



EDMUND G. BROWN JR.
GOVERNOR

MATTHEW RODRIGUEZ
SECRETARY FOR
ENVIRONMENTAL PROTECTION

Lahontan Regional Water Quality Control Board

March 14, 2014

TO ALL INTERESTED PERSONS AND AGENCIES:

PROPOSED ORDER FOR THE RESCISSION OF MULTIPLE CEASE AND DESIST ORDERS, SPALDING TRACT, EAGLE LAKE, LASSEN COUNTY

Enclosed is a **proposed** order to rescind multiple Cease and Desist Orders for specific Spalding Tract residents/properties. The proposed order is being provided for your review.

The Lahontan Regional Water Quality Control Board (Lahontan Water Board) will conduct a public hearing for the proposed order during its regularly scheduled **June 18-19, 2014** meeting, after which the Board will consider adoption of the proposed order. If you wish to provide written comments to the Lahontan Water Board on this issue, please submit them to the address below by **May 23, 2014**.

Lahontan Regional Water Quality Control Board
Attn: Sue Genera
2501 Lake Tahoe Blvd.
South Lake Tahoe, CA 96150

You may also participate in the hearing at the Board meeting, which will take place in Bishop, CA. A meeting agenda identifying the specific location, date and approximate time for the public hearing will also be mailed to you and posted on the Lahontan Water Board's web site (www.waterboards.ca.gov/lahontan) approximately two weeks before the Board meeting.

Please contact Lisa Scorable at (530) 542-5452 or me at (530) 542-5432 if you have any questions regarding this matter.

Scott C. Ferguson, P.E.
Senior Water Resource Control Engineer
Enforcement and Special Projects Unit

Enclosure

Cc: Mailing List for Spalding Tract June 2014 CDO Resciissions

LAS/adw/T: Agenda Items/2014/6 Jun/Spalding Tract CDO Rescission/Proposed/ Spalding Tract 2014 CDO Rescission (Proposed)-Cover File Room Under: Spalding Tract General File and Property owners' names/Individual APNs

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
LAHONTAN REGION**

BOARD ORDER NO. R6T-2014-(PROPOSED)

RESCISSION OF CEASE AND DESIST ORDERS

FOR

**DISCHARGERS WITHIN SPALDING TRACT
DISCHARGING OR THREATENING TO DISCHARGE WASTES
IN VIOLATION OF WASTE DISCHARGE PROHIBITIONS
CONTAINED WITHIN THE WATER QUALITY CONTROL PLAN FOR THE
LAHONTAN REGION**

Lassen County

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

1. In September 1984, the Water Board amended the *Water Quality Control Plan for the Lahontan Region* (Basin Plan) to incorporate the following waste discharge 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.” (Basin Plan, Chapter 4, *Implementation*, Unit/Area-Specific Prohibitions for the Eagle Drainage Hydrologic Area at p. 4.1-4)

This prohibition essentially prohibits the discharge of sewage to individual onsite waste disposal systems in the Spalding Tract after September 14, 1989.

2. In 1991, the Water Board issued 644 Cease and Desist Orders (1991 CDOs) (Nos. 6-91-227 through 6-91-822, Nos. 6-91-825 through 6-91-831, and Nos. 6-91-865 through 6-91-905) to property owners (hereinafter referred to as “Dischargers”) within the Spalding Tract subdivision for violating or threatening to violate the above-referenced waste discharge prohibition. The Water Board postponed additional enforcement actions so that a community wastewater system could be built and thereby provide a ready means of compliance to property owners.

3. The 1991 CDOs issued to the Dischargers, in part, set forth a time schedule for completion of the community wastewater system. Those CDOs also required the Dischargers to cease and desist from discharging wastes in violation of the waste discharge prohibition once the community wastewater system became operational.
4. On October 22, 2007, the Spalding Community Services District (District) wastewater collection and disposal system (system) became operational. As a result, there is a readily available method for property owners to comply with the waste discharge prohibition contained within the Basin Plan. Many property owners have since complied with the waste discharge prohibition by either connecting to the District's system or by properly abandoning their septic tank/leachfield system.
5. On June 10, 2009, the Water Board rescinded five hundred ninety-seven (597) 1991 CDOs. The 1991 CDOs were rescinded because the Discharger named in the 1991 CDO either (a) connected their on-site wastewater disposal system to the District system, (b) properly abandoned their on-site wastewater disposal system, or (c) no longer owned the property. Forty-seven (47) 1991 CDOs were not rescinded at that time because the Discharger identified in the 1991 CDO continued to own the subject property and was in violation of the Basin Plan Prohibition.
6. On October 14, 2009, the Water Board adopted 74 Cease and Desist Orders (2009 CDOs) (Nos. R6T-2009-0057 through R6T-2009-0130) for property owners who continued to discharge or threaten to discharge waste in violation of the Basin Plan prohibition. The 2009 CDOs were adopted to reflect current property ownership, provide the Dischargers with an updated compliance schedule, and reflect the availability of the District system.
7. On October 14, 2009, the Water Board rescinded an additional fourteen (14) 1991 CDOs and replaced them with 2009 CDOs. This action provided Dischargers who continued to own the property listed in the 1991 CDOs and who continued to violate the Basin Plan waste discharge prohibition an updated compliance schedule.
8. On July 13, 2011, the Water Board rescinded an additional twenty-five (25) 1991 CDOs and forty (40) 2009 CDOs because the Dischargers named in those CDOs came into compliance with the Basin Plan prohibition.
9. On September 14, 2011, the Water Board adopted twelve (12) additional Cease and Desist Orders (2011 CDOs) (Nos. R6T-2011-0065 through R6T-2011-0076) for property owners who continued to discharge or threaten to discharge waste in violation of the Basin Plan prohibition, and who were not previously issued a CDO. The 2011 CDOs were adopted to reflect current property ownership and to establish a compliance schedule for those property owners who had an onsite wastewater disposal system and had not received a CDO.

10. On July 11, 2012, the Water Board rescinded an additional six (6) 1991 CDOs, twelve (12) 2009 CDOs, and four (4) 2011 CDOs in response to either compliance with the Basin Plan prohibition, or the Discharger identified in the CDO no longer owned the property or was deceased.
11. On November 13, 2013, the Water Board adopted three (3) additional Cease and Desist Orders (2013 CDOs) for property owners who continued to discharge or threaten to discharge waste in violation of the Basin Plan prohibition. The 2013 CDOs were adopted to reflect current property ownership and to establish a compliance schedule for those property owners who had an onsite wastewater disposal system and had not received a CDO.
12. This Order rescinds the 2009 and 2011 CDOs shown in Attachment A, which is made a part of this Order, because the Dischargers named in those Orders meet one of the following conditions:
 - a. The Discharger has connected their onsite wastewater disposal system to the District's system and is in compliance with the Basin Plan waste discharge prohibition.
 - b. The Discharger has properly abandoned their onsite wastewater disposal system and is in compliance with the Basin Plan waste discharge prohibition.
 - c. The Discharger identified in the CDO is no longer identified in County records as the property owner.
13. It is in the public interest to rescind the 2009 and 2011 CDOs identified in Attachment A as the Dischargers are either complying with the Basin Plan waste discharge prohibition or no longer own the property.
14. The Water Board has notified, or attempted to notify, the Dischargers listed in Attachment A and interested persons of its intent to rescind the 2009 and 2011 CDOs identified in Attachment A.
15. The Water Board in a public hearing heard and considered all comments pertaining to this Rescission Order.
16. Issuance of this Order is exempt from the provisions of the California Environmental Quality Act (Public Resources Code, Section 21000, et seq.), in accordance with title 14, California Code of Regulations, Section 15321.

IT IS HEREBY ORDERED that the Cease and Desist Orders listed in Attachment A be rescinded.

I, Patty Z. Kouyoumdjian, 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 June 18, 2014.

PATTY Z. KOUYOUMDJIAN
EXECUTIVE OFFICER

Attachment A – Spalding Tract Cease and Desist Order Rescission List

PROPOSED