

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

**CLEANUP AND ABATEMENT ORDER NO. R6T-2007-0015**

**REQUIRING TAHOE DONNER ASSOCIATION TO CLEAN UP AND ABATE  
THE EFFECTS OF DISCHARGING HORSE MANURE AND SEDIMENT TO  
SURFACE WATERS OF THE TRUCKEE RIVER HYDROLOGIC UNIT,  
TAHOE DONNER EQUESTRIAN CENTER, TOWN OF TRUCKEE**

NEVADA COUNTY

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

**FINDINGS**

1. The Tahoe Donner Association (Association) owns the Tahoe Donner Equestrian Center (Equestrian Center) located in Nevada County at 15275 Alder Creek Road in Truckee, California). The Association also owns the property (APN 46-470-01-000 as confirmed by the Nevada County Assessor), approximately 21 acres, upon which the Equestrian Center is located. The Association, as owner of the property and the Equestrian Center, is ultimately responsible for activities that occur on the property, including the operation and maintenance of the Equestrian Center and the effects of such activities on water quality. The Association is also responsible for ensuring that waste discharges from the Equestrian Center comply with applicable water quality laws and regulations. Therefore, the Association is herein referred to as the "Discharger."
2. Located within the northwest portion of the Tahoe Donner subdivision within the Town of Truckee, as shown on Attachment A, the Equestrian Center is a full service equestrian facility offering riding programs and boarding facilities from Memorial Day weekend through Labor Day. The Equestrian Center facilities include a barn, paddocks, holding pens, stalls, riding arenas, a round pen (the Dude Pen), an exercise area (Turnout Area), and a manure management area. The riding programs utilize 3,000 acres of trails with access to the Castle Peak Wilderness Area and Tahoe National Forest.
3. During August and September of 2006, Water Board staff received citizen complaints accompanied by photographs of the Equestrian Center. The photographs were taken during the fall 2005, and spring and fall 2006. The photographs show the following conditions:
  - a. During runoff events, sheetflow from the Dude Pen drains into the drainage adjacent to and east of the Dude Pen.

- b. A seasonal spring's drainage path flows from west to east, crossing the Dude Pen, transporting sediment and any horse manure present within the Dude Pen to the drainage adjacent to and east of the Dude Pen.
4. On October 19, 2006, Water Board staff inspected the site with representatives from the Association and the Equestrian Center. The inspection was initiated in response to the complaints described in Finding No. 3 where citizen complaints alleged horse manure, nutrients, and fecal coliform were being discharged to surface waters adjacent to the Equestrian Center. Water Board staff observed the following conditions during the inspection:
  - a. Residual animal waste (horse manure) was present within the drainages that pass through the Equestrian Center, and within the three corrals (Dude Pen, Turnout Area, and the Back Arena) at the north end of the Equestrian Center's property.
  - b. The manure management and storage area (storage area) is located at the west end of the Equestrian Center, up-slope and west of the other Equestrian Center facilities. The storage area does not appear to intercept any drainages, nor does it appear to be located within 100 feet of any watercourse.
  - c. Typical manure management practices as reported by Equestrian Center staff, and as documented in the Association's Procedural Manual for the Equestrian Center, include (1) daily removal of manure with shovels from the exercise areas and living quarters followed by transport to the storage area, (2) mid-season and end-of season scraping of the Dude Pen by a loader followed by transporting the material to the storage area, and (3) final disposal of manure at the Tahoe Truckee Regional Landfill. Association staff from the Equestrian Center also reported that incidental scraping, outside of the fence line, has occurred.
  - d. At its closest point to the Equestrian Center, Alder Creek is located approximately one-half mile southwest of the Equestrian Center.
  - e. At least two drainages and one seasonal spring affect the Equestrian Center, as shown in Attachment B.
    - i. To the east of the Equestrian Center, there is a roadside drainage adjacent to and west of Alder Creek Road. This drainage conveys both natural surface water flows originating from areas north of the Equestrian Center, and storm water runoff from Alder Creek Road.
    - ii. A seasonal spring is located between the Dude Pen and the Turnout Area. Surface flows from the seasonal spring traverse the Dude Pen and eventually discharge to the drainage adjacent to and west of Alder Creek Road (east of the Dude Pen).

- iii. Discharges from the Turnout Area either (1) flow south into a culvert that discharges to a drainage ditch south of the Turnout Area, or (2) flow northeast and discharge to a drainage ditch that eventually discharges to the roadside drainage east of the Dude Pen.
  - f. The two drainages and the seasonal spring described above and runoff from the Equestrian Center flow in a southerly direction and are tributary to Alder Creek. Alder Creek is a tributary of the Truckee River. The Truckee River and its tributaries are waters of the United States and waters of the state.
5. The Water Board's *Water Quality Control Plan for the Lahontan Region* (Basin Plan) was adopted pursuant to Water Code section 13240. The Basin Plan contains the following discharge prohibitions, adopted pursuant to Water Code section 13243 for the Truckee River Hydrologic Unit:
  - "The discharge of any waste or deleterious material to surface waters of the Truckee River HU is prohibited."
  - "The discharge or threatened discharge, attributable to human activities, of solid or liquid materials, including soil, silt, clay, sand, and other organic and earthen materials to lands within the 100-year floodplain of the Truckee River or any tributary to the Truckee River is prohibited. "
6. Pursuant to California Water Code (Water Code) section 13050, subdivision (d):
  - " 'Waste' includes sewage and any and all other waste substances, 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 of whatever nature prior to, and for purposes of, disposal."

The discharges and continued discharges of horse manure and sediment, which are considered wastes, violate the prohibitions cited in Finding No. 5.

#### **AUTHORITY- LEGAL REQUIREMENTS**

7. The Discharger is the responsible party subject to this Order because, as owner of the property and of the Equestrian Center, it is responsible for the operation and maintenance of the Equestrian Center, including storm water management and manure management. The Discharger is also responsible for addressing the effects of waste discharges from the Equestrian Center to surface waters.

8. Pursuant to Water Code section 13304, subdivision (a):

“Any person who has discharged or discharges waste into the waters of this state in violation of any waste discharge requirement or other order or prohibition issued by a regional board ... 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.”

9. The conditions described in Finding Nos. 3 and 4 constitute violations of Basin Plan prohibitions as described in Finding No. 5. The conditions described in Finding Nos. 3 and 4 also identify discharges of wastes (horse manure and sediment) where it has been discharged or deposited into waters of the State or probably will be discharged into the waters of the State. The Discharger is therefore subject to Water Code section 13304.

10. Pursuant to Water Code section 13304, subdivision (c)(1):

“...the person or persons who discharged the waste, discharges the waste, or threatened to cause or permit the discharge of the waste within the meaning of subdivision (a), are liable to that governmental agency to the extent of the reasonable costs actually incurred in cleaning up the waste, abating the effects of the waste, supervising cleanup or abatement activities, or taking other remedial action....”

11. Water Board staff have spent time responding to the incident and preparing this Order. Staff costs for incident response and preparation of this Order are \$3,343.

12. The issuance of this Order is an enforcement action taken by a regulatory agency and is exempt from the provision of the California Environmental Quality Act (Public Resources Code, section 21000 et seq.), pursuant to California Code of Regulations, title 14, section 15321, subdivision (a)(2). The implementation of this Order is also an action to assure the restoration of the environment and is exempt from the provisions of the California Environmental Quality Act (Public Resources Code, section 21000, et seq.), in accordance with California Code of Regulations, title 14, sections 15308 and 15330.

### **ORDERS**

**THEREFORE, IT IS HEREBY ORDERED** that pursuant to the Water Code sections 13304 and 13267, the Discharger must cleanup and abate the effects of the discharges and threatened discharges of waste in violation of Basin Plan prohibitions, and must comply with the provisions of this Order:

1. **Immediately upon the absence of snow and saturated soil conditions in the following facilities**, remove any remaining horse manure from (1) the Dude Pen, (2) the Turnout Area, (3) the Back Arena, and (4) the drainage east of the Equestrian Center, adjacent to and west of Alder Creek Road.<sup>1</sup>
  
2. **By May 18, 2007**, identify interim measures to eliminate discharges of waste (i.e., horse manure and sediment) to existing surface waters. These measures must be implemented until final compliance measures are implemented. If compliance with the Basin Plan prohibition described in Finding No. 5 cannot be achieved by May 28, 2007, the Association must describe additional measures which would result in compliance with the prohibition. Measures could include, but not be limited to:
  - (a) An updated Manure Management Plan that addresses on-site manure collection, storage, and disposal practices, and off-site disposal practices. The updated Manure Management Plan must include, but not be limited to:
    - (i) A site map illustrating the locations where manure is generated, stored, and disposed of on-site (if applicable).
    - (ii) A description of the manure collection practices and a schedule for implementing such practices for each area where manure is generated.
    - (iii) A description of manure storage facilities, management measures and site conditions that are intended to prevent contamination of storm water runoff and snowmelt by manure.
    - (iv) A description of any on-site manure disposal practices including management measures that are intended to prevent contamination of storm water runoff and snowmelt by manure.
    - (v) Off-site manure disposal schedule (weekly, monthly frequency).
  - (b) Measure that can be implemented so horse traffic through and within wet areas is minimized or avoided.
  - (c) Measures to isolate wet areas (e.g., fencing).
  - (d) Pre-storm measures to reduce the potential of residual horse manure from becoming entrained in storm water and discharging to surface waters.
  
3. Beginning **May 1, 2007**, and monthly thereafter until the end of the Facility's operating season, collect and analyze surface water samples for the following water quality parameters: turbidity, total suspended solids, fecal coliform, total

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<sup>1</sup> Use only hand tools to remove horse manure from the drainage.

phosphorus, total nitrogen, total Kjeldahl nitrogen (TKN), nitrate ( $\text{NO}_3^-$ ) and nitrite ( $\text{NO}_2^-$ ). A maximum two-week turn-around time should be requested for sample analysis. For each sampling event, a total of four samples shall be analyzed: one sample from each of the three locations identified below and a trip blank. The samples should be collected according to the schedule specified below. The Association is excused from taking a specific monthly sample if standing or flowing water is not present at the sampling locations noted below at any time during the first 15 days of that month.

### **Sampling Locations**

Attachment B of this Order identifies the following sampling locations: (1) the roadside drainage ditch upgradient of any potential discharges from the Dude Pen and Turn-Out areas; (2) the roadside drainage ditch southeast of the Dude Pen and north of the driveway; and (3) the drainage ditch on the south west corner of the Facility, south of the Front Riding Arena. Photographs of actual sampling locations must be submitted with reports. See No. 6 below-Reports.

### **Sampling Schedule**

Samples must be collected once monthly, by the 15 day of each month. Additional samples (a maximum of four/season) must be collected during storm events that generate runoff during the Facility's operating season.

### **Additional Information**

During each sampling event, the following information must be recorded and reported in accordance with the reports identified in section 5 below:

- (a) Flow conditions (e.g., standing water, flowing water).
  - (b) Time and Date of sample collection.
  - (c) Photograph of sampling locations.
  - (d) Name of person collecting sample.
  - (e) Weather conditions during sampling.
  - (f) The presence of horses at the Facility, or in any of the drainages, during sampling events.
4. Beginning **June 15, 2007**, and monthly thereafter, submit to the Water Board office a monthly report with the following information:
- (a) Sampling results and additional information associated with the prior month's sampling event. (Photographs of sampling locations need only be submitted with the first monthly report.)
  - (b) A description of all interim measures implemented during the prior month.

- (c) Any changes with Facility operations which may affect waste discharges (horse manure and sediment) associated with the Facility.
- 5. By **June 15, 2007**, submit a long-term plan to maintain compliance with Basin Plan prohibitions. The Compliance Plan must include, but not be limited to the following elements:
  - (a) Proposed measures/operational/facility changes, including manure management and disposal, to prevent future discharges of wastes and deleterious materials (manure and sediment) to the seasonal spring, and to the surface waters that flow adjacent to and through the Equestrian Center.
  - (b) A proposed schedule for implementing the proposed measures/operational/facility changes. These changes must be implemented no later than **May 31, 2008**.

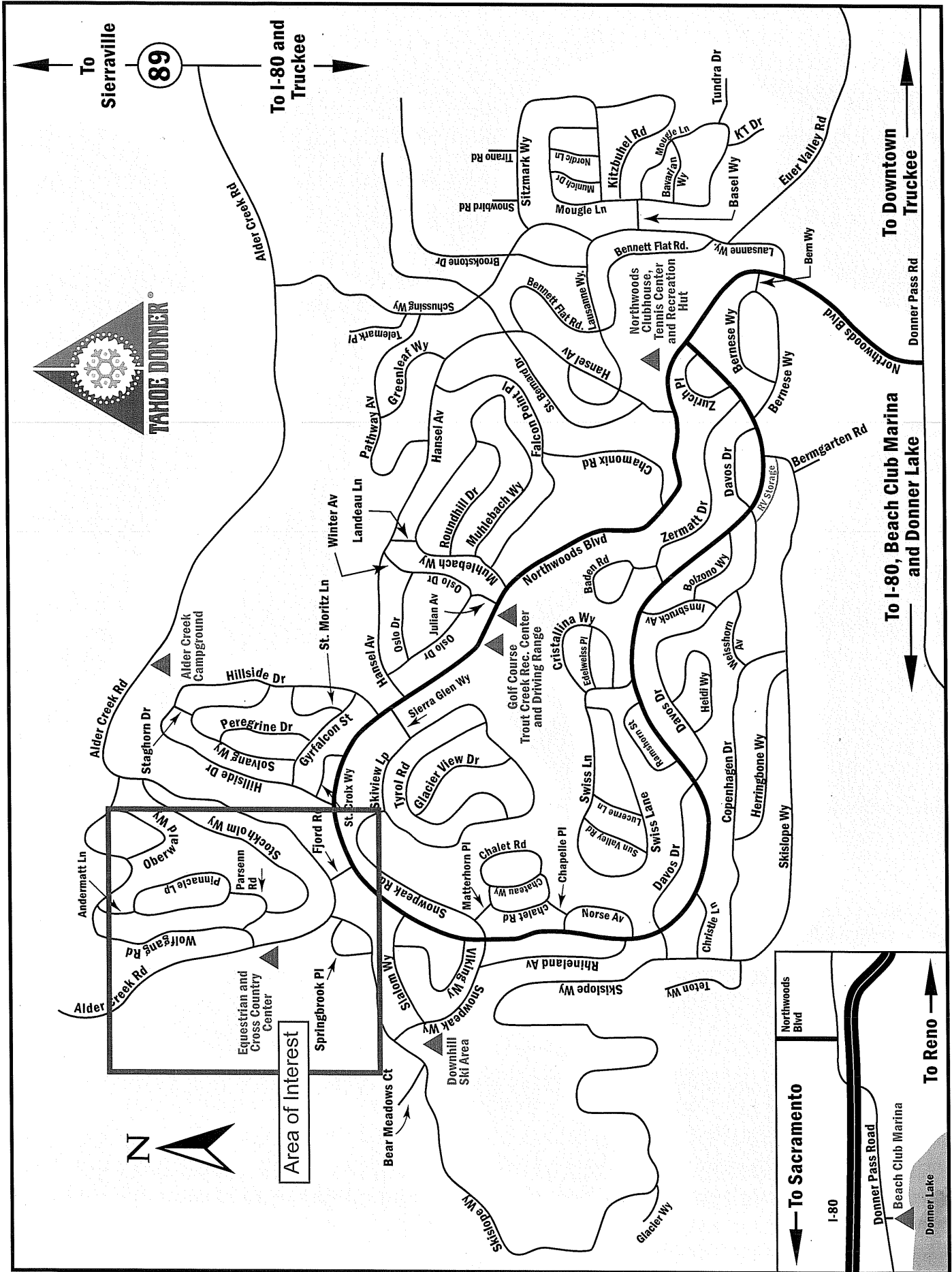
The above-listed requests for information are made pursuant to Water Code section 13267. The Order for technical reports and other information are being requested to evaluate the nature and extent of the Discharger's manure management strategies with respect to its ability to prevent discharges to surface waters and to protect water quality for the beneficial uses of waters of the state.

Failure to comply with the terms or conditions of this Cleanup and Abatement Order will result in additional enforcement action, which may include the imposition of administrative civil liability pursuant to Water Code sections 13350 and 13268 or referral to the Attorney General of the State of California for such legal action as he or she may deem appropriate. Further, the Water Board may impose administrative civil liability in accordance with Water Code section 13385.

Ordered by: Harold J. Singer Dated: April 25, 2007

HAROLD J. SINGER  
EXECUTIVE OFFICER

Attachments: Attachment A – Vicinity Map  
Attachment B – Site Map of the Tahoe Donner Equestrian Center





ATTACHMENT B

