, 2009. The Complaint proposes that the Regional Water Quality Control Board, Lahontan Region (Lahontan Water Board) assess an administrative civil liability against the Discharger in the amount of \$16,490 pursuant to California Water Code section 13350. Also enclosed is a Waiver of Hearing form for this matter.

Unless waived, a hearing before the Lahontan Water Board or a Lahontan Water Board Hearing Panel (Hearing Panel) will be held on **July 11-12, 2012** on this Complaint pursuant to Water Code section 13323. At the hearing, the Lahontan Water Board will consider whether to impose administrative civil liability (as proposed in the Complaint or for a different amount, either higher or lower than proposed, but not to exceed the maximum liability provided for by law), decline the administrative civil liability, or refer the matter to the Attorney General for judicial enforcement.

The Discharger may contest the proposed administrative civil liability at the hearing or, in the alternative, may waive its right to the hearing. Should the Discharger choose to waive its right to a hearing, an authorized agent must sign the enclosed Waiver of Hearing form and return it to the Lahontan Water Board's South Lake Tahoe office by **5:00 p.m. on May 21, 2012**. If the Lahontan Water Board does not receive the waiver and full payment of the liability by this date and time, the matter will be heard before the Lahontan Water Board or a Hearing Panel within 90 days of the Complaint's issuance date. Public hearing procedures will be mailed to the Discharger shortly and an agenda containing the date, time, and location of the hearing will be mailed to the Discharger at least 10 days prior to the hearing date.

If you have any questions regarding this matter, please contact Lisa Scorable (530) 542-5452, or Scott C. Ferguson at (530) 542-5432.



Lauri Kemper, P.E.  
Assistant Executive Officer

Enclosures: 1. Administrative Civil Liability Complaint No. R6T-2012-0031  
2. Waiver of Hearing Form

cc (w/enc): Regional Board Members  
Harold J. Singer, Executive Officer/Lahontan Regional Water Quality Control Board  
Kim Niemeyer, Staff Counsel/State Water Resources Control Board/Office of Chief Counsel  
David Boyers, Staff Counsel/State Water Resources Control Board/Office of Enforcement  
Ann Carroll, Staff Counsel/State Water Resources Control Board/ Office of Enforcement

Cc (w/o enc): Chris Gallagher, General Manager/Spalding Community Services District  
Virginia Bruce/Spalding Community Services District  
Alan Jones, Director/Lassen County Environmental Health Department  
Kenneth Bunch/Lassen County Assessor  
Maurice Anderson/Lassen County Building Department

SCF/adw/T: Agenda Items/2012/July/R6T-2012-0031 – Winters/Spalding Tract ACL-Complaint Cover Letter (4-6-2012)SCF  
File Under: Spalding Tract Winters, APN No. 077-162-03-11

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

|  |   |                                       |
|--|---|---------------------------------------|
| <b>In the Matter of</b>                | ) |                                       |
| <b>Winters, Laurel G,</b>              | ) | <b>COMPLAINT NO. R6T-2012-0031</b>    |
| <b>Spalding Tract Subdivision,</b>     | ) | <b>FOR</b>                            |
| <b>Lassen County APN 077-162-03-11</b> | ) | <b>ADMINISTRATIVE CIVIL LIABILITY</b> |

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**WINTERS, LAUREL G IS HEREBY GIVEN NOTICE THAT:**

1. As a result of failing to either (1) connect the on-site wastewater disposal system to the Spalding Tract Community Services District's (District) community sewer system, or (2) properly abandon the on-site wastewater disposal system in accordance with Lassen County regulations, Winters, Laurel G (Discharger) is alleged to have violated Cease and Desist Order No. R6T-2009-0130, for which the California Regional Water Quality Control Board, Lahontan Region (Lahontan Water Board) may impose administrative civil liabilities pursuant to Water Code section 13350. This Administrative Civil Liability Complaint (Complaint) is issued under authority of Water Code section 13323.
2. Unless waived, a hearing on this Complaint will be held before the Lahontan Water Board on July 11-12, 2012, at 971 Silver Dollar Avenue, South Lake Tahoe, California. At the hearing, the Lahontan Water Board will consider whether to affirm, reject, or modify (either increase or decrease) the proposed civil liability up to the maximum penalty provided for by law, or refer the matter to the Attorney General's Office for recovery of judicial liability. The Discharger or its representative will have an opportunity to be heard and to contest the allegations in this Complaint and the imposition of civil liability. An agenda for the meeting will be available at [http://www.waterboards.ca.gov/lahontan/board\\_info/agenda/](http://www.waterboards.ca.gov/lahontan/board_info/agenda/) not less than 10 days before the hearing date.
3. The Discharger can waive its right to a hearing to contest the allegations contained in this Complaint by submitting a signed waiver and paying the civil liability in full or by taking other actions as described in the attached waiver form. If this matter proceeds to hearing, the Lahontan Water Board's Prosecution Team reserves the right to seek an increase in the civil liability amount to cover the costs of enforcement incurred subsequent to the issuance of this Complaint through the hearing.

**ALLEGATIONS**

4. The Discharger owns Assessor Parcel No. 077-162-03-11 in the Spalding Tract subdivision located on the west shore of Eagle Lake, approximately 20 miles northwest of Susanville, California. See Attachment A – Vicinity Map.
5. Based upon a review of Lassen County records, the Discharger owns and/or operate(s) an on-site wastewater disposal system located at the above-referenced parcel. The existence of an on-site wastewater disposal system that has not been properly abandoned at this location permits waste containing nutrients to be discharged, and/or threatens a discharge of waste containing nutrients, to waters within the Eagle Lake Basin.
6. In September 1984, pursuant to Water Code section 13243, the Water Board amended the *Water Quality Control Plan for the Lahontan Region* (Basin Plan) to prohibit the discharge of sewage to on-site wastewater disposal systems in the Spalding Tract 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 p. 4.1-4.)
7. On October 22, 2007, the District's community sewer system (system) became operational. As a result, there is now an available method for the Spalding Tract subdivision property owners to comply with the Basin Plan prohibition cited above.
8. On October 14, 2009, the Lahontan Water Board adopted Cease and Desist Order No. R6T-2009-0130 for Lassen County APN No. 077-162-03-11 to establish a time schedule for the Discharger to comply with the Basin Plan prohibition cited in Finding 6 above.
9. Cease and Desist Order No. R6T-2009-0130 required the Discharger, by December 31, 2009, to either (1) connect its on-site wastewater disposal system to the District's community sewer system, or (2) properly abandon its on-site wastewater disposal system in accordance with Lassen County regulations. Upon completing one of the two activities, the Discharger was required to submit documentation of compliance with the Basin Plan prohibition cited in Finding 6 above to the Lahontan Water Board.
10. The Discharger failed to comply with Cease and Desist Order No. R6T-2009-0130 and on June 28, 2011, the Lahontan Water Board's Prosecution Team issued the Discharger a Notice of Violation citing the ongoing violation.

11. The June 28, 2011 Notice of Violation notified the Discharger of the Prosecution Team's intent to issue an Administrative Civil Liability Complaint to be considered by the Lahontan Water Board at its November 9-10, 2011 meeting.
12. The June 28, 2011 Notice of Violation informed the Discharger that the Prosecution Team would consider withdrawing the Administrative Civil Liability Complaint if the Discharger complied with its Cease and Desist Order prior to the November 9-10, 2011 meeting.
13. Based upon a review of the District's records (Attachment B to this Complaint), the Discharger has not connected its on-site wastewater disposal system to the District's community sewer system as of April 11, 2012, and the Lahontan Water Board has not received documentation from the Discharger and/or from Lassen County that the Discharger properly abandoned its on-site wastewater disposal system as of April 11, 2012. Therefore, the Discharger is in violation of Cease and Desist Order No. R6T-2009-0130.
14. As of the date of drafting of this Complaint, April 11, 2012, the Discharger has been in violation of Cease and Desist Order No. R6T-2009-0130 for 832 days.

**WATER CODE SECTION UPON WHICH ADMINISTRATIVE CIVIL LIABILITY IS  
BEING ASSESSED FOR THE ALLEGED VIOLATIONS**

15. Pursuant to Water Code section 13350, subdivision (a), any person who violates any cease and desist order issued by a regional board, is subject to administrative civil liability.
16. Pursuant to Water Code section 13350, subdivision (e), civil liability may be imposed administratively on a daily basis in an amount not to exceed five thousand dollars (\$5,000) for each day in which the violation occurs.

**FACTORS CONSIDERED IN DETERMINING ADMINISTRATIVE CIVIL LIABILITY**

17. Pursuant to Water Code section 13327, in determining the amount of civil liability, the Lahontan Water Board is required to take into account the nature, circumstance, extent, and gravity of the violation or violations, whether the discharge is susceptible to cleanup or abatement, the degree of toxicity of the discharge, and, with respect to the violator, the ability to pay, the effect on ability to continue business, any voluntary cleanup efforts undertaken, any prior history of violations, the degree of culpability, economic benefit or savings, if any, resulting from the violation, and other matters as justice may require.
18. On November 17, 2009, the State Water Resources Control Board (State Water Board) adopted Resolution No. 2009-0083 amending the Water Quality Enforcement Policy (Enforcement Policy). The Enforcement Policy was approved by the Office of Administrative Law and became effective on May 20, 2010. The Enforcement Policy

establishes a methodology for assessing administrative civil liability. The use of this methodology addresses the factors that are required to be considered when imposing a civil liability as outlined in Water Code section 13327. The entire Enforcement Policy can be found at:

[http://www.waterboards.ca.gov/water\\_issues/programs/enforcement/docs/enf\\_policy\\_final111709.pdf](http://www.waterboards.ca.gov/water_issues/programs/enforcement/docs/enf_policy_final111709.pdf)

19. The required factors have been considered for the violations alleged herein using the methodology in the Enforcement Policy, as explained in detail in Attachment C, which is attached hereto and incorporated herein by this reference.

#### **MAXIMUM ADMINISTRATIVE CIVIL LIABILITY**

20. Pursuant to Water Code section 13350, subdivision (e), the total maximum administrative civil liability that may be imposed for the violations alleged in this Complaint is **\$4,160,000**, as described in Attachments C and D, which are attached hereto and incorporated herein by this reference.

#### **PROPOSED ADMINISTRATIVE CIVIL LIABILITY**

21. Based on consideration of the above facts, the applicable law, and after applying the administrative civil liability methodology as described in Attachments C and D, the Assistant Executive Officer of the Lahontan Water Board proposes that civil liability be imposed administratively on the Discharger in the amount of **\$16,490.00**.

#### **CALIFORNIA ENVIRONMENTAL QUALITY ACT**

22. Issuance of this Complaint is an enforcement action and is, therefore, exempt from the California Environmental Quality Act (Pub. Resources Code § 21000 et seq.), pursuant to California Code of Regulations, title 14, section 15321, subdivision (a)(2).
23. Notwithstanding the issuance of this Complaint, the Lahontan Water Board retains the authority to assess additional civil liability for violations of the requirements of Cease and Desist Order No. R6T-2009-0130 for which liability has not yet been assessed or for violations that may occur subsequent to the issuance of this Complaint.

  
Lauri Kemper  
Assistant Executive Officer

4-20-12  
Date

#### Attachments:

- A. Vicinity Map
- B. Property Owners Connected to District Community Sewer System
- C. Administrative Civil Liability Methodology
- D. Administrative Civil Liability Methodology Spreadsheet

# ATTACHMENT A - VICINITY MAP



**Attachment B**  
**Property Owners Connected to District Community Sewer System**

| <b>Date of Connection</b> | <b>Spalding Residents Connected to the District Disposal System: APPLICANT NAME</b> | <b>Service Address</b>            | <b>APN#</b>      | <b>Notes</b> |
|---------------------------|---|-----------------------------------|------------------|--------------|
| 09/10/09                  | Abrams, Shirley H 1992 Rev TR   | 687-725 Spruce Way                | 077-193-32       |              |
| 04/03/08                  | Adams Family Trust  | Laurel Way                        | 077-343-17       |              |
| 08/01/08                  | Adams Family Trust Agreement  | 687-285 Juniper                   | 077-354-25       |              |
| 06/09/08                  | Aguiano, Jose R ETAL  | Magnolia Way                      | 077-334-13       |              |
| 06/04/08                  | Allen, Glen & Ida Rev. Trust  | 686-730 Catalpa Way               | 077-374-19       |              |
| 07/31/08                  | Alvarez Charles R.  | 688-100 Ivy Way                   | 077-221-16       |              |
| 08/06/08                  | Aman, Lisa Marie  | 503-555 Mahogany Way              | 077-301-23       |              |
| 05/21/09                  | American Legion Eagle Lake Post 162   | 687-935 Spruce Way                | 077-193-34       |              |
| 11/02/07                  | Anderson, Christopher J./J.A  | 687-815 Cedar Way                 | 077-283-24       |              |
| 04/14/08                  | Anderson, Dale A& Virginia A Revoc. Trust   | 687-590 Hazel Way                 | 077-331-30       |              |
| 03/18/08                  | Anderson, James L/Sherri A CP   | Hazel/Maple                       | 077-211-19       |              |
| 05/30/08                  | Anderson, Lee A Faye Z. JT.   | 686-855 Acorn Way                 | 077-392-14       |              |
| 05/08/08                  | Armstrong Family Trust  | 687-450 Magnolia Way              | 077-334-21       |              |
| 09/24/08                  | Armstrong Living Trust  | 687-384 Sycamore                  | 077-311-45       |              |
| 04/22/08                  | Armstrong, Dale A.& Myrna A.  | 688-050 Sycamore                  | 077-241-20       |              |
| 06/11/08                  | Armstrong, Robert T/Mabel E   | 688-035 Laurel Way                | 077-223-21       |              |
| 05/16/08                  | Arnold, Michael Wayne/Katherine Diane Rev TR  | RV Park-The Strand/ <b>Tank 1</b> | 077-182-09       |              |
| 11/16/11                  | Arnold, Michael Wayne/Katherine Diane Rev TR  | RV Park-The Strand/ <b>Tank 2</b> | 077-182-09       |              |
| 04/30/09                  | Arnold, Michael Wayne/Katherine Diane Rev TR  | RV Park-The Strand/ <b>Tank 4</b> | 077-181-12       |              |
| 11/02/07                  | Arons, Gerald J/Louise C  | 502-630 Mahogany Way              | 077-234-36       |              |
| 09/03/09                  | Artinian, Perry Exemption TR  | 502-475 The Strand                | 077-151-23       |              |
| 10/24/07                  | Atteberry David Ned & Vera Louse Jt.  | 686-930 Cherry Way                | 077-371-19       |              |
| 04/17/08                  | Atteberry, Harley/Lawanda   | 686-765 Fir Way                   | 077-383-39       |              |
| 07/29/09                  | Aubrey, Randall D/Valerie JDVA  | 686-795 Bamboo Way                | 077-393-23       |              |
| 10/06/08                  | Baer, Ronald L & Scott-Baer, Daleen E   | Juniper Way                       | 077-231-26       |              |
| 11/13/09                  | Bailey Trust ETAL   | Laurel Way                        | 077-234-10,22,07 |              |
| 12/08/08                  | Bailey, Irene   | 687-725 Hazel Way                 | 077-234-41       |              |
| 09/05/08                  | Baker, Joseph A. & Donna G.   | 686-905 Sycamore Way              | 077-402-14       |              |
| 02/12/08                  | Baker, Joseph A. & Donna G. JT.   | 686-905 Sycamore Way              | 077-402-23       |              |
| 05/09/08                  | Baker, Victor O./ Marguerite J.   | 687-010 Hollywod Way              | 077-363-18       |              |
| 03/31/08                  | Ballard, Richard H & Bobbie L   | 687-760 Laurel Way                | 077-233-56       |              |
| 02/19/10                  | Barker, Jeffrey   | Bamboo Way                        | 077-394-20       |              |
| 12/02/08                  | Barnes Family Trust Agreement   | 687-870 Juniper Way               | 077-232-33       |              |
| 06/02/08                  | Barnett Stephen R. & Joann W.   | 687-100 Bamboo Way                | 077-397-31       |              |
| 04/08/08                  | Barris, Patrick H/Gloria J.T.   | Walnut Way                        | 077-171-35       |              |
| 10/07/08                  | Barrows, Donald A/Barrows, Linda K TC   | 687-115 Cherry Way                | 077-388-23       |              |
| 08/12/08                  | Bateson, Clarence Owen/Susan Elizabeth  | 687-560 Fir Way                   | 077-292-09       |              |
| 08/05/08                  | Bechhold Family Trust   | The Strand/Hollywood Way          | 077-241-11       |              |
| 04/15/08                  | Beck Ronald N. & Gwen M JT.   | 686-840 Redwood Way               | 077-401-20       |              |
| 05/19/08                  | Beckett Family Living Trust   | 686-755 Catalpa Way               | 077-373-18       |              |
| 09/16/08                  | Beckett Family Living Trust   | 686-775 Catalpa Way               | 077-373-21       |              |
| 09/25/08                  | Beckett Family Living Trust   | 686-830 Catalpa Way               | 077-374-27       |              |
| 07/10/08                  | Beckman, Ronald G/Natalie J JT  | 687-100 Delwood Way               | 077-386-12       |              |
| 10/09/08                  | Belingeri Dennis D. & Stacy & Ziegler Paul M. JT.                                   | 688-090 Linden Way                | 077-223-24       |              |
| 06/12/09                  | Bell, Max K/Lynn D JT   | 686-755 Chestnut Way              | 077-371-08       |              |
| 06/18/08                  | Bemus Joseph M.& Susan C. CP.   | 686-855 Catalpa Way               | 077-373-20       |              |
| 10/14/08                  | Bennett, Thomas Lee/Bennett, Robin Rae  | 686-825 Sycamore Way              | 077-402-20       |              |
| 07/09/08                  | Bergthhold, Robert D/Terri HW   | 687-840 Almond Way                | 077-174-27       |              |
| 08/12/08                  | Betts, F Gregory/Doris B Family Trust   | Walnut Way                        | 077-161-22       |              |
| 08/27/09                  | Bilsborough, Craig/Linda JT   | 686-885 Fir Way                   | 077-383-35       |              |
| 07/17/09                  | Birkes Charles W. Marilyn   | 687-475 Juniper Way               | 077-322-04       |              |
| 05/18/09                  | Birlem, Richard/Salena JT   | 688-125 Juniper Way               | 077-221-17       |              |
| 12/22/09                  | Bishow, Raymond L.  | Hickory Way                       | 077-254-28       |              |
| 12/04/09                  | Bixby, William D/Ann R CPRS   | 687-825 Linden Way                | 077-232-41       |              |
| 03/27/08                  | Blackwell, Glenn R/Jeanette JR  | 687-130 Linden Way                | 077-342-16       |              |

**Attachment B**  
**Property Owners Connected to District Community Sewer System**

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|---------------------------|---|------------------------|-------------|----------------|
| 10/29/08                  | Bloom, Kenneth D/Janis ETAL   | 687-285 Hickory        | 077-352-17  |                |
|                           | Bobbitt, Galen/Monique ETAL *   | 687-354 Juniper Way    | 077-354-24  | * Disconnected |
| 04/30/09                  | Boggs, Michael L/Christie Ann JT  | Laurel Way             | 077-224-26  |                |
| 06/11/08                  | Bollmann Richard M & Jacque A. JT.  | 686-835 Delwood Way    | 077-381-17  |                |
| 07/06/08                  | Boucher Family Trust  | 687-745 Tulip Way      | 077-194-42  |                |
| 07/21/08                  | Bowman, Joe E ETAL  | 687-740 Lakeview Dr.   | 077-274-31  |                |
| 09/18/08                  | Boyles, Valton  | 688-040 Manzanita Way  | 077-141-15  |                |
| 10/06/08                  | Brazil, Joseph Souza/Velma Lee Living Trust   | 687-675 Orchard Way    | 077-214-28  |                |
| 06/06/08                  | Brazil, Larry E   | 387-920 Hollywood Way  | 077-312-06  |                |
| 07/21/08                  | Bresin Family Revocable Living Trust  | Chinquepin Way         | 077-204-06  |                |
| 06/03/09                  | Brewster, George & Cheryl Family Trust  | Pinon/Sycamore         | 077-362-32  |                |
| 07/03/08                  | Bricker Living Trust  | 687-005 Catalpa Way    | 077-377-16  |                |
| 08/13/08                  | Bricker Living Trust  | 687-015 Catalpa Way    | 077-377-15  |                |
| 07/10/08                  | Briggs Living Trust   | 687-465 Hazel Way      | 077-324-32  |                |
| 05/13/08                  | Brines Family Trust   | 687-990 Almond Way     | 077-151-15  |                |
| 06/27/08                  | Brochon Martial Henry & Deillia Ann JT.   | Redwood Way            | 077-273-33  |                |
| 11/06/07                  | Brown, Robert G.  | 503-155 Mahogany Way   | 077-304-56  |                |
| 06/06/08                  | Bruce Family Trust  | 687-015 Ivy Way        | 077-353-28  |                |
| 06/26/09                  | Buechler, Vigil D Revocable Trust   | 68-805 Magnolia Way    | 077-216-04  |                |
| 07/28/08                  | Bullock, Arnold E/Bullock Viola J TR  | 687-995 Hemlock Way    | 077-242-24  |                |
| 12/01/09                  | Burkirk, Jeffery O/Margaret A JT  | Chestnut Way           | 077-371-06  |                |
| 03/04/08                  | Burleson, Vicki L   | 687-150 Hickory Way    | 077-353-23  |                |
| 04/08/08                  | Bush, Angelina L  | 687-020 Cedar Way      | 077-377-08  |                |
| 09/05/08                  | Bush, James, K/Debra M JT   | 688-120 Hemlock Way    | 077-243-09  |                |
| 06/05/09                  | Butler, Pamela Lynn   | Chestnut Way           | 077-376-17  |                |
| 04/12/10                  | Cady, Douglas & Lisa JT   | 687-630 Hazel Way      | 077-331-41  |                |
| 09/18/09                  | Cal, Family Living Trust  | Lakeview Dr.           | 077-362-36  |                |
| 02/15/08                  | Callison Living Trust   | Cedar Way              | 077-283-15  |                |
| 04/24/08                  | Campbell, Stuart B & Paula S  | 530-225 The Strand     | 077-241-26  |                |
| 07/10/09                  | Caron, Jean A. & Yvonne N. HWCP   | 687-590 Sycamore Way   | 077-311-40  |                |
| 06/25/08                  | Carrell, Robert G & Melcena Family Trust Etal                                       | 687-305 Spalding RD.   | 077-303-37  |                |
| 11/13/09                  | Carver, Kenneth/Strongman, Linda  | 687-205 Hazel Way      | 077-324-50  |                |
| 08/22/09                  | Castaneda, David & Donna JT   | 686-720 Delwood Way    | 077-382-09  |                |
| 08/21/09                  | Chan Family Trust   | 684-745 Orchard Way    | 077-214-18  |                |
| 01/15/10                  | Chandler, Diane   | 687-600 Redwood Way    | 077-303-27  |                |
| 10/25/07                  | Chappel, Sherry   | 687-875 Linden Way     | 077-232-31  |                |
| 05/01/08                  | Chatterley, Robert E & Bertha A. JT   | 687-320 Hazel Way      | 077-331-52  |                |
| 09/23/09                  | Cheng, Rovina Y   | 687-290 Juniper Way    | 077-322-12  |                |
| 07/06/11                  | Chuck, Mitchell/EKT Properties  | 687-995 Redwood Way    | 077-262-13  |                |
| 05/28/08                  | Clark, Donald L/Gina M JT   | 687-805 Sycamore Way   | 077-274-30  |                |
| 02/17/10                  | Clark, Mark L & Reatha Pauline JT   | Tamarack Way           | 077-173-35  |                |
| 08/20/09                  | Clark, William Jacob  | Tulip Way              | 077-161-18  |                |
| 04/10/08                  | Clayton, Robert James   | 687-015 Redwood Way    | 077-378-22  |                |
| 09/08/08                  | Claytor, Ronald/Kathryn TC  | 688-000 Lakeview Dr.   | 077-264-19  |                |
| 08/25/08                  | Clough Family Tr.   | 682-920 Juniper Way    | 077-232-44  |                |
| 01/29/09                  | Clowers, Herbert F ETAL   | Larch Way/The Strand   | 077-132-18  |                |
| 08/31/09                  | Coffey, Kenneth W/Dorothy J   | 686-850 Delwood Way    | 077-382-13  |                |
| 03/26/08                  | Coleman, Stephanie M ETAL   | 687-795 Chinquepin Way | 077-213-05  |                |
| 09/22/08                  | Colgan Family Trust   | Sycamore Way           | 077-363-19  |                |
| 07/11/11                  | Contreras, Robert SR. & Cyndi L. JT.  | Juniper Way            | 077-232-42  |                |
| 12/12/07                  | Cook Family Trust   | 688-085 Hickory Way    | 077-243-23  |                |
| 12/09/08                  | Cook, Richard W JR/Donna J CPS  | Hickory Way            | 077-244-23  |                |
| 12/31/07                  | Corey, Clifford & Jeanne CPRS   | 687-440 Hemlock Way    | 077-313-18  |                |
| 09/11/08                  | Councilman Family Trust   | Hollywood Way          | 077-252-25  |                |
| 06/25/10                  | Crete, Joseph C & Terri JT  | Acorn Way              | 077-393-14  |                |
| 08/16/08                  | Crowe, Paul L. & Arlene M. TR   | 687-890 Ivy way        | 077-231-32  |                |

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|---------------------------|---|------------------------|-------------|--------------|
| 08/26/08                  | Culjis, Lana S  | 686-975 Chestnut Way   | 077-375-19  |              |
| 09/21/09                  | Cunnington, Roger   | Walnut Way             | 077-171-36  |              |
| 08/17/09                  | Cunnington, Roger ETAL  | Hazel Way              | 077-331-40  |              |
| 03/24/08                  | Cunnington, Ronald & Lloy CP  | 688-085 Tulip Way      | 077-184-19  |              |
| 06/11/08                  | Curley, Richard D/Judith A CP   | 686-785 Cypress Way    | 077-394-11  |              |
| 06/18/08                  | Curran, David M. & Carol L. JT  | 688-060 Hemlock Way    | 077-243-22  |              |
| 04/20/09                  | Curry, Richard A/Michelle J   | 503-400 Madrone Way    | 077-374-23  |              |
| 04/20/09                  | Curry, Richard A/Michelle J   | Fir Way                | 077-383-37  |              |
| 12/06/07                  | Dallimore, Rosaline & Richard P. WHCP   | 688-025 Mimosa Way     | 077-142-19  |              |
| 04/18/08                  | Davey Roland A & Rose Marie   | 689-110 Spalding Rd.   | 077-362-38  |              |
| 07/16/09                  | Davis, G L or J A   | 688/145 Laurel Way     | 077-223-27  |              |
| 08/03/09                  | Davis, G L/J A Rev Liv TR   | Tulip Way              | 077-171-27  |              |
| 10/07/09                  | Davis, Patricia Candis  | Laurel Way             | 077-223-23  |              |
| 06/30/11                  | Davis, Robert & Annitta JT  | 687-770 Hollywood Way  | 077-252-04  |              |
| 05/15/09                  | Dawson, Gray/Julie CPRS   | 688-000 Tulip Way      | 077-161-03  |              |
| 02/28/08                  | Deaver, Howard R/Brown Carol S JT   | 687-280 Magnolia Way   | 077-334-01  |              |
| 07/01/08                  | Degli-Esposti, Robert F & Deanna J Fam Rev Liv                                      | 687-800 Hickory Way    | 077-254-26  |              |
| 04/20/09                  | Dempsey, Tom  | 387-760 Walnut Way     | 077-172-23  |              |
| 12/13/07                  | Denny Leland J & Santos, Linda Ann JT   | 687-710 hemlock Way    | 077-253-34  |              |
| 04/15/09                  | Denny, Lowell G & Denny, Christian P. JT  | 687-635 Hazel Way      | 077-324-46  |              |
| 05/21/08                  | Dettloff, Susan E & Michael D CP  | 687-010 Cedar Way      | 077-377-11  |              |
| 05/14/08                  | Devine, Robert William/Doreen Anne HWJT   | Hollywood/Madrone      | 077-411-20  |              |
| 04/18/08                  | Diefenderfer Family Trust   | Lilac Way              | 077-153-21  |              |
| 06/11/09                  | Dietrich, Bonnie K  | 520-687 Sycamore Way   | 077-311-06  |              |
| 06/19/08                  | Dingess, Terry L/Ernestine S JT   | 687-0145 Hickory Way   | 077-352-30  |              |
| 04/14/08                  | DiPonti, Robert & Dolores M PMB 166 Suite 7   | 687-580 Maple Way      | 077-332-56  |              |
| 05/20/09                  | Dittmar, Donald D/Carolyn Y   | 687-775 Maple Way      | 077-211-17  |              |
| 10/09/08                  | Doll Revocable Inter Vivos TR   | Spalding/Pinion        | 077-362-33  |              |
| 08/27/08                  | Donnell, Avis C Living Trust  | 687-560 Ivy Way        | 077-231-35  |              |
| 05/01/08                  | Doss, L.A./Linda JT   | 688-000 Hickory Way    | 077-244-32  |              |
| 09/19/08                  | Doty, Dennis W & Flynn-Doty, Diana HW   | 687-155 Hickory Way    | 077-353-24  |              |
| 11/02/07                  | Dowdy, Russell  | Cedar Way              | 077-271-18  |              |
| 09/15/08                  | Dreiss Family Trust   | 687-105 Fir Way        | 077-387-10  |              |
| 06/02/08                  | Drew, James E/Henderson, Karen  | 688-090 Oak Way        | 077-132-20  |              |
| 08/03/08                  | Driggs Family Trust   | Acorn Way              | 077-395-26  |              |
| 07/02/08                  | Duchi, Angelo A. & S. Ronda   | Hazel Way/The Strand   | 077-224-27  |              |
| 08/13/08                  | Dunlap Angela K & Walsmith George JA  | 687-880 Hazel Way      | 077-215-11  |              |
| 11/19/07                  | Eagle Lake Community Church   | 687-905 Lakeview Dr.   | 077-273-41  |              |
| 07/01/09                  | Eakin, Janice L   | 686-730 Hickory Way    | 077-413-15  |              |
| 06/12/09                  | Ehn, Charles M & Mayme A.   | 688-085 Hemlock way    | 077-242-12  |              |
| 09/12/08                  | Eldred Family Trust   | 686-925 Acacia Way     | 077-391-19  |              |
| 08/01/08                  | Ellasces, Frank K Sr/Michell D Vaughn JT ETAL                                       | Cedar Way              | 077-373-23  |              |
| 06/04/08                  | Elvin, Henry J/Mary M TR  | Bamboo Way             | 077-394-17  |              |
| 07/16/08                  | Erlewine, Edward F & Mary I 1992 Rev Family   | 688-090 Redwood Way    | 077-263-14  |              |
| 10/16/08                  | Estes, Kenneth P/Mary L JT  | Magnolia Way           | 077-216-10  |              |
| 10/24/07                  | Evans, Ronald R & Janet L. JT   | 687-750 Hickory Way    | 077-254-32  |              |
| 03/14/08                  | Fagundes, John P/Laurie M   | 503-555 Madrone        | 077-381-13  |              |
| 11/27/07                  | Fahringer, Pearline   | 687-945 Tulip Way      | 077-194-44  |              |
| 07/03/09                  | Farley, Fred E  | 687-010 Delwood Way    | 077-386-19  |              |
| 09/11/08                  | Farmer, Jerrel H. & Farmer, Maude M Rev.  | 686-125 Delwood Way    | 077-381-07  |              |
| 10/14/08                  | Farris Family Trust 1998 Rev. TR  | Bamboo Way             | 077-397-28  |              |
| 10/27/08                  | Farris, Gloria C.   | Cherry Way             | 077-282-09  |              |
| 07/01/08                  | Fauvelle, Mark D.   | 686-850 Cedar Way      | 077-373-19  |              |
| 07/13/09                  | Feist, Robert J   | Hickory Way            | 077-253-36  |              |
| 08/07/09                  | Feist, Robert J   | 687-915 Laurel Way     | 077-233-38  |              |

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|---------------------------|---|------------------------|-------------|--------------|
| 06/11/09                  | Fenner, Theodore R/Anita B JT   | Sycamore               | 077-264-17  |              |
| 07/18/08                  | Ferrier, William T/Laurette K JT  | 687-990 Ivy Way        | 077-221-18  |              |
| 12/19/07                  | Field, Shirley L Family Trust   | Acorn Way              | 077-396-18  |              |
| 04/09/08                  | Field, Shirley L Family Trust   | Acorn Way              | 077-396-17  |              |
| 03/05/08                  | Fies, William J JR. Trust Agreement   | Hickory Way            | 077-244-30  |              |
| 03/24/08                  | Fischer, Charles B. & Janet A. Trust  | Tulip Way              | 077-194-29  |              |
| 04/23/09                  | Fiske, Willard A/Deanna M   | Catalpa Way/The Strand | 077-262-07  |              |
| 05/02/08                  | Flandreau, Claude-Anne 2005 TR  | 687-245 Sycamore Way   | 077-362-35  |              |
| 06/06/08                  | Flannagan, James S. TR  | 686-925 Madrone Way    | 077-351-23  |              |
| 11/14/07                  | Fortier, Gerald & Tracy JT  | 687-900 Tamarack Way   | 077-174-18  |              |
| 04/07/10                  | Foulk, Benjamin L   | Linden Way             | 077-222-21  |              |
| 10/03/08                  | Fredenburg, Kenneth D   | 687-800 Hazel Way      | 077-211-15  |              |
| 10/26/07                  | Frey, Heinz Robert & Lieselotte JT  | 688-040 Lakeview Dr    | 077-264-07  |              |
| 08/28/09                  | Gaines, Theodore 1996 Trust   | The Strand             | 077-221-06  |              |
| 11/26/07                  | Gallagher Family TR   | 687-980 Linden Way     | 077-223-28  |              |
| 10/25/07                  | Garcia Family Trust   | 686-995 Chestnut       | 077-375-10  |              |
| 05/26/09                  | Garcia, Larry Michael Sherre A HWJT   | 688-035 Hollywood Way  | 077-241-23  |              |
| 05/26/09                  | Garcia, Larry Michael/Sherre A  | Hollywood Way          | 077-241-24  |              |
| 10/02/09                  | Gardner, Jane E   | 688-100 Linden Way     | 077-223-25  |              |
| 12/11/07                  | Garland, John M.& Regina K. JT  | 687-820 Ivy Way        | 077-231-27  |              |
| 08/05/09                  | Gates, Donald F/Charlene  | Chestnut/Cherry        | 077-293-12  |              |
| 11/13/09                  | Geer, Glen  | Laurel Way             | 077-233-53  |              |
| 05/27/09                  | George, Byron W/Beverly A   | Sycamore Way           | 077-251-46  |              |
| 11/02/07                  | Glenden, Jack Terrence/Helen Lathe Family Trust                                     | 687-600 Cedar Way      | 077-301-19  |              |
| 04/24/08                  | Glenn, James H. Irrevocable Trust   | 687-960 Sycamore       | 077-241-22  |              |
| 05/07/08                  | Glenn, Leon H.  | 688-030 Sycamore Way   | 077-241-25  |              |
| 09/09/11                  | Goddard, Philip W   | 687-950 Cedar Way      | 077-261-08  |              |
| 04/07/08                  | Godde, Lawrence A. & Godde, Geraldine D   | Lakeview Dr.           | 077-273-39  |              |
| 09/12/08                  | Golden Gary/Erma E Trust  | 686-125 Almond Way     | 077-164-20  |              |
| 04/21/08                  | Gomez, Joe I & Olivia ETAL  | 687-315 Hazel Way      | 077-324-47  |              |
| 05/08/09                  | Goodenow, Rev Robert/Susan Mae CPRS   | Juniper Way            | 077-221-24  |              |
| 05/01/09                  | Goodwin, Stephen D/Susan E JT   | 686-975 Spalding Rd    | 077-361-27  |              |
| 04/21/08                  | Goyette,Vern & Porrasi, Cecilia TC  | 077-232-23 Linden Way  | 077-232-23  |              |
| 05/14/08                  | Grajczyk, Gary R. & E. Louise   | 687-320 Hollywood Way  | 077-312-26  |              |
| 04/27/09                  | Graton, Diane Alan/Kari Michelle  | 687-305 Laurel Way     | 077-323-33  |              |
| 06/09/08                  | Gregorius, Benedict & Sheila Francine JT  | 687-985 Chinquepin Way | 077-217-10  |              |
| 05/09/08                  | Grout, George/Zona JT   | 688-105 Hazel Way      | 077-224-11  |              |
| 05/28/08                  | Haddox, Caroline ETAL   | 687-740 Walnut Way     | 077-172-25  |              |
| 06/03/08                  | Hague Donald & Edith E HW/Hague, Montana May  | 686-810 Acorn Way      | 077-393-25  |              |
| 11/12/09                  | Haines, Cidne J. ETAL   | Hemlock Way            | 077-351-03  |              |
| 09/05/08                  | Hallas, Charles/Rosalie Living Trust  | 688-125 Hickory Way    | 077-243-24  |              |
| 07/16/08                  | Harper Family Trust   | Chestnut Way           | 077-371-10  |              |
| 11/21/07                  | Harrison, Richard K/Julie A   | Linden Way             | 077-233-46  |              |
| 08/26/08                  | Harvey Family Trust   | 687-930 Hazel Way      | 077-215-12  |              |
| 04/25/09                  | Hasty, Clarence/Virginia Revoc Liv Tr   | 687-775 Orchard Way    | 077-214-29  |              |
| 08/23/11                  | Hasty, Clarence/Virginia Revoc Liv Tr   | Laurel/Palm            | 077-344-15  |              |
| 04/29/08                  | Healy,Thomas &Delores Etal %Robert, OB  | 687-640 Linden Way     | 077-323-36  |              |
| 06/18/08                  | Helmer, Nason James/Gail Ann Rev TR   | 686-800 Chestnut Way   | 077-372-20  |              |
| 03/18/08                  | Hembree , Stephanie L   | Maple Way              | 077-212-15  |              |
| 08/28/08                  | Henrickson, Joseph G III/Marilyn HWJT   | 687-025 Spalding Rd.   | 077-361-19  |              |
| 08/20/08                  | Henrickson, Joseph G III/Marilyn JT   | 503-475 Madrone Way    | 077-373-13  |              |
| 05/02/08                  | Henson John E & Evelyn A Trust  | 503-150 Pinion Way     | 077-304-52  |              |
| 10/25/07                  | Herfi, David Lee & Cynthia Louise JT  | Lakeview Dr.           | 077-274-20  |              |
| 04/20/09                  | Heritage Land Co  | Redwood Way            | 077-262-18  |              |

**Attachment B**  
**Property Owners Connected to District Community Sewer System**

| <b>Date of Connection</b> | <b>Spalding Residents Connected to the District Disposal System: APPLICANT NAME</b> | <b>Service Address</b>     | <b>APN#</b>      | <b>Notes</b> |
|---------------------------|---|----------------------------|------------------|--------------|
| 07/22/09                  | Heritage Land Co  | Elm Way                    | 077-383-20       |              |
| 07/23/09                  | Heritage Land Co  | Elm Way                    | 077-383-31       |              |
| 08/12/09                  | Heritage Land Co  | 686-920 Spalding Rd.       | 077-362-28       |              |
| 04/21/10                  | Heritage Land Co  | Acacia Way                 | 077-392-19       |              |
| 04/22/08                  | Herrbach, Clarence E/Herrbach, Rae B  | 686-760 Sycamore Way       | 077-403-20       |              |
| 08/21/09                  | Herrick Family Trust  | 687-595 Hazel Way          | 077-324-45       |              |
| 04/09/08                  | Hiehle, Dustin L & Georgia JT   | 687-005 Cedar Way          | 077-376-24       |              |
| 05/27/09                  | Hindbaugh, Ronald P.Earline M JT  | 687-945 Sycamore Way       | 077-274-18       |              |
| 05/28/09                  | Hindbaugh, Ronald P.Earline M JT  | 687-900 Sycamore Way       | 077-251-34       |              |
| 06/01/09                  | Hindbaugh, Ronald P.Earline M JT  | 687-490 Sycamore Way       | 077-311-41       |              |
| 09/26/08                  | Hindersheid, Dave/Cecelia   | 687-755 Juniper Way        | 077-231-23       |              |
| 07/28/08                  | Holland, Paul Reginald/Flor Rev Liv Trust   | Strand/Willow/Walnut       | 077-162-05,06,07 |              |
| 04/02/08                  | Hopwood, Kenneth/Jayne H ETAL All AS JT   | 686-950 Sycamore Way       | 077-363-15       |              |
| 04/07/08                  | Hosking Robert R/Margaret   | 687-040 Cedar Way          | 077-377-09       |              |
| 05/15/08                  | House, David J/Chrisandra M CPS   | 687-765 Orchard Way        | 077-214-17       |              |
| 10/01/08                  | House, James/Diana JT(Vista Reverse 8 LLC)  | 688-045 Redwood Way        | 077-262-14       |              |
| 06/04/09                  | House, Jesse P/Dolores M House TR   | Hollywood/Madrone/Sycamore | 077-363-29       |              |
| 08/21/08                  | Howes James W. & Elizabeth  | 687-670 Catalpa Way        | 077-272-01       |              |
| 06/03/08                  | Hunter, John L & Dorothy A JT   | 687-505 Hollywood Way      | 077-311-37       |              |
| 04/09/08                  | Illia Family Trust  | 687-300 Sycamore           | 077-311-23       |              |
| 06/25/08                  | Ito, Douglas Y ETAL   | Hickory Way                | 077-353-27       |              |
| 04/14/08                  | Jackson Family Trust  | 686-920 Redwood Way        | 007-401-05       |              |
| 09/23/08                  | James Timothy & Louise JT.  | 687-065 Acorn Way          | 077-395-16       |              |
| 03/31/08                  | James, Daniel L. & Diane L. JT  | 687-350 Hazel Way          | 077-331-43       |              |
| 10/19/11                  | Jamison, Dwight M & Carol L   | 687-780 Orchard Way        | 077-191-29       |              |
| 09/29/08                  | Jarvis Family Trust   | 686-760 Chestnut Way       | 077-372-19       |              |
| 10/22/09                  | Jeffrey, James  | 686-990 Catalpa Way        | 077-378-24       |              |
| 05/28/09                  | Jennings, Robert H/Pamela A   | Hazel Way                  | 077-224-23       |              |
| 06/09/08                  | Jessop, Merl & Sondra L. Etal   | Chinquepin Way             | 077-214-23       |              |
| 06/09/08                  | Jessop, Merl & Sondra L. Etal   | Chinquepin Way             | 077-214-26       |              |
| 06/09/08                  | Jessop, Merl K & Sondra L. JT.  | Chinquepin Way             | 077-214-15       |              |
| 06/02/08                  | Johnson, John E. & Darlene M.   | 687-815 Hazel Way          | 077-234-40       |              |
| 09/18/09                  | Johnston Family Trust ETAL  | 687-045 Hickory Way        | 077-352-19       |              |
| 06/18/08                  | Jones, James E.   | 876-715 Hollywood Way      | 077-251-20       |              |
| 04/24/08                  | Jones, Jerry Lee/Marsha S Fam TR  | 687-995 Sycamore Way       | 077-264-18       |              |
| 11/06/07                  | Jordon Norbert & Ruth E JT  | 687-705 Spruce Way         | 077-193-19       |              |
| 05/01/09                  | K C Investments   | 686-945 Cedar Way          | 077-376-22       |              |
| 08/25/08                  | Kaiser , Bruce & Voorheis , Thelma JT   | Hollywood Way              | 077-242-18       |              |
| 05/09/08                  | Keehn, Thomas J (Monroe new owner)  | 687-110 Tulip Way          | 077-184-20       |              |
| 06/19/08                  | Keller, Nelda Ray Revocable Living Trust  | 687-585 Hollywood Way      | 007-311-44       |              |
| 06/06/08                  | Kelly , Paul D. & Deborah K. JT.  | Laurel Way                 | 007-234-39       |              |
| 08/21/09                  | Kelly Family Trust  | Ridge Way                  | 077-151-24       |              |
| 06/02/08                  | Kerr Living Trust   | 686-800 Bamboo Way         | 077-394-16       |              |
| 06/26/09                  | Killingsworth, Gregory J/Lynn M JT  | 688-005 Lilac Way          | 077-152-19       |              |
| 02/26/08                  | Kimbal ,Dana S & Quilici, Janet K. JT   | 687-000 Acorn Way          | 077-396-08       |              |
| 11/02/07                  | Kimura, Roy Michio & Kimura, Anne Tr.   | 687-608 Ivy Way            | 077-231-31       |              |
| 04/15/08                  | Kinder, Stanley K   | Linden Way                 | 077-222-20       |              |
| 06/23/08                  | King, Douglas G/Taura D   | Willow Way                 | 077-162-14       |              |
| 09/05/08                  | King, Douglas G/Taura D   | Hollywood Way              | 077-251-42       |              |
| 08/15/08                  | King, Robert  | 686-835 Hollywood Way      | 077-403-18       |              |
| 12/03/09                  | Kish, Leonore M.  | Chinquepin Way             | 077-204-15       |              |
| 06/18/08                  | Kneeland, Paul J  | 686-990 Hickory Way        | 077-353-11       |              |
| 07/03/09                  | Knifong Lester D. & Lodellee Revocable Living Trust                                 | 687-155 Hickory Way        | 077-352-31       |              |
| 09/17/08                  | Koch Living Trust   | 687-280 Hickory Way        | 077-353-20       |              |
| 10/21/09                  | Koch, Linda C Revo Live TR  | Chestnut Way               | 077-283-16       |              |

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|---------------------------|---|------------------------|-------------|--------------|
| 06/02/08                  | Koehly, Joseph & Mercedes   | 687-240 Laurel Way     | 077-344-14  |              |
| 04/24/08                  | Kolbet, Richard N/Knapp Lucille   | 687-855 Catalpa Way    | 077-271-23  |              |
| 09/12/08                  | Kottke Family Trust   | 687-950 Catalpa Way    | 077-272-42  |              |
| 05/01/08                  | Krupp Family Revocable Trust  | 687-710 Sycamore       | 077-251-39  |              |
| 10/23/07                  | Kvidera, Michael C. & Marilyn Living Trust  | 686-985 Redwood Way    | 077-378-23  |              |
| 12/17/09                  | Larimore, Harry A/Beatrice A JT   | 686-915 Cypress Way    | 077-397-33  |              |
| 04/04/08                  | Larson Larry Lee/Hazel M CP   | 687-975 Sycamore Way   | 077-362-30  |              |
| 07/28/09                  | Lashmet, Harry T  | 688-040 Laurel Way     | 077-224-25  |              |
| 07/29/09                  | Lashmet, Harry T  | Laurel Way             | 077-224-24  |              |
| 11/01/07                  | Lavarias , Jim B. & Vera A. CP  | 688-020 Juniper Way    | 077-222-17  |              |
| 05/01/09                  | Lawrence, John Paul/Lee Davis McGlenn   | Elm Way                | 077-387-18  |              |
| 09/09/08                  | Lawson Family 1997 Trust  | Linden Way             | 077-323-40  |              |
| 11/29/07                  | Lay Gene W. & Merle A. CRPS   | Acorn Way              | 077-393-17  |              |
| 06/03/08                  | Lay Gene W. & Merle A. JT   | 686-875 Acacia Way     | 077-391-17  |              |
| 11/05/10                  | Lee, Irwin/Riva   | 687-875 Willow Way     | 077-172-24  |              |
| 08/08/08                  | Lemon , Earl L. & Evelyn L. Trust   | 688-040 Hollywood Way  | 077-242-25  |              |
| 08/04/08                  | Lemon Grant L. & Kenny, Lenore M HW   | 687-960 Hemlock Way    | 077-243-26  |              |
| 04/22/09                  | Leonard, William R Jr/Cynthia A HWJT  | 688-160 Juniper Way    | 077-222-13  |              |
| 07/04/08                  | Leonard, William R/Cynthia A JT   | 686-955 Spalding Rd.   | 077-361-24  |              |
| 08/07/09                  | Leonard, William R/Cynthia A JT   | 687-245 Linden Way     | 077-342-11  |              |
| 06/23/08                  | Leonhardt, Larry/Priscilla CPRS   | 68-730 Chestnut Way    | 077-372-18  |              |
| 04/16/09                  | LeRoy, Doreene  | 687-630 Maple Way      | 077-332-45  |              |
| 04/20/09                  | LeRoy, John David   | 686-925 Spalding Rd.   | 077-401-04  |              |
| 09/08/11                  | Lewis, William Joe & Lewis, David Gene  | Poplar/Palmetto        | 077-192-29  |              |
| 05/28/08                  | Liggett, Raymond E  | 686-885 Bamboo Way     | 077-393-21  |              |
| 12/28/11                  | Lindenberg Living Trust   | 687-710 Linden Way     | 077-233-54  |              |
| 04/09/08                  | Long Lloyd E. & Inez M & David & Susan JT   | Hollywood Way          | 077-241-19  |              |
| 05/28/08                  | Longe Gary, Alan & Virginia Jt  | 687-740 Catalpa Way    | 077-272-25  |              |
| 06/26/09                  | Loy, Regina M-Original Dt of hook-up - 9/08   | 687-730 Catalpa Way    | 077-272-41  |              |
| 09/18/08                  | Luchetti 2002 Family Trust  | 686-825 Catalpa Way    | 077-373-11  |              |
| 09/09/08                  | Lunardi, Joseph I/Doris R Rev Int Sur TR  | 686-950 Fir Way        | 077-388-15  |              |
| 07/16/08                  | Machado Manual R. Rose M JT   | 688-050 Redwood Way    | 077-263-09  |              |
| 10/08/09                  | Macias, Raymond/Marjorie A  | 687-910 Walnut Way     | 077-172-16  |              |
| 06/18/08                  | MacKay, William E/Terry E   | Hemlock Way            | 077-252-26  |              |
| 11/11/08                  | Madden, Roy P/Dannette A JT   | 686-725 Elm Way        | 077-382-07  |              |
| 06/06/08                  | Magioncalda Frank Etal  | 687-665 Hemlock Way    | 077-252-29  |              |
| 04/29/09                  | Marcillac, George E 2005 TR   | Tulip Way              | 077-194-12  |              |
| 12/11/07                  | Marlatt Daniel & Mardel JT.   | Hazel Way              | 077-234-13  |              |
| 07/06/08                  | Marquis, Trina J/Sheldon, Brian K JT  | 687-905 Catalpa Way    | 077-271-22  |              |
| 08/20/10                  | Martinelli, Mike/Paula & Schmitt Family Trust                                       | Tamarack Way           | 077-173-16  |              |
| 06/26/09                  | Martinus, Paul W Family Trust ETAL  | Hemlock Way            | 077-253-24  |              |
| 11/29/07                  | Marzorini Ray E. Tanya L  | 687-805 Maple Way      | 077-215-09  |              |
| 08/12/08                  | Marzorini Ray E. Tanya L  | 687-788 Ivy Way        | 077-231-34  |              |
| 06/25/08                  | Marzorini, Ray E & Tanya CP   | 687-840 Spruce Way     | 077-194-28  |              |
| 06/13/11                  | Masterson Family Trust ETAL   | 687-740 Tamarack Way   | 077-173-30  |              |
| 08/17/09                  | Matassa Family Trust  | Cherry Way             | 077-371-12  |              |
| 09/16/09                  | Matthias, Paul L/Donna JT   | Walnut Way             | 277-161-20  |              |
| 04/07/08                  | McCabe William H. Danny TC  | Sycamore Way           | 077-362-11  |              |
| 08/27/08                  | McDaniel, Harvey & Gloria Family Trust  | 687-810 Juniper Way    | 077-232-27  |              |
| 10/09/08                  | McEachern, James A/Carol M  | Bamboo Way             | 077-396-11  |              |
| 05/21/09                  | McGrew, William/Esther  | Lakeview Dr.           | 077-304-63  |              |
| 08/14/09                  | McKean, Robert E  | 686-880 Cypress Way    | 077-381-20  |              |
| 05/21/08                  | Mckenzie, Ralph & Laura B JT  | Acacia Way             | 077-392-17  |              |
| 09/22/09                  | McMillen, Tanya L/Jerry L   | 687-785 Ivy Way        | 077-254-29  |              |
| 07/20/09                  | McNamara, Kenneth J Sr/Diane M JT   | 687-270 Ivy Way        | 077-321-11  |              |
| 08/06/09                  | Medlyn, Robert/Julie  | 687-655 Chestnut Ave   | 077-293-13  |              |

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|--------------------|--|------------------------|------------|-------|
| 07/11/08           | Mellor, Brian S/Linda K JT   | 687-695 Orchard Way    | 077-214-27 |       |
| 05/10/10           | Menard, Carole   | 687-635 Hollywood Way  | 077-311-12 |       |
| 12/12/07           | Mendes Jonnie. Jr. & Birtie  | 687-660 Hemlock Way    | 077-253-20 |       |
| 06/06/08           | Menzies Richard L & Charlene J.  | 686-835 Sycamore Way   | 077-402-17 |       |
| 04/17/08           | Merkel Family Trust  | 687-615 Maple Way      | 077-331-49 |       |
| 10/08/08           | Merrill Family Bypass Trust  | Linden Way             | 077-233-31 |       |
| 04/10/10           | Merritt, Robert L & Joan L (Travis)  | Cypress Way            | 077-394-15 |       |
| 09/05/08           | Michel Robert H.   | 686-895 Acorn Way      | 077-392-16 |       |
| 04/24/08           | Middendorf, Thomas M/Mary E  | 687-829 Catalpa Way    | 077-271-24 |       |
| 11/19/08           | Miller 2001 Revocable Trust  | 687-910 Tulip Way      | 077-171-32 |       |
| 11/19/08           | Miller Family 2001 Rev Trust   | 687-890 Tulip Way      | 077-171-33 |       |
| 11/08/07           | Miller, Arnold D. & Geraldine  | 687-500 Spalding Rd.   | 077-304-60 |       |
| 05/07/08           | Miller, Michael H/Sue JT (New Owner Ruden)                                   | 687-070 Hollywood Way  | 077-363-23 |       |
| 08/08/08           | Milliken, Ronald J/Zelma Mae Family Trust                                    | 688-110 Hollywood Way  | 077-242-10 |       |
| 10/23/07           | Mingham Brain & Jane Family Trust  | 687-840 Tamarack Way   | 077-174-06 |       |
| 05/01/08           | Mingham Family Trust   | 687-850 Willow Way     | 077-173-36 |       |
| 05/07/08           | Mingham Family Trust   | 687-800 Willow Way     | 077-173-25 |       |
| 08/06/09           | Mircetich, John/Jane JT  | 687-865 Laurel Way     | 077-233-55 |       |
| 07/30/08           | Monahan, Daniel D  | 687-100 Hemlock Way    | 077-352-22 |       |
| 02/28/08           | Montgomery Chester G & Lawanda J Jt  | 688-040 Hemlock Way    | 077-243-25 |       |
| 05/07/08           | Montgomery David Mary R JT   | 687-120 Hollywood Way  | 077-351-24 |       |
| 10/23/07           | Monticelli John F. Jeannie Mar   | 687-105 Acacia Way     | 077-391-04 |       |
| 08/28/08           | Moore, Robert E. Flossie F.  | 687-800 Juniper Way    | 077-232-29 |       |
| 10/25/07           | Morales, Lloyd   | 686-735 Acacia Way     | 077-391-13 |       |
| 06/09/08           | Moreno, Ruben L  | 687-605 Magnolia way   | 077-332-48 |       |
| 05/13/08           | Morgan Frances Pearl & Robert L Jt.  | 687-950 Spruce Way     | 077-194-43 |       |
| 07/23/08           | Morris, Norman R. & Verna J CP.  | 687-915 Hazel Hay      | 077-234-42 |       |
| 06/27/08           | Morrow, John C/S Delphine  | 686-860 Catalpa Way    | 077-374-22 |       |
| 03/17/08           | Muller France F. & Nellie JT   | 687-400 Sycamore Way   | 077-311-30 |       |
| 05/07/10           | Muller, Thomas J & Roberta L   | Cypress Way            | 077-381-16 |       |
| 10/30/09           | Muse, Frank/Kathie   | The Strand/Spruce      | 077-184-25 |       |
| 07/28/08           | Narramore, Gregory W/Joanne A JT   | 686-975 Hollywood Way  | 077-363-27 |       |
| 09/30/09           | Neely, Tom Becky/Neely, Darin/Yvette   | Sycamore Way           | 077-304-57 |       |
| 05/09/08           | Neil Gerald L. & Janet JT  | 687-675 Chinquapin Way | 077-213-14 |       |
| 07/08/09           | Neil, Gerald E/Janet E JT  | Olive Way              | 077-134-02 |       |
| 05/05/10           | Neil, Gerald E/Janet E JT  | The Strand/Oak Way     | 077-132-21 |       |
| 08/07/09           | Neil, Gerald E/Janet E JT (New Owner Keehn)                                  | Maple Way              | 077-212-16 |       |
| 10/07/08           | Neil, Gerald E/Janet E JT (New Owner Schmidt)                                | Catalpa Way            | 077-261-11 |       |
| 07/10/09           | Nelson, John A/ Nancy L Revoc & Nelson Family 2002                           | Hollywood Way          | 077-251-27 |       |
| 11/26/07           | Nelson, Kenneth A/Rhonda L J.T.  | 687-835 Cedar Way      | 077-283-18 |       |
| 06/18/09           | Neville Donald O. & Jeanette C. 1994 Trust                                   | 688-065 Laurel Way     | 077-223-26 |       |
| 11/26/07           | Newman, James Edgar/Newman, James Bruce                                      | 687-480 Spalding Rd.   | 077-304-61 |       |
| 11/30/07           | Niles Family Trust %Niles, Ralph & Rita                                      | Tamarack Way           | 077-164-16 |       |
| 08/12/08           | Norris Family Trust % Norris Betty E. Trust                                  | Hemlock Way            | 077-253-25 |       |
| 04/21/08           | Novey, Joanne M/Lisa Marie JT  | 688-100 Oak Way        | 077-131-16 |       |
| 07/02/08           | Noxon, Timothy E/Maribeth  | 687-835 Redwood Way    | 077-272-22 |       |
| 05/14/08           | Nunes Family Trust   | Hollywood Way          | 077-312-22 |       |
| 10/15/07           | Odle, Curtis I/Denise C  | 687-550 Hollywood Way  | 077-312-33 |       |
| 06/24/08           | Oliver Jerald A  | Sycamore Way           | 077-403-15 |       |
| 05/10/10           | Oliver, Jeffery W/Lena   | Hemlock Way            | 077-411-18 |       |
| 06/01/10           | Oliver, Jeffrey W & Lena D JT  | Hemlock Way            | 077-411-19 |       |
| 08/21/08           | Oliver, Phillip H & Ilean C. & James R. & Col.                               | Redwood Way            | 077-303-29 |       |
| 08/25/08           | Olson Family Trust   | 687-905 Redwood Way    | 077-272-38 |       |
| 10/31/07           | Osborn, Daniel D/Suzanne M   | 503-220 Mahogany Way   | 077-273-22 |       |
| 07/28/08           | Panart, Augustine D Z/Panart Paula F TR                                      | Juniper Way            | 077-321-12 |       |

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|---------------------------|---|------------------------|-------------|--------------|
| 11/02/07                  | Parker 1995 Family Trust  | Delwood Way            | 077-381-11  |              |
| 09/28/08                  | Parker, Rex A/Denise A JT   | 686-830 Delwood Way    | 077-382-17  |              |
| 09/04/08                  | Parker, Rex a/Katherine Trust   | 686-830 Elm Way        | 077-383-38  |              |
| 10/23/09                  | Parker, Theodore/Patricia   | 686-725 Fir Way        | 077-383-40  |              |
| 10/23/09                  | Parker, Theodore/Patricia   | 686-835 Elm Way        | 077-382-15  |              |
| 09/11/08                  | Pastorino, Norman F./House, Monica J.T.   | 686-735 Lakeview Dr    | 077-401-07  |              |
| 09/03/08                  | Patrick Fam TR  | 688-105 Linden Way     | 077-222-22  |              |
| 10/09/08                  | Patrick, Michael B  | 687-980 Mimosa Way     | 077-143-08  |              |
| 07/10/08                  | Pavese Family Trust   | 687-020 Delwood Way    | 077-386-21  |              |
| 03/27/08                  | Pearson, James C/Sandra L   | Cherry/Mahogany        | 077-281-01  |              |
| 03/27/08                  | Pearson, James S/Sandra L Fmly TR   | Chestnut/Strand        | 077-283-13  |              |
| 05/28/08                  | Peay Family Trust   | 688-085 Ivy Way        | 077-244-33  |              |
| 09/08/08                  | Pennington, David/Suzanne JT  | 687-940 Willow Way     | 077-173-17  |              |
| 11/23/07                  | Pindar, Lynn/Pindar, Lynnette   | Lilac Way              | 077-153-14  |              |
| 07/04/08                  | Popperwell, W Trust   | Madrone/Catalpa        | 077-377-19  |              |
| 04/29/08                  | Portz Family Revocable Trust  | 687-675 Hazel Way      | 077-234-37  |              |
| 03/03/08                  | Potter Caroleen C   | 503-025 Madrone Way    | 077-413-14  |              |
| 08/06/08                  | Potter, R. Craig/Jessie A   | 687-890 Hollywood      | 077-252-22  |              |
| 02/20/08                  | Potter, Timothy J/Lorene L  | Redwood Way            | 077-272-46  |              |
| 11/18/09                  | Pratt, William H/Marjorie L TC ETAL   | 687-305 Hollywood Way  | 077-311-33  |              |
| 04/09/08                  | Purcell, A.W./Norma E   | 687-105 Acorn Way      | 077-395-17  |              |
| 04/29/08                  | Rabo, Ronald R/Shirley E J.T.   | 687-607 Maple Way      | 077-331-48  |              |
| 10/28/09                  | Ramos, Daniel J/Kathryn S   | 687-740 Palmetto       | 077-192-38  |              |
| 09/27/08                  | Rasnic, John L  | 687-285 Linden Way     | 077-322-10  |              |
| 08/11/08                  | Ray Family Trust  | 686-790 Hollywood Way  | 077-411-17  |              |
| 09/08/08                  | Rebideaux, Randy L/Laurene J JT   | 686-925 Cherry Way     | 077-384-11  |              |
| 04/10/08                  | Rodas, Joseph m/H. Leota J.T.   | 687-785 Juniper Way    | 077-231-24  |              |
| 07/28/09                  | Rogers, Michael W.  | 687-120 Linden Way     | 077-343-20  |              |
| 08/18/08                  | Rohner, Alvin Thomas/Kay Louise Trust   | 687-000 Elm Way        | 077-387-17  |              |
| 09/05/08                  | Rohner, Alvin Thomas/Kay Louise Trust   | 686-950 Delwood Way    | 077-386-18  |              |
| 05/12/09                  | Rohner, Kay L Revocable Trust   | 686-925 Elm Way        | 077-382-19  |              |
| 05/18/09                  | Rohner, Kay L Revocable Trust   | 687-005 Delwood Way    | 077-385-17  |              |
| 04/07/10                  | Roloff, Scott & Lilibeth  | 686-990 Chestnut Way   | 077-376-14  |              |
| 06/11/08                  | Rose, Ernest W/Nancy L J.T.   | 686-880 Bamboo Way     | 077-394-13  |              |
| 04/14/08                  | Rose, William N./Carol Leah   | 687-550 Lakeview Dr.   | 077-304-62  |              |
| 07/09/08                  | Rosselott Living Trust  | 687-805 Linden Way     | 077-232-38  |              |
| 10/01/09                  | Rounsaville, Joseph W/Etta Mae Trust  | 687-580 Cherry Way     | 077-293-11  |              |
| 06/09/10                  | Rudluff, Caroline M Trust c/o Patricia Rudluff-Jennings                             | Maple Way              | 077-201-04  |              |
| 06/09/10                  | Rudluff, Caroline M Trust c/o Patricia Rudluff-Jennings                             | Almond Way             | 077-174-17  |              |
| 06/15/09                  | Rynerson, Roger Clinton   | 687-785 Ivy Way        | 077-334-16  |              |
| 11/16/07                  | Sain, David P   | 687-200 Hickory Way    | 077-353-26  |              |
| 07/18/08                  | Saulisberry TTEE Fam TR/Saulisberry 1992 Fam  | 687-770 Maple Way      | 077-212-20  |              |
| 04/12/12                  | Schmidt, Kenneth  | 687-015 Acacia Way     | 077-391-07  |              |
| 10/24/07                  | Schmidt, Marlene  | 687-785 Hickory Way    | 077-253-30  |              |
| 07/12/08                  | Schofield, Robert E/Schofield, Ryan E JT  | 687-765 Chinquepin Way | 077-213-16  |              |
| 07/27/10                  | Schumacher, Armin/Bock Christina JT   | 687-185 Spalding Rd.   | 077-361-22  |              |
| 12/12/07                  | Scott, Vicky I (New Owner Pensco Trust)   | 680-470 Hollywood Way  | 077-312-31  |              |
| 05/19/09                  | Seaters, Marion Kathleen  | 687-365 Maple Way      | 077-331-50  |              |
| 10/28/09                  | Sebastiani, Piero ETAL Revocable Trust  | Redwood Way            | 077-273-36  |              |
| 10/28/09                  | Sebastiani, Piero ETAL Revocable Trust  | Lakeview Dr.           | 077-273-37  |              |
| 10/06/08                  | Seifert, Kenneth J/Frances B CP   | 686-865 Redwood Way    | 077-374-25  |              |
| 04/21/09                  | Shafer, Paul W/Virginia S.  | 687-630 Sycamore Way   | 077-311-19  |              |
| 08/22/08                  | Shaffer, Datha/Shaffer/Sandra J JT  | 687-900 Linden Way     | 077-233-39  |              |

**Attachment B**  
**Property Owners Connected to District Community Sewer System**

| <b>Date of Connection</b> | <b>Spalding Residents Connected to the District Disposal System: APPLICANT NAME</b> | <b>Service Address</b>    | <b>APN#</b> | <b>Notes</b>   |
|---------------------------|---|---------------------------|-------------|----------------|
| 09/22/08                  | Shanks, Clarence M/C Lillian Living Trust   | 687-850 Hollywood Way     | 077-252-33  |                |
| 08/08/08                  | Shult, Edward H/Margaret F  | 688-030 Willow Way        | 077-163-15  |                |
| 06/02/08                  | Sibley William Robert & Joan Frances JT   | Madrone/Bamboo            | 077-397-27  |                |
| 03/01/08                  | Sickles, Myron A/Elaine C   | 687-295 Maple Way         | 077-331-26  |                |
| 03/16/10                  | Siders, Kathryn D   | 687-670 Cedar Way         | 077-271-20  |                |
| 09/05/09                  | Sievers, William/Jeanette   | 687-155 Ivy Way           | 077-353-25  |                |
| 03/09/09                  | Silva, Eugene D   | 687-530 Hollywood Way     | 077-312-14  |                |
| 05/15/08                  | Simon, Paul R/Morene L TR   | 687-780 Tamarack Way      | 077-174-31  |                |
| 04/01/08                  | Simon, Robert M/Rita M  | 687-020 Juniper Way       | 077-341-07  |                |
| 09/09/08                  | Smalley, Robert J Jr/Smalley Marla J. Trust   | 687-015 Elm Way           | 077-386-17  |                |
| 04/17/08                  | Smith Living Trust %Smith, Lowell & Joyce   | 687-595 Maple Way         | 077-331-47  |                |
| 10/06/08                  | Smith Stanley B & Martin, Sally   | 686-995 Elm Way           | 077-386-16  |                |
| 07/29/08                  | Smith, Brenda Jean/Janus, Mary Kathleen   | 687-095 Delwood Way       | 077-385-10  |                |
| 09/03/09                  | Smith, Darlene N ETAL   | Willow Way                | 077-172-01  |                |
| 08/05/08                  | Smith, Daryl E/Margie J/Smith, Robert J JT  | 687-020 Cypress Way       | 077-385-16  |                |
| 06/09/08                  | Smith, Gregg S/Ordile, Tara Leisa TC  | Bamboo Way                | 077-396-10  |                |
| 12/03/09                  | Smith, John/Alice 1995 Liv Tr   | Hickory Way               | 077-253-27  |                |
| 09/12/08                  | Smith, Robert J   | 688-995 Bamboo            | 077-396-12  |                |
| 07/28/08                  | Smith, Thomas Lee/Paula Kay Joint Living Trust                                      | 686-985 Cypress Way       | 077-397-17  |                |
| 09/02/08                  | Smith, Vicky L/Smith, Robert J JT   | 687-090 Cypress Way       | 077-385-11  |                |
| 06/13/08                  | Sneary, Bonnie J  | 687-980 Cedar Way         | 077-271-12  |                |
| 04/28/08                  | Snyder, James V/Loretta C   | 686-955 Cherry Way        | 077-388-20  |                |
| 02/15/08                  | Snyder, Norman E/Fleckenstein Trudy   | 687-815 Chestnut Way      | 077-282-06  |                |
| 06/24/08                  | Soderlund, William T/Joann A JR   | 686-990 Cherry Way        | 077-375-06  |                |
| 03/05/08                  | Solis, Jesus H/Rose Marie *   | 387-320 Hemlock Way       | 077-313-17  | * Disconnected |
| 11/05/07                  | Solis, Raymond R/Kristy P CP  | 680-970 Cherry Way        | 077-375-12  |                |
| 10/05/11                  | Soohodolsky Family Trust  | 687-710 Spruce Way        | 077-194-41  |                |
| 11/19/07                  | Sorensen, Lynn Richard/Janice Rae HWJT  | Hemlock Way               | 077-313-10  |                |
| 09/05/08                  | Sorensen, Keld/Jeanne Trust   | 501-955 The Strand        | 077-143-12  |                |
| 03/01/08                  | Spalding CSD  | 502-907 Mahogany Way      | 077-320-05  |                |
| 10/23/07                  | Spalding Marina   | The Strand                | 077-030-04  |                |
| 09/05/08                  | Spediacci, Clifford K/Shirley A JT  | 687-690 Juniper Way       | 077-232-48  |                |
| 09/25/08                  | Spencer, Reubennette 1987 TR  | 687-540 Linden Way        | 077-323-44  |                |
| 05/21/08                  | Stanley, Vernon F/Theda TR  | Magnolia Way/Division Way | 077-217-03  |                |
| 05/21/08                  | Stanley, Vernon F/Theda TR  | Magnolia Way              | 077-217-05  |                |
| 05/21/08                  | Stanley, Vernon F/Theda TR  | 687-885 Chinquepin Way    | 077-217-06  |                |
| 09/21/09                  | Stebbins, Loretta   | 687-925 Linden Way        | 077-232-43  |                |
| 12/03/07                  | Steffens, John R/Barbara/Fogal, Russell E/Th  | 687-300 Laurel Way        | 077-324-34  |                |
| 10/29/08                  | Steinocher, Daniel G/Linda L JT   | 687-830 Cedar Way         | 077-271-14  |                |
| 12/15/09                  | Steinocher, Daniel G/Linda L JT   | 687-920 Hickory Way       | 077-254-27  |                |
| 12/19/07                  | Stelzriede, Michael/Cathryn C JT  | Ridge Way                 | 077-151-22  |                |
| 11/08/07                  | Stent, Bob/Sandra JR/Weddell, Jeanette R.   | Spalding Rd.              | 077-303-33  |                |
| 05/28/08                  | Stephens Family Trust   | Tamarack Way              | 077-163-16  |                |
| 03/18/10                  | Stimmell, James B.  | 686-770 Cypress Way       | 007-381-14  |                |
| 09/15/08                  | Stout, Clarence&Audrey  | Maple Way                 | 077-282-14  |                |
| 12/12/07                  | Strickland, Robert & David JT   | 688-030 Tulip Way         | 077-161-14  |                |
| 04/18/08                  | Suchan, Alex/Lois   | 686-820 Fir Way           | 077-384-14  |                |
| 06/02/08                  | Sullivan Family Revoc Trust   | 687-990 Walnut Way        | 077-162-17  |                |
| 04/29/08                  | Sullivan, William A/Joanne M J.T.   | 387-290 Maple Way         | 077-332--49 |                |
| 08/25/09                  | Swager, William A & Patricia A CPRS   | 387-150 Hemlock Way       | 077-352-24  |                |
| 10/20/08                  | Taylor, James R/Shirley L JT  | Delwood Way               | 077-386-20  |                |
| 10/16/09                  | Taylor, Robert S. Rev Living TR   | 687-025 Catalpa Way       | 077-377-17  |                |
| 09/04/08                  | Tetrault Family 2000 Trust  | Juniper/Linden            | 077-322-14  |                |
| 05/21/08                  | Thomas, Theodore J/Diana M CPRS   | 688-085 Larch Way         | 077-132-15  |                |
| 10/29/09                  | Thomas, Trevor P.Lauretta R   | 687-075 Hemlock           | 077-351-21  |                |
| 07/14/08                  | Thompson Family Trust ETAL  | 688-030 Tupelo Way        | 077-142-16  |                |

**Attachment B**  
**Property Owners Connected to District Community Sewer System**

| <b>Date of Connection</b> | <b>Spalding Residents Connected to the District Disposal System: APPLICANT NAME</b> | <b>Service Address</b> | <b>APN#</b> | <b>Notes</b> |
|---------------------------|---|------------------------|-------------|--------------|
| 05/10/10                  | Tobin, Louis J/Peacock, Betsy A HWJT  | 687-700 Orchard Way    | 077-191-27  |              |
| 05/01/08                  | Todd, Clifford E Jr   | Maple Way              | 077-331-51  |              |
| 11/02/07                  | Todd, Dennis/Andrea   | Cedar Way              | 077-271-15  |              |
| 04/22/08                  | Togni, Arnold/Dolly TR  | 698-105 Ivy Way        | 077-221-15  |              |
| 07/23/08                  | Togni, Arnold/Dolly TR  | 688-105 Ivy Way        | 077-244-29  |              |
| 06/11/08                  | Tomasini Family Trust   | 687-895 Hollywood Way  | 077-251-33  |              |
| 03/15/08                  | Torchin, Ali Chan B & Reinelde M  | 687-430 Hollywood Way  | 077-312-32  |              |
| 05/14/09                  | Tracy, Richard T/Sheri L JT   | Hollywood/Hemlock      | 077-351-04  |              |
| 07/18/08                  | Traver, Jess S III/Frances D JT   | Laurel Way             | 077-323-46  |              |
| 04/03/08                  | Turek, Raymond W/Lois M JT  | 687-040 Cherry Way     | 077-375-14  |              |
| 03/06/08                  | Turner, Lucy D  | 686-835 Cherry Way     | 077-384-17  |              |
| 09/21/11                  | Valine, Adelia Michelle   | 367-370 Spalding Road  | 077-304-65  |              |
| 04/02/08                  | Van Tassel Fam Trust  | 687-130 Spalding Rd.   | 077-362-37  |              |
| 05/15/08                  | Vaughn, Lee/Leni A HW/Calilan, James D JT   | 687-625 Spalding Rd.   | 077-303-30  |              |
| 07/13/09                  | Velez, S., Sanchez, A. C./I. Garat JR ETAL  | Hollywood Way          | 077-403-27  |              |
| 07/21/08                  | Verrengia Family Trust  | 687-585 Cherry Way     | 077-292-07  |              |
| 06/12/09                  | Vineyard Living Trust   | 687-745 Lakeview Dr.   | 077-273-27  |              |
| 07/31/09                  | Walker, Evan J/Walker Jerry K TC  | Juniper/Ivy/Pinon      | 077-354-26  |              |
| 07/16/09                  | Walker, Rebecca   | 686-760 Catalpa Way    | 077-374-02  |              |
| 08/27/09                  | Walker, Rudolph Soyka/Rebecca JT  | 686-760 Catalpa Way    | 077-274-26  |              |
| 09/29/09                  | Walker, Rudolph Soyka/Rebecca JT  | 503-150 Mahogany Way   | 077-274-25  |              |
| 10/09/09                  | Walsh, Paul C/Janice A JT   | Almond Way             | 077-151-21  |              |
| 09/12/09                  | Walsh, Paul Clark ETAL  | 688-025 Almond Way     | 077-151-18  |              |
| 10/23/07                  | Walton Family Trust   | 688-010 Tamarack Way   | 077-164-22  |              |
| 11/07/07                  | Ward, Carlos V/Grace G 1996 Revoc Living Trust Agree                                | 687-635 Sycamore Way   | 077-304-54  |              |
| 07/01/08                  | Ward, Carlos V/Grace G Rev Liv TR   | Madrone Way            | 077-378-28  |              |
| 07/03/08                  | Ward, Carlos V/Grace G Revocable Living Trust                                       | 686-955 Redwood Way    | 077-378-27  |              |
| 04/15/08                  | Ward, Kenneth V/Lorna JT  | Sycamore Way           | 077-304-55  |              |
| 12/03/07                  | Watson, William J Jr./Sonjo M CP  | 687-055 Cedar Way      | 077-376-23  |              |
| 12/06/07                  | Watts, James C/Lorene J JT  | 503-155 Madrone Way    | 077-411-16  |              |
| 05/09/08                  | Watts, James C/Lorene T JT  | 688-125 Spruce Way     | 077-183-16  |              |
| 11/14/07                  | Weaver Family Trust   | 687-915 Ivy Way        | 077-254-24  |              |
| 04/18/09                  | Webb Living Tr  | Chestnut Way           | 077-294-14  |              |
| 04/22/09                  | Webb Living Trust   | 687-745 Maple Way      | 077-211-16  |              |
| 08/27/09                  | Weisinger, Brian J/Patricia L JT  | 687-295 Magnolia       | 077-332-36  |              |
| 10/20/08                  | Wells Trust   | 689-905 Hemlock Way    | 077-252-34  |              |
| 07/30/09                  | Wells Trust   | 687-170 Linden Way     | 077-343-21  |              |
| 06/18/09                  | Westfall Living Trust ETAL  | Cedar/Madrone          | 077-373-14  |              |
| 05/28/08                  | Westlake, Gary R ETAL   | Cedar Way              | 077-283-22  |              |
| 11/19/07                  | White, C.W./Joyce M JT  | 687-760 Lakeview Dr.   | 077-274-28  |              |
| 08/15/08                  | White, Earl Richard Jr/Karron S JT  | 686-840 Sycamore Way   | 077-403-19  |              |
| 05/19/08                  | White, Frank R 1991 Trust   | 501-275 The Strand     | 077-133-07  |              |
| 11/02/07                  | Whitmer, Rudy/Louise  | 687-775 Cedar Way      | 077-283-23  |              |
| 05/28/08                  | Wilder, Arvenna   | 687-700 Ivy Way        | 077-231-03  |              |
| 11/14/07                  | Williams Family Trust   | 686-950 Spalding Rd.   | 077-362-14  |              |
| 04/28/08                  | Williams, Cal R/Catherine S   | 687-020 Fir Way        | 077-388-12  |              |
| 06/11/09                  | Williams, Cal R/Catherine S   | 687-060 Acacia Way     | 077-395-20  |              |
| 10/01/09                  | Williams, Richard L & Patricia C. HWJT  | 687-700 Laurel Way     | 077-234-43  |              |
| 08/31/09                  | Williams, Robert N  | Delwood Way            | 077-381-19  |              |
| 12/13/07                  | Williams, Robert V/Viola Mae  | 687-445 Hemlock Way    | 077-312-28  |              |
| 08/31/09                  | Williams, Robert V/Viola Mae  | 686-770 Delwood Way    | 077-382-16  |              |
| 08/17/09                  | Williams, Robert/Blackwell, Viola Mae   | Hazel Way              | 077-324-43  |              |
| 08/17/09                  | Williams, Robert/Blackwell, Viola Mae   | Chestnut/Madrone       | 077-376-20  |              |
| 09/22/08                  | Williams, Robert/Blackwell, Viola(new owners)                                       | Hemlock Way            | 077-313-08  |              |
| 09/18/09                  | Williamson Larry R  | 687-565 Catalpa Way    | 077-301-25  |              |

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**Property Owners Connected to District Community Sewer System**

| <b>Date of Connection</b> | <b>Spalding Residents Connected to the District Disposal System: APPLICANT NAME</b> | <b>Service Address</b> | <b>APN#</b> | <b>Notes</b> |
|---------------------------|---|------------------------|-------------|--------------|
| 10/28/09                  | Williford, George Calvin Trust  | 686-785 Fir Way        | 077-383-36  |              |
| 05/06/09                  | Wilms, Dale/Linda CP  | 687-920 Lakeview Dr.   | 077-274-16  |              |
| 07/22/09                  | Wilson, Donald Dean Liv TR  | Redwood Way            | 077-272-27  |              |
| 08/20/08                  | Wilson, Jack Trust  | 687-625 Catalpa Way    | 077-302-19  |              |
| 09/22/09                  | Wilson, Kenneth/Valeri E  | 686-830 Hemlock Way    | 077-412-17  |              |
| 08/20/08                  | Wilson, Rollans B   | 503-435 Mahogany Way   | 077-302-18  |              |
| 06/11/08                  | Winingar Family 1983 Trust  | 686-830 Elm Way        | 077-383-34  |              |
| 06/01/09                  | Witt, Richard E/Nola A JT   | 687-740 Orchard Way    | 077-191-24  |              |
| 05/14/08                  | Wong, Fay/Bonnie E/Taber, Edward/Judy   | Lakeview Dr.           | 077-273-35  |              |
| 08/22/08                  | Woodward, Robert/Maria 1989 Trust   | 687-700 Hickory Way    | 077-254-21  |              |
| 06/23/08                  | Yee, Gary R/Michael G   | 686-785 Hemlock Way    | 077-412-22  |              |
| 06/24/08                  | Yee, Michael Gregg  | 686-785 Hickory Way    | 077-412-21  |              |
| 11/06/07                  | Yolo, Duke/Terri JT ETAL C/O Cristine, Barry R.                                     | Acorn Way              | 077-393-16  |              |
| 07/24/09                  | Young Family Trust  | 688-010 Hickory Way    | 077-244-22  |              |
| 07/23/08                  | Young, Vera L   | 688-055 Lakeview Rd.   | 077-263-10  |              |
| 10/27/08                  | Younie, Leslie I Jr/Sheri M ETAL TC   | 687-045 Redwood Way    | 077-378-20  |              |
| 08/07/08                  | Yuill, Edward G/Deborah L HW  | Tupelo Way             | 077-141-14  |              |
| 08/07/09                  | Yuill, Edward G/Deborah L HW  | Tupelo Way             | 077-142-13  |              |
| 05/18/10                  | Zuccato, Michael W/Linda J Rev Trust  | 687-650 Cherry Way     | 077-293-10  |              |
| 12/02/08                  | Zunino, Michael A/Sheree A Family Trust   | Lilac Way              | 077-152-23  |              |

## ATTACHMENT C

### ADMINISTRATIVE CIVIL LIABILITY METHODOLOGY

The Complaint alleges that the Discharger failed to comply with a cease and desist order issued by the Lahontan Water Board, which required the Discharger by December 31, 2009, to either connect the Discharger's on-site wastewater disposal system to the Spalding Community Services District's (District) community sewer system or to properly abandon the Discharger's on-site wastewater disposal system, in accordance with Lassen County regulations. For the purpose of applying the Enforcement Policy's administrative civil liability methodology, the alleged violation is a non-discharge violation. Because the Complaint only alleges a non-discharge violation, Step Nos. 1 and 2 of the Enforcement Policy's administrative civil liability methodology are not addressed.

#### **Step 3: Initial Liability Determination**

The per-day factor for the violation is **0.55**. This factor is determined by a matrix analysis based upon the Potential for Harm and the Deviation from Applicable Requirements.

- a. The Potential for Harm for the violation is determined to be **moderate**. The Discharger's failure to connect its on-site wastewater disposal system to the District's sewer system or to properly abandon it allows waste containing nutrients to be discharged to the groundwater of the Eagle Lake basin. Such discharges, should they occur, can introduce nutrients, such as nitrogen and phosphorus, to the groundwater, which flows into Eagle Lake. Nitrogen and phosphorus can increase algal growth and the rate of eutrophication in Eagle Lake, a closed-basin lake. Increased eutrophication can adversely affect the habitat for the Eagle Lake trout, and other aquatic and terrestrial organisms supported by Eagle Lake. Increased algal growth also has the potential to adversely affect the public's water contact recreation (e.g., wading, swimming, water skiing) and non-contact water recreation (e.g., aesthetic enjoyment) of Eagle Lake.

To prevent these types of adverse impacts to Eagle Lake's beneficial uses, the Lahontan Water Board amended its *Water Quality Control Plan for the Lahontan Region* (Basin Plan) in September 1984, to prohibit the discharge of waste containing nutrients to the surface waters and groundwater of the Eagle Lake basin beginning September 14, 1989. The Lahontan Water Board's cease and desist order issued to the Discharger enforces that Basin Plan prohibition. At a minimum, the Discharger's on-site wastewater disposal system presents a threatened discharge of waste containing nutrients that can reasonably be expected to adversely affect Eagle Lake's cold freshwater habitat (COLD), water contact recreation (REC-1), non-contact water recreation (REC-2, and sport fishing (COMM) beneficial uses. It is also reasonable to expect that such impacts are reversible upon ceasing such waste discharges.

Waste discharges from on-site wastewater disposal systems in the Spalding Tract subdivision can also introduce bacteria into the groundwater, which is the local water supply. Many Spalding Tract subdivision property owners have private wells, and past studies have shown that bacteria levels increase in those private wells when nearby on-site wastewater disposal systems are being used. Bacteria contained in domestic wastewater can adversely affect human health when consumed. Such conditions represent an adverse impact to the Eagle Lake groundwater basin's municipal and domestic supply (MUN) beneficial use. This impact can reasonably be expected to occur when waste discharges from on-site wastewater disposal systems occur. Fortunately, past studies have also shown that this impact is relatively short term in nature when the waste discharge ceases. Therefore, violating the cease and desist order presents a **moderate** threat to beneficial uses that will likely attenuate without acute or chronic effects, once the Discharger has complied with the cease and desist order.

- b. The Deviation from Applicable Requirements to abandon or connect the septic system is **major**. The reason for the **major** designation is that Water Board staff notified the Discharger of its failure to comply with the cease and desist order's December 31, 2009 compliance date in a June 28, 2011 Notice of Violation (NOV). The NOV was issued after the Discharger had had approximately 1.5 construction seasons to comply with the cease and desist order's requirement to either connect the Discharger's on-site wastewater disposal system to the District's community sewer system or to properly abandon the Discharger's on-site wastewater disposal system, if appropriate. The remainder of the 2011 construction season has past, and to date, the Discharger has still failed to comply.

There has been ample time to satisfy the requirements of the cease and desist order since its adoption. The District's community sewer system has been available to connect to since October 2007; however, the Discharger failed to connect or properly abandon the Discharger's on-site wastewater disposal system and subsequently was issued a cease and desist order in October 2009. The Discharger has now had an additional two full construction seasons since the cease and desist order was issued to comply with its requirements, but has not.

- c. There are 832 days of violation for the period beginning January 1, 2010 and ending April 11, 2012, the date of drafting Administrative Civil Liability Complaint No. R6T-2012-0031. The statutory maximum amount per day per violation is \$5,000. Therefore, 832 days of violation at the statutory maximum per day of \$5,000, yields a maximum initial liability of **\$4,160,000** (832 days x \$5,000/day). Applying the Potential for Harm per-day factor of 0.55, and the statutory maximum liability amount for each day of violation, yields an initial liability of **\$2,288,000** (0.55 x 832 days of violation x \$5,000 per day).

#### **Step 4: Adjustment Factors**

The Enforcement Policy allows for multi-day violations to be consolidated provided specific criteria are satisfied. The Enforcement Policy also describes three factors related to the violator's conduct that should be considered for modification of the initial

liability amount: the violator's culpability; the violator's efforts to clean up or cooperate with regulatory authorities after the violation; and the violator's compliance history. After each of these factors is considered for the violations alleged, the applicable factor should be multiplied by the proposed amount for each violation to determine the revised amount for that violation.

a. Multiple Day Violations

The Enforcement Policy provides that, for violations lasting more than 30 days, the Water Board may adjust the per-day basis for civil liability if certain findings are made and provided that the adjusted per-day basis is no less than the per-day economic benefit, if any, resulting from the violation.

The Discharger has failed to comply with its cease and desist order for 832 days. The continuance of these violations does not result in an economic benefit that can be measured on a daily basis. The economic benefit is the one-time cost of having the on-site wastewater disposal system either connected to the District's community sewer system or properly abandoned, if appropriate. Therefore, an adjustment can be made.

The Water Board Prosecution Team recommends applying the alternative approach to civil liability calculation provided by the Enforcement Policy. Using this approach, the calculation of days of violation will include the first day of violation, plus one additional day of violation for each five-day period up to the 30th day of violation, and thereafter, plus one additional day of violation for each 30-day period. Using this approach, the total number of days is revised to 33 days of violation.

This results in a Revised Initial Liability Amount as follows:

$$\text{Revised Initial Liability} = (0.55) \times (33 \text{ days of violation}) \times (\$5,000) = \mathbf{\$90,750}$$

b. Adjustment for Culpability

For culpability, the Enforcement Policy suggests an adjustment resulting in a multiplier between 0.5 to 1.5, with the lower multiplier for accidental incidents, and the higher multiplier for intentional or negligent behavior. In this case, a Culpability multiplier of **1.3** has been selected for the reasons described below:

The Water Board's Prosecution Team has exercised significant discretion in deciding whether to pursue administrative civil liability for violating the cease and desist order. Doing so is consistent with the Prosecution Team's message to the Water Board and to the community in 2009 that its primary interest was compliance, and that the Prosecution Team understood some were facing various hardships and would work with property owners towards meeting its compliance objective. After providing approximately 1.5 construction seasons to comply, the Prosecution Team issued a June 28, 2011 Notice of Violation to property owners that had yet to comply with their 2009 cease and desist orders, notifying them that time to comply with the cease and desist orders' requirements without additional enforcement action was running out. In spite of the Prosecution Team's efforts to allow ample time to comply

and to notify the Discharger of a pending administrative civil liability complaint, the Discharger has not provided the Prosecution Team with any information indicating a reason for the continuing violations, nor shown any intent to comply.

The Prosecution Team does not have any evidence of willful or intentional negligence in this matter. Therefore, the Prosecution Team does not recommend assigning a value of 1.4 or greater for Culpability, as these values have been reserved for situations where there is evidence of willful or intentional negligence. However, given the lack of response by the Discharger in spite of the amount of time given to comply and notification of the Prosecution Team's intent to pursue administrative civil liability, a value of 1.3 for Culpability is appropriate.

c. Adjustment for Cleanup and Cooperation

For cleanup and cooperation, the Enforcement Policy suggests an adjustment should result in a multiplier between 0.75 and 1.5. A lower multiplier is appropriate for situations where there is a high degree of cleanup and/or cooperation and a higher multiplier is appropriate for situations where cleanup and/or cooperation is minimal or absent. In this case, a Cleanup and Cooperation multiplier of **1.5** has been selected for the reasons described below:

The Discharger has not cooperated with the Water Board on this issue. Even after Water Board staff issued the June 28, 2011 NOV, the Prosecution Team did not observe any attempt by the Discharger to comply. The lack of effort to comply with the cease and desist order, or even to communicate with the Prosecution Team regarding the reason why compliance has not occurred, warrants a value of 1.5.

d. Adjustment for History of Violations

The Enforcement Policy suggests that where there is a history of repeat violations, a **minimum** multiplier of 1.1 should be used for this factor. In this case, a multiplier of **1.0** has been selected based upon the absence of prior violations of Cease and Desist Order No. R6T-2009-0130. A review of the California Integrated Water Quality System (CIWQS) and Water Board files shows that the Violation represents the first violation of Cease and Desist Order No. R6T-2009-0130. Therefore a multiplier of 1.0 is appropriate, and no adjustment to the above liability amount should be made in response to this factor.

**Step 5: Determination of Total Base Liability Amount**

The Total Base Liability for the violation is **\$176,962.50**. The Total Base Liability for the violation is determined by multiplying the Revised Initial Liability by the multipliers associated with each of the Adjustment Factors discussed above.

Total Base Liability = (Revised Initial Liability) X (Culpability) X (Cleanup/Cooperation) X (History of Violations) = (\$90,750) X (1.3) X (1.5) X (1.0) = **\$176,962.50**.

**Step 6: Ability to Pay and Ability to Continue Business**

The Enforcement Policy provides that if the Water Board has sufficient financial information to assess the violator's ability to pay the Total Base Liability, or to assess the effect of the Total Base Liability on the violator's ability to continue in business, then the Total Base Liability amount may be adjusted downward.

In this case, the Lahontan Water Board Prosecution Team has sufficient information to suggest the Discharger has the ability to pay the proposed liability. The Discharger owns the parcel(s) of land, listed below:

| Assessor's Parcel Number | County | Property Address   | Assessed Total Value | Assessment Year |
|--------------------------|--------|--------------------|----------------------|-----------------|
| 077-162-03-11            | Lassen | 688-040 Walnut Way | \$39,870             | 2011            |
|                          |        | <b>TOTAL</b>       | <b>\$39,870.00</b>   |                 |

Given the above assets, it appears the Discharger has the ability to pay the proposed liability.

**Step 7: Other Factors as Justice May Require**

The Enforcement Policy provides that if the Water Board believes that the amount determined using the above factors is inappropriate, the liability amount may be adjusted under the provision for "other factors as justice may require," if express findings are made. Additionally, the staff costs for investigating the violation and preparing the Complaint should be added to the liability amount.

**a. Adjustments for Other Factors as Justice May Require**

The statutory minimum liability amount for violations under Water Code section 13350 is \$100 per day of violation, unless the regional water board makes express findings setting forth the reasons for its action based upon its consideration of the factors set forth in Water Code section 13327. Based on the date of compliance in the cease and desist order, days of violations began accruing on January 1, 2010. At the statutory minimum liability of \$100 per day, and a total of 832 days of violation, the result is a minimum liability of **\$83,200**. The Prosecution Team has determined that, in this case, even the minimum liability amount is inappropriate. Staff finds this amount to be an excessive liability for the violations alleged herein, and inappropriate for the following reasons.

Water Board staff reviewed Lassen County Assessor's Office records for the properties whose owners are subject to the administrative civil liability for the failure to either connect their on-site wastewater disposal system to the District's sewer system or to properly abandon it. County records for the year 2012 show that the properties range in value from \$17,119 to \$618,391. Two of these properties with the highest values are commercial properties, with values consistent with commercial uses and related improvements (i.e., hotel, restaurant). The remaining

properties have an average value of \$73,574. Based on these data alone, the Prosecution Team determined that the minimum statutory liability of \$83,200 is excessive relative to the value of most of the properties whose owners continue to violate their 2009 Cease and Desist Orders. Without any further assessment, the minimum liability appears inappropriate and excessive for its intended purpose.

Additionally, the Prosecution Team's June 28, 2011 Notice of Violation notified the Discharger of the Prosecution Team's intent to issue administrative civil liability complaints and bring them before the Lahontan Water Board at its November 9-10, 2011 Board Meeting. In a continuing effort to encourage compliance, the Prosecution Team stated in the Notice of Violation that it would consider withdrawing the complaint if the Discharger complied with the cease and desist order prior to the November 9-10, 2011 Board meeting date. The Prosecution Team has consistently stated that compliance has been its primary goal, and the Notice of Violation was providing one last chance to comply with the cease and desist order without facing additional enforcement action in the form of civil liability.

The Prosecution Team recommends using November 9, 2011 as the basis for developing a more appropriate liability amount, as it is the date the Prosecution Team informed the Discharger that compliance was to be achieved, or imposing administrative civil liability would be pursued. Attachment D provides a methodology spreadsheet based upon November 9, 2011 as the deadline for compliance. The resulting number of days of violations totals 155 days (November 9, 2011 – April 11, 2012). 155 days of violation would result in a minimum liability of **\$15,500**, based upon the statutory minimum liability of \$100 per day of violation.

Administrative civil liability complaints were issued to property owners of the nearby Stones-Bengard subdivision in 1997 for failing to either connect their on-site wastewater disposal systems to the Stones-Bengard community sewer system or to properly abandon them. In the Stones-Bengard cases, the Water Board issued administrative civil liability complaints proposing that the owners be assessed liability in the amount of **\$6,500**. This was the minimum liability that could be imposed for violating cleanup and abatement orders that had been issued 65 days prior to issuing the administrative civil liability complaints. The cleanup and abatement orders had been issued after the Stones-Bengard property owners had been violating their cease and desist orders issued in 1991 for several years.

The liability amount of \$15,500 represents a more appropriate amount that is consistent with past and similar enforcement efforts by the Lahontan Water Board in the Eagle Lake basin. The liability amount of \$15,500 provides adequate justice or consequence for the violation as well as a meaningful deterrent to future violations.

b. Adjustment for Staff Costs

The Water Board Prosecution Team staff time incurred to prepare administrative civil liability complaints and supporting information for 25 Spalding Tract subdivision properties is estimated to be 165 hours. Based on an average cost to the State of \$150 per hour, the total staff cost is estimated to be \$24,750. Staff finds it appropriate to spread these costs equitably by dividing the total staff cost equally for

each of the 25 properties. On this basis, a staff cost of \$990 must be assessed for each property. As a result, the Adjusted Total Base Liability is recommended to be adjusted upward by **\$990**, bringing the total proposed liability to **\$16,490**.

### **Step 8: Economic Benefit**

The Enforcement Policy directs the Water Board to determine any Economic Benefit Amount of the violation based upon the best available information. The Enforcement Policy suggests that the Water Board compare the Economic Benefit Amount to the Adjusted Total Base Liability and ensure that the Adjusted Total Base Liability is at a minimum, 10 percent greater than the Economic Benefit Amount. Doing so should create a deterrent effect and will prevent administrative civil liabilities from simply becoming the cost of doing business.

Septic tank abandonment is only an option for properties that do not have structures with plumbing fixtures installed. For properties that have one or more structures with plumbing fixtures installed, connecting the Discharger's on-site wastewater disposal system to the District's community sewer system is required.

The Discharger has realized an economic benefit by failing to connect or abandon the Discharger's on-site wastewater disposal system as required by Cease and Desist Order No. R6T-2009-0130. In order to estimate the economic benefit, Water Board staff subpoenaed records from contractors who have connected and/or properly abandoned on-site wastewater disposal systems in the Spalding Tract subdivision. Based upon a review of the contractor records, the average cost for a property owner to connect an on-site wastewater disposal system to the District's community sewer system is \$4,210, and the average cost to properly abandon an on-site wastewater disposal system is \$836. Therefore, the economic benefit amount realized by Dischargers that have existing structures with plumbing fixtures installed on the property and that must connect to the District's community sewer system is estimated to be **\$4,210**. The economic benefit amount realized by Dischargers with the option of abandonment is estimated to be **\$836**. The Adjusted Total Base Liability Amount is greater than 110 percent of either of these estimated economic benefit amounts, and therefore no adjustment is necessary based on the economic benefit analysis.

### **Step 9: Maximum and Minimum Liability Amounts**

The maximum liability amount the Water Board may assess for the above-referenced violations pursuant to Water Code section 13350, subdivision (e)(1), is \$5,000 per day of violation. Therefore, the maximum liability the Water Board may assess for 832 days of violation (elapsed time since the date of compliance in the cease and desist order) is **\$4,160,000**.

The minimum liability amount provided in Water Code section 13350, subdivision (e)(1)(B) is \$100 per day. However, subdivision (f) states that:

"A regional board shall not administratively impose civil liability in accordance with paragraph (1) of subdivision (e) in an amount less than the minimum amount specified, unless the regional board makes express

findings setting forth the reasons for its action based upon the specific factors required to be considered pursuant to Section 13327.”

Water Code section 13327 allows for “*other factors as justice may require*”. The specific factors discussed in Step 7 above (i.e., property values, use of November 9, 2011 as an alternative compliance date, consistency with similar Lahontan Water Board enforcement actions in the Eagle Lake basin) yields 155 days of violation at \$100 per day minimum, for an alternative minimum liability amount of **\$15,500**.

The Enforcement Policy also requires that:

*The adjusted Total Base Liability shall be at least 10 percent higher than the Economic Benefit Amount so that liabilities are not construed as the cost of doing business and that the assessed liability provides a meaningful deterrent to future violations.*

The larger of the two economic benefit amounts (\$4,210) plus ten percent is **\$4,631**, which is less than the alternative statutory minimum cited above and the Total Proposed Liability Amount.

#### **Step 10: Final Liability Amount**

The Total Proposed Liability Amount is **\$16,490** based upon the considerations discussed in detail, above.

## Attachment D Administrative Civil Liability Methodology Spreadsheet

### Instructions

1. Select Potential Harm for Discharge Violations
2. Select Characteristics of the Discharge
3. Select Susceptibility to Cleanup or Abatement
4. Select Deviation from Standard
5. Click "Determine Harm & per Gallon/Day..."
6. Enter Values into the Yellow highlighted fields

|             |   |
|-------------|---|
| Select Item | Potential Harm for Discharge Violations |
| Select Item | Characteristics of the Discharge        |
| Select Item | Susceptibility of Cleanup or Abatement  |
| Select Item | Deviation from Requirement              |

Discharger Name/ID: Spalding Tract Property Owners, Various APNs

|                                  |   | Violation 1                                   |                      |              |
|----------------------------------|---|---|----------------------|--------------|
| Discharge Violations             | <b>Step 1</b>                             | Potential Harm Factor (Generated from Button) |                      |              |
|                                  | <b>Step 2</b>                             | Per Gallon Factor (Generated from Button)     |                      |              |
|                                  |   | Gallons                                       |                      |              |
|                                  |   | Statutory / Adjusted Max per Gallon (\$)      |                      |              |
|                                  |   | <b>Total</b>                                  |                      | \$ -         |
|                                  | Non-Discharge Violations                  | <b>Step 3</b>                                 | Per Day Factor       | 0.55         |
| Days                             |   |   | 33                   |              |
| Statutory Max per Day            |   |   | \$ 5,000             |              |
|                                  |   | <b>Total</b>                                  |                      | \$ 90,750.00 |
| <b>Initial Amount of the ACL</b> |   |   | \$ <b>90,750.00</b>  |              |
| Add'l Factors                    |   | <b>Step 4</b>                                 | Culpability          | 1.3          |
|                                  | Cleanup and Cooperation                   |   | 1.5                  |              |
|                                  | History of Violations                     |   | 1                    |              |
|                                  | <b>Step 5 Total Base Liability Amount</b> |   | \$ <b>176,962.50</b> |              |
|                                  | <b>Step 6</b>                             | Ability to Pay & to Continue in Business      | 1                    |              |
|                                  | <b>Step 7</b>                             | Other Factors as Justice May Require          | 15,500               |              |
|                                  |   | Staff Costs                                   | \$ 990               |              |
|                                  | <b>Step 8</b>                             | Economic Benefit                              | \$ 4,210             |              |
|                                  | <b>Step 9</b>                             | Minimum Liability Amount                      | 15,500               |              |
|                                  |   | Maximum Liability Amount                      | \$ 4,160,000         |              |
|                                  | <b>Step 10 Final Liability Amount</b>     |   | \$ <b>16,490.00</b>  |              |

### Penalty Day Range Generator

Start Date of Violation= 1/1/10  
End Date of Violation= 4/11/12

Maximum Days Fined (Steps 2 & 3) = 832 Days  
Minimum Days Fined (Steps 2 & 3) = 33 Days

**WAIVER FORM  
FOR ADMINISTRATIVE CIVIL LIABILITY COMPLAINT**

By signing this waiver, I affirm and acknowledge the following:

I am duly authorized to represent Winters, Laurel G. (hereinafter "Discharger") in connection with Administrative Civil Liability Complaint No. R6T-2012-0031 (hereinafter the "Complaint"). I am informed that California Water Code section 13323, subdivision (b), states that, "a hearing before the regional board shall be conducted within 90 days after the party has been served [with the complaint]. The person who has been issued a complaint may waive the right to a hearing."

- (Check here if the Discharger waives the hearing requirement and will pay the liability.)**
- a. I hereby waive any right the Discharger may have to a hearing before the Regional Water Board.
  - b. I certify that the Discharger will remit payment for the civil liability imposed in the total amount of **sixteen thousand four hundred ninety dollars (\$16,490)** by check that references "ACL Complaint No. R6T-2012-0031" made payable in the amount of **\$16,490** to the "Waste Discharge Permit Fund." Payment must be received by the Regional Water Board by **5:00 p.m. on May 21, 2012** or the Regional Water Board may adopt an Administrative Civil Liability Order requiring payment.
  - c. I understand the payment of the above amount constitutes a proposed settlement of the Complaint, and that any settlement will not become final until after the 30-day public notice and comment period mandated by the State Water Resources Control Board's Water Quality Enforcement Policy expires. Should the Regional Water Board receive significant new information or comments from any source (excluding the Water Board's Prosecution Team) during this comment period, the Regional Water Board's Assistant Executive Officer may withdraw the complaint, return payment, and issue a new complaint. I understand that this proposed settlement is subject to approval by the Regional Water Board, and that the Regional Water Board may consider this proposed settlement in a public meeting or hearing. I also understand that approval of the settlement will result in the Discharger having waived the right to contest the allegations in the Complaint and the imposition of civil liability.
  - d. I understand that payment of the above amount is not a substitute for compliance with applicable laws and that continuing violations of the type alleged in the Complaint may subject the Dischargers to further enforcement, including additional civil liability.

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(Print Name and Title)

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(Signature)

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(Date)

220-274-2111

6-15-12

### Comment Letter - Spalding Complaint

I Laurel Winters am the owner of the property in the Spalding tract subdivision Lassen County APN 077-162-03-11.

This property has been in my family for 88 yrs. It was originally a miners shack, "plumbing" was put in sometime in the 50's along with the septic tank. There has not been any kind of hook up or connection to the septic tank for at least 30 to 40 years. We had the tank inspected and it held water.

To go back my grandmother had the cabin in a trust. She hadn't been there for 30 to 40 years. It was checked on occasionally by my now deceased brother. Upon my grandmother's passing it was the responsibility of the trustee. He failed at every turn to fulfill his obligation relating to the sewer system.

I eventually "inherited" the cabin thru many years of legal battles with my grandmother's estate. By then the grant I later found out that was available was no longer

I pointed out the house had no connection to the septic. to abandon it we had to be present we live 5 hours away - pay 150.00 for lodging. We did not have the money - my husband was out of work 4 1/2 yrs. I spoke to many people explaining if you go to the cabin you will see nothing is hooked up to the septic, and hasn't been for 30 or 40 yrs.

We would love nothing more than to be able to hook up and enjoy our family cabin. My dream is to keep it in my family and pass it on to our kids. If we could still have the option to abandon it when we get more firmly on our feet if we could then hook up. Is this an option?

Sincerely,  
Laurel Winters

any investigation and the Office of Enforcement will seek input from the Regional Water Board enforcement staff in the development of any resulting enforcement action. Such action may be brought before the State Water Board or the Regional Water Board, as may be deemed appropriate for the particular action. The decision as to where to bring the enforcement action will be discussed with the affected Regional Water Board enforcement staff. Enforcement actions requiring compliance monitoring or long-term regulatory follow-up will generally be brought before the appropriate Regional Water Board.

## **V. COORDINATION WITH OTHER REGULATORY AGENCIES**

### **A. Hazardous Waste Facilities**

At hazardous waste facilities where the Regional Water Board is the lead agency for corrective action oversight, the Regional Water Board shall consult with Department of Toxics Substance Control (DTSC) to ensure, among other things, that corrective action is at least equivalent to the requirements of the Federal Resource, Conservation, and Recovery Act (RCRA).

### **B. Oil Spills**

The Water Boards will consult and cooperate with the Office of Spill Prevention and Response at the Department of Fish and Game (OSPR) for any oil spill involving waters under the jurisdiction of OSPR.

### **C. General**

The Water Boards will work cooperatively with other local, state, regional, and federal agencies when violations, for which the agency itself is not responsible, occur on lands owned or managed by the agency. Where appropriate, the Water Boards will also coordinate enforcement actions with other agencies that have concurrent enforcement authority.

## **VI. MONETARY ASSESSMENTS IN ADMINISTRATIVE CIVIL LIABILITY (ACL) ACTIONS**

### **A. Penalty Calculation Methodology**

As a general matter, where, as in the California Water Code, a civil penalty structure has been devised to address environmental violations, civil penalties do not depend on proof of actual damages to the environment. Courts in reviewing similar environmental protection statutes have held that a plaintiff need not prove a loss before recovering a penalty; instead, the defendant must demonstrate that the penalty should be less than the statutory maximum. In certain cases, a strong argument can be made that consideration of the statutory factors can support the statutory maximum as an appropriate penalty for water quality violations, in the absence of any other mitigating evidence. Moreover, as discussed below, the Porter-Cologne Act requires that certain civil liabilities be set at a level that accounts for any "economic benefit or savings" violators gained through their violations. (Wat. Code, § 13385, subd. (e).) Economic benefit or savings is a factor to be considered in determining the amount of other civil liabilities. (Wat. Code, § 13327.) The Water Boards have powerful liability provisions at their disposal which the Legislature and the public expect them to fairly and consistently implement for maximum enforcement impact to address, correct, and deter water quality violations.

While it is a goal of this Policy to establish broad consistency in the Water Boards' approach to enforcement, the Policy recognizes that, with respect to liability determinations, each Regional Water Board, and each specific case, is somewhat unique. The goal of this section is to provide a consistent approach and analysis of factors to determine administrative civil liability. Where violations are standard and routine, a consistent outcome can be reasonably expected using this Policy. In more complex matters, however, the need to assess all of the applicable factors in liability determinations may yield different outcomes in cases that may have many similar facts.

Liabilities imposed by the Water Boards are an important part of the Water Boards' enforcement authority. Accordingly, any assessment of administrative civil liability, whether negotiated pursuant to a settlement agreement or imposed after an administrative adjudication, should:

- Be assessed in a fair and consistent manner;
- Fully eliminate any economic advantage obtained from noncompliance;<sup>1</sup>
- Fully eliminate any unfair competitive advantage obtained from noncompliance;
- Bear a reasonable relationship to the gravity of the violation and the harm to beneficial uses or regulatory program resulting from the violation;
- Deter the specific person(s) identified in the ACL from committing further violations; and
- Deter similarly situated person(s) in the regulated community from committing the same or similar violations.

The liability calculation process set forth in this chapter provides the decision-maker with a methodology for arriving at a liability amount consistent with these objectives. This process is applicable to determining administratively-adjudicated assessments as well as those obtained through settlement. In reviewing a petition challenging the use of this methodology by a Regional Water Board, the State Water Board will generally defer to the decisions made by the Regional Water Boards in calculating the liability amount unless it is demonstrated that the Regional Water Board made a clear factual mistake or error of law, or that it abused its discretion.

The following provisions apply to all discretionary administrative civil liabilities (ACLs). Mandatory Minimum Penalties (MMPs) required pursuant to California Water Code section 13385, subdivisions (h) and (i), are discussed in Chapter VII.

### **General Approach**

A brief summary of each step is provided immediately below. A more complete discussion of each step is presented later in this section.

Step 1. *Potential for Harm for Discharge Violations* – Calculate Potential for Harm considering: (1) the potential for harm to beneficial uses; (2) the degree of toxicity of the discharge; and (3) the discharge's susceptibility to cleanup or abatement.

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<sup>1</sup> When liability is imposed under California Water Code § 13385, Water Boards are statutorily obligated to recover, at a minimum, all economic benefit to the violator as a result of the violation.

Step 2. *Per Gallon and Per Day Assessments for Discharge Violations* – For discharges resulting in violations, use Table 1 and/or Table 2 to determine Per Gallon and/or Per Day Assessments. Depending on the particular language of the ACL statute being used, either or both tables may be used. Multiply these factors by per gallon and/or per day amounts as described below. Where allowed by code, both amounts should be determined and added together. This becomes the initial amount of the ACL for the discharge violations.

Step 3. *Per Day Assessments for non-Discharge Violations* – For non-discharge violations, use Table 3 to determine per day assessments. Multiply these factors by the per day amount as described below. Where allowed by the California Water Code, amounts for these violations should be added to amounts (if any) for discharge violations from Step 2, above. This becomes the initial amount of the ACL for the non-discharge violations.

Step 4. *Adjustment Factors* – Adjust the initial amounts for each violation by factors addressing the violator’s conduct, multiple instances of the same violation, and multiple day violations.

Step 5. *Total Base Liability Amount* – Add the adjusted amounts for each violation from Step 4.

Thereafter, the Total Base Liability amount may be adjusted, based on consideration of the following:

Step 6. *Ability to Pay and Ability to Continue in Business* – If the ACL exceeds these amounts, it may be adjusted downward provided express findings are made to justify this.

Step 7. *Other Factors as Justice May Require* – Determine if there are additional factors that should be considered that would justify an increase or a reduction in the Total Base Liability amount. These factors must be documented in the ACL Complaint. One of these factors is the staff costs of investigating the violations and issuing the ACL. The staff costs should be added to the amount of the ACL.

Step 8. *Economic Benefit* – The economic benefit of the violations must be determined based on the best available information, and the amount of the ACL should exceed this amount. (Note that the Economic Benefit is a statutory minimum for ACLs issued pursuant to California Water Code section 13385.)

Step 9. *Maximum and Minimum Liability Amounts* - Determine the statutory maximum and minimum amounts of the ACL, if any. Adjust the ACL to ensure it is within these limits.

Step 10. *Final Liability Amount* – The final liability amount will be assessed after consideration of the above factors. The final liability amount and significant considerations regarding the liability amount must be discussed in the ACL Complaint and in any order imposing liability.

### **STEP 1 - Potential for Harm for Discharge Violations**

Calculating this factor is the initial step for discharge violations. Begin by determining the actual or threatened impact to beneficial uses caused by the violation using a three-factor scoring

system to quantify: (1) the potential for harm to beneficial uses; (2) the degree of toxicity of the discharge; and (3) the discharge's susceptibility to cleanup or abatement for each violation or group of violations.

***Factor 1: Harm or Potential Harm to Beneficial Uses***

The evaluation of the potential harm to beneficial uses factor considers the harm that may result from exposure to the pollutants or contaminants in the illegal discharge, in light of the statutory factors of the nature, circumstances, extent and gravity of the violation or violations. The score evaluates direct or indirect harm or potential for harm from the violation. A score between 0 and 5 is assigned based on a determination of whether the harm or potential for harm is negligible (0), minor (1), below moderate (2), moderate (3), above moderate (4), or major (5).

0 = Negligible - no actual or potential harm to beneficial uses.

1 = Minor - low threat to beneficial uses (i.e., no observed impacts but potential impacts to beneficial uses with no appreciable harm).

2 = Below moderate – less than moderate threat to beneficial uses (i.e., impacts are observed or reasonably expected, harm to beneficial uses is minor).

3 = Moderate - moderate threat to beneficial uses (i.e., impacts are observed or reasonably expected and impacts to beneficial uses are moderate and likely to attenuate without appreciable acute or chronic effects).

4 = Above moderate – more than moderate threat to beneficial uses (i.e., impacts are observed or likely substantial, temporary restrictions on beneficial uses (e.g., less than 5 days), and human or ecological health concerns).

5 = Major - high threat to beneficial uses (i.e., significant impacts to aquatic life or human health, long term restrictions on beneficial uses (e.g., more than five days), high potential for chronic effects to human or ecological health).

***Factor 2: The Physical, Chemical, Biological or Thermal Characteristics of the Discharge***

The characteristics of this discharge factor are scored based on the physical, chemical, biological, and/or thermal nature of the discharge, waste, fill, or material involved in the violation or violations. A score between 0 and 4 is assigned based on a determination of the risk or threat of the discharged material, as outlined below. For purposes of this Policy, "potential receptors" are those identified considering human, environmental and ecosystem health exposure pathways.

0 = Discharged material poses a negligible risk or threat to potential receptors (i.e., the chemical and/or physical characteristics of the discharged material are benign and will not impact potential receptors).

1 = Discharged material poses only minor risk or threat to potential receptors (i.e., the chemical and/or physical characteristics of the discharged material are relatively benign or are not likely to harm potential receptors).

- 2 = Discharged material poses a moderate risk or threat to potential receptors (i.e., the chemical and/or physical characteristics of the discharged material have some level of toxicity or pose a moderate level of concern regarding receptor protection).
- 3 = Discharged material poses an above-moderate risk or a direct threat to potential receptors (i.e., the chemical and/or physical characteristics of the discharged material exceed known risk factors and /or there is substantial concern regarding receptor protection).
- 4 = Discharged material poses a significant risk or threat to potential receptors (i.e., the chemical and/or physical characteristics of the discharged material far exceed risk factors or receptor harm is considered imminent).

***Factor 3: Susceptibility to Cleanup or Abatement***

A score of 0 is assigned for this factor if 50% or more of the discharge is susceptible to cleanup or abatement. A score of 1 is assigned for this factor if less than 50% of the discharge is susceptible to cleanup or abatement. This factor is evaluated regardless of whether the discharge was actually cleaned up or abated by the violator.

***Final Score – “Potential for Harm”***

The scores for the factors are then added to provide a Potential for Harm score for each violation or group of violations. The total score is used in the “Potential for Harm” axis for the Penalty Factor in Tables 1 and 2. The maximum score is 10 and the minimum score is 0.

**STEP 2 - Assessments for Discharge Violations**

For violations of NPDES permit effluent limitations, the base liability should be established by calculating the mandatory penalty required under Water Code section 13385(h) and (i). The mandatory penalty should be adjusted upward where the facts and circumstances of the violation warrant a higher liability.

This step addresses per gallon and per day assessments for discharge violations. Generally, it is intended that effluent limit violations be addressed on a per day basis only. Where deemed appropriate, such as for a large scale spill or release, both per gallon and per day assessments may be considered.

***Per Gallon Assessments for Discharge Violations***

Where there is a discharge, the Water Boards shall determine an initial liability amount on a per gallon basis using on the Potential for Harm score and the extent of Deviation from Requirement of the violation. These factors will be used in Table 1 below to determine a Per Gallon Factor for the discharge. Except for certain high-volume discharges discussed below, the per gallon assessment would then be the Per Gallon Factor multiplied by the number of gallons subject to penalty multiplied by the maximum per gallon penalty amount allowed under the California Water Code.

**TABLE 1 - Per Gallon Factor for Discharges**

| Deviation from Requirement | Potential for Harm |       |       |       |       |       |       |       |       |       |
|----------------------------|--------------------|-------|-------|-------|-------|-------|-------|-------|-------|-------|
|                            | 1                  | 2     | 3     | 4     | 5     | 6     | 7     | 8     | 9     | 10    |
| Minor                      | 0.005              | 0.007 | 0.009 | 0.011 | 0.060 | 0.080 | 0.100 | 0.250 | 0.300 | 0.350 |
| Moderate                   | 0.007              | 0.010 | 0.013 | 0.016 | 0.100 | 0.150 | 0.200 | 0.400 | 0.500 | 0.600 |
| Major                      | 0.010              | 0.015 | 0.020 | 0.025 | 0.150 | 0.220 | 0.310 | 0.600 | 0.800 | 1.000 |

The Deviation from Requirement reflects the extent to which the violation deviates from the specific requirement (effluent limitation, prohibition, monitoring requirement, construction deadline, etc.) that was violated. The categories for **Deviation from Requirement** in Table 1 are defined as follows:

Minor – The intended effectiveness of the requirement remains generally intact (e.g., while the requirement was not met, there is general intent by the discharger to follow the requirement).

Moderate – The intended effectiveness of the requirement has been partially compromised (e.g., the requirement was not met, and the effectiveness of the requirement is only partially achieved).

Major – The requirement has been rendered ineffective (e.g., discharger disregards the requirement, and/or the requirement is rendered ineffective in its essential functions).

For requirements with more than one part, the Water Boards shall consider the extent of the violation in terms of its adverse impact on the effectiveness of the most significant requirement.

### ***High Volume Discharges***

The Water Boards shall apply the above per gallon factor to the maximum per gallon amounts allowed under statute for the violations involved. Since the volume of sewage spills and releases of stormwater from construction sites and municipalities can be very large for sewage spills and releases of municipal stormwater or stormwater from construction sites, a maximum amount of \$2.00 per gallon should be used with the above factor to determine the per gallon amount for sewage spills and stormwater. Similarly, for releases of recycled water that has been treated for reuse, a maximum amount of \$1.00 per gallon should be used with the above factor. Where reducing these maximum amounts results in an inappropriately small penalty, such as dry weather discharges or small volume discharges that impact beneficial uses, a higher amount, up to the maximum per gallon amount, may be used.

### ***Per Day Assessments for Discharge Violations***

Where there is a discharge, the Water Boards shall determine an initial liability factor per day based on the Potential for Harm score and the extent of Deviation from Requirement of the violation. These factors will be used in Table 2, below, to determine a Per Day Factor for the violation. The per day assessment would then be the Per Day Factor multiplied by the maximum per day amount allowed under the California Water Code. Generally, it is intended that effluent limit violations be addressed on a per day basis. Where deemed appropriate, such

as for a large scale spill or release, it is intended that Table 2 be used in conjunction with Table 1, so that both per gallon and per day amounts be considered under Water Code section 13385. Where there is a violation of the permit not related to a discharge incident, Step 3/Table 3 below should be used instead.

| <b>TABLE 2 - Per Day Factor for Discharges</b> |                    |       |       |       |       |       |       |       |       |       |
|--|--------------------|-------|-------|-------|-------|-------|-------|-------|-------|-------|
|  | Potential for Harm |       |       |       |       |       |       |       |       |       |
| Deviation from Requirement                     | 1                  | 2     | 3     | 4     | 5     | 6     | 7     | 8     | 9     | 10    |
| Minor  | 0.005              | 0.007 | 0.009 | 0.011 | 0.060 | 0.080 | 0.100 | 0.250 | 0.300 | 0.350 |
| Moderate                                       | 0.007              | 0.010 | 0.013 | 0.016 | 0.100 | 0.150 | 0.200 | 0.400 | 0.500 | 0.600 |
| Major  | 0.010              | 0.015 | 0.020 | 0.025 | 0.150 | 0.220 | 0.310 | 0.600 | 0.800 | 1.000 |

The categories for **Deviation from Requirement** in Table 2 are defined as follows:

Minor – The intended effectiveness of the requirement remains generally intact (e.g., while the requirement was not met, there is general intent by the discharger to follow the requirement).

Moderate – The intended effectiveness of the requirement has been partially compromised (e.g., the requirement was not met, and the effectiveness of the requirement is only partially achieved).

Major – The requirement has been rendered ineffective (e.g., discharger disregards the requirement, and/or the requirement is rendered ineffective in its essential functions).

For requirements with more than one part, the Water Boards shall consider the extent of the violation in terms of the adverse impact on the effectiveness of the most significant requirement.

The Water Boards shall apply the above per day factor to the maximum per day amounts allowed under statute for the violations involved. Where allowed by code, both the per gallon and the per day amounts should be determined and added together. This becomes the initial amount of the ACL for the discharge violations.

**STEP 3 - Per Day Assessments for Non-Discharge Violations**

The Water Boards shall calculate an initial liability factor for each non-discharge violation, considering Potential for Harm and the extent of deviation from applicable requirements. These violations include, but are not limited to, the failure to conduct routine monitoring and reporting, the failure to provide required information, and the failure to prepare required plans. While these violations may not directly or immediately impact beneficial uses, they harm or undermine the regulatory program. The Water Boards shall use the matrix set forth below to determine the initial liability factor for each violation. The per day assessment would then be the Per Day Factor multiplied by the maximum per day amount allowed under the California Water Code. For multiple day violations, please refer to the Adjustment Factors in Step 4, below.

Table 3 shall be used to determine the initial penalty factor for a violation. The Water Boards should select a penalty factor from the range provided in the matrix cell that corresponds to the appropriate Potential for Harm and the Deviation from Requirement categories. The numbers in parenthesis in each cell of the matrix are the midpoints of the range.

**TABLE 3 - Per Day Factor**

| Deviation from Requirement | Potential for Harm |               |               |
|----------------------------|--------------------|---------------|---------------|
|                            | Minor              | Moderate      | Major         |
| Minor                      | 0.1<br>(0.15)      | 0.2<br>(0.25) | 0.3<br>(0.35) |
|                            | 0.2                | 0.3           | 0.4           |
| Moderate                   | 0.2<br>(0.25)      | 0.3<br>(0.35) | 0.4<br>(0.55) |
|                            | 0.3                | 0.4           | 0.7           |
| Major                      | 0.3<br>(0.35)      | 0.4<br>(0.55) | 0.7<br>(0.85) |
|                            | 0.4                | 0.7           | 1             |

The categories for **Potential for Harm** in Table 3 are:

Minor – The characteristics of the violation present a minor threat to beneficial uses, and/or the circumstances of the violation indicate a minor potential for harm.

Moderate – The characteristics of the violation present a substantial threat to beneficial uses, and/or the circumstances of the violation indicate a substantial potential for harm. Most incidents would be considered to present a moderate potential for harm.

Major – The characteristics of the violation present a particularly egregious threat to beneficial uses, and/or the circumstances of the violation indicate a very high potential for harm. Additionally, non-discharge violations involving particularly sensitive habitats should be considered major.

The categories for **Deviation from Requirement** in Table 3 are:

Minor – The intended effectiveness of the requirement remains generally intact (e.g., while the requirement was not met, there is general intent by the discharger to follow the requirement).

Moderate – The intended effectiveness of the requirement has been partially compromised (e.g., the requirement was not met, and the effectiveness of the requirement is only partially achieved).

Major – The requirement has been rendered ineffective (e.g., discharger disregards the requirement, and/or the requirement is rendered ineffective in its essential functions).

For requirements with more than one part, the Water Boards shall consider the extent of the violation in terms of the adverse impact on the effectiveness of the most significant requirement.

For any given requirement, the Deviation from Requirements may vary. For example, if a facility does not have a required response plan or has not submitted a required monitoring report, the deviation would be major. If a facility has a prepared a required plan or submitted the required monitoring report, but significant elements are omitted or missing, the deviation would be moderate. If a facility has a required plan or submitted the required monitoring report with only minor elements missing, the deviation would be minor.

## **STEP 4 – Adjustment Factors**

### ***Violator’s Conduct Factors***

There are three additional factors that should be considered for modification of the amount of the initial liability: the violator’s culpability, the violator’s efforts to cleanup or cooperate with regulatory authorities after the violation, and the violator’s compliance history. Not all factors will apply in every liability assessment.

| <b>TABLE 4 – Violator’s Conduct Factors</b> |  |
|---|--|
| <b>Factor</b>                               | <b>Adjustment</b>  |
| Culpability                                 | Discharger’s degree of culpability regarding the violation. Higher liabilities should result from intentional or negligent violations than for accidental, non-negligent violations. A first step is to identify any performance standards (or, in their absence, prevailing industry practices) in the context of the violation. The test is what a reasonable and prudent person would have done or not done under similar circumstances.<br><br>Adjustment should result in a multiplier between <b>0.5 to 1.5</b> , with the lower multiplier for accidental incidents, and higher multiplier for intentional or negligent behavior. |
| Cleanup and Cooperation                     | Extent to which the discharger voluntarily cooperated in returning to compliance and correcting environmental damage, including any voluntary cleanup efforts undertaken. Adjustment should result in a multiplier between <b>0.75 to 1.5</b> , with the lower multiplier where there is a high degree of cleanup and cooperation, and higher multiplier where this is absent.   |
| History of Violations                       | Prior history of violations. Where there is a history of repeat violations, a minimum multiplier of <b>1.1</b> should be used to reflect this.   |

After each of the above factors is considered for the violations involved, the applicable factor should be multiplied by the proposed amount for each violation to determine the revised amount for that violation.

### ***Multiple Violations Resulting From the Same Incident***

By statute, certain situations that involve multiple violations are treated as a single violation per day, such as a single operational upset that leads to simultaneous violations of more than one pollutant parameter. (Water Code § 13385, sub. (f)(1).) For situations not addressed by statute, a single base liability amount can also be assessed for multiple violations at the discretion of the Water Boards, under the following circumstances:

- a. The facility has violated the same requirement at one or more locations within the facility;
- b. A single operational upset where violations occur on multiple days;
- c. The violation continues for more than one day;

- d. When violations are not independent of one another or are not substantially distinguishable. For such violations, the Water Boards may consider the extent of the violation in terms of the most egregious violation;
- e. A single act may violate multiple requirements, and therefore constitute multiple violations. For example, a construction dewatering discharge to a dewatering basin located on a gravel bar next to stream may violate a requirement that mandates the use of best management practices (BMPs) for sediment and turbidity control, a requirement prohibiting the discharge of soil silt or other organic matter to waters of the State, and a requirement that temporary sedimentation basins be located at least 100 feet from a stream channel. Such an act would constitute three distinct violations that may be addressed with a single base liability amount.

If the violations do not fit the above categories, each instance of the same violation shall be calculated as a separate violation.

Except where statutorily required, multiple violations shall not be grouped and considered as a single base liability amount when those multiple violations each result in a distinguishable economic benefit to the violator.

### ***Multiple Day Violations***

For violations that are assessed a civil liability on a per day basis, the initial liability amount should be assessed for each day up to thirty (30) days. For violations that last more than thirty (30) days, the daily assessment can be less than the calculated daily assessment, provided that it is no less than the per day economic benefit, if any, resulting from the violation. For these cases, the Water Board must make express findings that the violation:

- a. Is not causing daily detrimental impacts to the environment or the regulatory program;
- b. Results in no economic benefit from the illegal conduct that can be measured on a daily basis; or,
- c. Occurred without the knowledge or control of the violator, who therefore did not take action to mitigate or eliminate the violation.

If one of the above findings is made, an alternate approach to penalty calculation for multiple day violations may be used. In these cases, the liability shall not be less than an amount that is calculated based on an assessment of the initial Total Base Liability Amount for the first day of the violation, plus an assessment for each five day period of violation until the 30<sup>th</sup> day, plus an assessment for each thirty (30) days of violation. For example, a violation lasting sixty-two (62) days would accrue a total of 8 day's worth of violations, based on a per day assessment for day 1, 5, 10, 15, 20, 25, 30, and 60. Similarly, a violation lasting ninety-nine (99) days would accrue a total of 9 day's worth of violations, based on a per day assessment for day 1, 5, 10, 15, 20, 25, 30, 60, and 90.

### **STEP 5 – Determination of Total Base Liability Amount**

The Total Base Liability Amount will be determined by adding the amounts above for each violation, though this may be adjusted for multiple day violations as noted above. Depending on the statute controlling the liability assessment for a violation, the liability can be assessed as either a per day penalty, a per gallon penalty, or both.

## **STEP 6 – Ability to Pay and Ability to Continue in Business**

If the Water Boards have sufficient financial information necessary to assess the violator's ability to pay the Total Base Liability Amount or to assess the effect of the Total Base Liability Amount on the violator's ability to continue in business, the Total Base Liability Amount may be adjusted to address the ability to pay or to continue in business.

The ability of a discharger to pay an ACL is determined by its revenues and assets. In most cases, it is in the public interest for the discharger to continue in business and bring its operations into compliance. If there is strong evidence that an ACL would result in widespread hardship to the service population or undue hardship to the discharger, the amount of the assessment may be reduced on the grounds of ability to pay. For a violation addressed pursuant to California Water Code section 13385, the adjustment for ability to pay and ability to continue in business can not reduce the liability to less than the economic benefit amount.

If staff anticipates that the discharger's ability to pay or ability to continue in business will be a contested issue in the proceeding, staff should conduct a simple preliminary asset search prior to issuing the ACL complaint. Staff should submit a summary of the results (typically as a finding in the Complaint or as part of staff's initial transmittal of evidence to the discharger), in order to put some evidence about these factors into the record for the proceeding and to give the discharger an opportunity to submit additional financial evidence if it chooses. If staff does not put any financial evidence into the record initially and the discharger later contests the issue, staff may then either choose to rebut any financial evidence submitted by the discharger, or submit some financial evidence and provide an opportunity for the discharger to submit its own rebuttal evidence. In some cases, this may necessitate a continuance of the proceeding to provide the discharger with a reasonable opportunity to rebut the staff's evidence. As a general practice, in order to maintain the transparency and legitimacy of the Water Boards' enforcement programs, any financial evidence that the discharger chooses to submit in an enforcement proceeding will generally be treated as a public record.

## **STEP 7 – Other Factors As Justice May Require**

If the Water Board believes that the amount determined using the above factors is inappropriate, the amount may be adjusted under the provision for "other factors as justice may require," but only if express findings are made to justify this. Examples of circumstances warranting an adjustment under this step are:

- a. The discharger has provided, or Water Board staff has identified, other pertinent information not previously considered that indicates a higher or lower amount is justified.
- b. A consideration of issues of environmental justice indicates that the amount would have a disproportionate impact on a particular disadvantaged group.
- c. The calculated amount is entirely disproportionate to assessments for similar conduct made in the recent past using the same Enforcement Policy.

## **Costs of Investigation and Enforcement Adjustment**

The costs of investigation and enforcement are "other factors as justice may require", and should be added to the liability amount. These costs may include the cost of investigating the violation, preparing the enforcement action, participating in settlement negotiations, and putting on a hearing, including any expert witness expenses. Such costs are the total costs incurred by

the Water Boards enforcement or prosecution staff, including legal costs that are reasonably attributable to the enforcement action. Costs include the total financial impact on the staff of the Water Board, not just wages, and should include benefits and other indirect overhead costs.

### **STEP 8 – Economic Benefit**

The Economic Benefit Amount shall be estimated for every violation. Economic benefit is any savings or monetary gain derived from the act or omission that constitutes the violation. In cases where the violation occurred because the discharger postponed improvements to a treatment system, failed to implement adequate control measures (such as BMPs), or did not take other measures needed to prevent the violations, the economic benefit may be substantial. Economic benefit should be calculated as follows:

- a. Determine those actions required to comply with a permit or order of the Water Boards, an enforcement order, or an approved facility plan, or that were necessary in the exercise of reasonable care, to prevent a violation of the Water Code. Needed actions may have been such things as capital improvements to the discharger's treatment system, implementation of adequate BMPs, or the introduction of procedures to improve management of the treatment system.
- b. Determine when and/or how often these actions should have been taken as specified in the order or approved facility plan, or as necessary to exercise reasonable care, in order to prevent the violation.
- c. Estimate the type and cost of these actions. There are two types of costs that should be considered; delayed costs and avoided costs. Delayed costs include expenditures that should have been made sooner (e.g., for capital improvements such as plant upgrades and collection system improvements, training, development of procedures and practices) but that the discharger is still obligated to perform. Avoided costs include expenditures for equipment or services that the discharger should have incurred to avoid the incident of noncompliance, but that are no longer required. Avoided costs also include ongoing costs such as needed additional staffing from the time determined under step "b" to the present, treatment or disposal costs for waste that cannot be cleaned up, and the cost of effective erosion control measures that were not implemented as required.
- d. Calculate the present value of the economic benefit. The economic benefit is equal to the present value of the avoided costs plus the "interest" on delayed costs. This calculation reflects the fact that the discharger has had the use of the money that should have been used to avoid the instance of noncompliance. This calculation should be done using the USEPA's BEN<sup>2</sup> computer program (the most recent

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<sup>2</sup> USEPA developed the BEN model to calculate the economic benefit a violator derives from delaying and/or avoiding compliance with environmental statutes. Funds not spent on environmental compliance are available for other profit-making activities or, alternatively, a defendant avoids the costs associated with obtaining additional funds for environmental compliance. BEN calculates the economic benefits gained from delaying and avoiding required environmental expenditures such as capital investments, one-time non-depreciable expenditures, and annual operation and maintenance costs.

BEN uses standard financial cash flow and net present value analysis techniques based on generally accepted financial principles. First, BEN calculates the costs of complying on time and of complying late adjusted for inflation and tax deductibility. To compare the on time and delayed compliance costs in a common measure, BEN calculates the present value of both streams of costs, or "cash flows," as of the date of initial noncompliance. BEN derives these values by discounting the annual cash flows at an  
(Continued)

version is accessible at <http://www.waterboards.ca.gov/plnspols/docs/wqplans/benmanual.pdf>) unless the Water Board determines, or the discharger demonstrates to the satisfaction of the Water Board, that, based on case-specific factors, an alternate method is more appropriate for a particular situation. However, in more complex cases, such as where the economic benefit may include revenues from continuing production when equipment used to treat discharges should have been shut down for repair or replacement, the total economic benefit should be determined by experts available from the Office of Research Planning and Performance or outside experts retained by the enforcement staff.

- e. Determine whether the discharger has gained any other economic benefits. These may include income from continuing production when equipment used to treat discharges should have been shut down for repair or replacement.

The Water Boards should not adjust the economic benefit for expenditures by the discharger to abate the effects of the unauthorized conduct or discharge, or the costs to come into or return to compliance. In fact, the costs of abatement may be a factor that demonstrates the economic extent of the harm from the violation and, therefore, may be a factor in upwardly adjusting any monetary liability as a benefit from noncompliance. The discharger's conduct relating to abatement is appropriately considered under "cleanup and cooperation" liability factor.

The Economic Benefit Amount should be compared to the adjusted Total Base Liability Amount. The adjusted Total Base Liability Amount shall be at least 10 percent higher than the Economic Benefit Amount so that liabilities are not construed as the cost of doing business and that the assessed liability provides a meaningful deterrent to future violations.

### **STEP 9 – Maximum and Minimum Liability Amounts**

For all violations, the statute sets a maximum liability amount that may be assessed for each violation. For some violations, the statute also requires the assessment of a liability at no less than a specified amount. The maximum and minimum amounts for each violation must be determined for comparison to the amounts being proposed, and shall be described in any ACL complaint and in any order imposing liability. Where the amount proposed for a particular violation exceeds to statutory maximum, the amount must be reduced to that maximum. Similarly, the minimum statutory amount may require raising the amount being proposed unless there is a specific provision that allows assessment below the minimum. In such cases, the reasons for assigning a liability amount below this minimum must be documented in the resolution adopting the ACL.

### **STEP 10 – Final Liability Amount**

The final liability amount consists of the added amounts for each violation, with any allowed adjustments, provided the amounts are within the statutory minimum and maximum amounts.

The administrative record must reflect how the Water Board arrived at the final liability amount. In particular, where adjustments are made to the initial amount proposed in the ACL complaint, the record should clearly reflect the Water Board's considerations, as the staff report or complaint may not reflect those considerations, or for any adjustments that are made at hearing

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average of the cost of capital throughout this time period. BEN can then subtract the delayed-case present value from the on-time-case present value to determine the initial economic benefit as of the noncompliance date. Finally, BEN compounds this initial economic benefit forward to the penalty payment date at the same cost of capital to determine the final economic benefit of noncompliance.

that are different from those recommended in the ACL complaint or that further support the final liability amount in the administrative civil liability order.

## **B. Settlement Considerations**

The liabilities resulting from the above methodology are for adoption by the Water Boards after formal administrative proceedings. The calculated liabilities may be adjusted as a result of settlement negotiations with a violator. It is not the goal of the Enforcement Policy to address the full range of considerations that should be entertained as part of a settlement. It is appropriate to adjust the administrative civil liabilities calculated pursuant to the methodology in consideration of hearing and/or litigation risks including: equitable factors, mitigating circumstances, evidentiary issues, or other weaknesses in the enforcement action that the prosecution reasonably believes may adversely affect the team's ability to obtain the calculated liability from the administrative hearing body. Ordinarily, these factors will not be fully known until after the issuance of an administrative civil liability complaint or through pre-filing settlement negotiations with an alleged violator. These factors shall be generally identified in any settlement of an administrative civil liability that seeks approval by a Water Board or its designated representative.

Factors that should not affect the amount of the calculated civil liability sought from a violator in settlement include, but are not limited to, the following:

1. A general desire to avoid hearing or minimize enforcement costs;
2. A belief that members of a Water Board will not support a proposed liability before that Water Board has considered the specific merits of the enforcement case or a similar case;
3. A desire to avoid controversial matters;
4. The fact that the initiation of the enforcement action is not as timely as it might have been under ideal circumstances (timeliness of the action as it affects the ability to present evidence or other timeliness considerations are properly considered); or
5. The fact that a water body affected by the violation is already polluted or impaired.

Except as specifically addressed in this Policy, nothing in this Policy is intended to limit the use of Government Code 11415.60

## **C. Other Administrative Civil Liability Settlement Components**

In addition to a reduction of administrative civil liabilities, a settlement can result in the permanent suspension of a portion of the liability in exchange for the performance of a Supplemental Environmental Project (see the State Water Board's Water Quality Control Policy on Supplemental Environmental Projects) or an Enhanced Compliance Action (see Section IX).

As far as the scope of the settlement is involved, the settlement resolves only the claims that are made or could have been made based on the specific facts alleged in the ACL complaint. A settlement shall never include the release of any unknown claims or a waiver of rights under Civil Code section 1542.

**Lahontan Regional Water Quality Control Board**

May 3, 2012

ESTES, KENNETH P & MARY L JT  
1045 PAIUTE LANE  
SUSANVILLE, CA 96130

**NOTICE OF HEARING: CONSIDERATION OF AN ADMINISTRATIVE CIVIL LIABILITY COMPLAINT**

You recently received an Administrative Civil Liability Complaint (Complaint) regarding your property in the Spalding Tract, Eagle Lake, Lassen County. The Complaint proposes that the California Regional Water Quality Control Board, Lahontan Region (Water Board) impose liability on you for your alleged failure to comply with an Order of the Water Board. The Water Board will consider this allegation during its regularly scheduled meeting on July 11-12, 2012 in South Lake Tahoe.

Please read this Notice of Hearing carefully. You must respond by the dates in this Notice or the Water Board may not accept your response to the Complaint. A summary of these dates are as follows:

| DATE          | NATURE OF THE SUBMITTAL                                   |
|---------------|---|
| May 11, 2012  | Request for formal hearing                                |
| June 15, 2012 | Submit all written evidence and response to the Complaint |

Nature of Hearing

The Water Board intends to conduct a hearing on the proposal to impose liability. Although these procedures provide an opportunity for you, your representatives or others who may have information pertinent to this matter to address the Water Board, they are intended to be less formal, excluding the opportunity to examine or cross-examine witnesses. You have the option to request that the Water Board conduct a hearing that includes the ability to call, question and cross-examine witnesses for this matter. You must submit this request to the Water Board Executive Officer no later than 5:00 p.m. on Friday, May 11, 2012. If you request a hearing with more formal procedures, the Water Board will designate parties. Designated parties may present evidence, must identify all witnesses and the subject matter they will testify about, and are allowed to cross-examine witnesses identified by other designated parties.

Prior to this hearing you will be provided with the evidence that is being put forward to justify the imposition of the liability. You will be given the opportunity to present a written response to the allegations made in the Complaint, including any additional evidence you want the

Water Board to consider, and to present an oral summary of that information to the Water Board at the July hearing.

The hearing (which is an adjudicative proceeding), will be governed by the regulations codified in Title 23, California Code of Regulations, Division 3. These regulations provide that, with certain exceptions, adjudicative proceedings will be conducted in accordance with sections 800-805 of the Evidence Code and section 11513 of Chapter 5 of the Government Code. (Other provisions of Chapter 5 of the Government Code do not apply to adjudicative proceedings before the Regional Water Boards). A copy of those regulations and Chapter 4.5 of the Administrative Procedures Act, section 11513 of the Government Code and sections 801-805 of the Evidence Code can be found at [http://www.waterboards.ca.gov/laws\\_regulations/](http://www.waterboards.ca.gov/laws_regulations/).

### Submittal of Evidence / Comments

As indicated above, you will have an opportunity to submit any written comments or evidence on the Complaint. This material must be submitted to the Water Board Executive Officer no later than 5:00 p.m. on Friday, June 15, 2012. You will receive the evidence that supports the issuance of the complaint no later than May 11, 2012.

In accordance with Title 23, California Code of Regulations, section 648.4, the Water Board endeavors to avoid surprise testimony or evidence. Absent a showing of good cause and lack of prejudice to either you or the Water Board Prosecution staff, the Water Board may exclude evidence and testimony that is not submitted in accordance with this hearing procedure. Excluded evidence and testimony will not be considered by the Water Board and will not be included in the administrative record for this proceeding. Power Point and other visual presentations may be used at the hearing, but their content may not exceed the scope of other submitted written material. A written and electronic copy of such material that you intend to present at the hearing must be submitted to the Advisory Team at or before the hearing for inclusion in the administrative record. Additionally, anyone who has submitted written testimony for the hearing shall appear at the hearing and affirm that the written testimony is true and correct, and shall be available for questions.

If the evidence / comments are less than 10 total pages, do not include any color copies, and all pages are 8½x11 inches in size, then you may submit one copy along with an electronic copy to the Water Board Executive Officer. If your submittal meets the above criteria and is less than 10 megabytes, you may submit the material electronically to the Water Board at [RB6-r6commentletter@waterboards.ca.gov](mailto:RB6-r6commentletter@waterboards.ca.gov) with the phrase “**Comment Letter – Spalding Complaint**” in the subject line. If your submittal does not meet these criteria, you must submit one original and 11 hard copies of the original (double sided and three-hole punched) and one electronic copy of the material.

### Separation of Functions

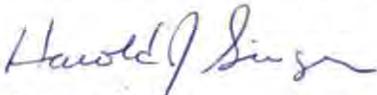
To help ensure the fairness and impartiality of this proceeding, the functions of those who will act in a prosecutorial role by presenting evidence for consideration by the Water Board (Prosecution Team) have been separated from those who will provide advice to the Water Board (Advisory Team). Members of the Advisory Team are: Harold Singer, Executive

Officer, Patty Kouyoumdjian, Executive Officer (effective May 14, 2012), and Kim Niemeyer, Staff Counsel. Members of the Prosecution Team are: Lauri Kemper, Assistant Executive Officer, Chuck Curtis, Supervising Engineer, Scott Ferguson, Senior Engineer, Lisa Scorallo, Engineering Geologist, David Boyers, Staff Counsel and Anne Carroll, Staff Counsel. Any members of the Advisory Team who normally supervise any members of the Prosecution Team are not acting as their supervisors in this proceeding, and vice versa. Members of the Prosecution Team may have acted as advisors to the Water Board in other, unrelated matters, but they are not advising the Water Board in this proceeding. Members of the Prosecution Team have not had any ex parte communications with the members of the Water Board or the Advisory Team regarding this proceeding.

#### Ex Parte Communications

You and your representatives, any member of the Water Board Prosecution Team and interested persons are forbidden from engaging in ex parte communications regarding this matter with members of the Advisory Team or members of the Water Board. An ex parte contact is any written or verbal communication pertaining to the investigation, preparation or prosecution of the proposed Complaint between you, anyone representing you, any member of the Prosecution Team or interested person on the one hand, and a Water Board member or an Advisory Team member on the other hand, unless the communication is copied to all others (if written) or made in a manner open to all others (if verbal). Communications regarding non-controversial procedural matters are not ex parte contacts and are not restricted. Communications among you, your representative, the Prosecution Team or any interested person are not ex parte contacts.

If you have any questions on this Notice, please contact Harold Singer at (530) 542-5412 or [hsinger@waterboards.ca.gov](mailto:hsinger@waterboards.ca.gov). If after May 11, 2012, please contact Patty Kouyoumdjian at the same phone number or [pkouyoumdjian@waterboards.ca.gov](mailto:pkouyoumdjian@waterboards.ca.gov).



Harold Singer  
Executive Officer

Cc: Lauri Kemper, Assistant Executive Officer, Lahontan Water Board  
David Boyers, Office of Enforcement, State Water Board  
Anne Carroll, Office of Enforcement, State Water Board  
Chris Gallagher, General Manager/Spalding Community Services District  
Virginia Bruce/Spalding Community Services District  
Alan Jones, Director/Lassen County Environmental Health Department  
Kenneth Bunch/Lassen County Assessor  
Maurice Anderson/Lassen County Building Department

**Lahontan Regional Water Quality Control Board**

May 3, 2012

HELMER, NASON JAMES & GAIL ANN  
REVOCABLE TRUST  
708-776 SUNNYSIDE  
JANESVILLE, CA 96114

**NOTICE OF HEARING: CONSIDERATION OF AN ADMINISTRATIVE CIVIL LIABILITY COMPLAINT**

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Please read this Notice of Hearing carefully. You must respond by the dates in this Notice or the Water Board may not accept your response to the Complaint. A summary of these dates are as follows:

| DATE          | NATURE OF THE SUBMITTAL                                   |
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| May 11, 2012  | Request for formal hearing                                |
| June 15, 2012 | Submit all written evidence and response to the Complaint |

Nature of Hearing

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Water Board to consider, and to present an oral summary of that information to the Water Board at the July hearing.

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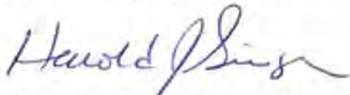
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Executive Officer

Cc: Lauri Kemper, Assistant Executive Officer, Lahontan Water Board  
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Alan Jones, Director/Lassen County Environmental Health Department  
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**Lahontan Regional Water Quality Control Board**

May 3, 2012

NANCO, INC.  
ROBERT T. HANEY  
6085 DOUGLAS BLVD, SUITE 400  
GRANITE BAY, CA 95746

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**Lahontan Regional Water Quality Control Board**

May 3, 2012

NAYLOR, MITCHELL CREIG & GINGER JT  
12344 26 MILE RD #67  
OAKDALE, CA 95361

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May 3, 2012

ROBINSON, GARY L  
42027 BOSCELL ROAD  
FREMONT, CA 94538

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In accordance with Title 23, California Code of Regulations, section 648.4, the Water Board endeavors to avoid surprise testimony or evidence. Absent a showing of good cause and lack of prejudice to either you or the Water Board Prosecution staff, the Water Board may exclude evidence and testimony that is not submitted in accordance with this hearing procedure. Excluded evidence and testimony will not be considered by the Water Board and will not be included in the administrative record for this proceeding. Power Point and other visual presentations may be used at the hearing, but their content may not exceed the scope of other submitted written material. A written and electronic copy of such material that you intend to present at the hearing must be submitted to the Advisory Team at or before the hearing for inclusion in the administrative record. Additionally, anyone who has submitted written testimony for the hearing shall appear at the hearing and affirm that the written testimony is true and correct, and shall be available for questions.

If the evidence / comments are less than 10 total pages, do not include any color copies, and all pages are 8½x11 inches in size, then you may submit one copy along with an electronic copy to the Water Board Executive Officer. If your submittal meets the above criteria and is less than 10 megabytes, you may submit the material electronically to the Water Board at [RB6-r6commentletter@waterboards.ca.gov](mailto:RB6-r6commentletter@waterboards.ca.gov) with the phrase “**Comment Letter – Spalding Complaint**” in the subject line. If your submittal does not meet these criteria, you must submit one original and 11 hard copies of the original (double sided and three-hole punched) and one electronic copy of the material.

### Separation of Functions

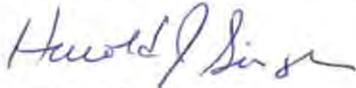
To help ensure the fairness and impartiality of this proceeding, the functions of those who will act in a prosecutorial role by presenting evidence for consideration by the Water Board (Prosecution Team) have been separated from those who will provide advice to the Water Board (Advisory Team). Members of the Advisory Team are: Harold Singer, Executive Officer, Patty Kouyoumdjian, Executive Officer (effective May 14, 2012), and Kim Niemeyer,

Staff Counsel. Members of the Prosecution Team are: Lauri Kemper, Assistant Executive Officer, Chuck Curtis, Supervising Engineer, Scott Ferguson, Senior Engineer, Lisa Scorallo, Engineering Geologist, David Boyers, Staff Counsel and Anne Carroll, Staff Counsel. Any members of the Advisory Team who normally supervise any members of the Prosecution Team are not acting as their supervisors in this proceeding, and vice versa. Members of the Prosecution Team may have acted as advisors to the Water Board in other, unrelated matters, but they are not advising the Water Board in this proceeding. Members of the Prosecution Team have not had any ex parte communications with the members of the Water Board or the Advisory Team regarding this proceeding.

#### Ex Parte Communications

You and your representatives, any member of the Water Board Prosecution Team and interested persons are forbidden from engaging in ex parte communications regarding this matter with members of the Advisory Team or members of the Water Board. An ex parte contact is any written or verbal communication pertaining to the investigation, preparation or prosecution of the proposed Complaint between you, anyone representing you, any member of the Prosecution Team or interested person on the one hand, and a Water Board member or an Advisory Team member on the other hand, unless the communication is copied to all others (if written) or made in a manner open to all others (if verbal). Communications regarding non-controversial procedural matters are not ex parte contacts and are not restricted. Communications among you, your representative, the Prosecution Team or any interested person are not ex parte contacts.

If you have any questions on this Notice, please contact Harold Singer at (530) 542-5412 or [hsinger@waterboards.ca.gov](mailto:hsinger@waterboards.ca.gov). If after May 11, 2012, please contact Patty Kouyoumdjian at the same phone number or [pkouyoumdjian@waterboards.ca.gov](mailto:pkouyoumdjian@waterboards.ca.gov).



Harold Singer  
Executive Officer

Cc: Lauri Kemper, Assistant Executive Officer, Lahontan Water Board  
David Boyers, Office of Enforcement, State Water Board  
Anne Carroll, Office of Enforcement, State Water Board  
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Alan Jones, Director/Lassen County Environmental Health Department  
Kenneth Bunch/Lassen County Assessor  
Maurice Anderson/Lassen County Building Department

**Lahontan Regional Water Quality Control Board**

May 3, 2012

SUTTON, DENNIS J. ETAL & DEBORAH L. JT  
685 ELM STREET  
SUSANVILLE, CA 96130

**NOTICE OF HEARING: CONSIDERATION OF AN ADMINISTRATIVE CIVIL LIABILITY COMPLAINT**

You recently received an Administrative Civil Liability Complaint (Complaint) regarding your property in the Spalding Tract, Eagle Lake, Lassen County. The Complaint proposes that the California Regional Water Quality Control Board, Lahontan Region (Water Board) impose liability on you for your alleged failure to comply with an Order of the Water Board. The Water Board will consider this allegation during its regularly scheduled meeting on July 11-12, 2012 in South Lake Tahoe.

Please read this Notice of Hearing carefully. You must respond by the dates in this Notice or the Water Board may not accept your response to the Complaint. A summary of these dates are as follows:

| DATE          | NATURE OF THE SUBMITTAL                                   |
|---------------|---|
| May 11, 2012  | Request for formal hearing                                |
| June 15, 2012 | Submit all written evidence and response to the Complaint |

Nature of Hearing

The Water Board intends to conduct a hearing on the proposal to impose liability. Although these procedures provide an opportunity for you, your representatives or others who may have information pertinent to this matter to address the Water Board, they are intended to be less formal, excluding the opportunity to examine or cross-examine witnesses. You have the option to request that the Water Board conduct a hearing that includes the ability to call, question and cross-examine witnesses for this matter. You must submit this request to the Water Board Executive Officer no later than 5:00 p.m. on Friday, May 11, 2012. If you request a hearing with more formal procedures, the Water Board will designate parties. Designated parties may present evidence, must identify all witnesses and the subject matter they will testify about, and are allowed to cross-examine witnesses identified by other designated parties.

Prior to this hearing you will be provided with the evidence that is being put forward to justify the imposition of the liability. You will be given the opportunity to present a written response to the allegations made in the Complaint, including any additional evidence you want the

Water Board to consider, and to present an oral summary of that information to the Water Board at the July hearing.

The hearing (which is an adjudicative proceeding), will be governed by the regulations codified in Title 23, California Code of Regulations, Division 3. These regulations provide that, with certain exceptions, adjudicative proceedings will be conducted in accordance with sections 800-805 of the Evidence Code and section 11513 of Chapter 5 of the Government Code. (Other provisions of Chapter 5 of the Government Code do not apply to adjudicative proceedings before the Regional Water Boards). A copy of those regulations and Chapter 4.5 of the Administrative Procedures Act, section 11513 of the Government Code and sections 801-805 of the Evidence Code can be found at [http://www.waterboards.ca.gov/laws\\_regulations/](http://www.waterboards.ca.gov/laws_regulations/).

### Submittal of Evidence / Comments

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**Lahontan Regional Water Quality Control Board**

May 3, 2012

WINTERS, LAUREL G  
10945 WOODCHUCK COURT  
PENN VALLEY, CA 95946

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