
Central Valley Regional Water Quality Control Board

29 March 2018

WDID: 5A04NC00031

Mr. Les Doll, President
Rare Earth Estates Owners' Association
4128 Tiberon Way
Chico, CA 95973

CERTIFIED MAIL:
7016 2140 0000 1629 7426

TENTATIVE RESCISSION OF WASTE DISCHARGE REQUIREMENTS R5-2008-0095, RARE EARTH ESTATES, BUTTE COUNTY

TO ALL CONCERNED PERSONS AND AGENCIES:

Enclosed is a tentative Waste Discharge Requirements Rescission for Rare Earth Estates' wastewater treatment system in Butte County. A Public Hearing has been scheduled for the Central Valley Water Board to consider adoption of the tentative Order at its **31 May/1 June 2018** Board Meeting. For your facility to be included with the adopted order, you must post the enclosed Notice of Public Hearing by **10 April 2018** at the following locations:

- The entrance to the facility;
- The nearest city hall or county courthouse; and
- The post office nearest to the Facility (if allowed)

To verify the Notice of Public Hearing has been posted, a completed copy of the enclosed Proof of Posting form must be sent to our office by **13 April 2018**.

Any comments or recommendations you or others may have concerning the tentative Order must be submitted in writing to the Central Valley Regional Water Quality Control Board (Central Valley Water Board) office by **5 pm on 30 April 2018**. Written materials submitted after this date and time will not be accepted and will not be incorporated into the administrative record if doing so would prejudice any party. Please note that the tentative documents will receive internal legal and management review during the public comment period.

To conserve resources, this letter transmits a paper copy of the tentative documents to the discharger only. Interested persons are advised that the full text of the tentative documents is available on the Central Valley Water Board's web site at

www.waterboards.ca.gov/centralvalley/board_decisions/tentative_orders/

Copies of these documents can also be obtained by contacting or visiting the Central Valley Water Board's Redding office at 364 Knollcrest Drive, Suite 205, Redding, California, weekdays between 8:00 a.m. and 5:00 p.m.

If you have any questions regarding the proposed Order, the scheduling of the Public Hearing, or the above requirements please contact Monique Gaido at (530) 224-4205, Monique.gaido@waterboards.ca.gov, or the footer address.



Bryan J. Smith, P.E.
Supervising Water Resource Control Engineer

MG: ab

Enclosures: Notice of Public Hearing (4 copies)
Proof of Posting Form
Tentative Orders

cc w/ encl: Les Doll, Home Owners' Association
Hydrotec Solutions, Inc.

cc w/o encl: Butte County Environmental Health Division, Oroville
Tim O'Brien, State Water Board, Sacramento
Patrick Pulupa, SWRCB, Office of Chief Counsel, Sacramento

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL VALLEY REGION**

364 Knollcrest Drive, Suite 205, Redding, CA 96002

NOTICE OF PUBLIC HEARING

Concerning

**RESCISSION OF WASTE DISCHARGE REQUIREMENTS
ORDER R5-2008-0095
FOR
RARE EARTH ESTATES
BUTTE COUNTY**

Rare Earth Estates' wastewater treatment and disposal system, located in Butte County, discharges wastewater in accordance with Waste Discharge Requirements (WDR) Order R5-2008-0095, adopted by the Central Valley Regional Water Quality Control Board (Central Valley Water Board) on 12 June 2008.

The State Water Resources Control Board (SWRCB) adopted Water Quality Order 2014-0153-DWQ (General Order) for discharges to land from small domestic systems with a maximum average daily flow of 100,000 gallons or less. Because the Discharger's facility falls into the category of facilities that may be covered by Order 2014-0153-DWQ, Central Valley Water Board staff requested the Discharger submit an application for coverage under Order 2014-0153-DWQ. The Discharger informed Central Valley Water Board staff that no significant changes were made to the wastewater treatment system since the adoption of WDR Order R5-2008-0095.

On 29 March 2018, the Central Valley Water Board issued a Notice of Applicability to the Discharger, to enroll them in the General Order; therefore, WDR Order R5-2008-0095 is no longer required.

The Central Valley Water Board will consider rescinding WDR Order R5-2008-0095. A public hearing to address this matter will be held during the Central Valley Water Board meeting which is scheduled for:

DATE: 31 May/1 June 2018
TIME: 8:30 a.m.
PLACE: Central Valley Regional Water Quality Control Board
11020 Sun Center Drive, Suite 200
Rancho Cordova, CA

The designated parties for this hearing are as follows:

- Rare Earth Estates Owners' Association

NOTICE OF PUBLIC HEARING
RARE EARTH ESTATES
BUTTE COUNTY

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Designated parties but not interested persons will have these rights: to call and examine witnesses; to cross-examine opposing witnesses; to impeach any witness; and to rebut the evidence against him or her. Central Valley Water Board staff will prepare the administrative record, and may present evidence, make an oral presentation and cross-examine opposing witnesses.

Interested persons may not cross examine witnesses, and will not be subject to cross examination. Interested persons may submit evidence (e.g., photographs, eye-witness testimony, monitoring data) if the evidence is submitted in accordance with the deadlines for submitting evidence described below. Interested persons who present evidence may be subject to cross-examination. Interested persons may request status as a designated party for purposes of this hearing by submitting such request in writing to the Central Valley Water Board no later than **5:00 pm on 30 April 2018**. The request must explain the basis for status as a designated party and in particular how the person is affected by the discharge.

The notification for the Planned Rescission of Waste Discharge Requirements was issued on **29 March 2018**. Persons wishing to comment on this item must submit testimony, evidence, if any, and/or comments in writing to the Central Valley Water Board no later than **5:00 p.m. on 30 April 2018**. Written materials submitted after this date and time will not be accepted and will not be incorporated into the administrative record if doing so would prejudice any party.

All designated parties and interested persons may speak at the Central Valley Water Board meeting, and are expected to orally summarize their written submittals. Oral testimony and cross examination will be limited in time by the Board Chair. Both designated parties and interested persons may be asked to respond to clarifying questions from Board members, counsel staff or others, at the discretion of the Board.

Anyone having questions on the tentative documents should contact Monique Gaido at (530) 224-4205, or at monique.gaido@waterboards.ca.gov. Interested parties may download the proposed Order and related documents from the Central Valley Water Board's Internet website at

http://www.waterboards.ca.gov/centralvalley/board_decisions/tentative_orders/

Copies of these documents can also be obtained by contacting or visiting the Central Valley Water Board's office at 364 Knollcrest Drive, Suite 205, Redding, CA 96002 weekdays between 8:00 a.m. and 5:00 p.m.

The final meeting agenda will be available at

www.waterboards.ca.gov/centralvalley/board_info/meetings/

at least ten days before the meeting. The agenda will provide the dates the Board meeting will be held, indicate the anticipated order of agenda items, and may include staff revisions to the proposed order(s).

The procedures governing Central Valley Water Board meetings may be found at Title 23, California Code of Regulations, Section 647 et seq. and are available upon request.

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RARE EARTH ESTATES
BUTTE COUNTY

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Hearings before the Board are not conducted pursuant to Government Code section 11500 et seq. The procedures may be obtained by accessing

www.waterboards.ca.gov/laws_regulations/

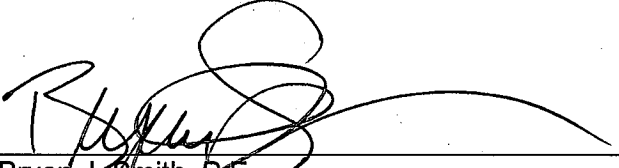
Information on meeting and hearing procedures is also available on the Board's website at

www.waterboards.ca.gov/centralvalley/board_info/meetings/mtgprocd.shtml

or by contacting any one of the Board's offices. Questions regarding such procedures should be directed to Ms. Kiran Lanfranchi-Rizzardi at (916) 464-4839.

The hearing facilities will be accessible to persons with disabilities. Individuals requiring special accommodations are requested to contact Ms. Kiran Lanfranchi-Rizzardi at (916) 464-4839 at least 5 working days prior to the meeting. TTY users may contact the California Relay Service at 1-800-735-2929 or voice line at 1-800-735-2922.

Please bring the above information to the attention of anyone you know who would be interested in this matter.



Bryan J. Smith, P.E.
Supervising Water Resource Control Engineer

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL VALLEY REGION

ORDER R5-2018-XXXX

RESCINDING WASTE DISCHARGE REQUIREMENTS ORDER R5-2008-0095

The California Regional Water Quality Control Board, Central Valley Region (Central Valley Water Board), finds that the Central Valley Water Board adopted the following Order which is no longer applicable for the reasons shown:

- a) Waste Discharge Requirements Order R5-2008-0095, adopted on 12 June 2008, prescribes requirements for the discharge from the Rare Earth Estates, Butte County (Facility). The Facility is comprised of a collection system, two packaged treatment system units with textile filter pods and subsurface dispersal fields. The Facility is now regulated under Water Quality Order 2014-0153-DWQ (General Order) for discharges to land from small domestic systems with a maximum average daily flow of 100,000 gallons or less. Therefore, it is appropriate to rescind Waste Discharge Requirements Order R5-2008-0095.

IT IS HEREBY ORDERED that the above Waste Discharge Requirements Order R5-2008-0095 is rescinded.

I, PAMELA C. CREEDON, Executive Officer, do hereby certify the foregoing is a full, true, and correct copy of an Order adopted by the California Regional Water Quality Control Board, Central Valley Region on _____, 2018.

PAMELA C. CREEDON, Executive Officer