

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD  
SAN DIEGO REGION**

**ORDER NO. R9-2023-0103**

**AN ORDER RESCINDING ORDER NO. 95-19,  
WASTE DISCHARGE REQUIREMENTS FOR MRS. SUE LATIMER AND MR. JIM  
SHAFER OF SWALLOWS-SUN ISLAND CLUB, NEAR HARBISON CANYON**

The California Regional Water Quality Control Board, San Diego Region (San Diego Water Board), finds that:

1. Order No. 95-19, *Waste Discharge Requirements for Mrs. Sue Latimer and Mr. Jim Shafer of Swallows-Sun Island Club, near Harbison Canyon* (Order No. 95-19), established requirements for the discharge of domestic wastewater from an onsite wastewater treatment system (OWTS). The Swallows-Sun Island Club<sup>1</sup> OWTS consists of eleven septic tanks and a recreational vehicle (RV) dump station that discharge to leach fields. The Swallows-Sun Island Club OWTS collects wastewater from 50 mobile homes, 20 RV spaces, 16 campsites, three apartments, five motel rooms, two restroom buildings, two laundry buildings, one pool, and one clubhouse. The Swallows-Sun Island Club OWTS is located at 1631 Harbison Canyon Drive, El Cajon, California. The San Diego Water Board adopted Order No. 95-19 on February 9, 1995.
2. Order No. 95-19 must be replaced to ensure that the discharge is regulated consistent with current state policy and requirements. Discharges from small package treatment plants and OWTS such as these have certain common characteristics, such as similar constituents, concentrations of constituents, disposal techniques, and flow ranges, and require the same or similar treatment standards. The State Water Resources Control Board issued Order WQ 2014-0153-DWQ, *General Waste Discharge Requirements for Small Domestic Wastewater Treatment Systems* (General Order), to regulate these types of discharges consistently throughout the state. The San Diego Water Board received notification in 2010 that ownership of the Swallows-Sun Island Club transferred to Ben Hankins and Jon Haber in January 2010. Ben Hankins and Jon Harber transferred ownership of the Swallows-Sun Island Club to BH Properties Ventures DBA Harbison Canyon Estates in January 2023. BH Properties Ventures changed the facility name from Swallows-Sun Island Club to Harbison Canyon Estates. Enrollment of the Harbison Canyon Estates OWTS in the General Order will provide a level of water quality protection equal to that provided in Order No. 95-19.
3. The discharge from the Harbison Canyon Estates OWTS is eligible for enrollment in the General Order based on information submitted in monitoring reports and

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<sup>1</sup> The San Diego Water Board received notification in January 2023 that ownership of Swallows-Sun Island Club transferred to BH Properties Ventures DBA Harbison Canyon Estates and the facility is currently doing business as Harbison Canyon Estates.

obtained during a compliance inspection conducted by San Diego Water Board staff on December 20, 2023. As such, the discharge from the Harbison Canyon Estates OWTS is more appropriately regulated under the General Order than individual waste discharge requirements.

4. The San Diego Water Board will issue a Notice of Applicability (NOA) to BH Properties Ventures DBA Harbison Canyon Estates, for enrollment of the Harbison Canyon Estates OWTS in the General Order prior to the board meeting on December 13, 2023. The NOA's effective date of enrollment in the General Order coincides with the adoption date of this rescission Order.
5. Adoption of Order No. R9-2023-0103 is not subject to the California Environmental Quality Act (CEQA, Public Resources Code, section 21000 et seq.). Pursuant to California Code of Regulations, title 14, sections 15060(c)(2) and 15061(b)(3), the action to rescind Order No. 95-19 will not have potentially significant adverse effects on the environment because the discharges that were regulated by Order No. 95-19 are now regulated under the General Order. In addition, adoption of Order No. R9-2023-0103 is exempt from CEQA pursuant to categorical exemptions listed in title 14, section 15301 (ongoing or existing projects) and consistent with Finding 32 of the General Order.

The State Water Resources Control Board considered the environmental impacts associated with the adoption of the General Order and prepared an Initial Study in accordance with title 14, section 15063. Analysis in the Initial Study and early consultation with responsible and trustee agencies did not identify any significant impacts on the environment. Therefore, a Negative Declaration was prepared. The State Water Resources Control Board adopted the Negative Declaration on September 23, 2014, through Resolution No. 2014-0054, California Environmental Quality Act, Negative Declaration, General Waste Discharge Requirements for Small Domestic Wastewater Treatment Systems. The General Order will provide a level of water quality protection equal to that provided in Order No. 95-19.

6. The San Diego Water Board heard and considered all comments pertaining to the adoption of Order No. R9-2023-0103 in a public meeting on December 13, 2023.

**IT IS HEREBY ORDERED** that Order No. 95-19 is rescinded. This action in no way prevents the San Diego Water Board from taking enforcement action for past violations of Order No. 95-19.

*I, David W. Gibson, Executive Officer, do hereby certify the foregoing is a full, true, and correct copy of an Order adopted by the California Regional Water Quality Control Board, San Diego Region, on December 13, 2023.*

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David W. Gibson, Executive Officer