

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

**MEETING OF JUNE 19-20, 2013  
LEE VINING**

**ITEM:** 14

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

**CHRONOLOGY:** May 10, 1991 Cease and Desist Orders adopted

October 14, 2009 Cease and Desist Orders adopted

**ISSUE:** Have the property owners named in the proposed rescission order complied with the requirements of the Cease and Desist Orders?

**DISCUSSION:** The Spalding Tract subdivision near Eagle Lake in Lassen County was initially developed without a wastewater collection and treatment system. Many owners built homes using individual on-site wastewater disposal systems (septic tanks and leach fields or pits) for wastewater disposal.

In 1984, the Water Board adopted an amendment to its *Water Quality Control Plan for the Lahontan Region* which effectively prohibited the discharge of waste using on-site wastewater disposal systems after 1989. In 1991, the Water Board issued numerous Cease and Desist Orders to individual property owners for continuing to use an on-site wastewater disposal system.

In late 2007, the Spalding Community Services District (District) wastewater collection and disposal system (lined evaporation ponds) was operational. Two years later, a large number of property owners had connected to the District system or had properly abandoned their on-site wastewater disposal systems and Cease and Desist Orders issued to these property owners were rescinded. New Cease and Desist Orders were adopted in late 2009 and in late 2011 for those property owners who had not yet complied with the Basin Plan prohibition.

The Water Board has information that nine of the property owners with outstanding Cease and Desist Orders from 2009 have now either connected to the District system or properly abandoned their on-site wastewater disposal system. The proposed Rescission Order (enclosure 1) would rescind 15 Cease and Desist Orders that have been issued to the nine property owners.

As of May 16, 2013, no comments have been received on the Proposed Rescission Order.

**RECOMMENDATIONS:** Adopt the proposed Order rescinding the named Cease and Desist Orders.

<b>ENCLOSURE</b>	<b>Item</b>	<b>Bates Number</b>
1	Proposed Rescission Order	14-5

# **ENCLOSURE 1**

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

**BOARD ORDER NO. R6T-2013-(PROPOSED)**

**RESCISSION OF CEASE AND DESIST ORDERS**

**FOR**

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

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

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

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

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

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

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

3. The 1991 CDOs issued to the Dischargers, in part, set forth a time schedule for completion of the community wastewater system. Those CDOs also required the Dischargers to cease and desist from discharging wastes in violation of the waste discharge prohibition once the community wastewater system became operational.
4. On October 22, 2007, the Spalding Community Services District (District) wastewater collection and disposal system (system) became operational. As a result, there is a readily available method for property owners to comply with the waste discharge prohibition contained within the Basin Plan. Many property owners have since complied with the waste discharge prohibition by either connecting to the District's system or by properly abandoning their septic tank/leachfield system.
5. On June 10, 2009, the Water Board rescinded five hundred ninety-seven (597) 1991 CDOs. The 1991 CDOs were rescinded because either (a) the property owner listed in the 1991 CDO had connected their on-site wastewater disposal system to the District system, (b) the property owner listed in the 1991 CDO had properly abandoned their on-site wastewater disposal system, or (c) the property owner listed in the 1991 CDO no longer owned the property. Forty-seven (47) 1991 CDOs were not rescinded at this time because the Discharger identified in the 1991 CDO continued to own the subject property and was in violation of the Basin Plan Prohibition.
6. On October 14, 2009, the Water Board adopted 74 Cease and Desist Orders (2009 CDOs) (Nos. R6T-2009-0057 through R6T-2009-0130) for property owners who continued to discharge or threaten to discharge waste in violation of the Basin Plan prohibition. The 2009 CDOs were adopted to reflect current property ownership, provide the Dischargers with an updated compliance schedule, and reflect the availability of the District system.
7. On October 14, 2009, the Water Board rescinded an additional fourteen (14) 1991 CDOs and replaced them with 2009 CDOs. This action provided Dischargers who continued to own the property listed in the 1991 CDOs and who continued to violate the Basin Plan waste discharge prohibition an updated compliance schedule.
8. On July 13, 2011, the Water Board rescinded an additional twenty-five (25) 1991 CDOs and forty (40) 2009 CDOs in response to Dischargers complying with the Basin Plan prohibition.
9. This Order rescinds the 2009 CDOs shown in Attachment A, which is made a part of this Order, because the Dischargers named in those Orders meet one of the following conditions on the dates listed in Attachment A:

- a. The Discharger has connected the on-site waste disposal system to the District's System and is in compliance with the Basin Plan waste discharge prohibition.
  - b. The Discharger has properly abandoned the on-site waste disposal system and is in compliance with the Basin Plan waste discharge prohibition.
10. It is in the public interest to rescind the CDOs identified in Attachment A as the Dischargers identified in Attachment A are complying with the Basin Plan waste discharge prohibition.
  11. The Water Board has notified, or attempted to notify, the Dischargers listed in Attachment A and interested persons of its intent to rescind the CDOs identified in Attachment A.
  12. The Board in a public hearing heard and considered all comments pertaining to this Rescission Order.
  13. Issuance of this Order is exempt from the provisions of the California Environmental Quality Act (Public Resources Code, Section 21000, et seq.), in accordance with Title 14, California Code of Regulations, Section 15321.

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

I, Patty Z. Kouyoumdjian, Executive Officer, do hereby certify that the foregoing is a full, true, and correct copy of an Order adopted by the California Regional Water Quality Control Board, Lahontan Region, on June 19, 2013.

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PATTY Z. KOUYOUMDJIAN  
EXECUTIVE OFFICER

Attachment A – Spalding Tract Cease and Desist Order Rescission List

**ATTACHMENT A**  
**Spalding Tract Cease and Desist Order (CDO) Rescission List**

<b>Cease and Desist Order</b>	<b>Assessor Parcel Number</b>	<b>Dischager(s)</b>	<b>Compliance Date</b>	<b>Compliance Method</b>
R6T-2009-0081	077-233-47-11	Estes, Kenneth P & Mary L	June 1, 2012	Connected
R6T-2009-0126	077-271-19-11	Sutton, Dennis J. & Etal Deborah L.	May 31, 2012	Connected
R6T-2009-0109	077-401-11-11	Naylor, Mitchell Creig & Ginger	June 7, 2012	Connected
R6T-2009-0059	077-354-17-11	Hegstad, Miles K	July 2, 2012	Abandoned
R6T-2009-0096	077-372-16-11	Helmer, Nason James & Gail Ann Revocable Trust	May 10, 2012	Abandoned
R6T-2009-0108	077-292-11-11	Nanco, Inc	November 15, 2012	Abandoned
R6T-2009-0088	077-361-23-11	Neil, Gerald & Janet	June 27, 2012	Connected
R6T-2009-0092	077-272-43-11	Neil, Gerald E & Janet E	August 3, 2012	Connected
R6T-2009-0093	077-133-10-11	Neil, Gerald E & Janet	June 27, 2012	Connected
R6T-2009-0091	077-271-09-11; 077-261-07-11	Neil, Gerald & Janet	November 15, 2012	Abandoned
R6T-2009-0089	077-143-10-11	Neil, Gerald E & Janet	August 22, 2012	Connected
R6T-2009-0090	077-163-06-11	Neil, Gerald E & Janet E	November 15, 2012	Abandoned
R6T-2009-0115	077-200-02-11	Robinson, Gary L	October 15, 2012	Connected
R6T-2009-0116	077-200-03-11	Robinson, Gary L	October 16, 2012	Connected
R6T-2009-0130	077-162-03-11	Winters, Laurel G	September 20, 2012	Abandoned