

## Lahontan Regional Water Quality Control Board

October 24, 2014

~~Sue Genera, Executive Assistant~~ Board Clerk  
California Regional Water Quality Control Board - Lahontan Region  
2501 Lake Tahoe Boulevard  
South Lake Tahoe, CA 96150

~~[Sue.genera@waterboards.ca.gov](mailto:Sue.genera@waterboards.ca.gov)~~ [RB6enfproceed@waterboards.ca.gov](mailto:RB6enfproceed@waterboards.ca.gov)

### SHEILA M. MINER CDO HEARING

#### TRANSMITTAL OF PROSECUTION TEAM WITNESS LIST, SUMMARY OF WITNESS TESTIMONY, AND REFERENCED DOCUMENTS FOR CONSIDERATION OF CEASE AND DESIST ORDER, SPALDING TRACT, EAGLE LAKE, LASSEN COUNTY

Pursuant to the October 22, 2014 Hearing Procedures, I am submitting one original, 15 hard copies, and an electronic copy of the Lahontan Water Board Prosecution Team's above-referenced documents. Additionally, I am providing one copy each to Kimberly Niemeyer and to Sheila M. Miner, the property owner that has been sent a proposed Cease and Desist Order.

Please contact me at 530-542-5436 if you have any questions regarding this matter.



Lauri Kemper, PE  
Assistant Executive Officer

Enclosures: 1. Lahontan Water Board Prosecution Team's Witness List  
2. Lahontan Water Board Prosecution Team's Summaries of Witness Testimony  
3. Lahontan Water Board Prosecution Team's Documents Included by Reference

Cc (w/encl): Sheila M. Miner  
Chris Gallagher, General Manager, Spalding Community Services District  
Virginia Bruce, Spalding Community Services District  
Alan Jones, Director, Lassen County Environmental Health Department  
David Boyers, State Water Resources Control Board, Office of Enforcement (email only)  
Vanessa Young, State Water Resources Control Board, Office of Enforcement (email only)  
Kimberly Niemeyer, State Water Resources Control Board, Office of Chief Council (email only)

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**ENCLOSURE 1**

**LAHONTAN WATER BOARD PROSECUTION TEAM'S  
LIST OF WITNESSES**

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**SPALDING TRACT  
SHEILA M. MINER CEASE AND DESIST ORDER**

**LIST OF WITNESSES**

1. Lisa Scorallo, Engineering Geologist, Lahontan Regional Water Quality Control Board
2. Scott C. Ferguson, PE, Senior Water Resource Control Engineer, Chief, Enforcement and Special Projects Unit, Lahontan Regional Water Quality Control Board
3. Chuck Curtis, PE, Supervising Water Resource Control Engineer, Manager, Cleanup and Enforcement Division, Lahontan Regional Water Quality Control Board
4. Lauri Kemper, PE, Assistant Executive Officer, Lahontan Regional Water Quality Control Board
5. Alan Jones, Director, County of Lassen, Environmental Health Services Department
6. Chris Gallagher, General Manager, Spalding Community Services District
7. Virginia Bruce, Spalding Community Services District

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**ENCLOSURE 2**

LAHONTAN WATER BOARD PROSECUTION TEAM'S  
SUMMARIES OF WITNESS TESTIMONY

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**SUMMARY OF TESTIMONY OF LISA SCORALLE, SCOTT C. FERGUSON,  
CHUCK CURTIS AND LAURI KEMPER**

- *Water Quality Control Plan For The Lahontan Region* (Basin Plan) prohibition;
- The Discharger owns property in Spalding Tract;
- Evidence supporting violation of the Basin Plan prohibition;
- Reason to adopt the proposed Cease and Desist Orders; and
- Recommendation to the Water Board.

**SUMMARY OF TESTIMONY OF ALAN JONES, DIRECTOR  
LASSEN COUNTY ENVIRONMENTAL HEALTH DEPARTMENT**

- Explanation and verification of documents copied from Lassen County Environmental Health Department's records.

**SUMMARY OF TESTIMONY OF CHRIS GALLAGHER AND/OR VIRGINIA BRUCE,  
SPALDING COMMUNITY SERVICES DISTRICT**

- Explanation and verification of documents provided by the Spalding Community Services District.

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**ENCLOSURE 3**

LAHONTAN WATER BOARD PROSECUTION TEAM'S  
LIST OF DOCUMENTS INCLUDED BY REFERENCE

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## LIST OF DOCUMENTS INCLUDED BY REFERENCE

1. *Water Quality Control Plan for the Lahontan Region* (Basin Plan)
  - Document Location: Lahontan Water Board offices and web site ([http://www.waterboards.ca.gov/lahontan/water\\_issues/programs/basin\\_plan/references.shtml](http://www.waterboards.ca.gov/lahontan/water_issues/programs/basin_plan/references.shtml))
  - Relevant Page(s): No. 4.1-4
  - Relevance: The Basin Plan contains the waste discharge prohibition the property owner named in the proposed Cease and Desist Orders is violating or threatening to violate.
2. California Water Code
  - Document Location: Lahontan Water Board offices and web site ([http://www.waterboards.ca.gov/laws\\_regulations/docs/portercologne.pdf](http://www.waterboards.ca.gov/laws_regulations/docs/portercologne.pdf))
  - Relevant Page(s): Sec. 13301, Page No. 40-42; Sec. 13267, Page No. 29-30; Sec. 13320, Page Nos. 46; Sec. 13350, Page Nos. 48-49
  - Relevance: The Water Code sections cited, above, provide the Water Board with the authority to: (1) adopt and issue the proposed Cease and Desist Order; (2) require the property owner to submit the technical reports identified in the proposed Cease and Desist Order; and (3) impose administrative civil liability against property owners who violate a Cease and Desist Order following its adoption. The Water Code also establishes the procedures allowing parties to petition the Water Board's decision to adopt or to reject the proposed Cease and Desist Orders.
3. California Code of Regulations
  - Document Location: State Water Resources Control Board office and web site ([http://www.waterboards.ca.gov/laws\\_regulations/#ccr](http://www.waterboards.ca.gov/laws_regulations/#ccr))
  - Relevant Page(s): Multiple
  - Relevance: The California Code of Regulations contains the Water Code sections cited, above, and the provisions of the California Environmental Quality Act cited in the proposed Cease and Desist Orders.
4. State Water Resources Control Board *Water Quality Enforcement Policy*, Effective May 20, 2010
  - Document Location: Lahontan Water Board offices and web site ([http://www.waterboards.ca.gov/water\\_issues/programs/enforcement/docs/enf\\_policy\\_final111709.pdf](http://www.waterboards.ca.gov/water_issues/programs/enforcement/docs/enf_policy_final111709.pdf))
  - Relevant Page(s): Multiple
  - Relevance: The Water Quality Enforcement Policy defines the processes and provides guidance for the Water Board to follow in addressing water quality problems in an efficient, effective, and consistent manner. The steps the Water Board Prosecution Team has taken leading up to the adoption of the proposed Cease and Desist Order and the adoption of the

proposed Cease and Desist Orders are consistent with the Water Quality Enforcement Policy.

5. Water Board Spalding Tract File – Sheila M. Miner, APN 077-332-42-11 (excluding all privileged documents).
  - Document Location: Lahontan Water Board offices
  - Relevant Page(s): Multiple
  - Relevance: The Water Board’s file contains copies of Lassen County and Spalding Tract Community Services District’s records that provide evidence of ownership and the presence of an onsite wastewater disposal system. This evidence is the basis for recommending that the Water Board adopt the proposed Cease and Desist Order to establish a time schedule for complying with the Water Board’s Basin Plan prohibition.