



California Regional Water Quality Control Board

Lahontan Region



Winston H. Hickox
Secretary for
Environmental
Protection

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Gray Davis
Governor

April 9, 2003

Dear Property Owner:

REGIONAL BOARD AUTHORITIES REGARDING ENFORCEMENT OF SEPTIC TANK PROHIBITION FOR HOMEOWNERS AT SPALDING TRACT, EAGLE LAKE, LASSEN COUNTY

Several years have passed since the Regional Board has taken specific enforcement actions against property owners discharging wastes to septic systems at the Spalding Tract, and many of those properties are now under new ownership. During the next year, the Spalding Tract property owners will be making decisions concerning construction of a community sewage system. For these reasons, Regional Board staff would like to take this opportunity to clarify its authorities regarding enforcement of the existing waste discharge prohibition contained in the *Water Quality Control Plan for the Lahontan Region* (Basin Plan). This letter describes the Regional Board's authorities and potential future actions.

The Regional Board adopted the following waste discharge prohibition on September 14, 1984:

“The discharge of waste from the Spalding Tract or Stones-Bengard subdivisions with other than a zero discharge of nutrients to any surface water or ground waters in the Eagle Lake Basin is prohibited after September 14, 1989.”

This means discharge or disposal of sewage from individual homes in the Spalding Tract to a conventional septic tank/leachfield is prohibited. This prohibition was adopted to protect the ground water for domestic water supply and to prevent increased algae growth and decreased water clarity of Eagle Lake. The prohibition was based on substantial evidence documenting poor soil conditions and shallow bedrock allowing transmission of partially treated wastewater to the ground and surface waters. Compliance with the prohibition will eliminate the source of bacterial contamination of domestic supply wells, and will eliminate an existing source of nutrients to Eagle Lake.

On several occasions since 1984, the Regional Board has examined the appropriateness of the prohibition. Studies conducted by the Regional Board and the Department of Water Resources since 1984 provide additional evidence (documentation of bacterial contamination in domestic supply wells) to support the waste discharge prohibition. On July 10, 1987, the Regional Board held a public hearing to consider rescission or modification of the prohibition. At the close of the hearing, the Regional Board adopted Resolution No. 87-14, “Reaffirming the Adoption of the Amendments to the Water Quality Control Plan for the North Lahontan Basin Concerning the Eagle Lake Hydrologic Unit”. The Regional Board made no changes to the prohibition. This action was petitioned to the State Water Resources Control Board, who upheld the prohibition.

California Environmental Protection Agency

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The Spalding Community Services District (previously the Eagle Lake CSD) was formed to develop a sewage collection and treatment system to provide a means by which property owners could comply with the prohibition. Since 1992, the SCSD has been developing plans for a sewer system, completing environmental studies and pursuing property acquisition for the system. My staff continues to work closely with the SCSD to complete plans and studies. The SCSD has overcome numerous setbacks and delays, but has maintained steady progress in developing a project to sewer the Spalding Tract. You are probably aware that the SCSD has now nearly completed plans and environmental studies necessary to bring this project to fruition. After available construction grant amounts are verified, property owners will be asked to approve an Assessment District to complete the funding package.

Completion of the proposed project will provide property owners a viable option to comply with the prohibition. Regional Board staff supports the proposed community system as both practical and economical.

In 1991, the Regional Board issued cease and desist orders to all property owners who discharged waste to a subsurface wastewater disposal system. The cease and desist orders for the Spalding Tract contained specific tasks (construction of community ponds) and deadlines (through September 1993). Although the cease and desist orders have not yet been complied with, the Regional Board has delayed further enforcement contingent on a sustained good faith effort by property owners through the actions of the SCSD to comply.

If progress and financial commitment toward completion of a community sewer system ceases, the Regional Board staff will recommend the Regional Board consider enforcement actions. The Regional Board will be asked to consider action against all property owners in the Spalding Tract who own lots with subsurface wastewater disposal systems, regardless of whether they were named in the earlier cease and desist orders or not. All property owners who discharge waste to leachfield systems, cesspools, outhouses or other subsurface disposal systems are in violation of the Regional Board's prohibition. Potential enforcement in accordance with the California Water Code may consist of, but not be limited to, issuance of cease and desist orders, issuance of cleanup and abatement orders, imposition of administrative civil liability, and referral to the California Attorney General for appropriate enforcement.

I trust this clarifies our authorities and potential actions to enforce the prohibition adopted by the Regional Board. If you have any questions regarding this matter, please contact T. Jerrold Peacock at (530) 542-5435 or Alan Miller, Senior Water Resource Control Engineer, at (530) 542-5430.

Sincerely,



HAROLD J. SINGER
EXECUTIVE OFFICER

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[Pending/Lassen Co/Spalding CSD]

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