

Lahontan Regional Water Quality Control Board

September 10, 2013

Patty Z. Kouyoumdjian, Executive Officer
California Regional Water Quality Control Board - Lahontan Region
2501 Lake Tahoe Boulevard
South Lake Tahoe, CA 96150

TRANSMITTAL OF PROSECUTION TEAM WITNESS LIST, SUMMARY OF WITNESS TESTIMONY, AND REFERENCED DOCUMENTS FOR CONSIDERATION OF CEASE AND DESIST ORDERS FOR MULTIPLE PROPERTY OWNERS, SPALDING TRACT, EAGLE LAKE, LASSEN COUNTY

Pursuant to the August 27, 2013, Draft Hearing Procedures, I am submitting to you one original and an electronic copy of the Lahontan Water Board Prosecution Team's above-referenced documents. The enclosed documents apply to each of the twelve property owners named in the proposed Cease and Desist Orders to be considered by the Water Board in November. Additionally, I am providing one copy each to Kimberly Niemeyer and to each 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/enclosures): Jeffery A. and Sandra L. Myers
Craig Richard and Connie Theresa Buonarati, HWJ
Dennis J. Cooley and John D. Urban
Larry Alan Frack
Fritsche 1985 Living Trust, c/o Sheryl A. Sprinkle
GMAC Mortgage LLC, c/o GMAC Mortgage Corp.
Estate of Eugene Likens, c/o Lassen County Public Guardian
David Mathauser

PETER C. PUMPHREY, CHAIR | PATTY Z. KOUYOUMDJIAN, EXECUTIVE OFFICER

Miller Custom Works, c/o James C. Miller
Sheila M. Miner
Daniel G and Linda L. Steinocher JT
Billy J. Watkins
Chris Gallagher, General Manager, Spalding Community Services
District
Virginia Bruce, Spalding Community Services District
Alan Jones, Director, Lassen County Environmental Health
Department
Kenneth Bunch, Assessor, Lassen County Assessor's Office
Maurice Anderson, Lassen County Department of Planning
and Building Services
David Boyers, State Water Resources Control Board, Office
of Enforcement
Vanessa Young, State Water Resources Control Board,
Office of Enforcement
Kimberly Niemeyer, State Water Resources Control Board,
Office of Chief Council

ENCLOSURE 1

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

**SPALDING TRACT
MULTIPLE PROPOSED CEASE AND DESIST ORDERS**

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. Charles L. 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. Kenneth Bunch, Assessor, County of Lassen, Office of Assessor
7. Maurice L. Anderson, Director, County of Lassen, Department of Planning and Building Services
8. Chris Gallagher, General Manager, Spalding Community Services District
9. Virginia Bruce, Spalding Community Services District

ENCLOSURE 2

LAHONTAN WATER BOARD PROSECUTION TEAM'S
SUMMARIES OF WITNESS TESTIMONY

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

- *Water Quality Control Plan For The Lahontan Region* (Basin Plan) prohibition;
- The Discharger(s) own 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, LASSEN COUNTY
ENVIRONMENTAL HEALTH DEPARTMENT**

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

SUMMARY OF TESTIMONY OF KENNETH BUNCH, ASSESSOR, COUNTY OF LASSEN, OFFICE OF ASSESSOR

- Explanation of documents copied from the County of Lassen Office of Assessor's records.

**SUMMARY OF TESTIMONY OF MAURICE L. ANDERSON, COUNTY OF LASSEN,
DEPARTMENT OF PLANNING AND BUILDING SERVICES**

- Explanation of documents copied from the County of Lassen Department of Planning and Building Services' records.

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

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

ENCLOSURE 3

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

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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)
 - Relevant Page(s): No. 4.1-4
 - Relevance: The Basin Plan contains the waste discharge prohibition the property owners named in the proposed Cease and Desist Orders are 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)
 - Relevant Page(s): Sec. 13301, Page No. 41; Sec. 13267, Page No. 30; Sec. 13320, Page Nos. 46-47; Sec. 13350, Page Nos. 49-50
 - Relevance: The Water Code sections cited, above, provide the Water Board with the authority to: (1) adopt and issue the proposed Cease and Desist Orders; (2) require the property owners to submit the technical reports identified in the proposed Cease and Desist Orders; and (3) impose administrative civil liabilities against the property owners that violated the Cease and Desist Orders following their 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)
 - 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)
 - 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 Files for Spalding Tract Property Owners named in the Proposed Cease and Desist Orders (excluding all privileged documents).
 - Document Location: Lahontan Water Board offices
 - Relevant Page(s): Multiple (Attachment B in proposed Cease and Desist Orders)
 - Relevance: The Water Board's files contain copies of the Lassen County and Spalding Tract Community Services District's records that provide evidence of ownership and the presence of on-site wastewater disposal systems for the property owners named in the proposed Cease and Desist Orders. This evidence is the basis for recommending that the Water Board adopt the proposed Cease and Desist Order to establish times schedules for complying with the Water Board's Basin Plan prohibition.