

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

**MEETING OF JUNE 18-19, 2014
BISHOP, CA**

ITEM: 12

SUBJECT: **PUBLIC HEARING – CONSIDERATION OF RESCINDING
MULTIPLE CEASE AND DESIST ORDERS FOR
DISCHARGERS WITHIN THE SPALDING TRACT
SUBDIVISION, EAGLE LAKE BASIN, LASSEN COUNTY**

CHRONOLOGY:

May 10, 1991	Cease and Desist Orders adopted
October 14, 2009	Cease and Desist Orders adopted
September 14, 2011	Cease and Desist Orders adopted

ISSUE: Have the Dischargers named in the proposed rescission order complied with the requirements of the Cease and Desist Orders, or have the Cease and Desist Orders become obsolete due to the named Discharger no longer owning the property?

DISCUSSION: The Spalding Tract subdivision near Eagle Lake in Lassen County was initially developed without a wastewater collection and treatment system. Many owners built homes using individual onsite wastewater disposal systems (septic tanks and leach fields or pits) for wastewater disposal.

In 1984, the Water Board adopted an amendment to its *Water Quality Control Plan for the Lahontan Region* which effectively prohibited the discharge of waste using onsite wastewater disposal systems after 1989. In response to a failure of the community to fund and construct a wastewater collection and treatment system, the Water Board issued numerous Cease and Desist Orders to individual property owners in 1991.

In late 2007, the Spalding Community Services District (District) wastewater collection and disposal system (lined evaporation ponds) was operational. Two years later, a large number of property owners had connected to the District system or had properly abandoned their onsite wastewater disposal systems and Cease and Desist Orders issued to these property owners were rescinded. New Cease and Desist Orders were adopted in late 2009 and in late 2011 for those property owners who had not yet complied with the Basin Plan prohibition.

The Water Board has information that 11 of the property owners with outstanding Cease and Desist Orders from 2009 or 2011 have now either connected to the District system, have properly abandoned their onsite wastewater disposal system, or no longer own the property identified in the Cease and Desist Order. The proposed Rescission Order (Enclosure 1) would rescind 12 Cease and Desist Orders that have been issued to 11 property owners. More than 95 percent of those in the Spalding Tract subject to this Basin Plan prohibition have complied.

The Proposed Rescission Order was released on March 14, 2014 for public review and comment. As of May 23, 2014, no comments have been received on the Proposed Rescission Order.

RECOMMENDATIONS: The Water Board’s Advisory Team will have a recommendation at the conclusion of the public hearing.

ENCLOSURE	Item	Bates Number
1	Proposed Rescission Order	12-5

ENCLOSURE 1

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**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 A WASTE DISCHARGE PROHIBITION
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 wastewater 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 onsite wastewater disposal 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 onsite wastewater disposal system to the District system, (b) properly abandoned their onsite 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. Sixty-one (61) of the 74 new 2009 CDOs were issued to parties who were not issued a 1991 CDO because they did not own the property in 1991. Thirteen (13) of the 74 new 2009 CDOs were issued to parties that had active 1991 CDOs for properties they had owned in 1991 and continued to own in 2009. These 13 new 2009 CDOs rescinded and replaced 14 active 1991 CDOs. The 2009 CDOs reflect current property ownership, provide the Dischargers with an updated compliance schedule, and reflect the availability of the District system.
7. 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.
8. 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 reflect current property ownership and establish a compliance schedule for those property owners who had an onsite wastewater disposal system and had not yet received a CDO.
9. 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.
10. 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 reflect current property ownership and establish a compliance schedule for those property owners who had an onsite wastewater disposal system and had not yet received a CDO.

11. 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.
12. 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.
13. 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.
14. The Water Board in a public hearing heard and considered all comments pertaining to this Rescission Order.
15. 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 19, 2014.

PATTY Z. KOUYOUMDJIAN
EXECUTIVE OFFICER

Attachment A – Spalding Tract Cease and Desist Order Rescission List

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ATTACHMENT A

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Attachment A-Spalding Tract Cease and Desist Order Rescission List

Cease and Desist Order No.	Assessor Parcel Number Listed in CDO	Discharger Listed in CDO
2009 Cease and Desist Orders		
R6T-2009-0058	077-191-20-11	CUNHA, NANCY L
R6T-2009-0063	077-192-31-11	MUELLER, GARY M FAMILY TRUST
R6T-2009-0100	077-132-16-11	KORB, JOHN & BARBARA
R6T-2009-0102	077-231-30-11	MAYER, MARIE LOUISE TRUST c/o NICOLE VANSLATE
R6T-2009-0106	077-161-21-11	MUELLER, GARY M FAMILY TRUST
2011 Cease and Desist Orders		
R6T-2011-0065	077-181-12-11; 077-181-15-11; 077-182-09-11; 077-183-17-11; 077-191-30-11; 077-192-39-11	ARNOLD, MICHAEL WAYNE & KATHERINE DIANE REVOCABLE TR
R6T-2011-0066	077-401-09-11	BRYANT, VINCENT KEITH & REBECA LYNN
R6T-2011-0067	077-161-24-11	CUNNINGTON, ROGER
R6T-2011-0070	077-343-19-11	JONES, RONALD D. & CAROL
R6T-2011-0071	077-387-20-11	KOSKI, GARNET ARTHUR IRREVOCABLE TRUST
R6T-2011-0072	077-254-20-11	ORMACHEA, GARY L. & JEAN Y.
R6T-2011-0074	077-313-17-11	SOLIS, JESUS H. & ROSE MARIE