

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 discharge of waste from the Spaulding [sic] Tract 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.”

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 Sedimentation	After Sedimentation	Biologically 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 **June 30, 2015**
- Submit compliance documentation by **July 14, 2015**

Staff Recommendation

- Adopt CDO as proposed