
Lahontan Regional Water Quality Control Board

November 19, 2013

CERTIFIED MAIL: 7009 0820 0001 6638 9656

ORMACHEA, GARY L. & JEAN Y.
3710 CAMANCHE PKWY NORTH
IONE, CA 95640-9614

**ADMINISTRATIVE CIVIL LIABILITY COMPLAINT NO. R6T-2013-0092 FOR
ORMACHEA, GARY L. & JEAN Y., SPALDING TRACT SUBDIVISION,
LASSEN COUNTY APN 077-254-20-11**

Enclosed please find Administrative Civil Liability Complaint No. R6T-2013-0092 issued pursuant to California Water code section 13323, alleging violations by Ormachea, Gary L. & Jean Y. (Dischargers) of Cease and Desist Order (CDO) No. R6T-2011-0072. The Complaint alleges that the Dischargers failed to either (1) connect their onsite wastewater disposal system to the Spalding Community Services District's community sewer system, or (2) properly abandon their onsite wastewater disposal system in accordance with Lassen County regulations by November 10, 2011. The Complaint proposes that the Regional Water Quality Control Board, Lahontan Region (Water Board) assess an administrative civil liability against the Dischargers in the amount of **\$3,050** pursuant to California Water Code section 13350.

Also enclosed is a Waiver of Hearing form for this matter. Should the Dischargers choose to waive their right to a hearing, an authorized agent must sign the enclosed Waiver of Hearing form and return it with full payment to the Water Board's South Lake Tahoe office by **5:00 p.m. on December 16, 2013**. In addition to payment of the liability amount, the Dischargers will still be required, under CDO No. R6T-2011-0072, to connect or abandon their onsite wastewater disposal system on the property.

If the 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 Water Board or a Hearing Panel (Hearing Panel) on **February 12-13, 2014**. At the hearing, the 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.

Public hearing procedures will be mailed to you within the next few days. The public hearing procedures identify the type of information that must be submitted in preparation for the public hearing, identify the hearing participants, and explain how the public hearing will proceed.

The Dischargers have an opportunity prior to the hearing to submit, among other information, financial information documenting their ability or inability to pay the liability amount specified in the Complaint, or to document a financial hardship that may have prevented compliance with CDO No. R6T-2011-0072. The enclosed Financial Documentation Fact Sheet identifies the types of financial documents the Dischargers should provide to demonstrate or support their financial hardship claim.

An agenda containing the date, time, and location of the public hearing will be mailed to the Dischargers 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-2013-0092
2. Waiver of Hearing Form
3. Financial Documentation Fact Sheet

cc (w/enc): Regional Board Members
Patty Z. Kouyoumdjian, Executive Officer, Lahontan Regional Water Quality Control Board
Kim Niemeyer, Staff Counsel, SWRCB, Office of Chief Counsel
Vanessa Young, Staff Counsel, SWRCB, Office of Enforcement
David Boyers, Assistant Chief Counsel, SWRCB, Office of Enforcement
Chris Gallagher, General Manager, Spalding Community Services District
Virginia Bruce, Spalding Community Services District
Alan Jones, Director, Lassen County Environmental Health Department
Kenneth Bunch, Assessor, Lassen County Assessor
Maurice Anderson, Director, Lassen County Building Department

ENCLOSURE 1

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

In the Matter of)	
Ormachea, Gary L. & Jean Y.,)	COMPLAINT NO. R6T-2013-0092
Spalding Tract Subdivision,)	FOR
Lassen County APN 077-254-20-11)	ADMINISTRATIVE CIVIL LIABILITY

ORMACHEA, GARY L. & JEAN Y. ARE HEREBY GIVEN NOTICE THAT:

1. As a result of failing to either (1) connect their onsite wastewater disposal system to the Spalding Tract Community Services District's (District) community sewer system, or (2) properly abandon their onsite wastewater disposal system in accordance with Lassen County regulations, Ormachea, Gary L. & Jean Y. (Dischargers) are alleged to have violated Cease and Desist Order (CDO) No. R6T-2011-0072. The Regional Water Quality Control Board, Lahontan Region (Water Board) may impose administrative civil liabilities pursuant to Water Code section 13350 for such violations. 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 Water Board on February 12-13, 2014, at 971 Silver Dollar Avenue, South Lake Tahoe, California. At the hearing, the 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 Dischargers or their 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/ not less than 10 days before the hearing date.
3. The Dischargers can waive their 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.

ALLEGATIONS

4. The Dischargers own Assessor Parcel No. 077-254-20-11 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 Dischargers own and/or operate an onsite wastewater disposal system located at the above-referenced parcel. The existence of an onsite 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 onsite 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, allowing for an available method for the Spalding Tract subdivision property owners to comply with the Basin Plan prohibition cited above.
8. On September 14, 2011, the Water Board adopted CDO No. R6T-2011-0072 for Lassen County APN No. 077-254-20-11 to establish a time schedule for the Dischargers to comply with the Basin Plan prohibition cited in Finding 6 above.
9. CDO No. R6T-2011-0072 required the Dischargers, by November 10, 2011, to either (1) connect their onsite wastewater disposal system to the District's community sewer system, or (2) properly abandon their onsite wastewater disposal system in accordance with Lassen County regulations. Upon completing one of the two activities, the Dischargers were required to submit documentation of compliance with the Basin Plan prohibition cited in Finding 6, above, to the Water Board.
10. The Dischargers failed to comply with CDO No. R6T-2011-0072 and on July 3, 2013, the Water Board's Prosecution Team (Prosecution Team) issued the Dischargers a Notice of Violation citing the ongoing violation.
11. The July 3, 2013 Notice of Violation informed the Dischargers of the Prosecution Team's intent to issue a Complaint in November 2013. The Notice of Violation also informed the Dischargers that the Water Board would consider the recommended liability specified by the Complaint during its February 12-13, 2014 meeting.
12. Based upon a review of the District's records (Attachment B to this Complaint), as of the date of drafting this Complaint, November 1, 2013, the Dischargers have not connected their onsite wastewater disposal system to the District's community sewer system, and the Water Board has not received documentation from the Dischargers and/or from Lassen County that the Dischargers properly abandoned their onsite wastewater disposal system. Therefore, the Dischargers continue to violate CDO No. R6T-2011-0072.
13. As of the date of drafting of this Complaint, November 1, 2013, the Dischargers have been in violation of CDO No. R6T-2011-0072 for 722 days.

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

14. Pursuant to Water Code section 13350, subdivision (a), any person who violates any CDO issued by a regional board, is subject to administrative civil liability.
15. 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

16. Pursuant to Water Code section 13327, in determining the amount of civil liability, the 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.
17. 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
18. 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

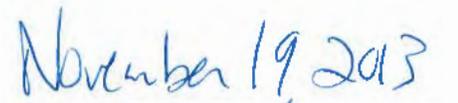
19. Pursuant to Water Code section 13350, subdivision (e), the total maximum administrative civil liability that may be imposed for the violations alleged in this Complaint is **\$3,610,000**, as described in Attachments C and D, which are attached hereto and incorporated herein by this reference.

PROPOSED ADMINISTRATIVE CIVIL LIABILITY

20. 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 Water Board proposes that civil liability be imposed administratively on the Dischargers in the amount of **\$3,050.00**.

21. This is an action to enforce the laws and regulations administered by the Water Board. The method of compliance with this enforcement action consists entirely of payment of an administrative penalty. As such, the Water Board finds that issuance of this Complaint is not considered subject to the provisions of the California Environmental Quality Act as it will not result in a direct or reasonably foreseeable indirect physical change in the environment and is not considered a "project" (Public Resources Code 21065, 21080(a); 15060(c)(2),(3); 15378(a), Title 14, of the California Code of Regulations). In addition, the Water Board finds that issuance of this Order is also exempt from the provisions of CEQA in accordance with section 15321(a)(2), Title 14, of the California Code of Regulations as an enforcement action by a regulatory agency and there are no exceptions that would preclude the use of this exemption.
22. Notwithstanding the issuance of this Complaint, the Water Board retains the authority to assess additional civil liability for violations of the requirements of CDO No. R6T-2011-0072 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


Date

Attachments:

- A. Vicinity Map
- B. District Records - System Connections List
- C. Administrative Civil Liability Methodology
- D. Administrative Civil Liability Methodology Spreadsheet
- E. Economic Benefit Determination
- F. Contractor Costs Data (Based upon subpoenaed local contractor records)
- G. Excerpt from *Report on the Water Quality Status of Eagle Lake with Consideration of Possible Eutrophication Changes, April 1981* (Title Page, Table of Contents, Pgs. 1-2 and 54-57)
- H. Excerpt from *Response to Petition=Adopted Cease and Desist Orders for the Property Owners of the Stones-Bengard Subdivision and Spalding Tract, Eagle Lake Basin, Lassen County, October 31, 1992* (Transmittal Memorandum and Pgs. 1-4)
- I. July 3, 2013 Notice of Violation
- J. Excerpt from Cease and Desist Order No. R6T-2011-0072 (Pgs. 1 and 4-6)
- K. Lassen County Assessor Property Value Documentation

ATTACHMENT A



SPALDING TRACT

LASSEN NATIONAL FOREST

SUSANVILLE

ATTACHMENT B

Attachment B - Spalding Tract District Connections List, 11-12-2013

DATE OF HOOKUP	Spalding Residents Connected to the District Disposal System APPLICANT NAME	SERVICE ADDRESS	APN#
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/Tank 1	077-182-09
11/16/11	Arnold, Michael Wayne/Katherine Diane Rev TR	RV Park-The Strand/Tank 2	077-182-09
05/24/13	Arnold, Michael Wayne/Katherine Diane Rev TR	RV Park-The Strand/Tank 3	077-192-39
04/30/09	Arnold, Michael Wayne/Katherine Diane Rev TR	RV Park-The Strand/Tank 4	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 Hollywood 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
08/26/13	Beck Ronald N. & Gwen M JT.	687-565 Cedar Way	077-294-13
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

Attachment B - Spalding Tract District Connections List, 11-12-2013

DATE OF HOOKUP	Spalding Residents Connected to the District Disposal System APPLICANT NAME	SERVICE ADDRESS	APN#
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
10/29/08	Bloom, Kenneth D/Janis ETAL	687-285 Hickory	077-352-17
04/23/12	Bobbitt, Galen/Monique ETAL	687-354 Juniper Way	077-354-24
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	Chinquopin 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 & Delilia 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
09/09/13	Buonarati, Craig & Connie	687-775 Lakeview	077-273-29
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

Attachment B - Spalding Tract District Connections List, 11-12-2013

DATE OF HOOKUP	Spalding Residents Connected to the District Disposal System APPLICANT NAME	SERVICE ADDRESS	APN#
03/05/08	Clement, Lee Ann (former Solis)	387-320 Hemlock Way	077-313-17
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
07/02/09	Congdon, Michael R/Debra S	688-020 Ridge Way	077-152-02
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
09/27/13	Cooley, Dennis J/Urban, John	687-765 Walnut Way	077-171-29
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
08/26/08	Culjis, Lana S	686-975 Chestnut Way	077-375-19
10/30/13	Cunha, Nancy L.	6333 Matterhorn Drive	077-191-20
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 Revo 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

Attachment B - Spalding Tract District Connections List, 11-12-2013

DATE OF HOOKUP	Spalding Residents Connected to the District Disposal System APPLICANT NAME	SERVICE ADDRESS	APN#
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
06/01/12	Estes, Kenneth P/Mary L. JT	687-810 Linden Way	077-233-47
08/30/11	Evans, Dave M.	530-135 Pinon Way	077-351-28
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
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

Attachment B - Spalding Tract District Connections List, 11-12-2013

DATE OF HOOKUP	Spalding Residents Connected to the District Disposal System APPLICANT NAME	SERVICE ADDRESS	APN#
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
07/18/08	Handy Thomas & Linda	686-730 Acorn Way	077-393-12
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
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

Attachment B - Spalding Tract District Connections List, 11-12-2013

DATE OF HOOKUP	Spalding Residents Connected to the District Disposal System APPLICANT NAME	SERVICE ADDRESS	APN#
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
04/22/08	Kelley Family Trust C/O Ian Kelley Trustee	688-005 Ivy Way	077-244-31
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
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
10/14/13	Koski, Garnet Arthur Jr. Trust	687-085 Fir Way	077-387-20
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

Attachment B - Spalding Tract District Connections List, 11-12-2013

DATE OF HOOKUP	Spalding Residents Connected to the District Disposal System APPLICANT NAME	SERVICE ADDRESS	APN#
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
05/21/09	Margetts, Gene H/Diane L JT	The Strand/Olive	077-133-05
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
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

Attachment B - Spalding Tract District Connections List, 11-12-2013

DATE OF HOOKUP	Spalding Residents Connected to the District Disposal System APPLICANT NAME	SERVICE ADDRESS	APN#
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
11/07/13	Mueller, Gary & Malinda	687-935 Walnut Way	077-161-21
09/11/13	Mueller, Gary & Malinda	502-350 Mahogany Way	077-192-31
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
10/10/13	Myers, Jeffrey	687-210 Linden Way	077-343-19
07/28/08	Narramore, Gregory W/Joanne A JT	686-975 Hollywood Way	077-363-27
06/07/12	Naylor, Mitchell Greig/Ginger JT	686-750 Redwood Way	077-401-11
09/30/09	Neely, Tom Becky/Neely, Darin/Yvette	Sycamore Way	077-304-57
05/09/08	Neil, Gerald E/Janet E JT	687-675 Chinquapin Way	077-213-14
07/09/08	Neil, Gerald E/Janet E JT	Catalpa Way	077-271-07
07/08/09	Neil, Gerald E/Janet E JT	Olive Way	077-134-02
08/22/12	Neil, Gerald E/Janet E JT	688-100 Myrtle Way	077-143-10
08/03/12	Neil, Gerald E/Janet E JT	687-765 Redwood Way	077-272-43
05/05/10	Neil, Gerald E/Janet E JT	The Strand/Oak Way	077-132-21
06/27/12	Neil, Gerald E/Janet E JT	687-145 Spalding Road	077-361-23
06/27/12	Neil, Gerald E/Janet E JT	688-080 Olive Way	077-133-10
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

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DATE OF HOOKUP	Spalding Residents Connected to the District Disposal System APPLICANT NAME	SERVICE ADDRESS	APN#
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
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
10/15/12	Robinson, Gary L (Hotel)	502-925 The Strand	077-200-02
10/15/12	Robinson, Gary L (Hotel)	502-925 The Strand	077-200-02
10/16/12	Robinson, Gary L Restaurant)	502-845 The Strand	077-200-03
10/16/12	Robinson, Gary L Restaurant)	502-845 The Strand	077-200-03
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
06/15/09	Rohner, Alvin/Kay (New Owner Wilcox)	686-900 Acorn Way	077-393-15
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

Attachment B - Spalding Tract District Connections List, 11-12-2013

DATE OF HOOKUP	Spalding Residents Connected to the District Disposal System APPLICANT NAME	SERVICE ADDRESS	APN#
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
06/07/12	Schmidt, Kenneth	Acacia Way	077-391-06/05
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
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/Lorretta 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
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	Sorenson, Keld/Jeanne Trust	501-955 The Strand	077-143-12

Attachment B - Spalding Tract District Connections List, 11-12-2013

DATE OF HOOKUP	Spalding Residents Connected to the District Disposal System APPLICANT NAME	SERVICE ADDRESS	APN#
06/04/09	Southern Sierra Const P/S Plan	687-305 Hazel Way	077-324-33
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
09/27/13	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
05/31/12	Sutton, Dennis J/ETAL Deborah L JT	Catalpa Way	077-271-19
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
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	Verregia 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/Pinion	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

Attachment B - Spalding Tract District Connections List, 11-12-2013

DATE OF HOOKUP	Spalding Residents Connected to the District Disposal System APPLICANT NAME	SERVICE ADDRESS	APN#
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
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

ATTACHMENT C

ATTACHMENT C

ADMINISTRATIVE CIVIL LIABILITY METHODOLOGY

The Complaint alleges that the Dischargers failed to comply with a cease and desist order issued by the Lahontan Water Board, which required the Dischargers by November 10, 2011, to either connect the Dischargers' onsite wastewater disposal system to the Spalding Community Services District's (District) community sewer system or to properly abandon the Dischargers' onsite 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 Dischargers' failure to connect their onsite 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 Dischargers enforces that Basin Plan prohibition. At a minimum, the Dischargers' onsite 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 onsite 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 onsite 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 onsite 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 Dischargers have 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 Lahontan Water Board staff notified the Dischargers of their failure to comply with the cease and desist order's November 10, 2011 compliance date in a July 3, 2013 Notice of Violation (NOV). The NOV was issued after the Dischargers had approximately 1.5 construction seasons to comply with the cease and desist order's requirement to either connect the Dischargers' onsite wastewater disposal system to the District's community sewer system or to properly abandon the Dischargers' onsite wastewater disposal system, if appropriate. The remainder of the 2013 construction season has past, and to date, the Dischargers have still failed to comply.

There was 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 Dischargers failed to connect or properly abandon their onsite wastewater disposal system and subsequently were issued a cease and desist order in September 2011. The Dischargers have now had an additional two full construction seasons since the cease and desist order was issued to comply with its requirements, but have not.

- c. There are 722 days of violation for the period beginning November 11, 2011 and ending November 1, 2013, the date of drafting Administrative Civil Liability Complaint No. R6T-2013-0092. The statutory maximum amount per day per violation is \$5,000. Therefore, 722 days of violation at the statutory maximum per day of \$5,000, yields a maximum initial liability of **\$3,610,000** (722 days x \$5,000/day). Applying the Potential for Harm per-day factor of 0.55 from Table 3, and the statutory maximum liability amount for each day of violation, yields an initial liability of **\$1,985,500** (0.55 x 722 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 Lahontan 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 Dischargers have failed to comply with their cease and desist order for at least 722 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 delayed cost of having the onsite wastewater disposal system either connected to the District's community sewer system or properly abandoned, if appropriate. Therefore, an adjustment can be made.

The Lahontan Water Board Prosecution Team (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 30 days of violation.

This results in a Revised Initial Liability Amount as follows:

$$\text{Revised Initial Liability} = (0.55) \times (30 \text{ days of violation}) \times (\$5,000) = \mathbf{\$82,500}$$

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 Prosecution Team has exercised its discretion in deciding whether to pursue administrative civil liability for violating the cease and desist order. Doing so is consistent with the Lahontan Water Board's primary interest to achieve compliance. The Prosecution Team diligently worked with property owners towards meeting the compliance objective. After providing approximately 1.5 construction seasons to comply, the Prosecution Team issued a July 3, 2013 Notice of Violation (NOV), notifying the Dischargers that the time to comply with their cease and desist order's requirements without additional enforcement action was running out. In spite of the Prosecution Team's efforts to allow ample time to comply before issuing an

administrative civil liability complaint, the Dischargers have not provided the Prosecution Team with any information indicating any hardship related to the failure to comply or 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 Dischargers 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 resulting 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 Dischargers have not cooperated with the Lahontan Water Board on this issue. Even after the Prosecution Team issued the July 3, 2013 NOV, the Prosecution Team did not observe any attempt by the Dischargers 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-2011-0072. A review of the California Integrated Water Quality System (CIWQS) and Lahontan Water Board files shows that the violation represents the first violation of Cease and Desist Order No. R6T-2011-0072. 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 **\$160,875.00**. 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) = (\$82,500) X (1.3) X (1.5) X (1.0) = **\$160,875.00**.

Step 6: Ability to Pay and Ability to Continue Business

The Enforcement Policy provides that if the Lahontan 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.

The Dischargers own the parcels of land, listed below.

Assessor's Parcel No.	County	Property Address	Use Type	Mailing Address	Assessed Total Value	Assessment Year
077-254-20	Lassen	687-705 Ivy Way Susanville, CA	Mobile Home Lot	3710 Camanche Pkwy N., Ione CA	\$16,808	2013
077-254-14	Lassen	Susanville, CA		3710 Camanche Pkwy N., Ione CA	\$1,505	2013
099-190-40	Lassen	691-355 Las Plumas Way Susanville, CA	Residential Single Family	3710 Camanche Pkwy N., Ione CA	\$15,075	2013
				TOTAL	\$33,388	

Without additional information provided by the Dischargers, based on this initial assessment of information available in the public record, it appears the Dischargers do not have assets to pay the Total Base Liability determined in Step 5. However, it appears the Dischargers do have assets to pay the Proposed Liability identified below.

Step 7: Other Factors as Justice May Require

The Enforcement Policy provides that if the Lahontan Water Board believes 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.

a. Adjustments for Other Factors as Justice May Require

As shown in Step 9, below, \$72,200 is the minimum statutory liability that shall be assessed unless express findings are made supporting a reduction. The Prosecution Team has determined that this amount is excessive in light of the violations alleged herein and in relation to the cost savings associated with the non-compliance from those violations. Below are specific factors under Water Code section 13327 that the Prosecution Team considered in determining the proposed liability amount.

- i. **Reducing the days of violation:** The Prosecution Team considered calculating the administrative civil liability based on a reduced number of days of violation. Using a start date of July 3, 2013, the date of the Notice of Violation where Lahontan Water Board staff reminded the Dischargers that their property was out of compliance, would reduce the days of violations to 122 days (July 3, 2013 – November 1, 2013). Using 122 days of violation would result in a minimum

liability of **\$12,200**, based upon the statutory minimum liability of \$100 per day of violation. Even considering the reduction of the minimum liability based on reducing the days of violation, the Prosecution Team believes this liability amount of \$12,200 is excessive.

- ii. **Other Considerations:** In determining the proposed liability amount, the Prosecution Team considered the following specific factors.
- a) **Economic Benefit:** As detailed in Step 8, below, the cost savings of non-compliance is \$533. While the Enforcement Policy requires the recovery of at least economic benefit plus ten percent, a penalty of \$586 is not sufficient to deter non-compliance or create a level playing field among the regulated community. On the other hand, the Prosecution Team acknowledges the minimum liability amount of \$72,200 is well in excess of the economic benefit of non-compliance and unreasonably punitive.
 - b) **Property Values of Property Owned:** Lahontan 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 onsite wastewater disposal system to the District's sewer system or to properly abandon it.¹ County records for the year 2013 show that the properties range in value from \$15,277 to \$63,981. These properties have an average value of \$32,022. Relative to the value of the Dischargers' Spalding Tract property, the minimum statutory liability of \$72,200 is excessive.
 - c) **Consistency with Similar ACL Orders Previously Adopted:** Administrative civil liability complaints were issued to property owners of the nearby Stones-Bengard subdivision in 1997 for failing to either connect their onsite wastewater disposal systems to the Stones-Bengard community sewer system or to properly abandon them. In the Stones-Bengard cases, the Lahontan Water Board issued administrative civil liability complaints proposing assessed liability be imposed in the amount of **\$6,500** per non-compliant property. 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. ACL Orders were subsequently issued for this amount.

In 2012, the Lahontan Water Board issued ACL Orders to eight Spalding Tract property owners in amounts ranging from \$106 up to \$1,749 per non-compliant property. The liability amounts imposed were, at least in part,

¹ As of the date of drafting the Complaint, November 1, 2013, there were three property owners failing to comply with their Cease and Desist Orders.

related to the length of time it took the property owners to achieve compliance. These eight property owners subsequently brought their properties into compliance, in addition to paying their fines in full.

In light of these past enforcement cases (Stones-Bengard and Spalding Tract) which brought about compliance while imposing a penalty amount significantly less than the \$72,200, the Prosecution Team believes that a lower penalty, more in line with these past enforcement cases, is appropriate to achieve compliance while providing a sufficient level of deterrence.

- iii. **Proposed Liability Amount:** Water Code section 13350(f) provides that the Lahontan Water Board may impose civil liability in an amount less than the minimum amount specified where express findings setting forth the reasons for its action based on the specific factors required in Water Code section 13327.

For the reasons specified above, which are based on the specific factors outlined in Water Code section 13327, the Prosecution Team recommends imposing an administrative civil liability in the amount of **\$3,050**. While this proposed liability amount is below the statutory minimum liability of \$72,200, the Prosecution Team believes this amount provides a fair penalty or consequence for the alleged violation as well as a meaningful deterrent against future violations.

b. Staff Costs

The Lahontan Water Board has suspended the practice of adding staff cost into administrative civil liabilities based upon the California State Auditor's findings stated in its 2012-120 Audit Report. Specifically, one of the findings in the Audit Report is that staffing costs in penalty actions for water quality certification violations are, "generally not supported and are inaccurate because of inflated cost rates." (California State Auditor Report 2012-120 State Water Resources Control Board, *It Should Ensure a More Consistent Administration of Water Quality Certification Program*, June 2013). This enforcement action does not involve violations of a 401 Water Quality Certification as was the focus in Audit Report 2012-120. However, staff believes the justification in the Audit Report still applies to this enforcement action where the staff cost rate has not yet been revised to reflect actual staff salaries and overhead cost for each program. In an abundance of caution, the Lahontan Water Board, in consultation with the State Water Board, has suspended adding staff cost into administrative civil liabilities until the issues identified by the State Auditor can be addressed.

Step 8: Economic Benefit

The Enforcement Policy requires that the economic benefit of noncompliance be estimated for any violation. The economic benefit of noncompliance is any savings or monetary gain derived from the act or omission that constitutes the violation.

The Dischargers have realized an economic benefit of noncompliance by failing to connect to the District's system as required by Cease and Desist Order No. R6T-2011-0072. In order to estimate the economic benefit of noncompliance, Lahontan Water

Board staff subpoenaed cost records from contractors who have connected properties to the District's system in the Spalding Tract subdivision. Based upon the subpoenaed data, the average cost to connect to the District's system is \$4,210. The economic benefit of noncompliance is realized by delaying connection to the District's system. This is estimated by calculating the time value of the delay, net of taxes and inflation using U.S. Environmental Protection Agency's BEN model². The economic benefit of noncompliance of delaying connection to the District's system by November 11, 2011 is \$533. This assumes compliance is completed by December 31, 2013, a penalty payment date of March 14, 2014, a discount/interest rate of 6.9%, and the Employment Cost Inflation Index.

Step 9: Maximum and Minimum Liability Amounts

The maximum liability amount the Lahontan 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 Lahontan Water Board may assess for 722 days of violation (elapsed time since the date of compliance in the cease and desist order) is **\$3,610,000**.

The minimum liability amount provided in Water Code section 13350, subdivision (e)(1)(B) is \$100 per day. Therefore, the minimum liability the Lahontan Water Board must assess for 722 days of violation is **\$72,200** unless specific findings are made supporting a reduction.

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 economic benefit amount plus ten percent is **\$586**. The Total Base Liability and the Proposed Liability amounts are both greater than \$586.

² 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 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.

Step 10: Final Liability Amount

The Total Proposed Liability Amount is **\$3,050** based upon the considerations discussed in detail, above.

ATTACHMENT D

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	Step 1	Potential Harm Factor <i>(Generated from Button)</i>		
	Step 2	Per Gallon Factor <i>(Generated from Button)</i>		
		Gallons		
		Statutory / Adjusted Max per Gallon (\$)		
		Total		\$ -
	Non-Discharge Violations	Step 3	Per Day Factor	0.55
Days			30	
Statutory Max per Day			\$ 5,000	
		Total		\$ 82,500.00
Initial Amount of the ACL			\$ 82,500.00	
Add'l Factors		Step 4	Culpability	1.3
	Cleanup and Cooperation		1.5	
	History of Violations		1	
	Step 5 Total Base Liability Amount		\$ 160,875.00	
	Step 6	Ability to Pay & to Continue in Business	1	
	Step 7	Other Factors as Justice May Require	3,050	
		Staff Costs	\$ -	
	Step 8	Economic Benefit	\$ 533	
	Step 9	Minimum Liability Amount	72,200	
		Maximum Liability Amount	\$ 3,610,000	
	Step 10 Final Liability Amount		\$ 3,050.00	

Penalty Day Range Generator	
Start Date of Violation=	11/11/11
End Date of Violation=	11/1/13
Maximum Days Fined (Steps 2 & 3) =	722 Days
Minimum Days Fined (Steps 2 & 3) =	30 Days

ATTACHMENT E

BEN Results

Version 4.7.0

Gary L & Jean Y Ormachea	Failure to Connect to Community Wastewater System
<u>Present Values as of Noncompliance Date (NCD),</u>	<u>11-Nov-2011</u>
A) On-Time Capital & One-Time Costs	\$4,347
B) Delay Capital & One-Time Costs	\$3,891
C) Avoided Annually Recurring Costs	\$0
D) Initial Economic Benefit (A-B+C)	\$456
E) Final Econ. Ben. at Penalty Payment Date,	
<u>14-Mar-2014</u>	<u>\$533</u>

For-Profit (not C-Corp.) w/ CA tax rates

Average Discount/Compound Rate	6.9%
Average Discount/Compound Rate Calculated By:	BEN
Compliance Date	31-Dec-2013

Capital Investment:

Estimated Cost of Capital Equipment	\$0
Capital Investment Delayed Not Avoided	
Cost Estimate Date	N/A
Cost Index for Inflation: N/A	
Consider Future Replacement (Useful Life)	N/A (N/A)

One-Time, Nondepreciable Expenditure:

Estimated Cost ¹	\$4,210
One-Time Expenditure Delayed Not Avoided	
Cost Estimate Date	01-Jan-2010
Cost Index for Inflation: Employment Cost Index	
Tax Deductible?	N

Annually Recurring Costs:

Estimated Cost	\$0
Cost Estimate Date	N/A
Cost Index for Inflation: N/A	

D:\GHorner\Documents\Enforcement\ATP-BNC\Spalding Tract\BEN4.7.0Ormachea110513.xls]Input

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ATTACHMENT F

Spalding Contractor Records Data -
Connection and Abandonment Costs

date	work performed	invoice amount
1/13/2009	pump old tank and remove and abandon, new tank plus install and lateral	\$3,580
10/12/2009	pump old tank and remove and abandon, new tank plus install and connect to street sewer	\$2,800
2/2/2009	pump old tank and remove and abandon, new tank plus install and connect to street sewer	\$3,700
5/1/2008	pump old tank and remove and abandon, new tank plus install and lateral	\$4,775
10/6/2008	pump old tank and remove and abandon, new tank plus install and connect to street sewer	\$3,030
10/25/2008	pump old tank and remove and abandon, new tank plus install and connect to street sewer	\$3,050
10/25/2008	pump old tank and remove and abandon, new tank plus install and connect to street sewer	\$2,630
2/26/2009	pump old tank and remove and abandon, new tank plus install and connect to street sewer	\$2,950
6/16/2009	pump old tank and remove and abandon, new tank plus install and connect to street sewer	\$3,500
10/12/2009	pump old tank and remove and abandon, new tank plus install and connect to street sewer	\$3,500
3/8/2009	pump old tank and remove and abandon, new tank plus install and lateral to sewer	\$3,350
2/16/2009	pump old tank and remove and abandon, new tank plus install and connect to street sewer	\$2,650
2/14/2009	pump old tank and remove and abandon, new tank plus install and connect to street sewer	\$2,780
4/3/2009	pump old tank and remove and abandon, new tank plus install and connect to street sewer	\$2,950
12/16/2009	pump old tank and remove and abandon, new tank plus install and connect to street sewer	\$2,950
2/13/2009	pump old tank and remove and abandon, new tank plus install and connect to street sewer	\$2,800
6/30/2008	pump old tank and remove and abandon, new tank plus install and lateral to sewer	\$3,965
8/19/2008	pump old tank and remove and abandon, new tank plus install and lateral to sewer	\$4,775
6/19/2008	pump old tank and remove and abandon, new tank plus install and lateral to sewer	\$4,000
7/2/2007	pump old tank and remove and abandon, new tank plus install and connect to street sewer	\$3,970
4/9/2007	pump old tank and remove and abandon, new tank plus install and connect to street sewer	\$4,325
9/25/2008	pump old tank and remove and abandon, new tank plus install and connect to street sewer	\$3,550

Spalding Contractor Records Data -
 Connection and Abandonment Costs

date	work performed	invoice amount
2/26/2009	pump old tank and remove and abandon, new tank plus install and connect to street sewer	\$2,950
3/5/2008	pump old tank and remove and abandon, new tank plus install and connect to street sewer	\$3,900
8/8/2008	pump old tank and remove and abandon, new tank plus install and connect to street sewer	\$5,380
9/7/2009	pump old tank and remove and abandon, new tank plus install and connect to street sewer	\$4,550
8/10/2009	pump old tank and remove and abandon, new tank plus install and lateral to sewer	\$2,800
2/16/2009	pump old tank and remove and abandon, new tank plus install and connect to street sewer	\$2,950
3/3/2009	pump old tank and remove and abandon, new tank plus install and connect to street sewer	\$3,300
8/21/2007	pump old tank and remove and abandon, new tank plus install and lateral to sewer	\$4,625
7/20/2007	pump old tank and remove and abandon, new tank plus install and lateral to sewer	\$5,640
6/3/2007	pump old tank and remove and abandon, new tank plus install and connect to street sewer	\$5,700
2/9/2007	pump old tank and remove and abandon, new tank plus install and connect to street sewer	\$5,450
6/30/2008	pump old tank and remove and abandon, new tank plus install and connect to street sewer	\$3,365
8/21/2007	pump old tank and remove and abandon, new tank plus install and connect to street sewer	\$4,700
9/1/2007	pump old tank and remove and abandon, new tank plus install and lateral to sewer	\$4,400
7/15/2008	pump old tank and remove and abandon, new tank plus install and connect to street sewer	\$3,785
2/19/2008	pump old tank and remove and abandon, new tank plus install and connect to street sewer	\$4,830
3/9/2007	pump old tank and remove and abandon, new tank plus install and connect to street sewer	\$4,250
6/3/2007	pump old tank and remove and abandon, new tank plus install and connect to street sewer	\$4,840
10/26/2007	pump old tank and remove and abandon, new tank plus install and connect to street sewer	\$5,300
7/24/2008	pump old tank and remove and abandon, new tank plus install and lateral to sewer	\$3,300
8/20/2007	pump old tank and remove and abandon, new tank plus install and lateral to sewer	\$4,650
1/30/2007	pump old tank and remove and abandon, new tank plus install and connect to street sewer	\$3,800

Spalding Contractor Records Data -
Connection and Abandonment Costs

date	work performed	invoice amount
8/16/2008	pump old tank and remove and abandon, new tank plus install and lateral to sewer	\$4,325
8/2/2007	pump old tank and remove and abandon, new tank plus install and connect to street sewer	\$5,050
7/10/2008	pump old tank and remove and abandon, new tank plus install and lateral to sewer	\$3,400
8/2/2007	pump old tank and remove and abandon, new tank plus install and connect to street sewer	\$4,740
2/21/2007	(for two tanks) pump old tank and remove and abandon, new tank plus install and connect to street sewer	\$7,000
9/26/2006	pump old tank and remove and abandon, new tank plus install and connect to street sewer	\$5,500
7/7/2008	pump old tank and remove and abandon, new tank plus install and lateral to sewer	\$3,565
7/10/2008	pump old tank and remove and abandon, new tank plus install and lateral to sewer	\$3,565
7/9/2007	pump old tank and remove and abandon, new tank plus install and connect to street sewer	\$4,000
9/27/2007	pump old tank and remove and abandon, new tank plus install and lateral to sewer	\$5,345
7/31/2007	pump old tank and remove and abandon, new tank plus install and connect to street sewer	\$4,554
6/5/2008	pump old tank and remove and abandon, new tank plus install and lateral to sewer	\$3,500
1/31/2007	pump old tank and remove and abandon, new tank plus install and connect to street sewer	\$3,800
11/8/2006	pump old tank and remove and abandon, new tank plus install and connect to street sewer	\$3,150
10/15/2007	pump old tank and remove and abandon, new tank plus install and lateral to sewer	\$5,000
10/3/2007	pump old tank and remove and abandon, new tank plus install and lateral to sewer	\$4,450
4/2/2007	pump old tank and remove and abandon, new tank plus install and connect to street sewer	\$5,700
2/7/2007	pump old tank and remove and abandon, new tank plus install and lateral to sewer	\$3,490
9/8/2006	pump old tank and remove and abandon, new tank plus install and connect to street sewer	\$5,500
10/31/2007	pump old tank and remove and abandon, new tank plus install and lateral to sewer	\$4,000
8/9/2006	pump old tank and remove and abandon, new tank plus install and connect to street sewer	\$3,500
2/5/2007	pump old tank and remove and abandon, new tank plus install and connect to street sewer	\$3,730
7/1/2008	pump old tank and remove and abandon, new tank plus install and lateral to sewer	\$4,625

Spalding Contractor Records Data -
 Connection and Abandonment Costs

date	work performed	invoice amount
7/23/2008	pump old tank and remove and abandon, new tank plus install and lateral to sewer	\$2,800
10/3/2007	pump old tank and remove and abandon, new tank plus install and connect to street sewer	\$4,325
7/27/2008	pump old tank and remove and abandon, new tank plus install and lateral to sewer	\$3,800
7/25/2008	pump old tank and remove and abandon, new tank plus install and lateral to sewer	\$3,525
5/5/2008	pump old tank and remove and abandon, new tank plus install and lateral to sewer	\$5,450
7/9/2007	pump old tank and remove and abandon, new tank plus install and lateral to sewer	\$4,135
2/5/2007	pump old tank and remove and abandon, new tank plus install and connect to street sewer	\$4,460
5/12/2008	pump old tank and remove and abandon, new tank plus install and lateral to sewer	\$4,100
3/11/2009	pump old tank and remove and abandon, new tank plus install and connect to street sewer	\$2,950
9/30/2007	pump old tank and remove and abandon, new tank plus install and lateral to sewer	\$4,068
10/15/2009	pump old tank and remove and abandon, new tank plus install and lateral to sewer	\$4,535
6/4/2008	pump old tank and remove and abandon, new tank plus install and lateral to sewer	\$3,500
7/20/2007	pump old tank and remove and abandon, new tank plus install and connect to street sewer	\$4,000
7/20/2007	pump old tank and remove and abandon, new tank plus install and connect to street sewer	\$4,020
7/31/2007	pump old tank and remove and abandon, new tank plus install and connect to street sewer	\$4,930
4/10/2008	pump old tank and remove and abandon, new tank plus install and lateral to sewer	\$8,300
9/1/2007	pump old tank and remove and abandon, new tank plus install and connect to street sewer	\$8,200
5/16/2008	pump old tank and remove and abandon, new tank plus install and lateral to sewer	\$5,300
9/14/2007	pump old tank and remove and abandon, new tank plus install and connect to street sewer	\$5,160
10/16/2007	pump old tank and remove and abandon, new tank plus install and lateral to sewer	\$3,775
3/26/2007	pump old tank and remove and abandon, new tank plus install and connect to street sewer	\$6,470
9/16/2006	pump old tank and remove and abandon, new tank plus install and connect to street sewer	\$7,100
5/12/2008	pump old tank and remove and abandon, new tank plus install and lateral to sewer	\$4,250
9/26/2006	pump old tank and remove and abandon, new tank plus install and connect to street sewer	\$5,000

Spalding Contractor Records Data -
Connection and Abandonment Costs

date	work performed	invoice amount
4/22/2008	pump old tank and remove and abandon, new tank plus install and lateral to sewer	\$5,180
10/25/2007	pump old tank and remove and abandon, new tank plus install and connect to street sewer	\$6,870
8/11/2009	install tank and lateral	\$3,950
10/6/2009	install tank and lateral	\$3,100
12/7/2009	install tank and lateral	\$3,400
12/3/2007	new tank and install, hook up to sewer	\$3,700
9/24/2008	pump old tank, new tank and install	\$3,130
9/18/2008	installing septic system	\$3,500
9/10/2008	installing septic system	\$3,900
8/4/2009	install septic tank and new lateral line, abandon old tank.	\$2,300
6/10/2009	install and hook up sewer	\$3,000
6/3/2007	pump old tank, new tank plus install and lateral	\$5,066
9/25/2008	pump old tank, new tank plus install and lateral plus hook up to sewer	\$4,118
6/20/2008	pump old tank, new tank and install, plus inlet and lateral	\$5,162
10/21/2008	pump old tank, new tank and install, plus inlet and lateral	\$4,550
10/13/2008	pump old tank, new tank and install, plus inlet and lateral	\$4,673
9/18/2008	pump old tank, new tank and install, plus inlet and lateral	\$4,275
6/6/2008	pump old tank, new tank and install, plus inlet and lateral	\$4,826
7/21/2008	pump old tank, new tank and install, plus inlet and lateral	\$4,959
7/21/2008	pump old tank, new tank and install, plus inlet and lateral	\$5,029
10/9/2008	pump old tank, new tank and install, plus inlet and lateral	\$5,208
8/12/2008	pump old tank, new tank and install, plus inlet and lateral	\$5,807
9/1/2008	pump old tank, new tank and install, plus inlet and lateral	\$5,350
9/1/2008	pump old tank, new tank and install, plus inlet and lateral	\$4,144
6/30/2008	pump old tank, new tank and install, plus inlet and lateral	\$5,961
8/18/2008	pump old tank, new tank and install, plus inlet and lateral	\$3,817
10/12/2007	pump old tank, new tank and install, plus inlet and lateral	\$5,108
5/26/2008	pump old tank, new tank and install, plus inlet and lateral	\$5,247
6/20/2008	pump old tank, new tank and install, plus inlet and lateral	\$4,562
5/30/2008	pump old tank, new tank and install, plus lateral	\$4,661
7/6/2008	pump old tank, new tank plus install and lateral	\$4,745
5/9/2008	pump old tank, new tank plus install and lateral	\$5,512
9/28/2007	pump old tank, new tank plus install and lateral	\$3,262

Spalding Contractor Records Data -
 Connection and Abandonment Costs

date	work performed	invoice amount
10/13/2008	pump old tank, new tank and install, plus lateral and hook up to sewer system	\$4,295
8/12/2008	pump old tank, new tank and install, plus inlet and lateral	\$4,445
7/16/2008	pump old tank, new tank and install, plus inlet and lateral	\$4,779
7/3/2008	pump old tank, new tank plus intall and lateral	\$5,546
8/4/2008	pump old tank, new tank and install, plus inlet and lateral	\$4,318
7/16/2008	pump old tank, new tank and install, plus inlet and lateral	\$2,545
6/12/2007	pump old tank, new tank and install, plus inlet and lateral	\$2,997
10/5/2007	pump old tank, new tank plus intall and lateral plus hook up to sewer	\$3,700
5/19/2008	pump old tank, new tank plus intall and lateral	\$5,528
10/15/2008	pump old tank, new tank plus intall and lateral plus hook up to sewer	\$4,308
8/25/2008	pump old tank, new tank and install, plus inlet and lateral	\$4,730
7/21/2007	pump old tank, new tank and install, plus inlet and lateral	\$5,896
7/24/2008	pump old tank, new tank plus intall and lateral	\$4,253
7/3/2008	new tank plus install, inlet and lateral	\$3,800
10/21/2008	pump tank, new tank plus install, inlet and lateral plus hook up to sewer system	\$4,715
7/24/2008	pump old tank, new tank plus intall and lateral	\$5,065
9/14/2009	pump old tank, new tank and install, plus inlet and lateral	\$4,238
9/9/2009	pump old tank, new tank and install, plus inlet and lateral	\$4,975
11/5/2007	pump old tank, new tank plus intall and lateral plus hook up to sewer	\$3,700
4/28/2009	pump old tank, new tank plus intall and lateral	\$3,450
10/6/2009	pump old tank, new tank plus intall and lateral	\$3,726
6/4/2009	pump old tank, new tank plus intall and lateral	\$4,087
6/4/2009	pump old tank, new tank plus intall and lateral	\$2,851
10/26/2009	pump old tank, new tank plus intall and lateral plus hook up to sewer	\$2,330
10/26/2009	pump old tank, new tank plus intall and lateral	\$3,850
9/1/2009	pump old tank, new tank and install, plus inlet and lateral	\$3,385
3/25/2009	pump old tank, new tank and install, plus inlet and lateral	\$3,650
9/1/2009	pump old tank, new tank and install, plus inlet and lateral	\$3,894
6/4/2009	pump old tank, new tank and install, plus inlet and lateral	\$3,089
6/29/2009	pump old tank, new tank and install, plus inlet and lateral	\$3,930

Spalding Contractor Records Data -
Connection and Abandonment Costs

date	work performed	invoice amount
9/1/2009	pump tank, new tank plus install, inlet and outlet	\$3,471
8/25/2009	pump old tank, new tank and install, plus inlet and lateral	\$4,295
7/10/2009	pump old tank, new tank and install, plus inlet and lateral	\$3,870
5/15/2009	pump old tank, new tank and install, plus inlet and lateral	\$3,175
8/11/2009	pump old tank, new tank and install, plus inlet and lateral	\$3,958
9/1/2009	pump old tank, new tank and install, plus inlet and lateral	\$4,467
5/28/2009	pump old tank, new tank and install, plus inlet and lateral	\$3,590
8/11/2009	pump old tank, new tank and install, plus lateral, inlet and hook up to sewer system	\$4,690
9/22/2009	pump old tank, new tank and install, plus inlet and lateral	\$4,705
10/9/2009	pump old tank, new tank and install, plus inlet and lateral	\$3,805
6/19/2009	pump old tank, new tank and install, plus inlet and lateral	\$3,758
10/6/2009	pump old tank, new tank and install, plus lateral, inlet and hook up to sewer system	\$3,675
5/13/2009	pump old tank, new tank and install, plus inlet and lateral	\$3,819
11/5/2009	pump old tank, new tank and install, plus inlet and lateral	\$4,300
10/20/2009	pump old tank, new tank and install, plus inlet and lateral	\$3,825
5/14/2009	pump old tank, new tank plus install and lateral	\$2,581
6/19/2009	pump old tank, new tank and install, plus inlet and lateral	\$4,230
5/10/2009	pump old tank, new tank and install, plus inlet and lateral	\$4,697
11/3/2009	pump old tank, new tank and install, plus inlet and lateral	\$4,000
9/22/2009	pump old tank, new tank and install, plus lateral, inlet and hook up to sewer system	\$4,510
8/3/2009	pump old tank, new tank plus install and lateral	\$3,910
9/9/2009	pump old tank, new tank and install, plus inlet and lateral	\$4,155
8/3/2009	pump old tank, new tank and install, plus inlet and lateral	\$3,500
5/6/2010	pump old tank, new tank plus install and lateral	\$4,490
9/1/2009	pump old tank, new tank plus install and lateral	\$3,391
5/3/2010	pump old tank, new tank and install, plus lateral, inlet and hook up to sewer system	\$4,235
9/1/2009	pump old tank, new tank and install, plus inlet and lateral	\$3,650
7/10/2009	pump old tank, new tank plus install and lateral	\$3,140
4/15/2010	new tank and install, plus lateral, inlet and hook up to sewer system, roadbase	\$4,691

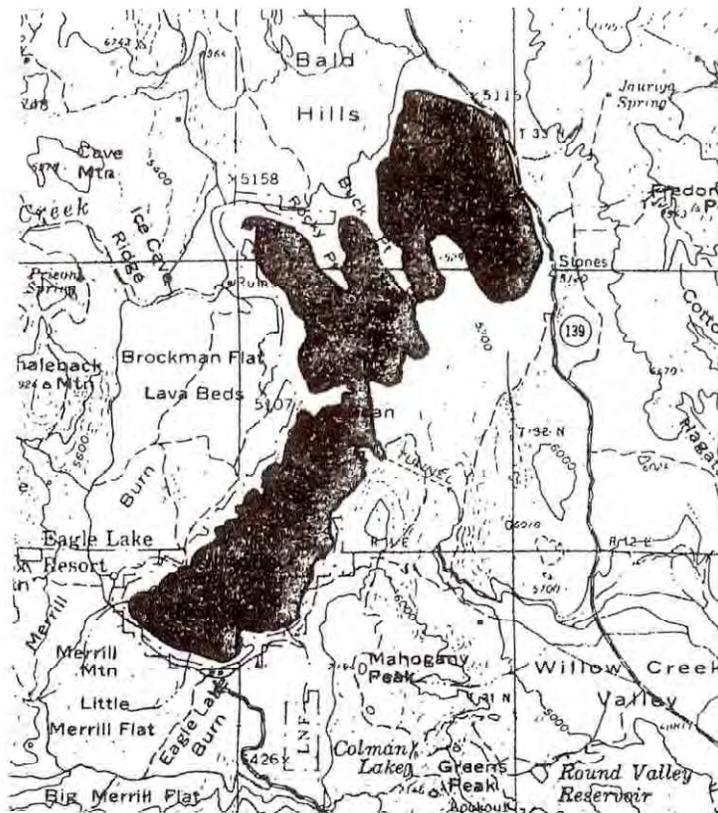
Spalding Contractor Records Data -
 Connection and Abandonment Costs

date	work performed	invoice amount
8/25/2010	new tank plus install, sewer inlet and outlet, install new water pump and pressure tank	\$5,714
6/24/2010	pump tank, dig out tank, new tank and install, inlet and outlet install pump conduit	\$4,130
9/10/2009	pump old tank, new tank plus install and lateral plus hook up to sewer	\$4,768
9/17/2010	pump old tank, new tank and install, plus inlet and lateral	\$4,065
5/20/2010	pump old tank, new tank and install, plus inlet and lateral	\$3,830
6/2/2011	new tank plus install, lateral and inlet, install conduit	\$3,150
7/12/2011	pump old tank, new tank and install, plus inlet and lateral	\$3,990
7/20/2011	pump old tank, new tank and install, plus inlet and lateral	\$4,120
9/26/2011	pump old tank, new tank and install, plus inlet and lateral	\$4,115
	ave =	\$4,210

date	work performed	invoice amount
5/29/2009	abandon tank	\$976.00
1/10/2010	abandon tank	\$750.00
5/29/2009	abandon tank	\$680.00
8/16/2009	abandon tank	\$700.00
12/21/2009	abandon tank	\$1,000.00
10/28/2009	abandon tank	\$700.00
10/21/2008	abandon tank	\$945.00
5/21/2009	abandon tank	\$1,045.00
5/21/2009	abandon tank	\$800.00
9/21/2009	abandon tank	\$1,326.00
7/9/2009	abandon tank	\$200.00
7/20/2011	abandon tank	\$696.00
11/18/2011	abandon tank	\$846.00
9/20/2011	pump tank and abandon	\$1,046.00
	ave =	\$836.43

ATTACHMENT G

REPORT ON THE WATER QUALITY STATUS OF EAGLE LAKE
WITH CONSIDERATION OF POSSIBLE EUTROPHICATION CHANGES



CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
LAHONTAN REGION

April, 1981

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I. INTRODUCTION

Eagle Lake is the second largest natural freshwater lake entirely within the State of California. It is a sodium-bicarbonate lake with high alkalinity and relatively high pH. The lake sits in a closed vaulted volcanic basin that was once part of the Pleistocene Lahontan drainage. Because of its closed basin, geologic characteristics, and anoxic south basin hypolimnion, Eagle Lake may be highly sensitive to eutrophication changes. The Bly Tunnel, completed in 1923 to provide irrigation waters to the adjacent Willow Creek watershed and partially sealed in 1935, is only surface outflow for the lake. The seal allows a small amount of leakage that is dependent upon lake level. Pine Creek is the principal surface drainage to the lake and its watershed constitutes approximately 56% of the Eagle Lake watershed. Ground water and precipitation inputs are appreciable as well as are evaporative losses.

PURPOSE

This report describes Eagle Lake and its watershed with emphasis on its hydrologic and nutrient budgets and their relationship to present water quality. Present and future uses of the lake and its watershed are discussed in light of their potential water quality impacts. This is done by comparing the potential nutrient inputs from different activities to the nutrient inputs from natural sources. Special emphasis is given to the role of the lake sediments since they appear to be the key to both the current and future water quality of Eagle Lake. This report is based on information previously collected by the California Department of Water Resources (DWR), California State University at Chico (CSC), the United States Forest Service (USFS) and Raymond Vail & Associates (RVA). Each of these, as well as the County of Lassen, feel strongly that additional water quality monitoring is necessary for planning and management purposes. One of the principal goals of this report

is to identify the additional information necessary to assess potential man-induced eutrophication changes. This report and the monitoring program that will be developed from it will be used by the Lahontan Regional Water Quality Control Board for an Eagle Lake Basin Plan update and by the County of Lassen and the Eagle Lake Interagency Board of Directors¹ in their development of management plans for the Eagle Lake area.

¹ The Interagency consists of five agencies with responsibility for managing government lands in the Eagle Lake Basin in such a manner as to protect Eagle Lake. The five agencies are: The U. S. Forest Service (Lassen National Forest), the Bureau of Land Management, the California Department of Fish and Game, the California State Lands Commission, and the County of Lassen.

IV. SUMMARY

Hydrologic and Nutrient Budget

- o Eagle Lake sits in a closed vaulted volcanic basin with the partially sealed Bly Tunnel providing the only surface outflow, estimated at 7% of the total outflow. The sand dam and other earthen seals probably prevent significant release of nutrients via the tunnel. One year of monitoring is needed to determine the amount of export of nutrients and whether any further sealing efforts are desirable.
- o Pine Creek supplies an estimated 75% of the total surface inflow to the lake. Total surface inflow provides an estimated 20.5% of the total inflow, 23.3-44.3% of the total nitrogen loading and 63.2-73.3% of the total phosphorus loading to the lake. Flow weighted nutrient loadings for one water year should be obtained from three to four watersheds that are representative of the land use and soils in the basin. Pikes Point, lower Dry Lake, Grasshopper Station and Deans Ridge are the most likely candidate watersheds.
- o The Pine Creek watershed is the most likely principal ground water recharge area for the basin. Land use management decisions affecting this watershed are especially critical to the protection of Eagle Lake.
- o Net ground water inflow accounts for an estimated 37.5% of the total inflow, 9.8-18.7% of the nitrogen loading, and 13.8-15.8% of the phosphorus loading to the lake. Based on water elevations, water quality, basin characteristics, and recharge considerations, ground water inflow is believed to be quite appreciable while ground water outflow is most likely quite small. All well logs in the basin, as well as those in the Willow Creek Valley, Grasshopper Valley, and the Madeline Plains should be studied for water elevations and geology as those for the Spaulding Tract have been. More ground water quality nutrient information must be collected from developed areas around the lake.
- o Precipitation accounts for an estimated 42.1% of the total inflow and between 19.5-66.8% of the nitrogen and 10.4-26.2% of the phosphorus loading to the lake. Since estimates of nutrient concentrations in precipitation are quite variable they need to be monitored during one rainy season to more accurately determine the nutrient loadings from this source.
- o Evaporation accounts for an estimated 93% of the total outflow. Precise evaporation rates should be measured at the lake since it would provide the most inexpensive method of refining the total outflow estimate and hence refinement of net ground water inflow estimates.

- o The vast majority of nutrients that currently enter the lake are removed by two biogeochemical sinks. The first is by removal of fish from the lake by birds and man. The second, and likely dominating sink, is the complex lake sediment system.
- o The deep sediments of the south basin are fine organic needs that become anoxic during summer stratification and may release appreciable quantities of phosphorus, iron and manganese. Each of these nutrients are known to be limiting to the phytoplankton of Eagle Lake. This might be the reason for the higher productivity of the south basin both on an area and volume basis.
- o The possibility of release of nutrients from Eagle Lake sediments is complicated by the highly alkaline waters throughout the lake and the presence of calcareous sediments in certain areas of the lake bottom. These factors may inhibit the release of nutrients under anoxic conditions.

Human Influences

- o Existing housing in present subdivisions accounts for an estimated 1.0-2.4% of the total nitrogen and 0.3-3.9% of the total phosphorus loadings to the lake, primarily depending on the removal efficiencies of current septic tank/leachfield systems. If the year-round occupancy rate increases to 100% in the Spaulding, Stones and Bengard subdivisions then the estimated loading would increase to 5.2-12.4% for nitrogen and 1.7-19.8% for phosphorus, again depending on removal efficiencies. The 19.8% increase in phosphorus loading might be sufficient to result in accelerated eutrophication since phosphorus is the nutrient that is first limiting. If low removal efficiencies are found for current septic tank/leachfield systems these systems might present a serious concern since the number of days of occupancy might be quite difficult to regulate.
- o Buildout of existing subdivisions, 15% year-round occupancy, and use of septic tank/leachfield systems will result in a 3.5-8.4% increase in nitrogen and a 1.2-13.6% increase in the current phosphorus loadings, depending primarily on removal efficiencies. With a 100% year-round occupancy a 13.9-33.5% increase in nitrogen and a 4.7-53.7% increase in phosphorus would result. All of these percentage estimates include the existing houses in these subdivisions. The 53.7% increase in phosphorus loading is quite appreciable and would apply if low removal efficiencies for septic tank/leachfield systems and the low precipitation input are found. Again this would represent a serious concern since controls on days of occupancy and percent buildout could be difficult to obtain.

- o Estimated potential loadings from new subdivisions using septic tank/leachfield systems vary with the number of new housing unit and the percentage of year-round occupancy. Using the low estimate of 794 new homes with 15% year-round occupancy, and efficient septic tank/leachfield systems, would result in only 1.6-3.1% increase in nitrogen and 0.5-0.6% increase in phosphorus loadings. Using the high estimate of 1588 new homes with 100% year-round occupancy and low septic tank/leachfield systems removal efficiencies results in a nitrogen loading increase of 20.8-39.6% and a phosphorus loading increase of 55.5-63.4% to the lake.
- o In total, the loadings from buildout of existing subdivisions and construction of new subdivisions could represent a 5.1-57.7% increase in nitrogen loading and a 1.7-11.6% increase in phosphorus loading if high removal efficiencies are assumed for septic tank/leachfield systems. If low removal efficiencies are assumed the nitrogen loading would increase 6.5-73.1% and phosphorus loading would increase 17.3-117.1%. These ranges are mainly due to the ranges in year-round occupancy and number of new houses that might be constructed. Since neither of these parameters may be controllable then the near doubling in nitrogen and phosphorus loadings are quite close to what will actually occur if low removal efficiencies are found for septic tank/leachfield systems. These increases could easily be expected to result in rapid eutrophication of Eagle Lake.
- o The removal efficiencies of septic tank/leachfield systems should be determined through comprehensive analysis of well logs and complete nutrient leach tests.
- o Nutrient loadings from the Little Merrill Flat treatment plant serving the Lassen National Forest Eagle Lake Recreation Area are negligible assuming current flow and compliance with the Regional Board's waste discharge requirements. The latter assumption is just that, as monitoring reports have not been submitted to date. The BLM Bald Hills Campground vault toilets should not add any nutrients to the lake. The elevated nutrient levels from the one test well there should be investigated, however.
- o In light of the probable importance of the Pine Creek watershed in providing ground water recharge of large quantity and high water quality, any timber harvests in this watershed should be very carefully reviewed by the Lassen National Forest, the Interagency Board of Directors and the Lahontan Regional Water Quality Control Board.
- o In light of sediments of Eagle Lake being the probable key to the future of the water quality of Eagle Lake, any proposed dredging operations will be reviewed carefully by the Lahontan Regional Water Quality Control Board.

- o Erosional runoff loadings from buildout of existing and proposed subdivisions would increase total nitrogen loading by 3.3-6.2% and total phosphorus loading by 63.1-72.1%. This phosphorus loading is appreciable and, when added to the potential phosphorus loading from low efficiency septic tank/leachfield system, could result in almost a tripling of the estimated nutrient budget for phosphorus. This would represent a very serious eutrophication threat to Eagle Lake. It is strongly recommended that the RVA Land Capability System be adopted and that Best Management Practices be utilized.
- o Nitrogen loading from runoff of all potential urbanized areas is quite small. Potential phosphorus loading is appreciable and represents 13.0-15.5% of the current nutrient budget for phosphorus for the lake.
- o It is unlikely that any appreciable amount of nitrogen or phosphorus deposited on the land in metabolic wastes by grazing cattle reaches surface streams, ground water or the lake itself. Assuming that estimates of the number of cattle grazing in or very near the lake are accurate then these loadings are also expected to be negligible. A thorough survey of the number of near shore cattle would be desirable.
- o The nutrient budget and potential loadings presented in this report are estimates based on the best information currently available. A monitoring program is critical to refine these estimates such that a Basin Plan Update for Eagle Lake can be prepared. A 2-year, \$104,000 monitoring program has been identified as necessary in this report.

ATTACHMENT H

Memorandum

Mr. Ted Cobb
Senior Staff Counsel
Office of Chief Counsel
State Water Resources Control Board
P.O. Box 100
Sacramento, Ca 95801

Date: October 31, 1992

From : Harold J. Singer, Executive Officer
California Regional Water Quality Control Board
Lahontan Region
2092 Lake Tahoe Boulevard, Suite 2
South Lake Tahoe, California 96150
(916) 544-3481 FAX (916) 544-2271

Subject: TRANSMITTAL OF RESPONSE TO PETITION -- ADOPTED CEASE AND DESIST ORDERS FOR THE
PROPERTY OWNERS OF THE STONES-BENGARD SUBDIVISIONS AND SPALDING TRACT, EAGLE
LAKE BASIN, LASSEN COUNTY

Enclosed is the Regional Board staff response to the petitions submitted in
opposition to the Regional Board adoption of Cease and Desist Orders at Eagle
Lake. Attached to the response is a separate bound document, entitled,
"Supplemental Information" containing several attachments which are
referenced in our response.

An additional enclosure is to be inserted into Record Item L after page 135.
These pages were inadvertently left out of the record and pertain to cost
estimates of sewerage the Spalding Tract in 1984.

If you have any questions, or need additional information, please do not
hesitate to contact Lauri Zander or me.

Enclosures (3)

1. Response to Petition
2. Pgs 135 - 140 of Item L of Record
3. Supplemental Information

RESPONSE TO PETITION

In the Matter of the Petitions of Robert S. Taylor (Spalding Tract) and John F. Bosta (Stones-Bengard Subdivision) for Review of Cease and Desist Orders Nos. 6-91-48 through 6-91-831, and Nos. 6-91-857 through 6-91-905 of the California Regional Water Quality Control Board, Lahontan Region ("Regional Board"). State Water Resources Control Board ("State Board") File Nos. A-744 and A-744 (a).

INTRODUCTION

On May 10, 1991 and on July 11, 1991, the Regional Board adopted a total of 831 Cease and Desist Orders for property owners of the Spalding Tract and the Stones-Bengard Subdivisions at Eagle Lake who have parcels containing a subsurface waste disposal system. The Orders were adopted due to discharges or threatened discharges in violation of a waste discharge prohibition contained in the Water Quality Control Plan for the North Lahontan Basin. The Orders were adopted in accordance with Section 13301 of the California Water Code. The Regional Board's action was reasonable, and appropriately based on the existing prohibition. Additional support for the orders and the underlying prohibition derive from recent data which indicates bacterial contamination of the underlying ground water originating from septic system effluent.

Regional Board staff have reviewed the Points and Authorities in the petition submitted by petitioners Taylor and Bosta, as well as all of the remaining petitions. This response will attempt to address all of the issues raised, and will refer to all of the petitioners collectively. Reference to "the petition" is intended to encompass all of the petitions.

The action of the Regional Board that is the subject of the petition was the adoption of cease and desist orders. As a result, the petitions should address only the issues surrounding the adoption of those orders. This, however, is not the case; most of the points raised in the petition argue against the validity of the underlying prohibition adopted by the Regional Board on September 14, 1984 and approved by the State Board on July 18, 1985. The Petitioners have requested that, in addition to reviewing the Regional Board's enforcement actions, the State Board should review, on its own motion, the waste discharge prohibition. Although we understand that the State Board will likely review the basis for the waste discharge prohibition, we urge the State Board not to lose sight of the initial reason for review. As will be illustrated below, there is clearly substantial evidence in the record to support the Regional Board's adoption of the cease and desist orders as well as evidence to support the underlying waste discharge prohibition at the two subdivisions.

DISCUSSION

1. Contention: The Petitioners request the State Board to review on its own motion the discharge prohibition in the Water Quality Control Plan.

Response: The Regional Board believes that this inquiry is inappropriate. Nonetheless, we will address the appropriateness of the prohibition. The Regional Board adopted the "Amendments to the Water Quality Control Plan for the North Lahontan Basin Concerning the Eagle Lake Hydrologic Unit" on September 14, 1984. The Amendments contained the following prohibition:

"The discharge of waste from the Spalding Tract or Stones-Bengard subdivisions with other than a zero discharge of nutrients to any surface water or ground waters in the Eagle Lake Basin is prohibited after September 14, 1989."

The State Board approved the Amendments, including the above prohibition on July 18, 1985. Both the Regional Board and State Board decisions were made with little opposition from the public and no appeals were filed. (Item 5 of Supplemental Information). Considerable support was expressed from most residents, local, state and federal agencies. Below, we have provided a summary of evidence which formed the initial basis for the prohibition and a summary of more recent evidence which further justifies the prohibition.

a) INITIAL BASIS FOR PROHIBITION

In 1984, the waste discharge prohibition was established based on substantial evidence that beneficial uses would be impaired if continued use of septic systems in the two subdivisions occurred. The evidence upon which the Regional Board based the prohibition is summarized as follows:

Nutrient Data

The Regional Board conducted one year of monitoring for nitrate-nitrogen, orthophosphate phosphorous and chloride in three wells presumed to be upgradient of subsurface waste disposal systems and in six wells downgradient of most subsurface disposal systems. Increases in the concentrations of nutrients found in downgradient wells when compared to upgradient concentrations, were greater than increases which would be expected to occur from septic system discharges to soils which would provide adequate treatment and diffusion of wastes. Regional Board staff determined that nutrients increased as the ground water moved toward Eagle Lake. Estimates of nutrient loading from the two subdivisions were made for current occupancy, future occupancy and total build-out. The Regional Board determined that the discharge of waste from total build-out will contribute a significant percentage of nitrogen and

phosphorous to Eagle Lake (approximately 20% of the estimated total nitrogen loading and 11% of the total phosphorous loading to the lake from the Spalding Tract, and 5% of the total nitrogen loading and 3% of the total phosphorous loading to the lake from the Stones-Bengard Subdivisions). These levels of nutrient loading would result in noticeable increases in algal growth in Eagle Lake. (Item L of Record).

Geology/Soils

A State Board Engineering Geologist examined 67 backhoe trenches in the Spalding Tract and Stones-Bengard Subdivisions. In the Spalding Tract, he determined that 65% of the 48 trenches examined contained soils unacceptable for individual leachfield systems. In the Stones-Bengard Subdivisions, 74% of the 19 trenches contained unacceptable soils. (Item L of Record).

Bacterial Contamination

At the time, no bacterial contamination of any domestic supply wells had been detected.

b) EVIDENCE GATHERED SINCE ADOPTION OF THE PROHIBITION

Nutrient Data

The Regional Board conducted four continuous years of monitoring for nitrate-nitrogen, orthophosphate phosphorous and chloride in three wells presumed to be upgradient of subsurface waste disposal systems and in six wells downgradient of most subsurface disposal systems. Concentrations of nutrients found in downgradient wells were significantly greater (at the 99% confidence interval for some paired wells) than the concentrations found in the upgradient wells. Regional Board staff determined from this long-term data that increases of nutrients were occurring as the ground water moved toward Eagle Lake. In addition, the Regional Board determined that the added nutrients from the disposal of domestic sewage were contributing to accelerated eutrophication occurring in Eagle Lake. Data from eight years of primary productivity monitoring illustrates a trend toward decreasing water clarity of Eagle Lake. The decline in water transparency correlates with an increase in chlorophyll-a concentrations, a measure of primary productivity. Additionally, late summer and autumn blooms of blue-green algae have become more pronounced over the period of record. These blooms have resulted in low dissolved oxygen concentrations which have resulted in fish kills (Item 7 of Supplemental Information). The predominant blue-green algae, Anabaena, is considered a nuisance algae which inhibits recreational and aesthetic use. The increases in productivity and the increase in the presence of blue-green algae are a result of increased nutrients in Eagle Lake. Sources of nutrients to Eagle Lake include the discharge of septic system effluent from

individual waste disposal systems in the Spalding Tract and Stones-Bengard Subdivisions. (Item O of Record and Items 2 and 4 of Supplemental Information, attached).

Bacterial Contamination

The Regional Board conducted three years of periodic monitoring of six downgradient wells and a one-time survey of 53 wells in the Spalding Tract and Stones-Bengard Subdivisions to test for bacterial contamination. Twenty-eight percent (28%) of the wells tested positive for total coliform, 19% tested positive for fecal coliform and 25% tested positive for fecal streptococci bacteria. (Item N of Record). Following the Regional Board's survey, a group of property owners attempted to refute the Regional Board's findings by conducting its own monitoring. Approximately 20% of the wells it sampled tested positive for total coliform bacteria (page 19, Item O of Record). During Fall 1989 and Spring 1990 the Department of Water Resources (DWR) and the Department of Health Services (DHS) sampled fifty-two wells in the Spalding Tract. Twenty eight of the fifty-two, or 54% of the wells sampled, tested positive for bacterial contamination. According to the DWR Final Report, "Bacterial contamination in wells is rather widespread, indicating a serious potential for health problems.... Species of bacteria found may be associated with soil, water, plants, insects, or a variety of warm-blooded animals, but all are associated with human fecal wastes, which suggests septic tank leachfield systems as the common source." (Item T of Record, pages 116-117). Dr. Benjamin Tamplin, Chief of the Sanitation and Radiation Laboratory, DHS stated, "...that the most probable source of fecal organisms isolated from tapwater in this study is human waste and the vehicle of transmission is, in all likelihood, septic tank leachate. There is simply no other rational explanation for the presence of these organisms in water samples drawn from domestic supplies." (Item T of Record, page 132).

- c) THE REGIONAL BOARD COMPLIED WITH THE WATER CODE WHEN IT ADOPTED THE ORIGINAL PROHIBITION

Petitioners allege that the Regional Board failed to comply with the requirements of Water Code Sections 13280-13284 when it adopted the cease and desist orders. Those sections are pertinent only to the adoption of the prohibition, and not to the adoption of the cease and desist orders. (See Contention #2, below). When the Regional Board adopted the waste discharge prohibition, as part of a Basin Plan Amendment, it did so in accordance with all of the requirements of the California Water Code.

The Regional Board complied with Water Code Sections 13240 through 13245, pertaining to the adoption of Basin Plans (Items L and O of Record). The Regional Board also adhered to the provisions in Water Code Sections 13280 through 13284, pertaining to the prohibition of individual disposal systems.

ATTACHMENT I

Lahontan Regional Water Quality Control Board

July 3, 2013

CERTIFIED MAIL: 7006 2760 0003 9496 9794

ORMACHEA, GARY L. & JEAN Y.
3710 Camanche Parkway North
Ione, CA, 95640-9614

Violation of Cease and Desist Order)
No. R6T-2011-0072) **NOTICE OF VIOLATION**
Spalding Tract Subdivision, APN 077-254-20-11)
Eagle Lake Basin, Lassen County)

BACKGROUND

On September 15, 2011, the Lahontan Regional Water Quality Control Board (Water Board) adopted and issued you Cease and Desist Order (CDO) No. R6T-2011-0072 for Lassen County Assessor's Parcel No. (APN) 077-254-20-11. The CDO was issued for discharging or threatening to discharge waste containing nutrients to waters within the Eagle Lake Basin. Specifically, discharges from your onsite wastewater disposal system (septic system) cannot discharge waste containing nutrients (e.g., nitrogen, phosphorus) to the groundwater in the Eagle Lake Basin. Such discharges violate a waste discharge prohibition specified by the Water Board's *Water Quality Control Plan for the Lahontan Region* (Basin Plan).

The CDO requires you to cease such waste discharges and threatened discharges by either connecting your onsite wastewater disposal system to the Spalding Community Services District's community wastewater disposal system or by properly abandoning it in accordance with Lassen County Health Department requirements. One of these actions was to be completed by November 10, 2011.

To date, you have failed to comply with the CDO requirements. You are currently one of about 28 properties out of over 600 Spalding Tract properties that have yet to comply with your CDO and/or the above-referenced Basin Plan prohibition. The District's community system has been available for connection since late October 2007. Property owners have now had up to five complete construction seasons to comply.

NOTICE OF FORTHCOMING ADMINISTRATIVE CIVIL LIABILITY COMPLAINT

For all remaining Spalding Tract property owners who continue to violate their CDOs, Water Board staff intends to issue an Administrative Civil Liability Complaint (ACL Complaint) in November 2013 proposing a fine of up to \$5,000 for each day in which you either fail to: 1) connect your onsite wastewater disposal system to the Spalding Community Services District's community wastewater disposal system; or 2) properly

abandon the septic system in accordance with Lassen County Health Department requirements. Violations will accrue as of the compliance date in the Cease and Desist Order, November 11, 2011.

Once an ACL Complaint is issued, you will have an opportunity to contest the Complaint during Water Board public hearings that are tentatively scheduled to occur February 12-13, 2014. Immediately following the public hearings, the Water Board will take one of the following actions:(1) impose the recommended liability amount, (2) impose an alternative liability amount, (3) reject imposing a liability, or (4) refer the matter to the Attorney General for additional enforcement action. The Water Board has already imposed administrative civil liabilities against eight Spalding Tract property owners who failed to comply with their CDO requirements. Those eight property owners have since complied with their CDO requirements and paid their fines.

RESPONDING TO THIS NOTICE OF VIOLATION

For every day that you remain out of compliance with the CDO, you are subject to a fine of up to \$5,000 per day of violation. To stop the accrual of the fine amount, you must immediately comply with the CDO by either: 1) connecting your onsite wastewater disposal system to the Spalding Community Services District's community wastewater disposal system; or 2) properly abandoning it in accordance with Lassen County Health Department requirements.

Water Board staff's primary goal is compliance. We hope you and other property owners choose compliance with the Cease and Desist Order, rather than face further enforcement action. We strongly encourage you to contact Lisa Scoralle at (530) 542-5452 or Scott C. Ferguson at (530) 542-5432 if you have any questions regarding this matter.


Lauri Kemper
Assistant Executive Officer

Attachment: Cease and Desist Order No. R6T-2011-0072

Cc: 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
David Boyers/State Water Resources Control Board, Office of Enforcement
(email only)
Vanessa Young/State Water Resources Control Board, Office of
Enforcement (email only)

ATTACHMENT J

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
LAHONTAN REGION

CEASE AND DESIST ORDER NO. R6T-2011-0072

**REQUIRING ORMACHEA, GARY L. & JEAN Y., 077-254-20-11 TO CEASE
AND DESIST FROM DISCHARGING OR THREATENING TO DISCHARGE
WASTE IN VIOLATION OF A DISCHARGE PROHIBITION SPECIFIED BY THE
WATER QUALITY CONTROL PLAN FOR THE LAHONTAN REGION;
SPALDING TRACT SUBDIVISION,
EAGLE LAKE BASIN**

_____ Lassen County _____

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

1. ORMACHEA, GARY L. & JEAN Y., (hereafter "Discharger") own(s) Assessor Parcel No. 077-254-20-11 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, which is made a part of this Order.
2. 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.
3. 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] 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.

14. The technical reports required by this Order are necessary to ensure compliance with the discharge prohibition described in Finding No. 3, above, and this Cease and Desist Order, as well as to ensure protection of waters of the state, and to protect public health and the environment. The burden, including costs, of the reports required by this Order bear a reasonable relationship to the need for the reports and the benefits to be obtained therefrom.
15. The Water Board notified the Discharger and interested persons of its intent to consider adoption of this Cease and Desist Order, and provided an opportunity to submit written comments and appear at a public hearing. The Water Board, in a public hearing, heard and considered all comments.
16. 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 section 15321, subdivision (a)(2), title 14, California Code of Regulations.
17. Any person aggrieved by this action of the Regional 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, sections 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 petitions may be found on the Internet at: http://www.waterboards.ca.gov/public_notices/petitions/water_quality or will be provided upon request.

THEREFORE, IT IS HEREBY ORDERED that, pursuant to Water Code sections 13301 and 13267, the Discharger shall cease and desist from discharging wastes or threatening to discharge wastes, in violation of the Basin Plan prohibition and shall comply with the other provisions of this Order:

1. By **November 10, 2011**, the Discharger must complete one of the following:
 - a. Connect to the District's system.
 - b. Abandon the on-site wastewater disposal system on the Discharger's property, Assessor Parcel No. 077-254-20-11.

2. By **November 28, 2011**, the Discharger must complete one of the following:
 - a. If the Discharger has connected to the District's system, pursuant to option 1.a., above, the Discharger must request, both orally and in writing, that the District include its property on the list of properties connected to the District's system. The Water Board must be copied on the written request. Compliance with this provision will be determined by the Water Board through a review of the District's list.
 - b. If the Discharger has abandoned the on-site wastewater disposal system, pursuant to option 1.b., above, the Discharger must request, both orally and in writing, that the Lassen County Environmental Health Department (County) inspect the Discharger's property to verify that the on-site waste disposal system has been abandoned. The Water Board must be copied on the written request. Additionally, the Discharger shall provide the Water Board with a "Certification of Abandonment" provided by the County.
 - c. Provide a technical report (form included as Attachment D of this Order) documenting that the Discharger's property does not have an on-site wastewater disposal system. The report must include all information necessary to assist the Water Board in verifying the parcel number, street address, and the exact location of the Discharger's property, and any improvements to the property. The Discharger must provide written consent to allow Water Board staff to enter the Discharger's property for the purpose of verifying the absence of on-site wastewater disposal systems. If the Discharger wishes to be present during the inspection, the Discharger is requested to provide their contact information or the contact information of the person they wish to be present during the inspection. Contact information must include: name, mailing address, physical address of Spalding Tract property, phone number(s), and email address, if any.
3. The information required in paragraphs 2.a. through 2.c., above, is required to be provided pursuant to Water Code section 13267 (see Attachment E – Water Code section 13267 Fact Sheet), and is necessary to ensure that the person or persons to whom this Order is issued have taken appropriate action to abate the discharge, and/or threatened discharge, of waste in violation of the Basin Plan prohibition.

Failure to comply with the terms or conditions of this Cease and Desist Order will result in additional enforcement action, which may include the imposition of administrative civil liability pursuant to Water Code sections 13350 and/or 13268,

or referral to the Attorney General of the State of California for such legal action as he may deem appropriate.

I, Harold J. Singer, 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 September 14, 2011.


HAROLD J. SINGER
EXECUTIVE OFFICER

Attachment A: Vicinity Map

Attachment B: Lassen County Records for Lassen County Assessor Parcel No. 077-254-20-11

Attachment C: District Records

Attachment D: Technical Report Form – No On-site Waste Disposal Certification

Attachment E: Water Code section 13267 Fact Sheet

ATTACHMENT K

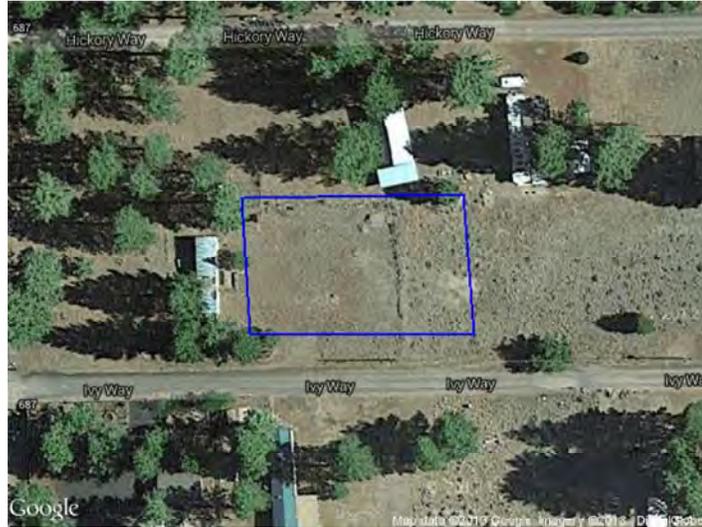
Kenneth Bunch , County Assessor

General Information

APN:	077-254-20-11	Use Type:	RESID. MOBILE/MANUFACTURED HOMES
Situs Address:	687705 IVY WAY	Tax Rate Area:	080-009
Mailing Address:	3710 CAMANCHE PKWY NORTH IONE CA 95640-9614		
Legal Description:	999-577-29/1978 SANDPOINTE		

Assessment

Year Assd:	2013
Land:	\$6,095
Structure(s):	\$5,358
Other:	\$5,355
Total Land and Improv:	\$16,808
HO Exempt?:	N
Exemption Amt:	



**The information provided here is deemed reliable, but is not guaranteed.

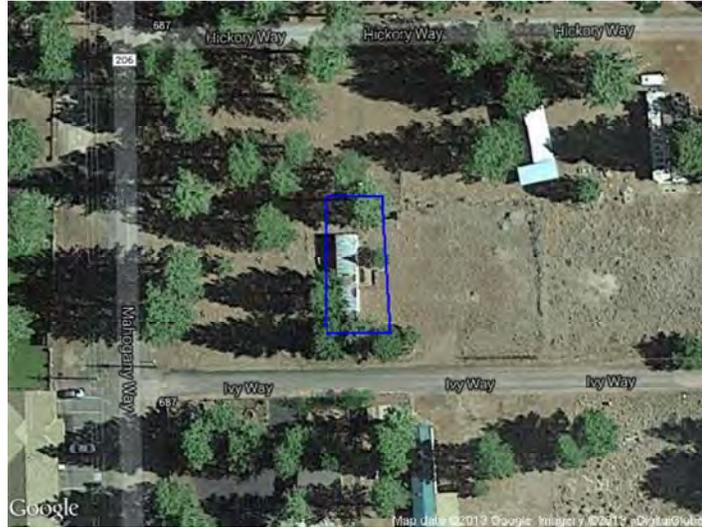
Kenneth Bunch , County Assessor

General Information

APN: 077-254-14-11 **Use Type:**
Situs Address: **Tax Rate Area:** 080-009
Mailing Address: 3710 CAMANCHE PKWY NORTH IONE CA 95640-9614
Legal Description:

Assessment

Year Assd: 2013
Land: \$1,505
Structure(s):
Other:
Total Land and Improv: \$1,505
HO Exempt?: N
Exemption Amt:



**The information provided here is deemed reliable, but is not guaranteed.

Kenneth Bunch , County Assessor

General Information

APN:	099-190-40-11	Use Type:	RESID. SINGLE FAMILY
Situs Address:	691355 LAS PLUMAS WAY	Tax Rate Area:	080-008
Mailing Address:	3710 CAMANCHE PKWY NORTH IONE CA 95640-9614		
Legal Description:	HO OK STAYS W/DAUGHTER IN WINTE		

Assessment

Year Assd:	2013
Land:	\$11,607
Structure(s):	\$3,468
Other:	
Total Land and Improv:	\$15,075
HO Exempt?:	Y
Exemption Amt:	\$7,000



**The information provided here is deemed reliable, but is not guaranteed.

ENCLOSURE 2

**WAIVER FORM
FOR ADMINISTRATIVE CIVIL LIABILITY COMPLAINT**

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

I am duly authorized to represent Ormachea, Gary L. & Jean Y. (hereinafter "Dischargers") in connection with Administrative Civil Liability Complaint No. R6T-2013-0092 (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. The person who has been issued a complaint may waive the right to a hearing."

(OPTION 1: Check here if the Dischargers waive the hearing requirement and will pay in full.)

- a. I hereby waive any right the Dischargers may have to a hearing before the Lahontan Water Board.
- b. I certify that the Dischargers will remit payment for the proposed civil liability in the full amount of **three thousand fifty dollars (\$3,050)** by check that references "Ormachea-ACL Complaint No. R6T-2013-0092" made payable to the "State Water Resources Control Board Waste Discharge Permit Fund." Payment must be received by the Lahontan Water Board by **5:00 p.m. on December 16, 2013** or the Lahontan 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 Lahontan Water Board receive significant new information or comments from any source (excluding the Lahontan Water Board's Prosecution Team) during this comment period, the Lahontan 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 Lahontan Water Board, and that the Lahontan 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 Dischargers 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.

(OPTION 2: Check here if the Dischargers waive the 90-day hearing requirement in order to engage in settlement discussions.) I hereby waive any right the Dischargers may have to a hearing before the Lahontan Water Board within 90 days after service of the Complaint, but I reserve the ability to request a hearing in the future. I certify that the Dischargers will promptly engage the Lahontan Water Board Prosecution Team in settlement discussions to attempt to resolve the outstanding violation(s). By checking this box, the Dischargers request that the Lahontan Water Board delay the hearing so that the Dischargers and the Prosecution Team can discuss settlement. It remains within the discretion of the Lahontan Water Board to agree to delay the hearing. Any proposed settlement is subject to the conditions described above under "Option 1."

(OPTION 3: Check here if the Dischargers waive the 90-day hearing requirement in order to extend the hearing date. Attach a separate sheet with the amount of additional time requested and the rationale. I hereby waive any right the Dischargers may have to a hearing before the Lahontan Water Board within 90 days after service of the Complaint. By checking this box, the Dischargers request that the Lahontan Water Board delay the hearing so that the Dischargers may have additional time to prepare for the hearing. It remains within the discretion of the Lahontan Water Board to approve the extension.

(Print Name and Title)

(Signature)

(Date)

ENCLOSURE 3

Lahontan Regional Water Quality Control Board
Financial Documentation Fact Sheet
November 15, 2013

Except for Mandatory Minimum Penalties under Water Code section 13385 (h) and (i), the Lahontan Water Board is required to consider several factors specified in the Water Code, including 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 in business**, any voluntary cleanup efforts undertaken, any prior history of violations, the degree of culpability, economic benefit or savings, if any resulting from the violations, and other matters as justice may require (Cal. Water Code §§ 13327, 13385(e) & 13399). During the period provided to submit evidence (set forth in the Hearing Procedures), the Discharger may submit information that it believes supports its position regarding the Administrative Civil Liability Complaint. If the Discharger intends to present arguments about its ability to pay or financial conditions inhibiting its ability to comply, the Discharger must provide reliable documentation to establish that ability or inability. The kinds of information that may be used for this purpose include:

For an individual:

1. Last three years of signed federal income tax returns (IRS Form 1040) including schedules;
2. Members of household, including relationship, age, employment and income;
3. Current living expenses;
4. Bank account statements;
5. Investment statements;
6. Retirement account statements;
7. Life insurance policies;
8. Vehicle ownership documentation;
9. Real property ownership documentation;
10. Credit card and line of credit statements;
11. Mortgage loan statements;
12. Other debt documentation.

For a business:

1. Copies of last three years of company IRS tax returns, signed and dated,
2. Copies of last three years of company financial audits
3. Copies of last three years of IRS tax returns of business principals, signed and dated.
4. Any documentation that explains special circumstances regarding past, current, or future financial conditions.

For larger firms:

1. Federal income tax returns for the last three years, specifically:
 - IRS Form 1120 for C Corporations
 - IRS Form 1120 S for S Corporations
 - IRS Form 1065 for partnerships
2. A completed and signed IRS Form 8821. This allows IRS to provide the Regional Water Board with a summary of the firm's tax returns that will be compared to the submitted income tax returns. This prevents the submission of fraudulent tax returns;
3. The following information can be substituted if income tax returns cannot be made available:
 - Audited Financial Statements for last three years;
 - A list of major accounts receivable with names and amounts;
 - A list of major accounts payable with names and amounts;
 - A list of equipment acquisition cost and year purchased;
 - Ownership in other companies and percent of ownership for the last three years;
 - Income from other companies and amounts for the last three years.

For a municipality, county, or district:

1. Type of entity:
 - City/Town/Village;
 - County;
 - Municipality with enterprise fund;
 - Independent or publicly owned utility;
2. The following 1990 and 2000 US Census data:
 - Population;
 - Number of persons age 18 and above;
 - Number of persons age 65 and above;
 - Number of Individual below 125% of poverty level;
 - Median home value;
 - Median household income.
3. Current or most recent estimates of:
 - Population;
 - Median home value;
 - Median household income;
 - Market value of taxable property;
 - Property tax collection rate.
4. Unreserved general fund ending balance;
5. Total principal and interest payments for all governmental funds;
6. Total revenues for all governmental funds;
7. Direct net debt;
8. Overall net debt;
9. General obligation debt rating;

10. General obligation debt level.

11. Next year's budgeted/anticipated general fund expenditures plus net transfers out.

This list is provided for information only. The Discharger remains responsible for providing all relevant and reliable information regarding its financial situation, which may include items in the above lists, but could include other documents not listed. Please note that all evidence regarding this case, including financial information, will be made public.