

# Exhibit 11-A — Septic System and Wastewater Violations Summary Box

Poverty Flats Ranch UP 23-09 / IS 23-20 (PL 25-198)  
Chapter 11 — Septic System and Wastewater Management  
(Sorted by jurisdictional severity — Federal → State → County/Local)

## Federal / Cross-Jurisdictional Violations

| Citation                                                | Brief Description                                                                                                                                  |
|---------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------|
| Clean Water Act § 301 / 33 U.S.C. § 1311; § 402 (NPDES) | Discharge of pollutants from point or non-point sources (damaged septic system leakage) without permit violates federal clean-water standards.     |
| Clean Water Act § 303 / 40 CFR § 131.10                 | Requires water-quality standards to protect beneficial uses; unassessed septic effluent within watershed could impair Schindler Creek tributaries. |
| Safe Drinking Water Act § 1431                          | Uncontrolled wastewater percolation into groundwater aquifers triggers imminent-and-substantial-endangerment authority.                            |
| National Pollutant Discharge Elimination System (NPDES) | No analysis of septic replacement impact on watercourses; potential unpermitted discharge.                                                         |

## State Law / CEQA / Public Health Compliance

| Citation                                                    | Brief Description                                                                                                        |
|-------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------|
| Pub. Res. Code § 21080(c); CEQA Guidelines §§ 15070 et seq. | Incomplete environmental setting — MND omits septic location and fails to analyze impacts; violates baseline disclosure. |
| CEQA Guidelines § 15063(d)                                  | Requires full project description; missing septic/leach field renders IS/MND invalid.                                    |
| CEQA Guidelines § 15125(a)                                  | Environmental setting incomplete; current                                                                                |

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|                                                                      | damaged septic field omitted.                                                                                                                         |
| CEQA Guidelines § 15126.2(a)                                         | Failure to identify potential wastewater contamination as significant impact.                                                                         |
| CEQA Guidelines § 15073.5(a)                                         | Material change (binary septic/no-septic scenario) required recirculation of IS/MND prior to approval.                                                |
| State Water Board OWTS Policy (2012, rev. 2023)                      | Requires siting, design, and maintenance of onsite wastewater systems through Local Agency Management Program (LAMP); no documentation of compliance. |
| California Health & Safety Code § 5411; Water Code § 13050 (m)       | Discharge of waste causing pollution constitutes a public nuisance and statutory violation.                                                           |
| California Plumbing Code (2022) § 713 / Table 422.1                  | Every building with plumbing fixtures must connect to a public sewer or approved OWTS; proposed processing building lacks septic connection.          |
| California Building Code (2022) Ch. 29 / § 2902.1                    | Occupied structures require permanent sanitary facilities; portable toilets insufficient.                                                             |
| Cal/OSHA Title 8 §§ 3364–3366, § 3457                                | Field-sanitation standards apply only to outdoor crews; indoor workrooms must have CPC/CBC-compliant septic connection.                               |
| CEQA Case Law: Sundstrom v. Mendocino (1988)                         | Deferral of septic feasibility study until post-approval invalidates MND.                                                                             |
| CEQA Case Law: Communities for a Better Environment v. SCAQMD (2010) | Mitigation cannot be deferred; septic feasibility constitutes missing analysis.                                                                       |

## County / Local Violations

| Citation                                                 | Brief Description                                                            |
|----------------------------------------------------------|------------------------------------------------------------------------------|
| Lake County Code Ch. 9 (Health & Sanitation); Art. I–III | Discharge of waste causing pollution constitutes a nuisance; requires septic |

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|                                                     | repair/removal under County authority.                                                                  |
| Lake County Code Ch. 30 (Grading & Erosion Control) | Ground-disturbing septic replacement requires grading permit; not identified or conditioned.            |
| Lake County Code Ch. 21 (Zoning – Use Permits)      | Major Use Permit approved without complete septic design and location data.                             |
| Environmental Health Dept. Memo (Mar 4 2024)        | Required repair or replacement of damaged system with permits and site evaluation ignored in final MND. |
| Planning Commission Approval May 22 2025            | Approved project lacking verified septic feasibility; violates agency consultation requirement.         |
| Gov. Code § 6200 / Pen. Code § 118                  | Concealment or falsification of septic documentation constitutes felony offense.                        |

Summary Note: This exhibit consolidates septic-system and wastewater-management violations documented in Chapter 11 – Septic. The record demonstrates that the Initial Study/Mitigated Negative Declaration omitted critical septic-system data, failed to locate the existing or proposed leach field, and ignored Environmental Health and State Water Board requirements for OWTS feasibility and permitting. The project’s “binary contingency” (build or abandon processing facility depending on septic approval) constitutes a material change in project scope requiring CEQA recirculation under § 15073.5(a). As approved, the MND violates CEQA disclosure, California Plumbing Code, Water Code, and Lake County Health & Sanitation ordinances. A full Environmental Impact Report is required to address wastewater feasibility, groundwater protection, and worker-safety compliance.