

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
LAHONTAN REGION

BOARD ORDER NO. R6T-2009-0004

RESCISSION OF WASTE DISCHARGE REQUIREMENTS

FOR

**EAGLE LAKE ESTATES, BOARD ORDER NO. 6-82-03
WDID NO. 6A188025005**

Lassen County

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

Eagle Lake Estates

On January 14, 1982, the Water Board adopted Board Order No. 6-82-03 prescribing Waste Discharge Requirements (WDRs) for Eagle Lake Estates (Site). The Site is located approximately 1.5 miles north of Buck's Bay at Eagle Lake. In 1982, the Site (635-acre parcel) was proposed to be subdivided into 35 residential parcels with a minimum of 20 acres per lot.

WDRs were adopted to regulate construction wastes and erosion products in storm water, and discharges of domestic wastewater from individual onsite disposal systems. Under the WDRs, subsequent Water Board approval was required for the onsite system for each parcel. The Water Board files in this matter contain no evidence that such approvals were ever sought or granted.

To date, development at the Site consists of road infrastructure but only one residential structure. The Discharger (B.J. Pearson) has recently shown interest to move forward with revised subdivision plans involving construction of 24 residential parcels averaging 26.5 acres in size (revised Project) on the Site. The 1982 WDRs, while still applicable, are outdated with respect to current pending Site development plans.

A Memorandum of Understanding (MOU) between the Water Board and Lassen County (effective March 25, 1991) currently authorizes Lassen County to approve of onsite waste disposal systems that meet all applicable "siting" or "alternative system" criteria and requirements, including prohibitions concerning density, as stated in the 1995 *Water Quality Control Plan for the Lahontan Region* (Basin Plan). This MOU is subject to oversight by the Water Board. It is therefore appropriate to rescind the Order and defer regulation of onsite waste disposal systems at Eagle Lake Estates to Lassen County pursuant to the MOU.

The 1982 WDRs, while still applicable, are outdated with respect to current regulatory programs for onsite systems implemented by the Water Board.

In addition, future construction activities on parcels that are part of larger plan of development or sale involving more than one acre of land disturbance are subject to federal Clean Water Act National Pollutant Discharge Elimination System (NPDES) permit requirements (General NPDES Permit No. 99-08-DWQ). These NPDES permit requirements pertain to pollutant discharges in storm water associated with construction activity. Dischargers of storm water associated with construction activity must apply to the State Water Resources Control Board (State Board) for permit coverage. The State Board issues the permit and responsibility for oversight (inspections, document review, etc.) is undertaken by the Water Board until coverage is terminated by the Water Board. The 1982 WDRs, while still applicable, are outdated with respect to current regulatory programs for storm water implemented by the Water Board, and do not supersede or void NPDES permitting requirements.

There is no information that previous construction or use of the structure currently at the Site poses a threat to water quality or beneficial uses of water. However, rescinding this Order does not limit the Water Board's authority if new information indicates that pollution, nuisance, or water contamination from or at the Site has occurred due to former operations.

This regulatory action is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to California Code of Regulations, title 14, section 15321, subdivision (a)(2). This provision identifies the following actions as categorically exempt from CEQA:

(a) Action by regulatory agencies to enforce or revoke a lease, permit, license, certificate or other entitlement for use issued, adopted, or prescribed by the regulatory agency or enforcement of a law, general rule, standard, or objective, administered or adopted by the regulatory agency. Such actions include, but are not limited to, the following:

. . . (2) The adoption of an administrative decision or order enforcing or revoking the lease, permit, license, certificate or entitlement for use or enforcing the general rule, standard, or objective.

This regulatory action is categorically exempt from CEQA pursuant to California Code of Regulations, title 14, section 15321, subdivision (a)(2) because this administrative order serves to revoke waste discharge requirements issued under Board Order No. 6-82-03.

It is hereby ordered that the Board Order No. 6-82-03 be rescinded.

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 January 14, 2009.



HAROLD J. SINGER
EXECUTIVE OFFICER