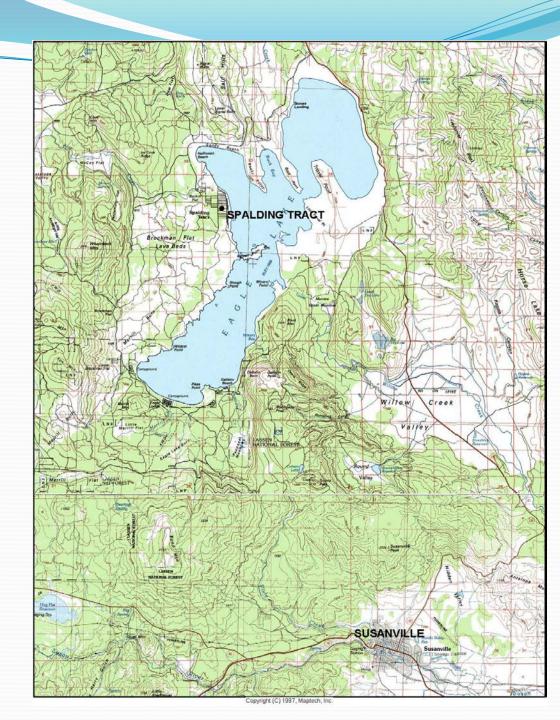
# Agenda Item No. 7

Consideration of Cease and Desist
Order for Sheila M. Miner
APN 077-332-42-11
Spalding Tract, Eagle Lake,
Lassen County

Lahontan Regional Water Quality Control Board January 14, 2015

- -West shore of Eagle Lake
- -Approximately 20 miles northwest of Susanville, California



# History - 1984 Basin Plan Amendment

Eagle Drainage Hydrologic Area Prohibition

"The <u>discharge of waste</u> from the <u>Spaulding [sic]</u>
<u>Tract</u> or Stones-Bengard subdivisions with <u>other than</u>
<u>a zero discharge of nutrients</u> to any surface waters
or <u>ground waters</u> in the Eagle Lake basin is
prohibited after <u>September 14, 1989</u>."

## History – 1991 Cease and Desist Orders

- 1991 Water Board issued 644 CDOs to Spalding Tract property owners
  - Sheila Miner received 1991 CDO
  - Required compliance by September 1993
- No available means to comply

### **History - Continued**

- October 2007
  - Spalding CSD wastewater system operational
  - Readily available means to comply
- Oct. 2007 2009
  - Substantial voluntary compliance
- **2009 2014** 
  - Progressive enforcement actions

#### January 2015

- Nearly all Spalding Tract properties now in compliance (> 640)
- Only three non-compliant properties remaining
  - Today's CDO Sheila M. Miner, APN 077-332-42-11
  - Two parcels with ownership issues

### **CDO** Authority

• Water Code section 13301 states, in part:

"When a regional board finds that a discharge of waste is taking place, or threatening to take place, in violation of requirements or discharge prohibitions prescribed by the regional board or the state board, the board may issue an order to cease and desist and direct that those persons not complying with the requirements or discharge prohibitions (a) comply forthwith, (b) comply in accordance with a time schedule set by the board, or (c) in the event of a threatened violation, take appropriate remedial or preventative action."

# Supporting Evidence

 Lassen County and Spalding CSD records show onsite wastewater disposal system

 Spalding CSD records do not show property connected to the community wastewater system

 Water Board staff has not received Lassen County abandonment certification

# Wastewater Discharge Contains Nutrients, Violates Basin Plan

#### Approx. Nutrient Conc. of Average Domestic Wastewater

| Nutrient                | Before<br>Sedimentation | After<br>Sedimentation | Biologically<br>Treated |
|-------------------------|-------------------------|------------------------|-------------------------|
| Total Nitrogen (mg/L)   | 35                      | 30                     | 26                      |
| Total Phosphorus (mg/L) | 10                      | 9                      | 8                       |

Source: Water Supply and Pollution Control, Fourth Ed., Warren Viessman, Jr. and Mark J. Hammer

# Reasons to Adopt CDO

- Protect water quality
- Comply with Basin Plan prohibition
- Provide incentive to comply
- Fair, firm, consistent enforcement

# **CDO** Requirements

 Connect or abandon onsite wastewater disposal system by <u>June 30, 2015</u>

• Submit compliance documentation by **July 14, 2015** 

#### Staff Recommendation

Adopt CDO as proposed