Evidence Submission For April 28, 2006 Hearing On Los Osos Cease & Desist Orders Before The Central Coast Regional Water Quality Control Board

STATE OF CALIFORNIA
CENTRAL COAST WATER BOARD
Received
APR - 5 2006
895 Aerovista Place, Ste. 10
San Luis Obispo, CA 93401

Evidence submission for:

Rob & Elise Shipe
507 Highland Drive
Los Osos, CA 93402
CDO # R3-2006-1024

Robert & Vicki Borthwick
Re: 580 Woodland Drive
Los Osos, CA 93412
CDO# R3-2006-1048

Written Evidence Included:

Cover Letter Outlining Our Position.
History of Los Osos Sewer Problems
March 30, 2006 Fax to Roger Briggs Regarding Los Osos Disclosure including:
Cover Page; Residential Disclosure (2p); Los Osos Building Moratorium Information Bulletin (2p);
Nov. 6, 2002 Message From LOCSD –Wastewater Facilities Project (5p);
State Wide Enforcement Action Chart
Information Gathered from: http://ciwqs.waterboards.ca.gov/ciwqs/enforcementOrders.jsp
Eagle Lake proposed CDOs by Lahontan RWQCB (3p)
SCSD NEWS (Newsletter of the Spalding CSD) Oct 2003 (3p)
E-mails including:
L. Kemper, LRWQCB, re: Eagle Lake CDOs (2p)
L. Okun, CCRWQCB, re: CDO provisions (3p)
M. Lay, GM Spalding CSD, re: Eagle Lake CDOs
S. Harris, Cleath & Associates, re: RWQCB b-monthly pumping plan

Evidence Submitted Electronically (CD-Rom):

Front Page.doc
Cover Letter.doc
History.doc
83-13 Original Prohibition Zone.pdf
Enforcement Orders.doc
Feb15InfoWorkshopPresentation.pdf
Highland new homes – staffreport_000.pdf
los osos csd.wdr.pdf
PP_Nitrate.pdf
SWIntrusionFinalGrant.pdf
wq1992_14.pdf
wqep.doc
LassenCDO_SSMP_wq1992_14.pdf
Emails.doc

In addition we request all evidence submitted by all designated parties be incorporated by reference with this submission

Rob & Elise Shipe
CDO # R3-2006-1024

To The Central Coast Regional Water Quality Control Board;

Please do not issue Cease & Desist Orders to the residents, property owners and businesses of Los Osos. The Regional Water Quality Control Board (RWQCB) of the Central Coast mandated in measures 83-12 and 83-13 that the community of Los Osos institute a Septic System Management Program (SSMP) and a Wastewater Treatment Facility. Neither of these mandates has been met. The implementation of a Wastewater Treatment Facility is something beyond the control of any individual in our community. Individuals however, can be responsible for maintaining their own septic tanks in the interim. The Los Osos CSD will have a SSMP designed and ready to implement this summer. A SSMP would move all of Los Osos into compliance with measure 83-12 and be a solid step towards full compliance.

The people of Los Osos want a sewer that effectively and efficiently cleans the water within the Los Osos Groundwater Basin. The Los Osos CSD is currently addressing this issue and will place their plan before the voters in the community this fall. Combined with a SSMP and a Groundwater Management Plan, this board will have done more in one year to bring Los Osos into full compliance than the County of San Luis Obispo or the previous CSD board did in 22 years.

This is the first contact individuals in Los Osos have received from the RWQCB. While it is true that we all signed paperwork informing us of the need for a sewer when we purchased our homes, it was explained in a manner that led us to believe it was a prohibition on building, not discharges. Conversation with local realtors show that those involved in Los Osos Real Estate were unaware of the prohibition of all discharges from septic tanks in Los Osos. With these well-educated members of our community unaware of this issue, the average citizen in Los Osos would not be either.

The Water Quality Enforcement Procedures manual has numerous measures that can help Los Osos come into compliance with 83-13. I have studied these procedures in depth. This manual provides more effective measures to notify residents and property owners of the issues moving Los Osos quickly into compliance with all the RWQCB requirements.

There is no Environmental Impact Report (EIR) to investigate the serious additional consequences current Cease & Desist Orders impose on our community. Environmental questions regarding air pollution from trucks and sewage; as well as the loss of 36,000,000 gallons of water from our aquifer have not been addressed. Economic concerns of over $9,000,000 spent on pumping; the Government Code, Section 4477 effect on business in the community and ability to borrow on properties with CDOs have not been addressed.

In addition, this measure will further divide the community, creating more "no sewer" residents in the community as property owners can implement on-site measures then work to delay a sewer project past the 2010 deadline. For these reasons and more, and working with the Central Coast RWQCB, staff, the LOCSD as well as the residents and property owners in Los Osos to move forward on bringing Los Osos into full compliance.

Sincerely,

Rob R. Shipe

Elise M. Shipe

Robert J. Borthwick and Vicki J. Borthwick
Re: 580 Woodland
Los Osos, CA.
CDO# R3-2006-1048

To The Central Coast Regional Water Quality Control Board;

My wife and I purchased our property at 580 Woodland less than a year ago, in August, 2005. It is a small single-family home of approximately 1200 sq. ft, for which we paid $480,000.00. We are currently renting the home for $1,550.00 per month, until such time that we are able to retire and move to Los Osos some years from now.

When we purchased the home last summer, the septic tank was checked and deemed in excellent working order. We were aware that the Los Osos community was going to be receiving a new sewer system in the near future, and were pleased with that prospect. In addition, the previous owners of our property had already paid the sewer assessment fee for the new system. It was our understanding that we were in full compliance with any and all septic and sewer issues.

Due to the mortgage payments related to the purchase price of our home (even with a substantial down payment) and amount of rental income we receive, we are on a very thin margin. The excessive annual costs of increased septic tank pumping as requested, combined with the decreased property value resulting from the Cease and Desist Order, puts our family in a precarious financial situation.

Please do not issue Cease & Desist Orders to the residents, property owners and businesses of Los Osos. The Regional Water Quality Control Board (RWQCB) of the Central Coast mandated in measures 83-12 and 83-13 that the community of Los Osos institute a Septic System Management Program (SSMP) and a Wastewater Treatment Facility. Neither of these mandates has been met. The implementation of a Wastewater Treatment Facility is something beyond the control of any individual in our community. Individuals however, can be responsible for maintaining their own septic tanks in the interim. The Los Osos CSD will have a SSMP designed and ready to implement this summer. A SSMP would move all of Los Osos into compliance with measure 83-12 and be a solid step towards full compliance.

The people of Los Osos want a sewer that effectively and efficiently cleans the water within the Los Osos Groundwater Basin. The Los Osos CSD is currently addressing this issue and will place their plan before the voters in the community this fall. Combined with a SSMP and a Groundwater Management Plan, this board will have done more in one year to bring Los Osos into full compliance than the County of San Luis Obispo or the previous CSD board did in 22 years.

This is the first contact individuals in Los Osos have received from the RWQCB. While it is true that we all signed paperwork informing us of the need for a sewer when we purchased our homes, it was explained in a manner that led us to believe it was a prohibition on building, not discharges. Conversation with local realtors show that those involved in Los Osos Real Estate were unaware of the prohibition of all discharges from septic tanks in Los Osos. With these well-educated members of our community unaware of this issue, the average citizen in Los Osos would not be either.

Sincerely,

Robert J. Borthwick

Vicki J. Borthwick RD.

History from what I have gathered.

I have lived in Los Osos since 1993 and I became a homeowner in 2000. Over the past several weeks, I have talked with many county and state officials outside of Los Osos. Repeatedly I have been told that the people of Los Osos do not want a Sewer. I have spent some time recently in public places asking people if they want a sewer. The comment from the vast majority was an overwhelming YES.

However, a majority of that group stated in one form or another "Why don't they understand we want a sewer, we just didn't want THAT sewer". I have spent the past several weeks researching the history of this issue in preparation for our hearing. Here is the perspective I have gathered from the citizens of Los Osos and others involved.

In 1983, the Regional Water Quality Control Board (RWQCB) of the Central Coast has required that Los Osos institute a Wastewater Treatment Facility (sewer- Measure 83-13); a Septic System Management Program (SSMP- Measure 83-12) and a Water Management Plan (Basin Plan). The county and several CSD Boards have failed these requirements, yet repeatedly, the only issue that is talked about in our community is the sewer.

In the late 1990's the County of San Luis Obispo was prepared to build a sewer in Los Osos. An organization of residents called the "Solutions Group" campaigned to form the Los Osos Community Services District (LOCSD) on the promise of "Better, Cheaper, Faster". Their plan was to only service a portion of the town, instead of the entire Prohibition Zone. Because of this, a small and vocal portion of the local community, adamantly against any sewer project, supported them.

The RWQCB rejected their plan because it did not meet with the requirements of 83-13. From that moment, the LOCSD Board began adapting their plan. Instead of looking for a new solution, or even the old solution, they stayed with their idea of a centrally located park and sewer project to treat the entire community. At this time, the anti-sewer residents broke away from supporting the CSD.

The anti-sewer crowd fought the CSD at every turn, with lawsuits and hateful comments. They created an atmosphere that divided the town. The venom caused many, including myself, to wrongly stay out of the issues. As the Tri-W sewer project morphed, more and more residents grew uneasy with the new project. Moderates came forward concerned with the $150,000,000 price and the location. The previous board mistakenly believed they were a part of the anti-sewer movement. When two LOCSD Board Members were overwhelmingly replaced, they did not change their path. The price increased to $200,000,000 to $300,000,000 and despite a re-call movement to remove the remaining three LOCSD Board Members, they continued to push forward. A majority of voters removed and replaced those remaining three members last fall.

Because of the remarks from the prior board as well as the vocal anti-sewer movement, it has caused many outside of Los Osos to believe that Los Osos does not want a sewer. That could not be further from the truth. The residents, property owners and current CSD Board Member of Los Osos overwhelmingly want to address these issue quickly and effectively. I look forward to seeing you all in person at the hearing to work on effective a long-term and a short-term solution to the Los Osos problems.

Thursday, March 30, 2006

Attn: Roger Briggs - fax 788-3511

From: Rob Shipe phone 528-6772, fax 528-6772

Here is the paper work I have received from local realtors. Our realtor discarded the copy we signed because they are only required to keep them for three years. Enclosed is an updated version. The "Residential Disclosures" are issued from the board of realtors and distributed through all the local realtors I have spoken with. The form on the "Los Osos Building Moratorium" is issued by Johnson Starlings Realtors.

After talking with several local realtors today, none of who were aware that current septic tanks in Los Osos are not allowed. These are not people who were uninformed in the community, but rather people who deal with these matters on a daily basis for longer than the Prohibition Zone has existed.

Thank you for your consideration on this issue. I look forward to working with you to move our community forward and educating our community on the issues we are involved with.

Sincerely,

Rob Shipe
507 Highland Drive

1 of 10

RESIDENTIAL DISCLOSURE

READ IT CAREFULLY.

This is a disclosure dated _____, 20____, covering the purchase of _____, in _____, California, between _____ (Buyer) and _____ (Seller).

1. Buyer is aware that subject property is:

A. ☐ Within Diablo Canyon Nuclear Emergency Response Zone.

B. ☐ Within the jurisdiction of the California Coastal Commission.

C. ☐ In a Special Archaeological Study Zone.

D. ☐ In an area with growth limitation guidelines for construction and/or remodeling.

E. ☐ In a building moratorium area.

F. ☐ In an area with special slope standards for new construction.

G. ☐ In an area with road maintenance assessments.

H. ☐ In or may be subject to a special drainage assessment area.

I. ☐ In an area subject to pitch canker disease which could affect pine trees.

J. ☐ In an area subject to clearance from U.S. Fish and Wildlife Service, regarding Federal Endangered Species, for construction, remodeling and/or landscaping.

K. ☐ The County of San Luis Obispo recognizes the statewide policy to protect and encourage Agriculture. Sections 3482.5 & 3482.6 of the California Civil Code & Chapter 5.16. of the San Luis Obispo County Code protect certain, pre-existing production & processing agricultural operations from nuisance claims. If your property is near a protected agricultural operation, you may be subject to certain inconveniences and/or discomforts, which are protected by law. In order for the agricultural operation to be protected, the following requirements of the Civil Codes must be satisfied: (1) The agricultural operation must be conducted or maintained for commercial purposes; (2) The agricultural operation must be conducted or maintained in a manner consistent with proper & accepted customs & standards as established & followed by a similar agricultural operation in the same locality; (3) The agricultural operation predates the affected use(s) on your property (4) The agricultural operation has been in existence for more than three years, and (5) The agricultural operation was not a nuisance at the time it began. If your property is near an agricultural operation in the unincorporated area of the County, which satisfies the above requirements, you may at times be subject to one or more inconveniences and/or discomfort arising from that operation. Such inconveniences may include (depending upon the type of agricultural operation protected), but are not necessarily limited to, the following: noise, odors, fumes, dust, pesticides, fertilizers, smoke, insects, farm personnel and truck traffic; visual impacts, night time lighting, operation of machinery, & the storage, warehousing and processing of agricultural products or other inconveniences or discomforts associated with the protected agricultural operations. For additional information contact the San Luis Obispo County Agricultural Commissioner's Office.

L. ☐ In a proposed Septic System Management Program, as mandated by Assembly Bill AB885, for the State of California by January 1, 2004. Buyer is advised to contact the appropriate agency.

Buyer and Seller acknowledge receipt of copy of this page, which constitutes Page 1 of 2 pages.
Buyer's Initials (_____) (_____) Seller's Initials (_____) (_____)

RESIDENTIAL DISCLOSURE

READ IT CAREFULLY.

2. For residences in the Los Osos/Baywood Park Proposed Sewer Project Area.

A. ☐ Although septic systems are presently in use in Los Osos/Baywood Park, State agencies have imposed a requirement that a community sewer system be constructed for portions of those areas. The Buyer may ascertain the costs by contacting the Los Osos Community Service District (LOCSD).

B. ☐ Buyer is aware this property is located in the Los Osos Wastewater Collection Area and an assessment has been issued on this property. For assessment costs contact the Los Osos Community Service District (LOCSD).

C. ☐ Buyer has received a copy of this assessment.

D. ☐ Seller shall provide Buyer with a copy of this assessment within ____ days of acceptance.

E. ☐ _____

3. For residences in the Morro Bay Area.

A. ☐ _____

B. ☐ _____

4. For residences in the Cayucos Area.

A. ☐ _____

B. ☐ _____

5. For residences in the Cambria Area.

A. ☐ Special development standards for areas designated as Special Project Areas 1 and 2.

B. ☐ _____

C. ☐ _____

A REAL ESTATE BROKER IS THE PERSON QUALIFIED TO ADVISE ON REAL ESTATE MATTERS. MANY FEDERAL, STATE AND LOCAL LAWS PERTAIN TO THE SUITABILITY OF A PARTICULAR PROPERTY FOR THE USE INTENDED. THE LOCAL GOVERNMENT AND/OR COUNTY PLANNING DEPARTMENT WITH JURISDICTION OVER THE PROPERTY SUBJECT TO THIS AGREEMENT CAN PROVIDE INFORMATION REGARDING THE ORDINANCES, REGULATIONS, AND POLICIES PERTAINING TO THE PROPERTY. IT MAY ALSO BE ADVISABLE TO CONSULT WITH AN ATTORNEY OR TAX CONSULTANT WITH REGARD TO SPECIFIC QUESTIONS AS TO TAX, SECURITIES OR OTHER LEGAL ASPECTS OF THIS TRANSACTION.

THIS DOCUMENT IS FOR USE IN SIMPLE TRANSACTIONS. NO REPRESENTATION IS MADE AS TO THE LEGAL VALIDITY OR ADEQUACY OF ANY PROVISION IN ANY SPECIFIC TRANSACTION.

The undersigned acknowledge receipt of a copy of this page, which constitutes Page 2 of 2 Pages.

Date _____ Date _____

Buyer _____ Seller _____

Buyer _____ Seller _____

Los Osos Building Moratorium

Information Bulletin

On Friday, January 8, 1988, the California Regional Water Quality Control Board (RWQCB) imposed a moratorium on new sources of sewage discharge (and increases in the volume of existing sources) in the community of Baywood-Los Osos. The moratorium was imposed through the provisions of a Memorandum of Understanding executed between the county and the RWQCB in December, 1978, and imposes a variety of responsibilities on the county. The purpose of this memo is to set forth official Department of Planning and Building policy on the implementation of the moratorium by staff.

1. Area where moratorium applies. The area subject to the moratorium is known as the prohibition area. The provisions of the moratorium do not apply outside of the prohibition area.
2. Effect of moratorium on the permit process:

   A. Construction involving new or expanded septic systems prohibited. The primary effect of the moratorium is that this office is prohibited from issuing any permits for new on-site sewage disposal systems (commonly called "septic" systems) within the prohibition area. We are also prohibited from issuing permits for expansion of the capacities of any existing systems. These mandates (for our purposes) translate into the following specific requirements:

      (1) Independent structures without toilets or other plumbing fixtures (e.g. detached garages) may be approved.
      (2) Additions to existing buildings which would normally (in circumstances other than the moratorium) require accompanying expansion of on-site sewage disposal (septic) systems shall not be approved, even where the existing septic system was originally oversized and could accommodate the addition without expansion.
      (3) Proposed living area (not bedroom) additions to existing dwellings will be processed per normal procedures: if they would not normally require accompanying septic system expansion, they may be approved.
      (4) Any change in occupancy of commercial structures which would increase the "fixture unit" requirements per the Uniform Plumbing Code shall not be approved.
      (5) Alterations of existing buildings which propose additional plumbing fixtures, including but not limited to water supply

fixtures, drain or disposal fixtures, shall not be approved. No replacement of existing fixtures shall be approved except where replacement is in-kind or involves a reduction in the actual number of fixtures. No "credit" will be allowed for fixtures which use less water.

(6) Commercial shell buildings may undergo internal modifications through tenant improvements, limited only by the design capacity of the originally-approved and installed septic system.

(7) Swimming pools and hot tubs/spas may be approved.

(8) Holding tanks shall not be allowed as a method of sewage disposal.

(9) No "exotic" engineered disposal systems shall be allowed as an alternative to the moratorium.

(10) Repair and/or replacement of existing septic systems will be approved as usual.

(11) An expired building permit shall not be reissued.

(12) Exceptions to any of the above "prohibitions" may be granted by the Regional Water Quality Control Board.

B. Effect on land use permit/subdivision processing. The prohibitions in the RWQCB order address only the approval of new or expanded septic systems (except for repairs/replacements of failed systems as noted above). Since county approval of on-site sewage disposal systems occurs only at the building permit level, we are presently continuing to process land use permit and subdivision applications within the prohibition are. However, sewage disposal will obviously be the subject of careful scrutiny during the environmental review process (and could be the basis for an EIR being required) and will be also subject to conditions of approval. Applicants should be aware that it is unlikely the moratorium will be lifted before land use or subdivision approvals expire, so they may wish to save the time and money that would otherwise be consumed by our processing their applications.

Please Contact The Los Osos CSD For Any Further Information Or Questions:

Phone: 805-528-9370
Fax: 805-528-9377
Website: losososcsd.org
E-mail: bbuel@losososcsd.org

A Message From
The Los Osos Community Services District (LOCSD)
Wastewater Facilities Project

November 6, 2002

TO: LOS OSOS PROPERTY OWNERS
FROM: LOS OSOS COMMUNITY SERVICES DISTRICT (LOCSD)

PERSONAL FINANCIAL RESOURCES TO ASSIST PROPERTY OWNER TO COVER COSTS OF WASTEWATER PROJECT

On August 15, 2002 the LOCSD Board unanimously approved the sale of public bonds to finance that part of the LOCSD Wastewater Project not covered by a $65.4 million low interest loan from the State Water Resources Control Board (SWRCB). The projected costs of Project construction total $84.6 million. Of this, $17.9 million will be raised by the bond sale. The thirty-year bonds were sold on October 16, 2002. Our primary goal in making this decision is to minimize costs in the face of on-going litigation that threatens to continue. Delay simply guarantees added expense in the end.

We thought it would be worthwhile, at this stage, to offer a general review of the expenses property owners will need to meet in order to pay for the various bond, loan and other costs associated with Project construction and on-going maintenance. These are of genuine concern to everyone. In addition, we identify some of the financial resources that are available. Depending upon personal circumstances they might be of assistance.

COST AND PAYMENT TIMETABLE

The $17.9 million bond sale will be repaid through a property tax assessment lasting thirty years. For a single-family residence it will be approximately $16.50 per month. This added assessment will appear on the property tax bill to be mailed during Fall of 2003.

An on-going payment of approximately $28.00 per month for maintenance and operating costs will begin at two different times depending upon where the residence is located. Actual lateral connections from the house to the sewer main in the street occur at a different date for each of two geographic areas in Los Osos. Those living in the Cuesta by the Sea/Baywood area will begin paying during the first half of year 2005; those living South of Los Osos Valley Road and a triangular area downtown East of 9th Street and South of Santa Ynez Avenue will start paying in the first half of year 2007. There will also be a fee of approximately $60.00 per month lasting for twenty years. It will be assessed one year after the start of the on-going and maintenance costs begin. This will be used to repay the low-interest loan from the State Water Resources Control Board (SWRCB) given to the LOCSD.

Finally, a one-time cost for individual lateral connection and septic system decommissioning will be incurred within six months after the street main has been completed at that location. This payment amount will vary depending upon requirements at each property.

We have tried to describe the payment schedule clearly but understand it can be confusing. Below is a chart illustrating a payment timetable. If questions remain, please call our office at 528-9370 for additional explanation.

BAYWOOD PARK & CUESTA	Dec-03	YR 2005	YR 2006	YR 2007
Increased Property Tax Assessment	$16.50/Mo for 30 yrs			
Maintenance & Operating Costs		$28 Month for Single Family Residence for 20 Years		
One Time Lateral Connection			Costs Vary by Site	
Repay Low Interest State Loan			$60 Month for 20 Years	
SOUTH OF LOS OSOS VALLEY RD				
Increased Property Tax Assessment	$16.50/Mo for 30 yrs			
Maintenance & Operating Costs				$28 Month for Single Family Residence for 20 Years
One Time Lateral Connection				Costs Vary by Site
Repay Low Interest State Loan				$60 Month for 20 Years

NOTE: All costs are approximate.

TYPE OF LOANS

Borrowers often have several types of loans from which to choose, but there are essentially six reasonable loan options available to property owners. They are as follows:

1. MORTGAGE *RE-FINANCE LOAN*

A mortgage re-finance loan is the replacement of the current loan with another loan, taking advantage of equity built up in the property. These loans come with both fixed and variable interest rates and many varied terms and conditions.

2. *HOME EQUITY CREDIT LINE*

This type of loan is a form of revolving credit line with your home being the equity as collateral. This type of loan is usually secured with a second Trust Deed on your home. The payments are typically "interest-only" and the loan has a balloon payment due in ten (10) years.

3. *FIRST LIEN EQUITY LINE OF CREDIT*

It is a loan similar to the Home Equity Credit Line with the exception that it replaces the current mortgage loan with a credit line that is secured by a first Trust Deed on your home. The payments are typically "interest-only" and the loan has a balloon payment due in ten (10) years.

4. *HOME EQUITY CONVERSION MORTGAGE*

This loan allows the homeowner to use the equity in the home. In the most common use of this loan product, the lender typically pays the homeowner a monthly sum because the homeowner has little or no income and seeks to extract the equity incrementally, while still living in the home. The repayment of the loan occurs after the homeowner permanently vacates (usually at the time of the homeowner's death) or sells the house. This is also known as a Reverse Mortgage.

5. *VA AND SPECIALIZED LOANS*

VA Loans are for those veterans and service personnel who qualify. Specialized loans take many various forms.

6. *SECOND TRUST DEED – (aka HOME EQUITY LOAN)*

In this instance a loan is made on property that still has a senior loan on it and is junior (or second) to the original loan. This type of loan is usually fully amortized over fifteen (15) to twenty (20) years.

BANKS OFFERING LOANS

There are a number of local banks that offer the types of loans discussed above. Not every bank covers every possibility. We have included a chart in this mailing that lists each bank with a contact telephone number and which loans it will consider. You can see that is quite comprehensive.

BANK	FINANCIAL PRODUCTS AVAILABLE											
	10	Re-Finance 15	20	30	Home Equity Credit Line	Home Equity Conversion	First Lien Equity Line of Credit	VA Loans	Specialized Loans	2nd Trust Deed	Silent Second Loan
Mid-State Bank & Trust Los Osos Contact: Tom Neve @ 528-1211 528-1211	X	X	X	X	X		X	X	X	X	
Washington Mutual Los Osos Contact: Terry Detrick 528-3661		X		X	X		X			X	
Bank of America Los Osos Contact: Sharri O'Loan 528-4000	X	X	X	X	X		X	X	X	X	
Coast National Bank Los Osos Contact: Dick Bardini 528-6700					X		X		X		
First Bank of San Luis Obispo San Luis Obispo Contact: Budd Dressler 783-5282	X	X	X	X	X					X	
Wells Fargo SanLuis Obispo Contact: Gloria Anderson 541-0143	X	X	X	X	X	X	X	X	X	X	
SESLOC (Members Only) Contact: Don Wells 543-1816 ext. 410		X		X	X		X			X	
Downey Savings Contact: Brad Bishop/Anthony Lopez 534-2830	X	X	X	X	X				X		
First Mountain Bank Contact: Dave Perry (909) 866-5861											X

A CONTINUING COMMITMENT TO CONTROL COSTS

The LOCSD Board has always recognized that one of its priorities has been to keep its constituents fully informed since the Wastewater Project became its responsibility. It has been a long and, at times, difficult process but we are convinced regular and full communication has contributed to our progress, thus far. We are making every effort to keep customer costs to a minimum. As this effort continues and changes occur we will let property owners know. We encourage you to call our office with questions or comments.

Year	Oral Communication	13267 Letters	Staff Enforcement Letters	Total Letter	Notice To Comply	ACL Complaint	ACL Order	ACL Total	Clean-up And Abatement Orders	Notice Of Violation	**Cease And Desist Orders**
2006											
2005	213	83	316	299	90	64	18	80	29	483	**11**
2004	363	267	962	1229	179	52	54	106	62	1213	**32**
2003	445	306	1064	1370	376	78	23	101	57	1376	**37**
2002	664	492	1192	1684	696	36	41	77	145	1646	**31**
2001	670	754	1045	1799	411	75	43	118	104	1740	**36**
2000	831	973	1778	2751	242	63	29	92	141	1603	**42**
Total	**3186**	**2875**	**6357**	**9132**	**1994**	**368**	**208**	**574**	**538**	**8061**	**189**
1999	276	662	500	1162	95	53	39	92	160	2799	**62**
1998	9	34	79	113	0	31	50	81	187	40	**53**
1997	1	11	150	616	0	11	105	116	241	5	**155**
1996	1	3	126	129	0	13	54	67	224	2	**73**
1995	0	16	120	136	0	9	54	63	148	0	**43**
	3473	3601	7332	11288	2089	485	510	993	1498	10907	**575**

California Regional Water Quality Control Board

Lahontan Region

William H. Hickox
Secretary for
Environmental
Protection

Gray Davis
Governor

2501 Lake Tahoe Boulevard, South Lake Tahoe, California 96150
Phone (530) 542-5400 • FAX (530) 544-2271
Internet: http://www.swrcb.ca.gov/rwqcb6

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.

The energy challenge facing California is real. Every Californian needs to take immediate action to reduce energy consumption. For a list of simple ways you can reduce demand and cut your energy costs, see our Web-site at http://www.swrcb.ca.gov

Recycled Paper

STATE OF CALIFORNIA
Pete Wilson, Governor

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD—
LAHONTAN REGION
2092 Lake Tahoe Boulevard, Suite 2
South Lake Tahoe, California 96150
(916) 544-3481

April 9, 1991

CERTIFIED MAIL P 683 753 839

[redacted]
35558 Keymouth Drive
Newark, CA 94560

Dear Mr. and Mrs. [redacted]

PROPOSED CEASE AND DESIST ORDER FOR DISCHARGES OR THREATENED DISCHARGES OF WASTES WITHIN THE SPALDING TRACT, APN 077-223-24, EAGLE LAKE, LASSEN COUNTY

Enclosed is the proposed subject Order to be considered for adoption by the Regional Board at the May 10, 1991, meeting. The Order, upon its adoption, directs you to cease and desist the discharge or threatened discharge of waste within the Spalding Tract.

A staff report is also enclosed which describes the violations or threatened violations to the Water Quality Control Plan waste discharge prohibition.

The Regional Board will be holding a public hearing before considering adoption of the proposed Order. You may testify concerning your situation at the hearing or you may submit written testimony. If possible, written testimony should be submitted to the Regional Board by May 1, 1991. The hearing will be held at:

DATE: May 10, 1991
TIME: 11:00 A.M.
PLACE: Board Room
Building N
Lassen Community College
Highway 139
Susanville, CA 96130

Should you have any questions, please contact Lauri Zander on Mondays, Wednesdays, or Thursdays, or Dr. Ranjit S. Gill at this office.

Sincerely,

for HAROLD J. SINGER
EXECUTIVE OFFICER

Enclosures (2)

sh

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
LAHONTAN REGION

BOARD ORDER NO. 6-91-(PROPOSED)

Requiring [redacted] to Cease and Desist from Discharging or Threatening to Discharge Wastes in Violation of the Waste Discharge Prohibition Contained in the 1984 Amendments to the Water Quality Control Plan for the North Lahontan Basin Concerning the Eagle Lake Hydrologic Unit

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

1. [redacted] and [redacted] referred to as the "Discharger", own(s) parcel [redacted] in Spalding Tract located on the northwest shore of the middle basin of Eagle Lake, approximately 20 miles northwest of Susanville, Lassen County.

2. The Discharger operates a subsurface wastewater disposal system on the above-referenced parcel. The discharge of domestic wastewater to a subsurface disposal system results in a discharge containing nutrients to the ground waters of the Eagle Lake Basin.

3. The Regional Board adopted the Amendments to the Water Quality Control Plan for the North Lahontan Basin Concerning the Eagle Lake Hydrologic Unit on September 14, 1984, and the Amendments contain the following waste discharge prohibition:

> "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 groundwaters in the Eagle Lake basin is prohibited after September 14, 1989."

4. The Regional Board, at a public meeting on August 11, 1989, adopted Resolution No. 6-89-177. The Resolution stated the Regional Board's intent to delay for one year enforcement of the above waste discharge prohibition while continuing progress towards compliance was being pursued by the property owners of the Spalding Tract.

5. Since 1984, neither the Discharger nor the Eagle Lake Community Services District (ELCSD) have made significant progress towards achieving compliance with the prohibition stated in Finding No. 3, above. However, in the last three months, the ELCSD has made some progress towards achieving compliance.

6. The ELCSD has proposed to assist the Discharger in complying with the Basin Plan prohibition according to the following time schedule:

TASK	DATE
Complete financing plan for pond construction only	June 1, 1991

Have signatures collected for petition to form assessment district for pond	July 1, 1991
Complete feasibility study for waste storage and transport methods, complete environmental documentation, and select preferred alternative.	September 15, 1991
Secure financing for ponds (get community approval and agency approval for loan or grant monies)	October 1, 1991
Complete design of community ponds	February 15, 1992
Complete financing plan for second phase of wastewater facility	March 15, 1992
Secure acquisition of land for pond	April 1, 1993
Complete construction of ponds	September 1993

7. At a public meeting on November 9, 1990, the Regional Board directed staff to prepare cease and desist orders for dischargers in violation of the prohibition stated in Finding No. 3, above.

8. The Discharger discharges or threatens to discharge domestic wastewater to a subsurface disposal system within the Spalding Tract in violation of the prohibition stated in Finding No. 3, above.

9. This action is being taken as an enforcement action by a regulatory agency and as such 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 15308.

10. On May 10, 1991, in the Board Room of the Lassen Community College, Highway 139, in Susanville, California, after due notice to the Discharger and all other affected persons, the Regional Board conducted a public hearing at which the Discharger was given the opportunity to appear and to present evidence concerning the discharge.

IT IS HEREBY ORDERED THAT in accordance with Section 13301 of the California Water Code:

1. If the ELCSD meets the deadlines in Finding No. 6, the Discharger shall cease and desist from discharging wastes in violation of the waste discharge prohibition stated in Finding No. 3 forthwith, after the community system is operational.

2. If the Regional Board determines that the ELCSD fails to meet any of the deadlines listed in Finding No. 6, the Discharger will be notified of the ELCSD's failure to comply. Forty-five days after notification, the Discharger shall be required to submit plans to comply with the waste discharge prohibition stated in Finding No. 3 above. Within 165 days after notification, the Discharger shall cease discharging wastes to a subsurface disposal system.

3. If, in the opinion of the Executive Officer, the Discharger fails to comply with the provisions of this Order, the Attorney General may be requested to petition the superior court for the issuance of a permanent injunction or other legal remedy to restrain the Discharger from discharging in violation of this Order pursuant to California Water Code Section 13331. Additionally, the Discharger may be liable for civil monetary remedies under one or more of the following provisions of the California Water Code: Sections 13350 (a)(1), 13350 (a)(2), 13350 (e)(1), 13350 (e)(2), 13350 (f)(1), or 13350 (f)(2).

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 May 10, 1991.

_____
HAROLD J. SINGER
EXECUTIVE OFFICER

Spalding Community Services District
502-907 Mahogany Way
Susanville, CA 96130

SCSDNEWS

The Newsletter of the Spalding Community Services District — October 2003 Issue

IMPORTANT EVENT

COMMUNITY INFORMATION MEETING

OCTOBER 24
FRIDAY
1:00 PM

LOCATION:
ELCA Hall

Topic:
Wastewater System and Marina Projects

SEWAGE SOLUTION

Cease and Desist Orders threatening all property owners in Spalding will soon be history. Major progress toward completion of a wastewater system is being made.

In 1989, the California Regional Water Quality Control Board (RWQCB) adopted the following waste discharge prohibition directed at Spalding property owners:

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.

The Regional Board subsequently issued Cease and Desist Orders in 1991 to all property owners continuing to utilize septic systems. The RWQCB has delayed further enforcement action due solely to the fact that the SCSD, operating on behalf of property owners, has made a good faith effort toward complying with the RWQCB's waste discharge requirements.

In the early 1990's, the community strongly questioned the State's findings and appealed the zero-discharge requirement. However, the validity of the findings and the appropriateness of the prohibition were fully upheld. Stones-Bengard completed a wastewater system many years ago and their Cease-and-Desist Orders were lifted. Spalding's stigma of potentially unsafe environmental health conditions and related limits on homebuilding remains.

As most property owners are aware, it is crucial that an assessment district be formed to supplement the grant funding being offered to finance construction. We will soon have the opportunity to approve formation with our votes. **If the assessment is not approved, the entire project will come to a halt, the Spalding Community Services District will no longer be able to act on behalf of property owners by pooling resources to solve the wastewater disposal problem, and responsibility for compliance with State Cease and Desist Orders will rest entirely on individual property owners.**

The wastewater collection and disposal system we are planning has been identified as the most economic solution available. Work has been ongoing for many years to realize a zero-discharge system so that the prohibition, Cease and Desist Orders and building moratorium will all be lifted. Every aspect of environmental compliance has been addressed. We have utilized all of the resources available to us to make the construction and operation of this system as affordable as possible for property owners. Construction grants are expected to cover about half of the system cost. Approximately 70 low-income property

(Continued on page 2)

SEWAGE SOLUTION, continued

(Continued from page 1)

owners will have their assessments paid in full through another grant. Despite an incredible number of environmental and financial barriers, we are definitely on the home stretch and are hoping to begin construction in summer 2004. See our new website for more background at www.spauldingcsd.org.

Wastewater System Design and Costs

Lampe Engineering has completed the final design for the wastewater system. The design subsequently passed technical review by the State Water Resources Control Board. The estimated total project cost from this point forward is $8.5 million. Grants that will offset the cost of construction include $1.5 million to $2 million from USDA Rural Development (RD) and $2.5 million from the State Water Resources Control Board. The balance of $4.0 to $4.5 million will be paid with a loan from RD to be repaid with property owner assessments. System design plans may be viewed at the Spalding CSD office.

Assessment District Formation

We expect to be ready to present the wastewater system assessment district to property owners for approval this winter. Grant and loan funding commitments for the project will be received from Rural Development this winter. The commitments will allow us to get an interim bank loan to pay for the work involved in forming the assessment district and the final stages of project planning. The SCSD Board will then adopt a resolution of intent to levy assessments and direct the engineer to prepare a report. This is an integral part of the assessment district process as it verifies the benefit to be conferred to each parcel that will be assessed. Once the report is finished and the necessary legal documentation is prepared, ballots will be sent to property owners. Ballots will be due 45 days later, prior to or at a special hearing to be held by the SCSD Board. Ballots will be counted and weighted by County election officials. Weighting will be in proportion to the number of Equivalent Dwelling Units (EDUs) assigned to the subject property bye the project engineer. The outcome of the vote will be determined by simple majority.

Property Owner Assessments

Individual assessments are expected to be about $5,000. This estimate is based on the projected cost of construction and is predicated on the receipt of grant funds totaling at least $4 million from Rural Development and the State Water Resources Control Board. Assessment amounts approved by voters will be based on estimates. Assessments levied will be set based on actual construction costs, which will not be known until bids are obtained from qualified contractors. This should take place by late February or early March, after the assessment district is formed. For property owners that choose not to pay the full assessment up front, the assessment becomes a lien to be paid off in installments along with the annual County property tax levy. Assessments paid up front and first installments will be collected by the SCSD and deposited in a special account maintained by the County. Annual installments are expected to be about $300. An additional monthly operation and maintenance fee of about $20 will be charged separately following hookup.

One assessment will be applied to each building site. A building site is defined as four, or in some areas o the community six, or mor contiguous lots. This requiremen was established by Count ordinance. Owners with lots that d not constitute building sites will no be assessed and will not have th option of hooking up to th wastewater system. If new buildin sites are assembled and syste capacity is still available, the nev site owner will be responsible fo paying the assessment plus interes and hook-up fees, as well as b responsible for installation of a stub out and the required onsit improvements.

Financial Assistance

We were successful recently i obtaining a grant commitment fron the State Community Developmen Block Grant (CDBG) program to pa the assessments for property owner that qualify on the basis of thei residency and household income Judging from the results of th income and residency survey that w conducted in 2002, approximately 7 property owners will qualify fo funding. The total grant amoun received from the State will b sufficient to assist all of these owner given the expected assessmen amount of approximately $5,000 Our consultant, ENPLAN, will b collaborating with the County again this winter to prepare and submit a second CDBG application on ou behalf. We hope to assist the same number or more property owner with onsite improvements as we wil be able to assist with assessments.

Guidelines to help you determin for yourself if you will be eligible fo grant assistance with you assessments, and possibly onsite improvements, are in this newsletter See *Qualifying for Assistance*, page 4.

Onsite Improvements

The wastewater system will utilize a septic tank on each home site to pre-treat sewage coming from dwellings or other facilities. Prior to connection to the system, all septic tanks must be tested for tightness, adequacy of capacity and other characteristics. If the tank fails the test, it will either have to be repaired or replaced. Property owners will also be responsible for the installation of a waste line connecting the tank to the collection system, including an in-line filter to ensure that solids do not make their way into the system. For sites that need them, the SCSD will provide lift pumps and warranty them for one year. Questions regarding responsibilities and requirements related to onsite improvements will be answered at the October 24 meeting.

Building Site Consolidation

Some property owners who own more than one contiguous building site will be assessed accordingly. In order to avoid being assessed for each building site, owners may consolidate them into one single building site. If you wish to consolidate sites, contact Rick Simon with the Lassen County Planning Department at 530/251-8269. Their office is in Susanville at 707 Nevada Street. You must act quickly to complete the process before the assessment district is formed, which is expected to occur in early 2004. Consolidation options will be discussed at the upcoming October 24 community meeting. County Planning Department staff has been invited to this meeting to answer questions and explain County regulations.

Property owners who choose to consolidate their lots to avoid assessments should be aware that there are disadvantages. Should a property owner choosing to consolidate wish to re-divide the site into two or more sites in the future, they will have to apply for a parcel split through the County. County regulations may not allow such a split in the future. Furthermore, the SCSD cannot warrant that new connections will indeed be allowed in the future. If a property owner obtains approval to divide a building site and receive service from the SCSD, that property owner will be responsible for the full cost of connecting to the system, an engineering/legal fee for amending the assessment district diagram, and the assessment for each new building site plus interest from the time assessments were initially applied.

SPALDING VOLUNTEER FIRE DEPARTMENT

Our top-notch VFD is a mutual aid fire department with approximately 15 volunteers. As such, we assist other agencies on regional fires and receive assistance from them in return when we need help in or near Spalding. Some of the region's forest fires have come pretty close to Spalding. We also have three emergency medical technicians plus first responders who serve residents of Spalding and surrounding areas, including visitors that need medical help when on vacation.

The Spalding CSD Board recently started a benefit fund for the VFD. This fund will be used to purchase equipment. Our equipment is very old and when it breaks down the costs are high because there are few repair parts available and the parts often have to be fabricated or rebuilt. As an example of what used fire vehicles cost, a 1995 water tender is approximately $165,000. We are trying to obtain grant money to pay for some of the larger pieces of equipment that we need. However, these programs require sizable cash matches of anywhere between 10 and 30%. Our short-term goal is to raise enough money to meet a minimum cash match requirement of $20,000.

The VFD had their first benefit event on Saturday, September 6. It was a real sight to see all the volunteer firefighters cooking, cleaning, taking orders, and greeting the folks that came to this pancake breakfast. It was open to the public and serving began at 7:30 AM. During the breakfast a 911 medical emergency call came in and five of our volunteers had to respond. The skeleton crew doing the cooking until the responders returned did a splendid job. In addition to revenue from breakfasts sold, we also received donations from several people. All in all, we made $814. Not bad! We had the final breakfast of the season last Saturday, October 4. Everyone enjoyed another tasty gathering and an additional $671 was contributed to our grant match goal. Our VFD benefits will start up again next year with one event planned each month from June through October.

If you would like to make a donation, please make checks payable to Spalding VFD and send them to the CSD office at 502-907 Mahogany Way, Susanville CA 96130.

MARINA IMPROVEMENTS

We are proud to report that excellent progress has been made toward making the new Spalding Marina a reality! With the State environmental process complete and the new lease approved, we just need to obtain one more permit from the Army Corps of Engineers before breaking ground. For those of you who have not heard, the improvements planned for the boat launching area will include replacement of the existing boat ramp as well as construction of a second ramp, paved and graveled parking areas, bathrooms, fish cleaning stations and a fishing pier. We are hoping to initiate construction in the spring of 2004 in order to complete the project by the following winter. If you have any questions about the marina please contact Merle Lay at 825-3258.

Subject: Re: Eagle Lake CDOs
From: "Lauri Kemper" <LKemper@waterboards.ca.gov>
Date: Thu, 30 Mar 2006 10:19:40 -0800
To: <robs@2xtreme.net>
CC: "Alan Miller" <AEMiller@waterboards.ca.gov>, "Robert Tucker" <RTucker@waterboards.ca.gov>

Here are a couple of answers - see below

Lauri

Lauri Kemper, Division Manager
North Lahontan Watersheds Division
Lahontan Regional Water Quality Control Board
2501 Lake Tahoe Boulevard
South Lake Tahoe, CA 96150

530-542-5436
lkemper@waterboards.ca.gov

Rob Shipe <robs@2xtreme.net> 03/29/06 7:37 PM >>>
I spoke with A. Miller on your staff earlier today regarding the Eagle Lake CDOs. I had a couple questions regarding them that he was not able to answer. I was hoping you could help ;^)

1 Were other enforcement measures used prior to the CDOs (formal or informal)? The Water Board adopted a Basin Plan amendment in 1984 that prohibited discharge from existing septic systems after 1989. We worked with the community services districts to obtain funding and complete plannning for a community sewer. Originally, there was one district for two subdivisions and a single EIR was prepared with Clean Water Grant money. The community voted down the local share of funding for the project and then the District split into two districts. The Cease and Desist Orders were issued to all property owners in the two subdivisions that had a septic system in the ground (this included vacant lots that had water and sewer, because some people brought in RVs). The total number of CDOs was approximately 900 (approx. 650 in Spalding Tract and 250 in Stones-Bengard Subdivision).

Stones-Bengard CSD funded and built a sewer system first (they had the advantage of a private property owner with a large parcel that he wanted to subdivide nearby- so he provided initial money for collection system). After the sewer was in, we encouraged people to hook up. Those that did not were then sent Notices of Violation with time to comply. Those that missed that deadline were then issued Clean up and abatement orders that allowed an additional construction season to hook up or abandon the septic system (about 20-30 were issued). Then we issued Administrative Civil Liability Complaints to less than 10 individuals, of which all but two hooked up or abandoned their system prior to the Board's hearing. The Board imposed 2 ACLs to two property owners. These two eventually complied.

At Spalding, only notices of violations have been sent to property owners following the 1991 CDOs, mainly to remind persons of our ongoing requirement and prohibition. Once the sewer gets built, I anticipate allowing a couple of years for folks to hook up and then we would proceed as mentioned above.

2 I heard that 1004 homes were served with CDOs and 1100 home hooked up to the community sewer. What determined which homes received CDOs and which did not? See above.

Thank you in advance for your assistance.

Rob Shipe

--

Subject: Re: [Fwd: CDO provisions]
From: "Lori Okun" <LOkun@waterboards.ca.gov>
Date: Wed, 01 Mar 2006 15:02:07 -0800
To: <robs@2xtreme.net>
CC: "Matt Thompson" <Mthompson@waterboards.ca.gov>, "Roger Briggs" <Rbriggs@waterboards.ca.gov>

I have not done any research to see if the AG opinion is current law, or read the cited AG opinion to see if it was properly cited. What I sent you is directly from the codebook, and yes, that is a current statute. This statute is clear that proposed CDOs, or CDOs that are in the process of a legal challenge, do not prohibit the state from contracting. I don't know what policies particular agencies have or what questions they ask. I suspect the Board will be interested in knowing what effects the CDOs will have, so I will have more information about state contracting at the hearing.

>>> Rob Shipe <robs@2xtreme.net> 3/1/2006 10:05:56 AM >>>
Lori Okun wrote:

> The Central Coast Water Board cannot provide you with legal advice or assist you in answering these questions.

Actually you did answer my question, Thank you ;^)

Thank you for confirming the law below as well as the other findings regarding it. I was not looking for your advice on this issue, but instead confirmation that the law you stated was infact the law. I appreciate the othe portions you have included that further explain that as along as I am in compliance I am not disqualified for state contracts.

Thank you for your assistance. I do appreciate the full answer as well as the quick response.

> You must contact your attorney or the professional association representing your business or trade. A statute regarding cease and desist orders and state contracting is set forth below. We do not have information on federal or local contracting rules, or the meaning of "proposed for debarment" as used in the questionnaire.

I should have clarified my issue. The "proposed for debarment" was not the portion I was concerned with but rather the "declared ineligible for the award of contracts by any ..., state, ... agency;

Thank you for clarifying the issue.

Once again, thank you for your assistance. I appreciate it greatly. I can now talk with the federal agency in question and explain my situation to them.

Thanks

Rob Shipe

> Gov. Code § 4477. Contracts prohibited

No state agency shall enter into any contract for the purchase of supplies, equipment, or services from any person who is in violation of any order or resolution not subject to review promulgated by the State Air Resources Board or an air pollution control district, or is subject to a cease and desist order not subject to review issued pursuant to Section 13301 of the Water Code for violation of waste discharge requirements or discharge prohibitions, or is finally determined to be in violation of provisions of federal law relating to air or water pollution.

CREDIT(S)

(Added by Stats.1971, c. 1812, p. 3916, § 1. Amended by Stats.1975, c. 957, p. 2140, § 5.)

HISTORICAL AND STATUTORY NOTES

1995 Main Volume

Effect of Stats.1975, c. 957 on litigation in process on Jan. 1, 1976, see Historical and Statutory Notes under Business and Professions Code § 9889.15.

CROSS REFERENCES

State Air Resources Board, see Health and Safety Code § 39500 et seq.

LIBRARY REFERENCES

1995 Main Volume

States 100.

Westlaw Topic No. 360.

C.J.S. States §§ 157, 158.

NOTES OF DECISIONS

Cease and desist orders 1

Final order, rule or regulation 4

Finally determined 3

Review 2

1. Cease and desist orders

Under this section, a person is not disqualified from entering into contracts with the state where he is subject to a cease and desist order containing a time schedule for compliance which is not being violated. 55 Ops.Atty.Gen. 312, 8-11-72.

2. Review

Under this section, the phrase "cease and desist order not subject to review" means judicial review rather than administrative review. 55 Ops.Atty.Gen. 312, 8-11-72.

3. Finally determined

Under this section, a person is "finally determined" to be in violation of the federal law relating to water pollution when such determination has been judicially reviewed, or when the time to seek such review has expired. 55 Ops.Atty.Gen. 312, 8-11-72.

4. Final order, rule or regulation

Under § 4481 providing notice by local agencies and boards of pollution violators, an order, rule, regulation or cease and desist order is "final" when it has been judicially reviewed, or when the time to seek such review has expired. 55 Ops.Atty.Gen. 312, 8-11-72.

>>> Rob Shipe <robs@2xtreme.net> 2/28/2006 7:40:24 PM >>>

Because I have been spending all of my time working on my defense and other issues, I have delayed filling out this paperwork for the contract I have been trying to land for the past year. Looking over it this evening, I saw this:

I have until noon on Tuesday to submit this document and answe this question:

(1) The offeror certifies, to the best of its knowledge and belief, that it or any of its principals

(a) Are [__] are not [__] presently debarred or proposed for debarment, or declared ineligible for the award of contracts by any Federal, state, or local agency;

Currently, my understanding would be ARE based on the provisions of the cease and decist orders.

I seriously need an answer. This is easily 18-24K for my company this year.

------- Original Message -------
Subject:CDO provisions
Date: Wed, 22 Feb 2006 13:26:52 -0800
From: Rob Shipe <robs@2xtreme.net>
To: Matt Thompson <Mthompson@waterboards.ca.gov>
References:<s3fc52d4.076@gwgate.waterboards.ca.gov>

I have a question regarding laws in regards to Cease and Decist Orders.

I was made aware that state agencies are barred from entering into contracts of $5000 or more with anyone who is subject of a CDO. I have been told that this may be a statute in Federal Laws as well regarding Federal Agencies.

Myself and many other residents in the prohibition zone are self employed in home based businesses. This would effectively limit my ability to do business. I own a janitorial company and am currently trying to land the Morro Bay Post Office, and account I have been working on for over a year.

How do I resolve this situation. If this CDO is imposed on home based business owners in the community, even if we fully comply with the orde it will effectively keep us out of those contracts til 2010.

No virus found in this incoming message.
Checked by AVG Free Edition.
Version: 7.1.375 / Virus Database: 268.1.1/272 - Release Date: 3/1/2006

No virus found in this incoming message.
Checked by AVG Free Edition.
Version: 7.1.375 / Virus Database: 268.1.1/272 - Release Date: 3/1/2006

Subject: Re: Eagle Lake CDOs
From: "SCSD Merle Lay" <eaglelakescsd@citlink.net>
Date: Mon, 3 Apr 2006 16:44:07 -0700
To: "Rob Shipe" <robs@2xtreme.net>

1- only if they removed old mobiles and used existing septics. No new septic were allowed. This was Lassen County's building department who allowed that building.
2. It was a cease and desist. We only have that many homes that were built. The rest of the property is vacant land.
3. We don't have any big industry here so I can't answer that question.
4. It was in individuals CSD got involved to help the community move forward.
Hope this answers your questions. Merle

----- Original Message ----- From: "Rob Shipe" <robs@2xtreme.net>
To: <eaglelakescsd@citlink.net>
Sent: Monday, April 03, 2006 3:13 PM
Subject: Eagle Lake CDOs

> Merle,
>
> Thank you for your time last week. I sent this last week, but I didn't write down your e-mail address correctly. I found this on the Spalding CSD website If you don't mind, I have a few more questions regarding the Cease & Desist Orders.
>
> 1- After they placed the Cease and Desist on the community, were new homes permitted to be built in those areas?
>
> 2- 450 Homes received the CDOs, but 1100 are hooking up to the sewer. What determined who was served with the order? Why did the other 650 homes not get them?
>
> 3- What was the effect of CDOs place on individuals and businesses? The State Code prohibits anyone with a CDO on them from entering into contracts with the state and the federal government has similar laws. Was anyone affected by this to your knowledge? I am self employed and I work out of my home and I'm trying to land a large contract with the Postal Service.
>
> 4 Was there enforcement action on the entire community as a whole (the CSD or otherwise)?

--
No virus found in this incoming message.
Checked by AVG Free Edition.
Version: 7.1.385 / Virus Database: 268.3.3/298 - Release Date: 3/30/2006

Subject: RWQCB bi-monthly pumping plan
From: Timothy Cleath <timothycleath@sbcglobal.net>
Date: Mon, 3 Apr 2006 18:12:25 -0700 (PDT)
To: Rob Shipe <robs@2xtreme.net>

Rob,

As we discussed, I don't think that the bi-monthly pumping of septic tanks in Los Osos as proposed by the RWQCB will make a significant improvement in local ground water quality. Even with a wastewater project (which would remove much more of the nitrogen load than the bi-monthly program) the process of reducing upper aquifer nitrate concentrations to below the drinking water standards will be measured in decades.

Spencer

No virus found in this incoming message.
Checked by AVG Free Edition.
Version: 7.1.385 / Virus Database: 268.3.3/298 Release Date: 3/30/2006