

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

BOARD ORDER NO. R6T-2011-0049

RESCISSION OF CEASE AND DESIST ORDERS

FOR

**DISCHARGERS WITHIN SPALDING TRACT
DISCHARGING OR THREATENING TO DISCHARGE WASTES
IN VIOLATION OF WASTE DISCHARGE PROHIBITIONS
CONTAINED WITHIN THE WATER QUALITY CONTROL PLAN FOR THE
LAHONTAN REGION**

Lassen County

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

1. In September 1984, the Lahontan 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 on-site waste disposal systems in the Spalding Tract after September 14, 1989.

2. In 1991, the Lahontan 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 Lahontan 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.

CDOs issued to the Dischargers, in part, set forth a time schedule for completion of the community wastewater system. The 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.

3. 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 septic tank/leachfield system.
4. On June 10, 2009, the Lahontan Water Board rescinded five hundred ninety-seven (597) 1991 CDOs. The 1991 CDOs were rescinded because either (a) the property owner listed in the 1991 CDO had connected their on-site wastewater disposal system to the District system, (b) the property owner listed in the 1991 CDO had properly abandoned their on-site wastewater disposal system, or (c) the property owner listed in the 1991 CDO no longer owned the property. Forty-seven (47) 1991 CDOs were not rescinded at this time because the Discharger identified in the 1991 CDO continued to own the subject property and was in violation of the Basin Plan Prohibition.
5. 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. The 2009 CDOs were adopted to reflect current property ownership, provide the Dischargers with an updated compliance schedule, and reflect the availability of the District system.
6. On October 14, 2009, the Water Board rescinded an additional fourteen (14) 1991 CDOs and replaced them with 2009 CDOs. This action provided Dischargers who continued to own the property listed in the 1991 CDOs and who continued to violate the Basin Plan waste discharge prohibition an updated compliance schedule.
7. The 1991 CDOs and 2009 CDOs that are being rescinded as part of this Order are shown in Attachment A, which is made a part of this Order, and include Dischargers that meet one of the following conditions:
 - a. The Discharger has connected their on-site 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 on-site wastewater disposal system and is in compliance with the Basin Plan waste discharge prohibition.
- c. The Discharger has demonstrated that there is not an on-site wastewater disposal system on the subject property and they are therefore in compliance with the Basin Plan waste discharge prohibition.
8. It is in the public interest to rescind the 1991 CDOs and 2009 CDOs identified in Attachment A as the Dischargers are complying with the Basin Plan waste discharge prohibition.
9. The Water Board has notified, or attempted to notify, the Dischargers listed in Attachment A and interested persons of its intent to rescind the CDOs.
10. The Board in a public hearing heard and considered all comments pertaining to this Rescission Order.
11. 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, Harold J. Singer, 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 July 13, 2011.



HAROLD J. SINGER
EXECUTIVE OFFICER

Attachment A – Spalding Tract Cease and Desist Order Rescission List

Attachment A
Spalding Tract Cease and Desist Order Rescission List

Cease and Desist Order Number	Assessor Parcel Number Listed in CDO	Discharger Listed in CDO
1991 Cease and Desist Orders		
6-91-316	077-161-18-11	CLARK, WILLIAM JACOB
6-91-325	077-213-04-11	COLEMAN, RONALD & STEPHANIE
6-91-496	077-383-20-11	HERITAGE LAND CO.
6-91-373	077-311-26-11	DIETRICH, BONNIE K.
6-91-374	077-211-14-11	DITTMAR, DONALD A. & CAROLYN Y.
6-91-405	077-242-12-11	EHN, CHARLES H. & MAYME A
6-91-420	077-324-36-11	FARRIS, CAROL D.
6-91-448	077-293-12-11	GATES, DONALD F. & CHARLENE J.
6-91-493	077-262-08-11	HERITAGE LAND CO.
6-91-494	077-362-28-11	HERITAGE LAND CO.
6-91-495	077-362-29-11	HERITAGE LAND CO.
6-91-497	077-383-31-11	HERITAGE LAND CO.
6-91-545	077-397-23-11	LARIMORE, HARRY A. & BEATRICE A.
6-91-556	077-332-45-11	LEROY, C. DAVID & DOREENE J.
6-91-565	077-272-36-11	LOY, DAVID N. & REGINA M.
6-91-568	077-172-16-11	MACIAS, RAYMOND & MARJORIE A.
6-91-581	077-304-47-11	MCGREW, WILLIAM & ESTHER
6-91-589	077-171-11-11	MILLER, GAIL H. & OLEN
6-91-688	077-293-11-11	ROUNSAVILLE, JOSEPH W. & ETTA MAE
6-91-707	077-331-37-11	SEATERS, MARION & KATHLEEN
6-91-375	077-403-16-11	DITTMAR, DONALD A. & CAROLYN Y., AND VALERIE SITES
6-91-831	077-232-37-11	STEBBINS, DUANE C. & LORETTA
6-91-899	077-251-35-11	WALKER, RUDOLPH SOYKA & REBECCA
6-91-902	077-374-02-11	WALKER, REBECCA
6-91-822	077-152-07-11	ZUNINO, MICHAEL A. & SHEREE A.
2009 Cease and Desist Orders		
R6T-2009-0070	077-234-22-11	BAILEY TRUST ETAL
R6T-2009-0071	077-394-20-11	BARKER, JEFFREY & BARBARA JT
R6T-2009-0072	077-254-28-11	BISHOW, RAYMOND L

Attachment A
Spalding Tract Cease and Desist Order Rescission List

Cease and Desist Order Number	Assessor Parcel Number Listed in CDO	Discharger Listed in CDO
R6T-2009-0073	077-232-41-11	BIXBY, WILLIAM D & ANN R CPRS
R6T-2009-0076	077-371-06-11	BUSKIRK, JEFFERY O & MARGARET A JT
R6T-2009-0077	077-303-27-11	CHANDLER, DIANE & GENTRY, BETTIFAE
R6T-2009-0078	077-173-35-11	CLARK, MARK L & REATHA PAULINE JT
R6T-2009-0080	077-393-14-11	CRETE, JOSEPH C & TERRI JT
R6T-2009-0082	077-222-21-11	FOULK, BENJAMIN L
R6T-2009-0084	077-223-25-11	GARDNER, JANE E ETAL
R6T-2009-0085	077-351-03-11	HAINES, CIDNE J ETAL
R6T-2009-0060	077-392-19-11	HERITAGE LAND CO.
R6T-2009-0097	077-378-24-11	JEFFERY, JAMES
R6T-2009-0061	077-204-15-11	KISH, LEONORE M
R6T-2009-0098	077-283-16-11	KOCH, LINDA C REVOCABLE TRUST % KOCH, LINDA C TRUSTEE
R6T-2009-0101	077-391-11-11	MANGER FAMILY TRUST
R6T-2009-0103	077-363-28-11	MCCANN, DAVID T & MONTGOMERY, DAVA D HWJT
R6T-2009-0104	077-334-16-11	MCMILLEN, TANYA & JERRY CPRS
R6T-2009-0062	077-394-15-11	MERRITT, ROBERT L. & JOAN L.
R6T-2009-0107	077-381-16-11	MULLER, THOMAS J & ROBERTA L
R6T-2009-0110	077-411-18-11	OLIVER, JEFFREY W & LENA D JT
R6T-2009-0111	077-411-19-11	OLIVER, JEFFREY W & LENA D JT
R6T-2009-0112	077-382-15-11	PARKER, THEODORE & PATRICIA TRUST
R6T-2009-0064	077-383-40-11	PARKER, THEODORE & PATRICIA TRUST
R6T-2009-0113	077-191-27-11	PEACOCK, BETSY A & TOBIN, LOUIS J HWJT
R6T-2009-0114	077-311-33-11	PRATT, WILLIAM H. & MARJORIE L. TC ETAL
R6T-2009-0065	077-192-38-11	RAMOS, DANIEL J & KATHRYN S
R6T-2009-0094	077-201-04-11	RUDLUFF, CAROLINE M TR
R6T-2009-0118	077-361-22-11	SCHUMACHER, ARMIN & BOCK, CHRISTINA JT
R6T-2009-0119	077-273-36-11	SEBASTIANI, PIERO REVOCABLE TRUST ETAL

**Attachment A
Spalding Tract Cease and Desist Order Rescission List**

Cease and Desist Order Number	Assessor Parcel Number Listed in CDO	Discharger Listed in CDO
R6T-2009-0066	077-2712011	SIDERS, KATHRYN D. C/O WALL, R. CONSERVATOR
R6T-2009-0121	077-403-22-11	SITES, VALERIE V
R6T-2009-0122	077-271-16-11	SMITH, BRYAN & TOKE JT
R6T-2009-0123	077-253-27-11	SMITH, JOHN & ALICE 1995 LIVING TRUST
R6T-2009-0125	077-254-27-11	STEINOCHEER, DANIEL G. & LINDA L. JT
R6T-2009-0068	077-381-14-11	STIMMELL, JAMES BRADLEY
R6T-2009-0127	077-351-21-11	THOMAS, TREVOR P & LAURETTA R
R6T-2009-0128	077-234-43-11	WILLIAMS, RICHARD L & PATRICIA C HWJT
R6T-2009-0129	077-383-36-11	WILLIFORD, GEORGE CALVIN TRST
R6T-2009-0095	077-293-10-11	ZUCCATO, MICHAEL W & LINDA J REVOCABLE TRUST