

Cleanup and Abatement Order

R1-2023-0023

Teresa Thurman dba Houser Holdings dba Creekside Cabins & RV Resort

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
NORTH COAST REGION**

CLEANUP AND ABATEMENT ORDER NO. R1-2023-0023
FOR

Teresa Thurman dba Houser Holdings CA, LLC, dba Creekside Cabins & RV Resort

29801 Highway 101, Willits, CA

P.O. Box 279, Lakeport, CA 95453-0279

Assessor's Parcel No. 037-130-16

Mendocino County

This Order is issued to Teresa Thurman, dba Houser Holdings CA, LLC (hereafter referred to as the Discharger) based on provisions of Water Code section 13304, which authorizes the North Coast Regional Water Quality Control Board (Regional Water Board) to issue a Cleanup and Abatement Order, and Water Code section 13267 Investigative Order, which authorizes the Regional Water Board to require the preparation and submittal of technical and monitoring reports (Order).

FINDINGS

The Executive Officer finds, with respect to the Discharger's acts, or failure to act, the following:

1. **Site Conditions:** Creekside Cabins & RV Resort operates on assessor parcel number 037-130-16 at 29801 Highway 101, in Willits, Mendocino County. According to the California Department of Housing and Community Development, Creekside Cabins & RV Resort has 15 motorhome spaces, 5 Recreational Vehicle (RV) lots with drains, and 30 RV lots without drains. A 2005 septic system map of property indicates that the 15 motorhome spaces are connected to the septic system. The map indicates that on the property there are also two stand-alone restrooms, a RV Dump site, and one single-family residence served by its own septic tank/leachfield septic system. An unnamed creek runs adjacent to the property and is a tributary to Outlet Creek, a tributary of the Eel River, a waters of the United States and state (references hereafter to waters of the United States are also waters of the state). The Discharger has caused or allowed the discharge and threatened discharge of waste to receiving waters by failing to provide sanitary sewer services to all its customers and/or allowed wastes to be discharged directly to waters of the state in violation of applicable state regulations, including water quality requirements.
2. **Purpose of the Order:** This Order requires the Discharger to clean up and abate the effects of discharging untreated domestic sewage to the ground surface and to unnamed tributary to Outlet Creek and the South Fork Eel River, a water of the

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United States, and to eliminate the threat of future discharges. This Order requires investigation and cleanup actions in compliance with the Porter-Cologne Water Quality Control Act (Wat. Code § 13000 *et seq.*), the *Water Quality Control Plan for the North Coast Region* (Basin Plan), State Water Resources Control Board (State Water Board) Resolution 92-49, *Policies and Procedures for Investigation and Cleanup and Abatement of Discharges under Water Code Section 13304* (Resolution 92-49), and other applicable State and Regional Water Board plans, policies, and regulations.

3. Responsible Parties: The Discharger, as the property owner and/or operator, and the persons discharging or creating a threat of discharge with the legal ability to control the activities on the property that resulted in the discharge and/or threat of discharge, are responsible parties for purposes of this Order. This Order finds that Teresa Thurman dba Houser Holdings CA, LLC is the responsible party.

Per records from the California Department of Housing and Community Development, Houser Holdings CA, LLC owns and operates Creekside Cabins & RV Resort (Park ID 23-0055-MP) at 29801 N. Highway 101 in Willits, California, identified as Assessor Parcel Number 037-130-16 (hereafter Property).

4. Property Location and Description: The Property is located approximately six miles north of Willits in Mendocino County. The property is approximately 28.8 acres and is adjacent to an unnamed tributary to Outlet Creek which is directly affected and/or threatened by Discharger activities or site conditions, in the Upper Mainstem Eel River Hydrologic Area of the Eel River Hydrologic Unit.
5. Watershed Setting: The discharge and/or threatened discharge is located within the Outlet Creek Hydrologic Subarea of the Eel River Hydrologic Unit. The Basin Plan designates beneficial uses of water within Hydrologic Subareas. Existing and potential beneficial uses application within the Outlet Creek Hydrologic Subarea of the Eel River Hydrologic Unit include municipal and domestic supply (MUN); agricultural supply (AGR); industrial service supply (IND); groundwater recharge (GWR); navigation (NAV); water contact recreation (REC-1); non-contact water recreation (REC-2); commercial and sport fishing (COMM); warm freshwater habitat (WARM); cold freshwater habitat (COLD); wildlife habitat (WILD); rare, threatened, or endangered species (RARE); migration of aquatic organisms (MIGR); spawning, reproduction, and/or early development (SPWN); and aquaculture (AQUA), industrial process supply (PRO); and hydropower generation (POW). The existing and potential beneficial uses of groundwater include municipal and domestic supply (MUN); agricultural supply (AGR); industrial service supply (IND); and Native American Culture (CUL); industrial process supply and aquaculture (AQUA).

The unnamed creek tributary to Outlet Creek is a water of the United States.

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6. Property History: There is no record of Regional Water Board regulatory or enforcement history with this Property. The public water system (a 38-foot deep well constructed in 1973) is regulated by the State Water Resources Control Board (State Water Board) Division of Drinking Water (Water System 2300717).

7. Factual Basis of Order:

On December 30, 2022, a large sinkhole emerged in the driveway of Creekside Cabins and RV Resort making the driveway impassable and eliminating the only point of access or egress to the people living there. The lack of access raised concerns from the Mendocino County Department of Public Health about whether onsite septic tanks could be reached for routine maintenance.

On January 13, 2023, the Mendocino County Code Enforcement Manager declared the property and the sinkhole condition to be a public nuisance and determined an inspection of the property was necessary to investigate and determine if other conditions on the property pose an immediate threat to the environment and public's health, safety, and welfare.

On January 15, 2013, the Mendocino County Department of Public Health issued a Public Health Advisory for Creekside Cabins and RV Resort and began an investigation into its concerns that site conditions posed a threat to the health and safety of the residents.

On January 17, 2023 the Code Enforcement Manager for the Mendocino County Code Enforcement Division sought consent to conduct an inspection of the property from the attorney representing the Discharger via email and again on January 18, 2023 from the Discharger via text message. Consent was denied in both instances.

On January 18, 2023, the County of Mendocino obtained an inspection warrant (Warrant No. IW_2023-0001) from the California Superior Court, County of Mendocino, Ukiah Branch, to gain entry onto the property for the purpose of conducting an inspection of the property.

On January 18, 2023, staff of the State Water Board Division of Drinking Water (DDW) directed the Discharger to prepare and locally post a Boil Water Notice because bacteriological tests of raw samples collected by DDW staff on December 27, 2022 from source water (Well 01) at Creekside Cabins & RV Resort showed high concentrations of *E. coli* bacteria and posed a significant and ongoing health risk to customers consuming the well water. The Boil Water Notice was issued by DDW on January 19, 2023.

On January 20, 2023, inspectors from the Mendocino County Code Enforcement Division and the Division of Environmental Health inspected the Property between the hour of 8:00 AM and 10:00 AM. The inspection resulted in the issuance of a

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Notice of Violation of Mendocino County Code section 16.08.015 – “Unlawful maintenance of a sewage system in a manner which is causing effluent to discharge to the ground.” The Notice of Violation required the property owner to:

1. Cease immediately the discharge of sewage system effluent to the ground or the unnamed creek.
2. Disinfect all RV spaces that have been discharging effluent to the ground.
3. Within 90 days (by April 20, 2023), obtain a septic system repair permit from the Mendocino County Division of Environmental Health.
4. Within 180 days (July 19, 2023), obtain final approval of the septic system repair permit from the Mendocino County Division of Environmental Health.

On January 23, 2023, DDW staff informed the Discharger that Well 01 would likely be considered by DDW as “Groundwater Under the Direct Influence of Surface Water” (GWUDI) because of its history of high coliform detections and inadequate well construction (e.g., shallow well and substandard 10-foot annular seal). This designation means that this well is likely impacted by polluted runoff and contamination from nearby illegal discharges to surface waters. At this time, DDW also lifted the existing Boil Water Notice and replaced it with a Precautionary Boil Water Notice due to a potentially untreated GWUDI source.

8. Property Features or Conditions Impacting or Threatening to Impact Water Quality and Beneficial Uses: The Discharger has caused or allowed the discharge and/or threatened discharge of waste to receiving waters by allowing domestic waste from RVs and campers to discharge directly to the ground surface and to surface water, causing contamination, pollution and nuisance as defined in California Water Code section 13050. Discharges of waste to surface water is prohibited without first obtaining coverage under a National Pollutant Discharge Elimination System (NPDES) permit.

9. Findings of Pollution and/or Nuisance:

- a. Pollution

Domestic waste discharged to the ground surface on property owned and/or used by the Discharger has discharged, still has the potential to discharge, and/or threatens to discharge into the unnamed creek thence to Outlet Creek in violation of Water Code sections 13260 and 13376 and provisions of the Basin Plan and creates or threatens to create a condition of pollution subject to this Order in accordance with Water Code section 13304.

- i. Site activities conducted by the Discharger, their agents, and/or their tenants have resulted in the placement of domestic waste into and/or where they can enter the unnamed creek and thence to Outlet Creek.

- ii. Inadequate operation and maintenance of the existing onsite wastewater treatment system (OWTS) has caused or allowed the discharge of domestic waste into and/or where they can enter the unnamed creek and thence to Outlet Creek.
- iii. Onsite activities/housekeeping, including domestic solid/municipal wastes have caused or allowed the discharge of pollutants and trash into and where they can enter the unnamed creek and thence to Outlet Creek.

Raw sewage contains high levels of suspended solids, disease-causing pathogenic organisms, nutrients, oxygen-demanding organic compounds, oil and grease, and other pollutants that have the potential to adversely impact aquatic organisms and public health. Increased nutrients cause increased algal and macrophyte growth, increased turbidity, larger dissolved oxygen swings, and potential for increased sediment oxygen demand, all of which reduce the cold water fish and aquatic survival rates, and therefore impact many of the fisheries aquatic habitat beneficial uses. Pathogen discharges, which often contain high levels of bacteria and viruses, and direct contact with these discharges can cause acute and chronic human disease, result in closure of public beaches and affect contact and non-contact recreation beneficial uses.

b. Nuisance

Water Code section 13050, subdivision (m), defines “nuisance” as anything that meets all of the following requirements: (1) is injurious to health, indecent or offensive to the senses, or is an obstruction to the free use of property, such that it interferes with the comfortable enjoyment of life or property; (2) affects, at the same time, an entire community or neighborhood, or any considerable number of persons, although the extent of the annoyance or damage may vary between individuals; and (3) occurs during, or as a result of, the treatment or disposal of wastes. As described above, raw sewage contains human pathogen microorganisms such as bacteria, viruses, and parasitic protozoa, such as giardia and cryptosporidium emanating from the feces of infected humans and can contaminate surface water and groundwater as a result of inadequate waste treatment or disposal methods. Direct contact with these discharges can cause acute and chronic human disease, and when discharged to surface waters can result in closure of public beaches and affect contact and non-contact recreation beneficial uses. Disposal of raw sewage without appropriate treatment to remove pathogenic organisms presents a risk to public health and the environment. The discharge likely impacted a considerable number of persons, at a minimum, it affected the occupants at the Creekside Cabins & RV Resort, as described in Finding 1, at the time of discharge.

10. Legal and Regulatory Authority: The Water Code, California Environmental Quality Act (CEQA), and Water Quality Control Plan for the North Coast Region (the Basin Plan) contain various provisions that support the issuance of this Order or requirements with which this Order complies.

- a. **State Water Board Antidegradation Policy**. State Water Board Resolution 92-49 sets forth the policies and procedures to be used during an investigation and cleanup of a polluted site and requires that cleanup levels be consistent with State Water Board Resolution 68-16, the Statement of Policy with Respect to Maintaining High Quality Waters in California (“Resolution 68-16”). Resolution 92-49 requires the waste to be cleaned up in a manner that promotes attainment of either background water quality, or the best water quality that is reasonable if background levels of water quality cannot be restored. Any alternative cleanup level to background must: (1) be consistent with the maximum benefit to the people of the state; (2) not unreasonably affect present and anticipated beneficial use of such water; and (3) not result in water quality less than that prescribed in the Basin Plan and applicable Water Quality Control Plans and Policies of the State Water Board. Resolution 92-49 directs that investigations and cleanup and abatement proceed in a progressive sequence. To the extent practical, it directs the Regional Water Board to require and review for adequacy written work plans for each element and phase, and the written reports that describe the results of each phase of the investigation and cleanup.
- b. **Legal Authority to Require Cleanup and Abatement**: Water Code section 13304, subdivision (a) states, in relevant part:

A person who has discharged or discharges waste into waters of this state in violation of any waste discharge requirements or other order or prohibition issued by a regional board or the state board, or who has caused or permitted, causes or permits, or threatens to cause or permit any waste to be discharged or deposited where it is, or probably will be, discharged into the waters of the state and causes, or threatens to create, a condition of pollution or nuisance, shall upon order of the regional board clean up the waste or abate the effects of the waste, or, in the case of threatened pollution or nuisance, take other necessary remedial action, including, but not limited to, overseeing cleanup and abatement efforts.... Upon failure of any person to comply with the cleanup or abatement order, the Attorney General, at the request of the board, shall petition the superior court for that county for the issuance of an injunction requiring the person to comply with the order. In the suit, the court shall have jurisdiction to grant a prohibitory or mandatory injunction, either preliminary or permanent, as the facts may warrant.

- i. “Waste” is defined by Water Code section 13050, subdivision (d) to include, sewage and any other waste substances, whether liquid, solid, gaseous, or radioactive, associated with human habitation, or of human or animal origin, or from any producing, manufacturing, or processing operation,

including waste placed within containers prior to, and for purposes of, disposal.

- ii. Water Code section 13050, subdivision (l)(1) defines “pollution” as, an alteration of the quality of the waters of the state by waste to a degree which unreasonably affects either waters of the state for beneficial use or facilities which serve these beneficial uses.

c. **Water Quality Control Policy for Siting, Design, Operation, and Maintenance of Onsite Wastewater Treatment Systems (OWTS Policy).**

Pursuant to the OWTS Policy, which was adopted by the State Water Resources Control Board on June 19, 2012, any onsite wastewater treatment systems (OWTS) discharging wastewater to the ground surface is deemed to be failing, no longer meeting its primary purpose to protect public health, and requires major repair, and as such the OWTS and its effluent dispersal system must be replaced, repaired, or modified to return the OWTS and/or effluent dispersal system to proper function.

11. Cleanup and Abatement Action Necessary: Cleanup and abatement is necessary to ensure that the existing condition of pollution and nuisance is eliminated, that the threat of unauthorized discharges to waters of the state from the Property is prevented, background water quality conditions are restored, and that any impacts to beneficial uses are mitigated. The issuance of a cleanup and abatement order pursuant to Water Code section 13304 is appropriate and consistent with the policies of the Regional Water Board.

12. Technical Reports Required: Water Code section 13267, subdivision (a) provides that the Regional Water Board may investigate the quality of any water of the state within its region in connection with any action relating to the Basin Plan. Water Code section 13267, subdivision (b) provides that the Regional Water Board, in conducting an investigation, may require a discharger to furnish, under penalty of perjury, technical or monitoring program reports. The burden, including costs, of these technical reports shall bear a reasonable relationship to the need for the reports and the benefits to be obtained from the reports. As presented in Attachment A, Staff estimate the total cost of technical reports required by this Order to be approximately \$15,000 to \$20,000. The costs of the technical or monitoring reports required by this Order bear a reasonable relationship to the need for these reports and the benefit to be gained by these reports, as discussed below:

13. **California Environmental Quality Act**: Issuance of this Order is being taken for the protection of the environment and to enforce the laws and regulations administered by the Regional Water Board and, as such, is exempt from provisions of the California Environmental Quality Act (CEQA) (Public Resources Code section 21000 et seq.) in accordance with California Code of Regulations, title 14, sections 15061, subdivision (b)(3), 15306, 15307, 15308, and 15321. This Order generally requires the Dischargers to submit plans for approval prior to implementation of cleanup,

abatement, and restoration activities at the Property. Mere submittal of plans is exempt from CEQA as submittal will not cause a direct or indirect physical change in the environment and/or is an activity that cannot possibly have a significant effect on the environment. CEQA review at this time would be premature and speculative, as there is simply not enough information concerning the Discharger's/Dischargers' proposed cleanup, abatement or restoration activities and possible associated environmental impacts. If the Regional Water Board determines that implementation of any plan required by this Order will have a significant effect on the environment that is not otherwise exempt from CEQA, the Regional Water Board will conduct the necessary and appropriate environmental review prior to implementation of the applicable plan. The Discharger will bear the costs, including the Regional Water Board's costs, of determining whether implementation of any plan required by this Order will have a significant effect on the environment and, if so, in preparing and handling any documents necessary for environmental review. If necessary, the Discharger and a consultant acceptable to the Regional Water Board shall enter into a memorandum of understanding with the Regional Water Board regarding such costs prior to undertaking any environmental review.

REQUIRED ACTIONS

IT IS HEREBY ORDERED, pursuant to Water Code sections 13267 and 13304, that the Discharger shall clean up the wastes and abate the impacts to water quality in accordance with the scope and schedule set forth below and provide the following information. The Discharger shall obtain all necessary permits for the activities required in this Order.

1. IMMEDIATELY cease all discharges of domestic waste to the ground surface and to surface waters.
2. BY APRIL 3, 2023, submit to the Regional Water Board Executive Officer:
 - a. A list of all current sources of domestic wastewater on the property and an estimate of the volume of each waste discharge and the location of its discharge.
 - b. An accounting of the average daily number of occupants of the Creekside Cabins & RV Resort, the nature of their occupancy (permanent or transient, RV hook up or camping), the location of their onsite domestic waste disposal (onsite disposal or regular pump out) and estimated daily water use (when water supply is provided by Creekside Cabins and RV Resort).
 - c. A Corrective Action Plan to replace, repair, or modify the onsite wastewater treatment system(s) to proper function and decommission the RV dump site in accordance with local requirements. The Corrective Action Plan shall include but not be limited to a description of actions to be taken by the Discharger to investigate the function and operational integrity of the onsite

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wastewater treatment system and the effluent dispersal system (leachfield) and a timeline to complete each task.

3. BY MAY 1, 2023, submit to the Regional Water Board Executive Officer documentation that the Discharger has applied for a septic system repair permit from the Mendocino County Division of Environmental Health.
4. BY JULY 31, 2023, submit to the Regional Water Board Executive Officer documentation that the Discharger has obtained final approval of a septic system repair permit from the Mendocino County Division of Environmental Health.
5. BY AUGUST 18, 2023, submit to the Regional Water Board Executive Officer a final report that documents all the actions that the Discharger has completed to return the onsite wastewater treatment system to proper and reliable function.
6. **Duty to Use Qualified Professionals:** The Discharger shall provide documentation that plans and reports required under this Order are prepared under the direction of appropriately qualified professionals. As required by the California Business and Professions Code sections 6735, 7835, and 7835.1, engineering and geologic evaluations and judgments shall be performed by or under the direction of registered professionals competent and proficient in the fields pertinent to the required activities. The Discharger shall include a statement of qualification and registration numbers of the responsible lead professionals in all plans and reports required under this Order. The lead professional shall sign and affix their registration stamp to the report, plan, or document. The required activities must be implemented by the appropriately qualified/licensed professional as otherwise required by law.
7. **Signatory Requirements:** All technical reports submitted by the Discharger shall include a cover letter signed by the Discharger, or a duly authorized representative, certifying under penalty of law that the signer has examined and is familiar with the report and that to his/her knowledge, the report is true, complete, and accurate. The Discharger shall also state in the cover letter whether he/she will implement the recommendations/proposals provided in the report and the schedule for implementation. Any person signing a document submitted under this Order shall make the following certification:

I certify under penalty of law that I have personally examined and am familiar with the information submitted in this document and all attachments and that, based on my knowledge and on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment.

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8. **Reasonable Access:** The Discharger shall allow the Regional Water Board, or an authorized representative, upon the presentation of credentials and other documents as may be required by law, to enter at reasonable times to inspect the Property and any records that must be kept under the conditions of this Order for the purposes of assuring compliance with this Order or as otherwise authorized by the Water Code.
9. **Other Regulatory Requirements:** The Discharger shall obtain all applicable local, state, and federal permits necessary to fulfill the requirements of this Order prior to beginning the work.
10. **Cost Recovery:** Pursuant to Water code section 13304, the State or Regional Water Board is entitled to all reasonable costs it actually incurs to investigate and abate the effects of unauthorized discharges of waste and to oversee/supervise the cleanup of such waste, or other restoration action, required by this Order.
11. **Delayed Compliance:** If for any reason, the Discharger is unable to perform any activity or submit any document in compliance with the schedule set forth herein, or in compliance with any work schedule submitted pursuant to this Order, the Discharger may request, in writing, an extension of the time specified. The extension request shall include justification for the delay. Any extension request shall be submitted as soon as a delay is recognized and prior to the compliance date. An extension may only be granted by modification of this Order or by a letter from the Executive Officer.
12. **Potential Liability:** If the Discharger fail to comply with the requirements of this Order, this matter may be referred to the Attorney General for judicial enforcement or a complaint for administrative civil liability may be issued by the Regional Water Board. Failure to comply with this Order may result in the assessment of an administrative civil liability of up to \$10,000 per violation per day and \$10 per gallon of waste discharged in excess of the first 1,000 gallons when the violation results in the discharge of waste, pursuant to California Water Code sections 13350, and/or 13385. Failure to submit reports as required by this Order may result in administrative civil liability of up to \$1000 per day for each day the report is late pursuant to Water Code section 13268. The Regional Water Board reserves its right to take any enforcement actions authorized by law, including, but not limited to, violation of the terms and condition of this Order.
13. **No Limitation of Water Board Authority:** This Order in no way limits the authority of the Regional Water Board to institute additional enforcement actions or to require additional investigation and cleanup of the Property consistent with the Water Code. This Order may be revised as additional information becomes available.
14. **Modifications:** Any modification to this Order shall be in writing and approved by the Regional Water Board or its delegated officer including any potential extension requests.

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15. Requesting Review by the State Water Board: Any person aggrieved by this, or any final 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, section 2050 et al. The State Water Board must receive the petition no later than 5:00 p.m., 30 days following 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 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.

This Order is effective upon the date of signature.

Valerie Quinto
Executive Officer

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Attachment A: Cost Estimate